

**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. 394, 395 AND
PUBLIC FOOTPATH NO. 422 (PART) BOLTON) 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 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 B Bol 394-395-422) and described in Part 1 of the Schedule to this Order ("the Schedule") shall be stopped up or diverted 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 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 by bold black dashes on the Order 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. 394 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 369674 404938 in a generally south by westerly direction to Point B at grid reference SD 369671 404917 as shown by the continuous bold line between Points A-B on the Order Plan over a total distance of approximately 32 metres and a width of 3.6 metres throughout.

Restricted Byway No. 395 Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/Manchester Road West, Bolton, commencing from Point B at grid reference SD 369671 404917 in a generally south by westerly direction to Point E at grid reference SD 369604 404615 as shown by the continuous bold line between Points B-E on the Order Plan over a total distance of approximately 308 metres and a width of 3.6 metres throughout.

Public Footpath No. 422 (Part) Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/Manchester Road West, Bolton commencing from Point G at grid reference SD 369375 4044864 in a generally east by northerly direction to Point B at grid reference SD 369671 404917 as shown by the continuous bold line between Points G-B on the Order Plan over a total distance of approximately 310 metres and a width of 0.6 metres throughout.

PART 2

Description of site of the alternative highway

Restricted Byway No. 394 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 C at grid reference SD 369463 405018 running in a generally south-westerly direction to Point D at grid reference SD 369421 404981 as shown by the bold black dashes with arrowheads between Points C-D on the Order Plan over a total distance of approximately 56 metres. The width between Points C-D will be 3 metres throughout over a limestone surface.

Restricted Byway No. 395 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 D at grid reference SD 369421 404981 curving in a generally south-south-westerly direction to Point F at grid reference SD 369361 404865 as shown by the bold black dashes with arrowheads between Points D-F on the Order Plan over a total distance of approximately 136 metres. The width between Points D-F will be 3 metres throughout over a limestone surface.

Public Footpath No. 422 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 G at grid reference SD 369372 404865 curving in a generally south-easterly direction to Point H at grid reference SD 369420 404817 for a distance of approximately 68 metres then curving in a generally south-south-easterly direction to Point I at grid reference SD 369555 404696 for a distance of approximately 199 metres as shown by bold black dashes between Points G-H-I on the Order Plan over a total distance of approximately 267 metres. The width between Points G-H-I will be 2 metres throughout over a red shale 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 394

Replace "Rosemary Lane. Continuation of Path Number 391 after junction with Path Number 393 to field gate at junction with Path Number 422" **with** "Continuation of Restricted Byway Bolton 391 starting at grid reference SD 369463 405018 continuing in a generally south-westerly direction for a distance of approximately 56 metres to its end at the junction with Restricted Byway Bolton 395 at grid reference SD 369421 404981".

Total Length: 56 metres

Width: 3 metres throughout

Surface Type: limestone

Path/Way Number: Restricted Byway Bolton 395

Replace "Rosemary Lane. Continuation of restricted byway Bolton 394 at grid reference SD 369670 404917 after junction with footpath number 422 and running in a generally south by westerly direction for approximately 185 metres to grid reference SD369639 404735 then running in a generally south-south-westerly direction for approximately 123 metres with fencing and business park on its eastern side to its end at its junction with restricted byway Bolton 424 at grid reference SD 369604 404615" **with** "Continuation of Restricted Byway Bolton 394 starting at grid reference SD 369421 404981 curving in a generally south-south-westerly direction for a distance of approximately 136 metres to its end at the junction with

Public Footpath Bolton 422 and Restricted Byway Bolton 424 at grid reference SD 369361 404865".

Total Length: 136 metres
Width: 3 metres throughout
Surface Type: limestone

Path/Way Number: Public Footpath Bolton 422

Replace "Starts in Rosemary Lane and runs west over stepping stile following hedge on left hand side. After 183 metres crosses further stepping stile and continues with hedge on right hand side. Ends at junction with Path Number 423 at stepping stile" **with** "Continuation of Public Footpath Bolton 421 starting at grid reference SD 369335 404865 continuing in a generally easterly direction to grid reference SD369372 404865 for a distance of approximately 26 metres then curving in a generally south-easterly direction to grid reference SD 369420 404817 for a distance of approximately 68 metres then curving in a generally south-south-easterly direction for a distance of approximately 199 metres to its end at the junction with Public Footpath Bolton 423 at grid reference SD 369555 404696".

Total Length: 293 metres
Width: 2 metres throughout
Surface Type: red shale

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



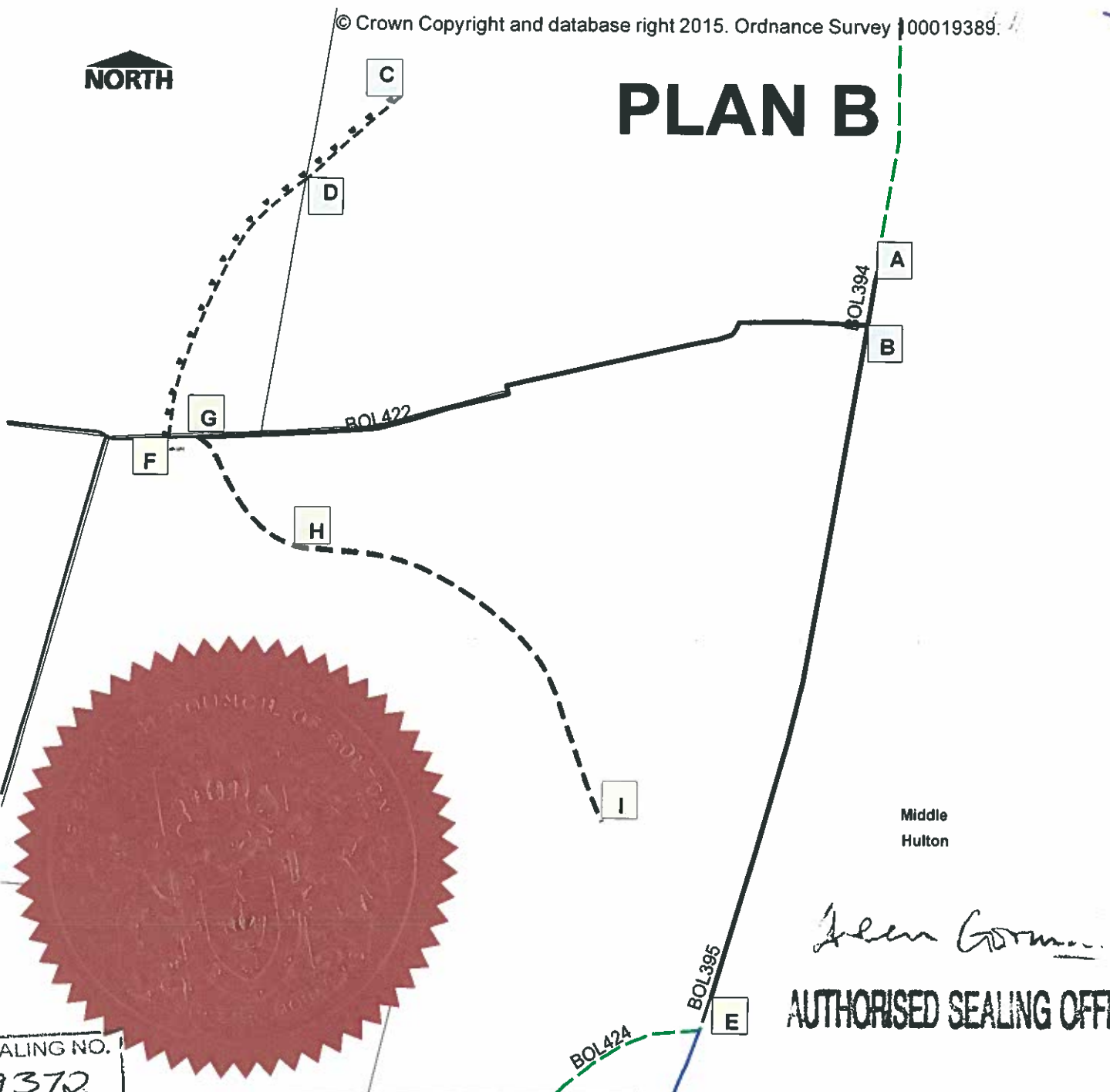
Aileen Gorman

Authorised Sealing Officer

SEALING NO.
19372



PLAN B



Middle
Hulton

Julian Gorman

AUTHORISED SEALING OFFICER

SEALING NO.
19372

KEY

- - - Restricted Byway
- + - + - Bridleway
- Footpath
- - - Restricted Byway Bolton 394 to be closed (A-B)
- - - Restricted Byway Bolton 395 to be created (D-F)
- - - Restricted Byway Bolton 395 to be closed (B-E)
- Public Footpath Bolton 422 to be closed (G-B)
- - - Restricted Byway Bolton 394 to be created (C-D)
- - - Restricted Byway Bolton 395 to be created (D-F)
- - - Public Footpath Bolton 422 to be created (G-H-I)



HIGHWAY AND ENGINEERING
PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON
Restricted Byways Bolton 394 & 395 & Public Footpath Bolton 422 (part)
Diversion Order Section 257 Town and Country Planning Act 1990

ENVIRONMENTAL SERVICES

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

Date	Scale	Drawn	Drg. No.
24/09/2015	1:2500	AS	Plan B Bol394-395-422