

**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 BYWAYS NO. 437 (PART), 436
AND 431, 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 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 require 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 over the land shown by bold black lines on the attached plan ("the Order Plan"; Plan G Bol 437-436-431) 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 the use as replacements for the said restricted byways 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 byways 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 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 referred to in paragraph 1 of this Order and the restricted byways 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 ways 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 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. 437 (Part) 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 369234 404305 in a generally south-east by easterly direction to Point B at grid reference SD 369267 404286 as shown by the continuous bold line between Points A-B on the Order Plan over a total distance of approximately 38 metres and a width of 3.4 metres throughout.

Restricted Byway No. 436 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 369267 404286 in a generally east by southerly direction to Point C at grid reference SD 369390 404262 as shown by the continuous bold line between Points B-C on the Order Plan over a total distance of approximately 123 metres and a width of 3.4 metres throughout.

Restricted Byway No. 431 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 369390 404262 in a generally south-easterly direction to Point D at grid reference SD 369458 404186 as shown by the continuous bold line between Points C-D on the Order Plan over a total distance of approximately 102 metres and a width of 3.0 metres throughout.

PART 2

Description of site of the alternative highway

Restricted Byway No. 437 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 A at grid reference SD 369234 404305 running in a generally east by southerly direction to Point E at grid reference SD 369272 404296 as shown by the bold black dashes with arrowheads between Points A-E on the Order Plan over a total distance of approximately 39 metres. The width between Points A-E will be 3 metres throughout over a limestone surface.

Restricted Byway No. 436 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 E at grid reference SD 369272 404296 running in a generally east-south-easterly direction to Point F at grid reference SD 369282 404291 for a distance of approximately 11 metres then curving in a generally south-east by easterly direction to Point G at grid reference SD 369396 404215 for a distance of approximately 139 metres then running in a generally easterly direction to Point H at grid reference SD 369411 404213 for a distance of approximately 15 metres as shown by the bold black dashes with arrowheads between Points E-F-G-H on the Order Plan over a total distance of approximately 165 metres. The width between Points E-F-G-H will be 3 metres throughout over a limestone surface.

Restricted Byway No. 431 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 369411 404213 running in a generally south-easterly direction to Point I at grid reference SD 369453 404183 as shown by the bold black dashes with arrowheads between Points H-I on the Order Plan over a total distance of approximately 52 metres. The width between Points H-I 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 437

Replace "Starts at junction of Path Number 439 and Path Number 438 and runs to South East with fence on right hand side for 110m then through field gate and continues for further 50m to cart-bridge then hedge on left hand side. Ends at junction with Path Number 440" **with** "Starting at the junction with Restricted Byways Bolton 439 and 438 at grid reference SD 369066 404438 continuing in a generally south-south-easterly direction to grid reference SD 369106 404334 for a distance of approximately 112 metres where the way turns and continues in a generally east by southerly direction for a distance of approximately 170 metres to its end at the junction with Restricted Byway Bolton 436 at grid reference SD 369272 404296".

Total Length: 282 metres.

Width: 3 metres throughout.

Surface Type: limestone

Path/Way Number: Restricted Byway Bolton 436

Replace "Continuation of Path Number 437 after junction with Path Number 440 and runs to East with wire fence on right hand side ending at junction with Path Number 427 and Path

Number 431" with "Continuation of Restricted Byway Bolton 437 at grid reference SD 369272 404296 continuing in a generally east-south-easterly direction to grid reference SD 369282 404291 for a distance of approximately 11 metres then curving in a generally south-east by easterly direction to grid reference SD 369396 404215 for a distance of approximately 139 metres then continuing in a generally easterly direction for a distance of approximately 15 metres to its end at the junction with Restricted Byway Bolton 431 at grid reference SD 369411 404213".

Total Length: 165 metres.

Width: 3 metres throughout.

Surface Type: limestone

Path/Way Number: Restricted Byway Bolton 431

Replace "Starts at junction with Path Number 436 and Path Number 427 and runs to the South East with wire fence on right hand side. Crosses stream by cartbridge and ends at field gate at junction with Path Number 428 and Path Number 429" with "Continuation of Restricted Byway Bolton 436 at grid reference SD 369411 404213 continuing in a generally south-easterly for a distance of approximately 52 metres to its end at the junction with Restricted Byway Bolton 429 at grid reference SD 369453 404183".

Total Length: 52 metres.

Width: 3 metres throughout.

Surface Type: limestone

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

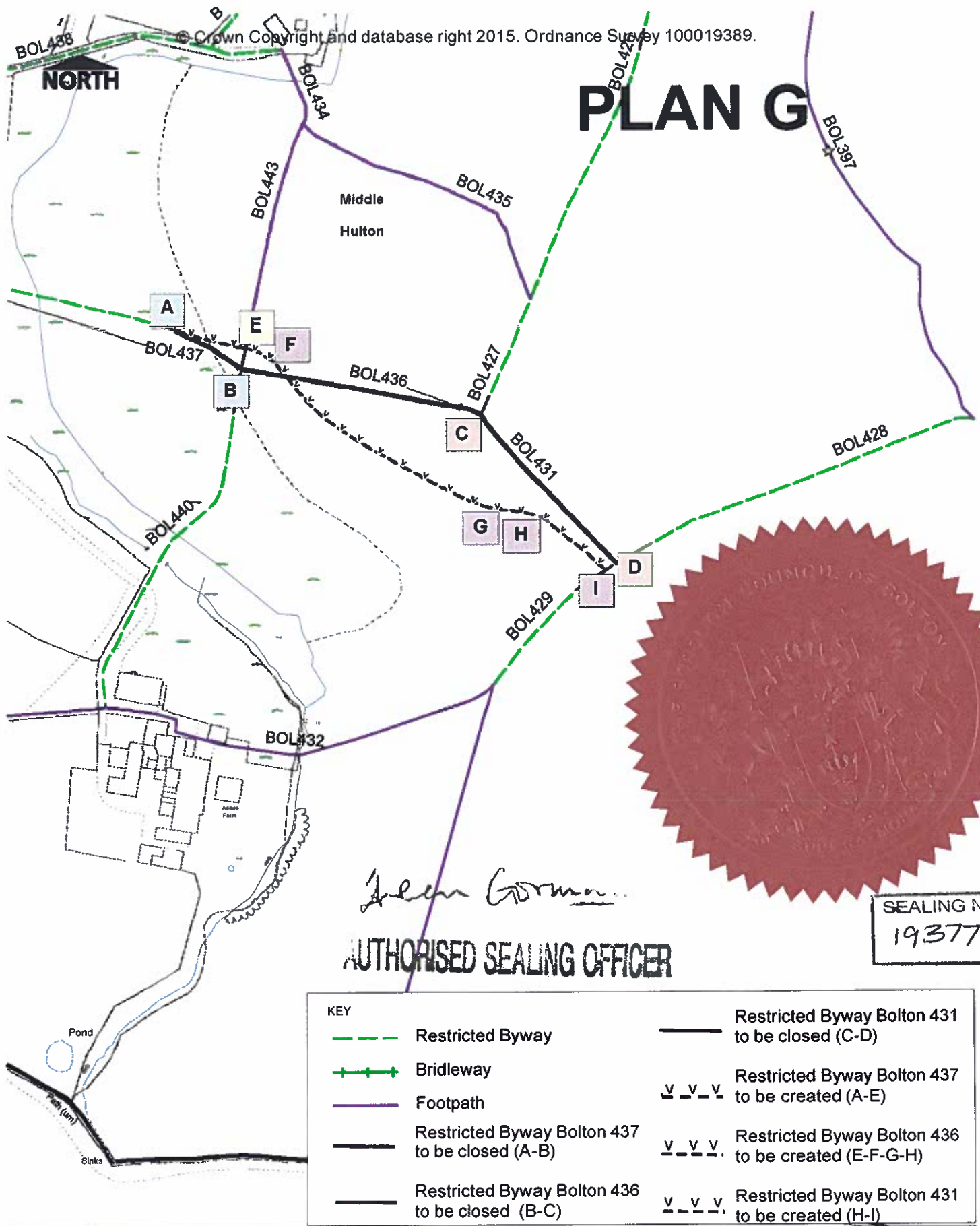


SEALING NO.

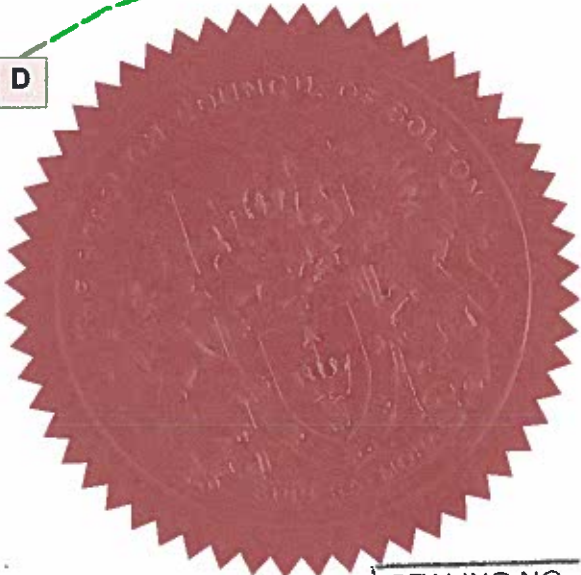
19377

Aileen Gorman

Authorised Sealing Officer



Jules Gorman
AUTHORISED SEALING OFFICER



SEALING NO.
19377

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 437 (part) & 436 & 431				
Diversion Order Section 257 Town and Country Planning Act 1990				
Date	Scale	Drawn	Drg. No.	
09/10/2015	1:2500	AS	Plan G Bol437-436-431	