

**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 (PUBLIC FOOTPATH NO. 095
BOLTON)PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDER 2013**

This Order is made by the Borough Council of Bolton under Section 257 of the Town and County Planning Act 1990, because it is satisfied that it is necessary to divert the 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: for the conversion of the Coach House Restaurant to 8 dwellings together with the erection of 21 dwellings (Planning Permission 8829012).

This Order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority 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(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway hitherto shown or required to be shown in the Definitive Map and Statement.

BY THIS ORDER:

1. The public footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted and the Definitive Map and Statement of 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 Borough Council of Bolton an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule to this Order and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which the Borough Council of Bolton certify that the terms of Article 2 of this Order have been complied with and upon the occurrence of that 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 path referred to in paragraph 1 of this Order and the path referred to in paragraph 2 of this Order shall be added to it and the Definitive Statement shall be modified as described in Part 3 of the Schedule to this Order.
4. Where immediately before the date on which the footpath is diverted if there are any apparatus under, in, on, over, along, across it belonging to statutory undertakers for the purpose of carrying on their undertaking, then the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of site of existing path or way

Public Footpath No. 095 (part) Bolton, situated within the vicinity of the property known as Smithills Coaching House, Smithills Deane Road, Bolton, commencing from its junction with Restricted Byway No. 098 Bolton, at Point A Ordnance Survey Grid Reference SD 369942 411977 for a distance of approximately 21 metres in a generally north by westerly direction to Point B at Grid Reference SD 369935 411997 then running in a generally north-westerly direction to Point C at Grid Reference SD 369895 412025 for approximately 50 metres and then running in a generally north-north-westerly direction to Point D at Grid Reference SD 369865 412078 for approximately 61 metres as shown by the continuous bold line on the Order Map Bol095 The Plan, over a total distance of approximately 132 metres and a width between Points A and D of 1.2 metres.

PART 2

Description of alternative highway

Public Footpath No. 095 (part) Bolton situated within the vicinity of the property known as Smithills Coaching House, Smithills Dean Road, Bolton, from a new line commencing from the Restricted Byway No. 098 Bolton at Point F at Grid Reference SD 369834 411926 for a distance of approximately 105 metres in a generally north by easterly direction to point E at Grid Reference SD 369863 412027 and then running in a generally northerly direction to Point D at Grid Reference SD 369865 412078 for approximately 51 metres as shown by a bold broken line on the Order Map Bol095 The Plan, over a total distance of approximately 156 metres over a hard standing surface and a width between Points F and D of 3 metres throughout.

PART 3

Modification of Definitive Statement

The footpath commences to the west of Smithills Coaching House at its junction with Restricted Byway 098 Bolton and leads in a north by easterly direction for 105 metres passing through two stone pillars and then continuing in a northerly direction with a meadow to the east.

THE COMMON SEAL of **THE BOROUGH**
COUNCIL of **BOLTON** was hereunto affixed
on the 7th day of October 2013 in the presence
of:

by

Aileen Gorman

Authorised Sealing Office



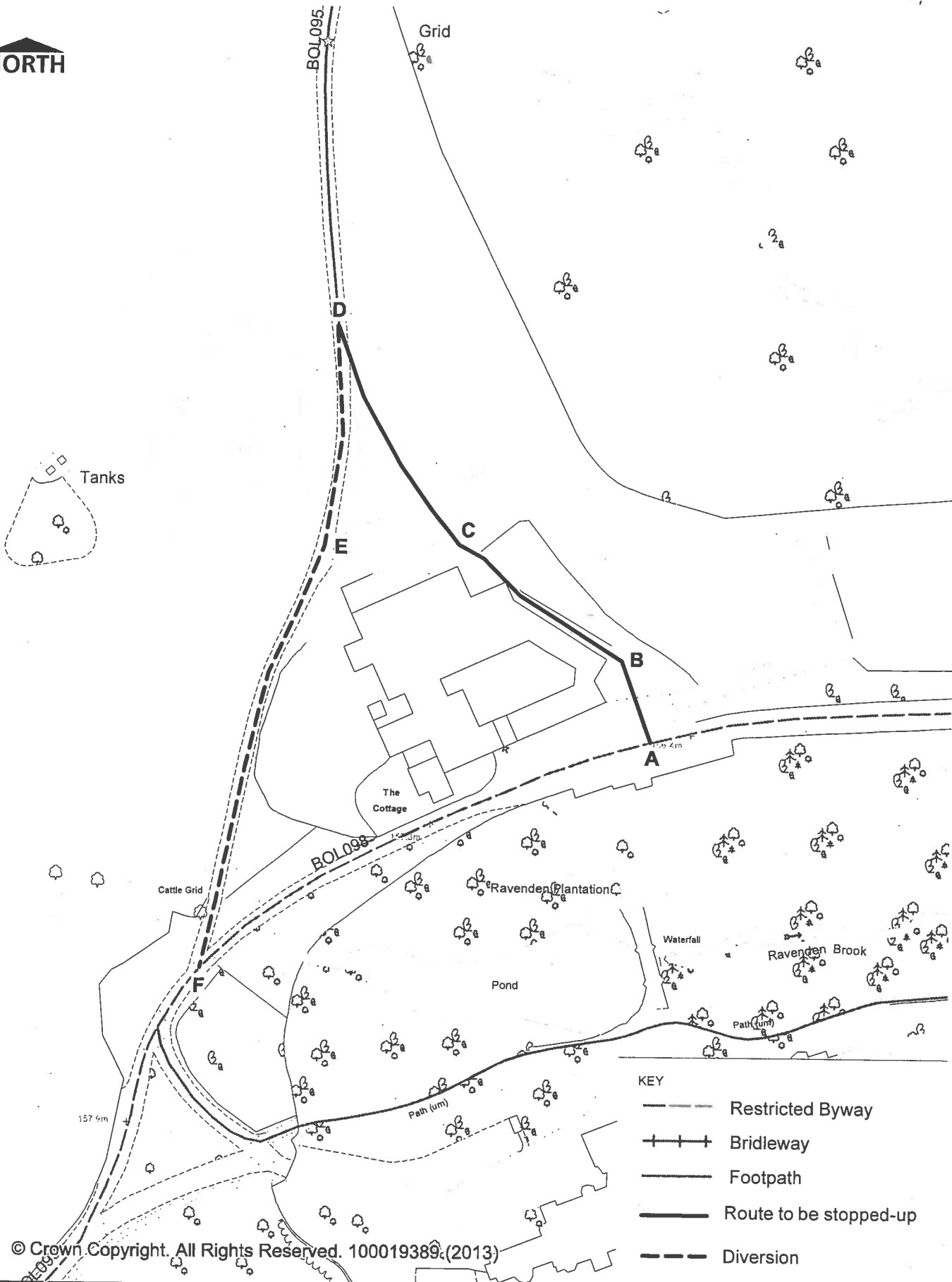
SEALING NO.
16965

*Confirmed by Bolton Borough Council
on 23rd December 2013*

Aileen Gorman

Borough Solicitor.

(LS/DH 09.13)



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Bolton Council

HIGHWAY AND ENGINEERING
DELIVERY SERVICES
PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON
Public Footpath Bolton 095 (part) Diversion Order
Section 257 Town and Country Planning act 1990

ENVIRONMENTAL SERVICES

Malcolm J. Cox. MBA. BSc. C Eng. MICE
Director of Environmental Services
The Wellsprings. Civic Centre. Bolton. BL1 1US

Date
16/09/2013

Scale
1:1250

Drawn
AS

Drg. No.
Bol095 The Plan