

**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 NO. 402 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 byway 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 highway shown or required to be shown in the Definitive Map and Statement.

**BY THIS ORDER:**

1. The restricted byway over the land shown by a bold black line on the attached plan ("the Order Plan"; Plan K Bol 402) 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 byway as provided in Part 2 of the Schedule and shown by bold black dashes with arrowheads on the attached plan.
3. The diversion of the restricted byway 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 byway 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 byway referred to in paragraph 1 of this Order and the restricted byway 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 a way 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 byway is 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. 402 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 369686 404210 in a generally south-south-westerly direction to Point B at grid reference SD 369683 404203 for a distance of approximately 8 metres then running in a generally south by easterly direction to Point C at grid reference SD 369686 404195 for a distance of approximately 8 metres then running in a generally southerly direction to Point D at grid reference SD 369684 404188 for a distance of approximately 7 metres then running in a generally south-west by southerly direction to Point E at grid reference SD 369657 404143 for a distance of approximately 54 metres then running in a generally south by easterly direction to Point F at grid reference SD 369661 404120 for a distance of approximately 23 metres then running in a generally south-easterly direction to Point G at grid reference SD 369861 403978 for a distance of approximately 246 metres then running in a generally south- south-westerly direction to Point H at grid reference SD 369797 403763 for a distance of approximately 224 metres as shown by the continuous bold line between Points A-B-C-D-E-F-G-H on the Order Plan over a total distance of approximately 570 metres and a width of 3.6 metres throughout.

### **PART 2**

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

Restricted Byway No. 402 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 369775 404210 curving in a generally south by easterly direction to Point J at grid reference SD 369776 404196 for a distance approximately 14 metres then curving in a generally south-south-easterly direction to Point K at grid reference SD 369790 404161 for a distance of approximately 38 metres then running in a generally south by westerly direction to Point L at grid reference SD 369783 404097 for a distance of approximately 65 metres then curving in a generally south-east by southerly direction to Point M at grid reference SD 369828 404036 for a distance of approximately 83 metres then running in a generally easterly direction to Point N at grid reference SD 369875 404027 for a distance of approximately 49 metres then running in a generally south-south-easterly direction to Point O at grid reference SD 369919 403927 for a distance of approximately 112 metres then running in a generally south-west by southerly direction to Point P at grid reference SD 369880 403860 for a distance of approximately 77 metres then curving in a

generally south by easterly direction to Point Q at grid reference SD 369880 403854 for a distance of approximately 7 metres then running in a generally south-easterly direction to Point R at grid reference SD 369895 403838 for a distance of approximately 23 metres then running in a generally south-south-westerly direction to Point S at grid reference SD 369856 403739 for a distance of approximately 104 metres as shown by the bold black dashes with arrowheads between Points I-J-K-L-M-N-O-P-Q-R-S on the Order Plan over a total distance of approximately 572 metres. The width between points I-J-K-L-M-N-O-P-Q-R-S will be 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 402

**Replace** "Starts at the junction with Path Number 444 and Path Number 399 in Leadbeaters Farm and runs to the South between farm buildings and then hedges. After 137m turns East at field gate and continues with copse on left hand side for further 183m, then turns South again with fence on right hand side. Ends at reservoir on Borough Boundary" **with** "Starting from its junction with Restricted Byway Bolton 399 at grid reference SD 369775 404210 curving in a generally south by easterly direction to grid reference SD 369776 404196 for a distance of approximately 14 metres then curving in a generally south-south-easterly direction to grid reference SD 369790 404161 for a distance of approximately 38 metres where the path turns and continues in a generally south by westerly direction to grid reference SD 369783 404097 for a distance of approximately 65 metres then curving in a generally south-east by southerly direction to grid reference SD 369828 404036 for a distance of approximately 83 metres then continuing in a generally easterly direction to grid reference SD 369875 404027 for a distance of approximately 49 metres then continuing in a generally south-south-easterly direction to grid reference SD 369919 403927 for a distance of approximately 112 metres then continuing in a generally south-west by southerly direction to grid reference SD 369880 403860 for a distance of approximately 77 metres then curving in a generally south by easterly direction to grid reference SD 369880 403854 for a distance of approximately 7 metres then continuing in a generally south-easterly direction to grid reference SD 369895 403838 for a distance of approximately 23 metres where the path turns and continues in a generally south-south-westerly direction for a distance of approximately 104 metres to its end at the Borough Boundary at grid reference SD 369856 403739".

**Total Length:** 572 metres.

**Width:** 3 metres throughout.

**Surface Type:** limestone

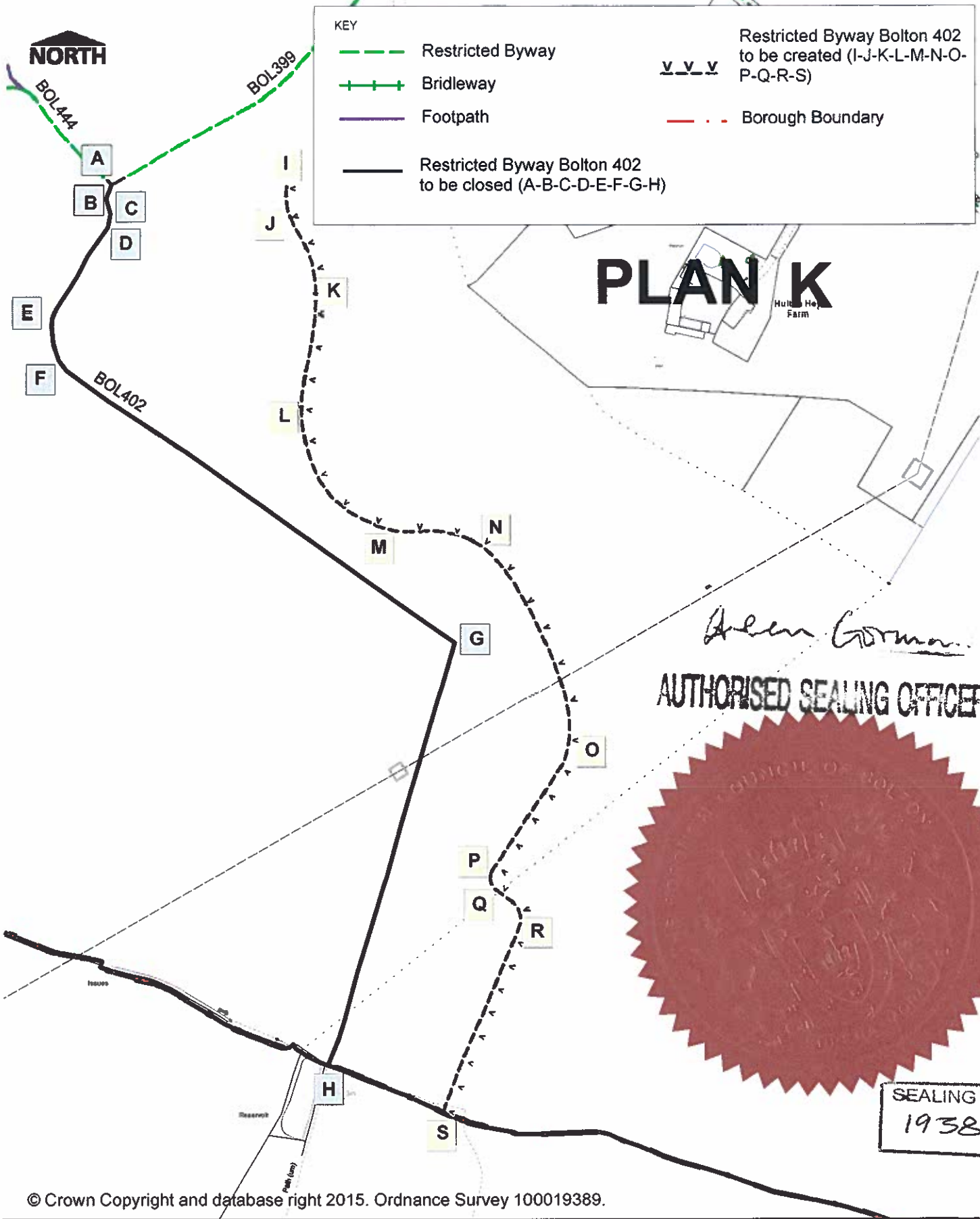
**THE COMMON SEAL** of  
**THE BOROUGH COUNCIL OF**  
**BOLTON** was hereto affixed  
on the 4<sup>th</sup> day of August 2016  
in the presence of:



SEALING NO.  
19381

*Aileen Gorman*

Authorised Sealing Officer



<b>Bolton Council</b> HIGHWAY AND ENGINEERING PUBLIC RIGHTS OF WAY	<b>THE BOROUGH COUNCIL OF BOLTON</b> Restricted Byway Bolton 402 Diversion Order Section 257 Town and Country Planning Act 1990		
	<b>ENVIRONMENTAL SERVICES</b> Stephen Young BA(Hons) OMS MBA Director of Place The Wellsprings, Civic Centre, Bolton, BL1 1US	Date 22/10/2015	Scale 1:2500