

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257  
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)**

**THE BOROUGH COUNCIL OF BOLTON (RESTRICTED BYWAY NOS. 424 425 433 AND  
PUBLIC FOOTPATH NO. 423 PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER 2016**

This Order is made by the Borough Council of Bolton ("the Council") under Section 257 of the Town and Country Planning Act 1990, because it is satisfied that it is necessary to divert the restricted byways and footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: change of use of part of restored opencast coal site to form country park including remodelled landform, creation of ponds, watercourses and a mix of habitats, improved public access routes and provision of a visitors' car park (Planning Permission 90552/13).

This Order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the Council that the Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton requires modification in consequence of the occurrence of an event specified in Section 53(3)(a)(i) of the 1981 Act namely, the diversion (as authorised by this Order) of a highways shown or required to be shown in the Definitive Map and Statement.

**BY THIS ORDER:**

1. The restricted byways and footpath over the land shown by bold black lines on the attached plan ("the Order Plan"; Plan C Bol424-425-423-433) and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up and the Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of the Council, alternative highways for the use as replacements for the said restricted byways and footpath as provided in Part 2 of the Schedule and shown by bold black dashes with arrowheads and bold black dashes on the attached plan.
3. The diversion of the restricted byways and footpath shall have effect on the date on which the Council, certify that the terms of paragraph 2 of this Order have been complied with and upon the occurrence of the diversion of the restricted byways and footpath the Definitive Map and Statement of the Public Rights of Way for the Borough Council of Bolton shall be modified by deleting from it the restricted byways and footpath referred to in paragraph 1 of this Order and the restricted byways and footpath referred to in paragraph 2 of this Order shall be added to it and the Definitive Map and Statement shall be modified as described in Part 3 of the Schedule.
4. The following works shall be carried out in relation to the highways described in part 2 of the schedule: construct both ways and footpath as stipulated by the surface specifications agreed with the Council.

5. Harworth Estates Investments Ltd is hereby required to pay for the costs of the works.
6. Where immediately before the date on which the restricted byways and footpath are diverted there is any apparatus under, in, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the rights in respect of the apparatus as they then had.

## **SCHEDULE**

### **PART 1**

#### **Description of site of existing path or way**

Restricted Byway No. 424 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from Point A at grid reference SD 369604 404615 in a generally south-south-westerly direction to Point B at grid reference SD 369600 404602 for a distance of approximately 13 metres then curving in a generally south-westerly direction to Point C at grid reference SD 369489 404533 for a distance of approximately 136 metres as shown by the continuous bold line between Points A-B-C on the Order Plan over a total distance of approximately 149 metres and a width of 3.6 metres throughout.

Restricted Byway No. 425 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from Point C at grid reference SD 369489 404533 in a generally westerly direction to Point D at grid reference SD 369339 404533 for a distance of approximately 150 metres then curving in a generally south-westerly direction to Point E at grid reference SD 369283 404479 for a distance of approximately 82 metres as shown by the continuous bold line between Point C-D-E on the Order Plan over a total distance of approximately 232 metres and a width of 3.6 metres throughout.

Public Footpath No. 423 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from Point E at grid reference SD 369283 404479 curving in a generally north-west by northerly direction to Point G at grid reference SD 369334 404865 as shown by the continuous bold line between Points E-G on the Order Plan over a total distance of approximately 397 metres and a width of 0.6 metres throughout.

Restricted Byway No. 433 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from Point E at grid reference SD 369283 404478 curving in a generally south-westerly direction to Point F at grid reference SD369252 404450 as shown by the continuous bold line between Points E-F on the Order Plan over a total distance of approximately 45 metres and a width of 3.0 metres throughout.

### **PART 2**

#### **Description of site of the alternative highway**

Restricted Byway No. 424 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from a new line from Point H at grid reference SD 369361 40865 running in a generally south by westerly direction to Point I at grid reference SD 369329 404719 as shown by the bold black dashes with arrowheads between Points H-I of the Order Plan over a total distance of approximately 149 metres. The width between Points H-I will be of 3 metres throughout over a limestone surface.

Restricted Byway No. 425 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from a new line from Point I at grid reference SD 369329 404719 running in a generally south-south-westerly direction to Point J at grid reference SD 369322 404690 for a distance of approximately 30 metres then running in a generally south by easterly direction to Point K at grid reference SD 369344 404526 for a distance of approximately 167 metres as shown by the bold black dashes with arrowheads between Points I-J-K on the Order Plan over a total distance of approximately 197 metres. The width between Points I-J-K will be of 3 metres throughout over a limestone surface.

Public Footpath No. 423 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from a new line from Point K at grid reference SD 369344 404526 running in a generally north-east by northerly direction to Point P at grid reference SD 369401 404575 for a distance of approximately 75 metres then curving in a generally north-easterly direction to Point Q at grid reference SD 369518 404716 for a distance of approximately 187 metres then curving in a generally south-easterly direction to Point R at grid reference SD 369579 404672 for a distance of approximately 80 metres then curving in a generally east-north-easterly direction to Point S at grid reference SD 369623 404681 for a distance of approximately 47 metres then running in a generally south by westerly direction to Point B at grid reference SD 369600 404602 for a distance of approximately 83 metres as shown by the bold black dashes between Points K-P-Q-R-S-B on the Order Plan over a total distance of approximately 472 metres. The width between Points K-P-Q-R-S-B- will be of 2 metres throughout over a red shale surface.

Restricted Byway No. 433 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/ Manchester Road West, Bolton, commencing from a new line from Point K at grid reference SD 69344 404526 curving in a generally south-westerly direction to Point L at grid reference SD 369320 404501 for a distance of approximately 35 metres then running in a generally west-south-westerly direction to Point M at grid reference SD 369277 404488 for a distance of approximately 45 metres then running in a generally south-west by westerly direction to Point N at grid reference SD 369242 404467 for a distance of approximately 41 metres then running in a generally westerly direction to Point O at grid reference SD 369231 404465 for a distance of approximately 11 metres as shown by the bold black dashes with arrowheads between Points K-L-M-N-O on the Order Plan over a total distance of approximately 132 metres. The width between Points K-L-M-N-O will be of 3 metres throughout over a limestone surface.

### **Limitations and Conditions**

None

### PART 3

#### **Modification of the Definitive Statement Particulars to be varied within the definitive statement**

Path/Way Number: Restricted Byway Bolton 424

**Replace** "Continuation of restricted byway Bolton 395 at grid reference SD3696604 404615 and running in a generally south-south westerly direction for approximately 13 metres to grid reference SD 369600 404602 with fencing and business park on its eastern side then running in a generally south-westerly direction for approximately 136 metres to its end at its junction with restricted byways Bolton 425 and 426 at grid reference SD369488 404534" **with** "Continuation of Restricted Byway Bolton 395 starting at grid reference SD 369361 404865 at its junction Public Footpath Bolton 422 continuing in a generally south by westerly direction for a distance of approximately 149 metres to its end at the junction with Restricted Byway Bolton 425 at grid reference SD 369329 404719".

**Total Length:** 149 metres

**Width:** 3 metres throughout

**Surface Type:** limestone

Path/Way Number: Restricted Byway Bolton 425

**Replace** "Rosemary Lane. Continuation of Path Number 424 after junction with Path Number 426 and runs to East between fences to end at Spout Fold Farm" **with** "Continuation of Restricted Byway Bolton 424 starting at grid reference SD 369329 404719 continuing in a generally south-south-westerly direction to grid reference SD 369322 404690 for a distance of approximately 30 metres then continuing in a generally south by easterly direction for a distance of approximately 167 metres to its end at the junction with Public Footpath Bolton 423 and Restricted Byway Bolton 433 at grid reference SD 369344 404526".

**Total Length:** 197 metres

**Width:** 3 metres throughout

**Surface Type:** limestone

Path/Way Number: Public Footpath Bolton 423

**Replace** "Starts in Rosemary Lane and runs North over stile with hedges on rights hand side through meadow. After 110m further stepping stile and ends at junction with Path Number 421 and Path Number 422" **with** "Starting from its junction with Restricted Byways Bolton 425 and Bolton 433 at grid reference SD 369344 404526 continuing in a generally north-east by northerly direction to grid reference SD 369401 404575 for a distance of approximately 75 metres then curving in a generally north-easterly direction to grid reference SD 369518 404716 for a distance of approximately 187 metres then curving in a generally south- easterly direction to grid reference SD 369579 404672 for a distance of approximately 80 metres then curving in a generally east-north-easterly direction to grid reference SD 369623 404681 for a distance of approximately 47 metres where the path turns continuing in a generally south by westerly direction with fencing and business park on

its eastern side for a distance of approximately 83 metres to its end at the junction with Public Footpath Bolton 397 at grid reference SD 369600 404602”.

**Total Length:** 472 metres  
**Width:** 2 metres throughout  
**Surface Type:** red shale

Path/Way Number: Restricted Byway Bolton 433

**Replace** “Continuation of Path Number 425 after junction with Path Number 432 and runs to West to field gate at junction with Path Number 434 and Path Number 438” **with** “Continuation of Restricted Byway Bolton 424 and public footpath Bolton 423 starting at grid reference SD 369344 404526 curving in a generally south-westerly direction to grid reference SD 369320 404501 for a distance of approximately 35 metres then continuing in a generally west-south-westerly direction to grid reference SD 369277 404488 for a distance of approximately 45 metres then continuing in a generally south-west by westerly direction to grid reference SD 369242 404467 for a distance of approximately 41 metres then continuing in a generally westerly direction for a distance of approximately 11 metres to its end at the junction with Restricted Byway Bolton 438 at grid reference SD 369231 404465”.

**Total Length:** 132 metres  
**Width:** 3 metres throughout  
**Surface Type:** limestone

**COMMON SEAL** of  
**THE BOROUGH COUNCIL OF**  
**BOLTON** was hereto affixed  
on the 4th day of August 2016  
in the presence of:



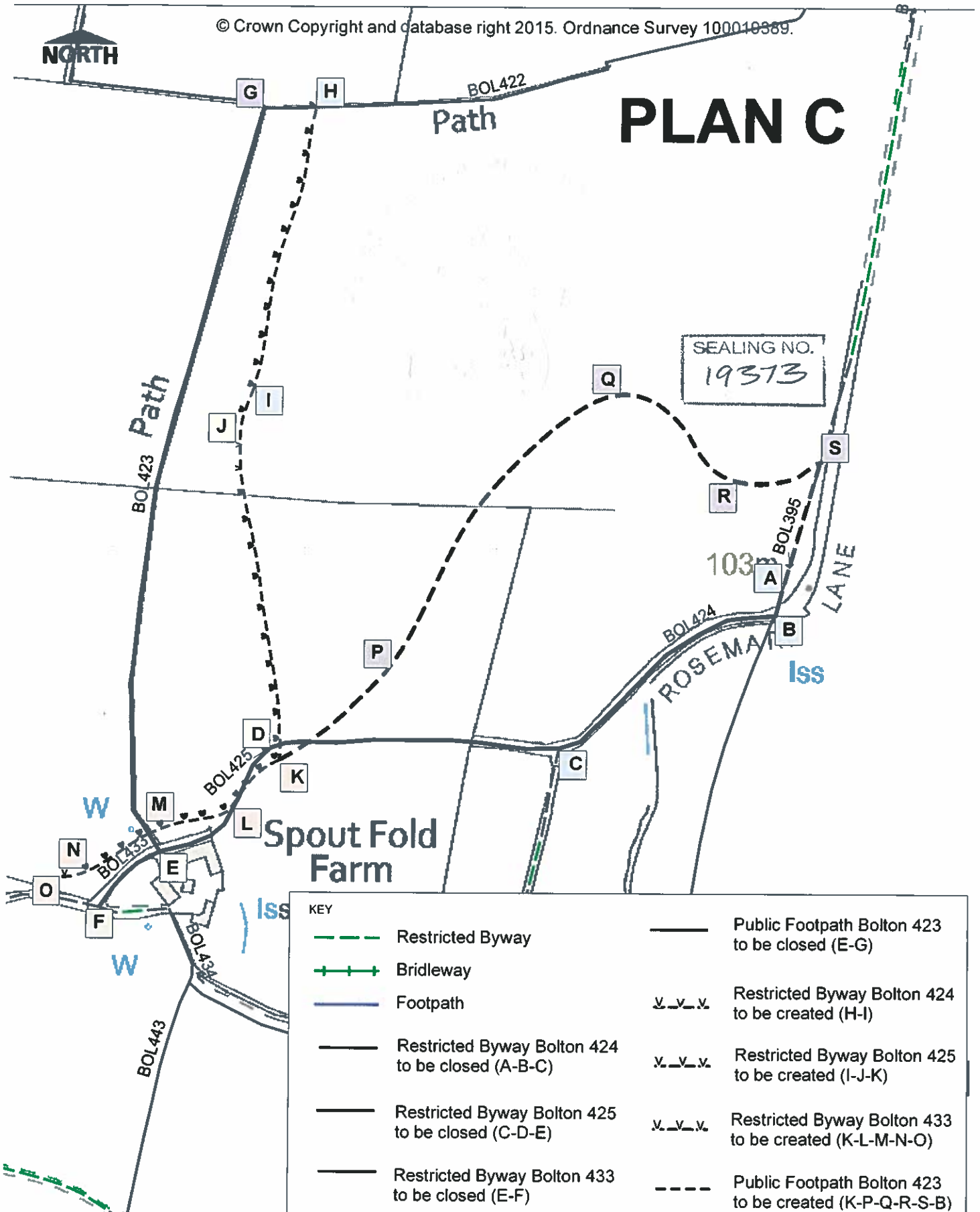
*Aileen Gorman*

Authorised Sealing Officer

SEALING NO.  
19373



# PLAN C



KEY			
	Restricted Byway		Public Footpath Bolton 423 to be closed (E-G)
	Bridleway		Restricted Byway Bolton 424 to be created (H-I)
	Footpath		Restricted Byway Bolton 425 to be created (I-J-K)
	Restricted Byway Bolton 424 to be closed (A-B-C)		Restricted Byway Bolton 433 to be created (K-L-M-N-O)
	Restricted Byway Bolton 425 to be closed (C-D-E)		Public Footpath Bolton 423 to be created (K-P-Q-R-S-B)
	Restricted Byway Bolton 433 to be closed (E-F)		

**Bolton Council** HIGHWAY AND ENGINEERING PUBLIC RIGHTS OF WAY

**ENVIRONMENTAL SERVICES**  
 Stephen Young BA(Hons) DMS MBA  
 Director of Place  
 The Wellsprings, Civic Centre, Bolton, BL1 1US

THE BOROUGH COUNCIL OF BOLTON  
 Restricted Byways Bolton 424 & 425 & 433 & Public Footpath Bolton 423  
 Diversion Order Section 257 Town and Country Planning Act 1990

Date	Scale	Drawn	Drg. No.
28/09/2015	1:2500	AS	Plan C Bol424-425-423-433