

**PUBLIC PATH DIVERSION/STOPPING UP 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. 396 (PART) 398,
399 (PART) AND 400 BOLTON) PUBLIC PATH DIVERSION/STOPPING UP 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 stop up or 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: the erection of a storage and distribution unit (use class B8), including ancillary office and other accommodation, and associated works including site profiling, formation of access, car and HGV car parking, landscaping (Planning Permission 94999/15); access, appearance, landscaping, layout and scale for a building (use class B2/B8) with ancillary office development (B1A) (Planning Permission 96590/16).

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 or stopping up (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 over the land shown by bold black lines on the attached plan ("the Order Plan") 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 an alternative highway for the use as replacement for the said restricted byway as provided in Part 2 of the Schedule and shown by bold black dashes on the attached Plan.
3. The stopping up or diversion of the restricted byways shall have effect on the date on which the Council, certify that the terms of Article 2 of this Order have been complied with and upon the occurrence of the diversion or stopping up 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 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 highway described in part 2 of the schedule: construct 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 byways are stopped up or diverted there is any apparatus under, in, over, along or across them, 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 way to be diverted:

Restricted Byway No. 396 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, BL5 1BS commencing from point A at grid reference SD 369803 404499 in a generally easterly direction to point B at grid reference SD 369811 404500 for a distance of approximately 9 metres then running in a generally south-south easterly direction to point C at grid reference SD 369824 404469 for a distance of approximately 33 metres then running in a generally south easterly direction to point D at grid reference SD 369897 404400 for a distance of approximately 100 metres as shown by the continuous bold line between points A-B-C-D on the Order Plan over a total distance of approximately 142 metres and at a width of 3.0 metres throughout.

Description of site of ways to be stopped up and deleted from definitive map:

Restricted Byway No. 399 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, BL5 1BS commencing from point D at grid reference SD 369897 404400 in a generally south westerly direction to point E at grid reference SD 369771 404262 as shown by the continuous bold line between points D-E on the Order Plan over a total distance of approximately 187 metres and at a whole width of 3.0 metres throughout.

Restricted Byway No. 398 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, BL5 1BS commencing from point D at grid reference SD 369897 404400 in a generally south easterly direction to point F at grid reference SD 369961 404344 for a distance of approximately 86 metres as shown by the continuous bold line between points D-F on the Order Plan over a total distance of approximately 86 metres and at a whole width of 3.0 metres throughout.

Restricted Byway No. 400 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, BL5 1BS commencing from point F at grid reference SD 369961 404344 in a generally south easterly direction to point G at grid reference SD 370176 404156 for a distance of approximately 284 metres then running in a generally east-south easterly direction to point H at grid reference SD 370274 404126 for a distance of approximately 102 metres as shown by the continuous bold line between points F-G-H on the Order Plan over a total distance of approximately 386 metres and at a whole width of 3.0 metres throughout.

PART 2

Description of site of the alternative highway

Restricted Byway No. 396 Bolton situated within the former Cutacre Open Cast Mining Site, South of the A6, Salford Road/Manchester Road West, Bolton, BL5 1BS commencing from a new line from point A at grid reference SD 369803 404499 running in a generally south by easterly direction to point I at grid reference SD 369829 404241 as shown by the bold black dashes between points A-I on the Order Plan over a total distance of approximately 260 metres. The width between points A-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 396

Replace the existing statement entry with the following: "Continuation of Restricted Byway No 392 Bolton at grid reference SD369905 404916 and leads in a generally south-westerly direction along the gas main easement for approximately 316 metres to grid reference SD369791 404621 then running in a generally south by easterly direction for approximately 263 metres to its end at the junction with Restricted Byway Bolton 399 at grid reference SD 369829 404241".

Total Length: 579 metres.

Width: 3 metres throughout.

Surface Type: limestone

Path/Way Number: Restricted Byway Bolton 399

Replace the existing statement entry with the following:

"Continuation of Public Footpath Bolton 397 starting at grid reference SD 369771 404262 and continues in a generally east – south easterly direction to grid reference SD 369829 404241 for a distance of approximately 61 metres where the way turns and continues in a generally southerly direction to grid reference SD 369829 404229 for a distance of approximately 12 metres where the way turns and continues in a generally west by southerly direction to grid reference SD 369779 404219 for a distance of approximately 51 metres then curving in a generally south westerly direction to grid reference SD 369738 404175 for a distance of approximately 62 metres then curving in a generally south westerly direction

for a distance of approximately 91 metres to its end at the junction with Restricted Byway Bolton 444 at grid reference SD 369660 404134".

Total Length: 277 metres.

Width: 3 metres throughout.

Surface Type: limestone.

Path/Way Number: Restricted Byway Bolton 398

Remove the existing statement entry:

"Back Lane. Continuation of Path Number 396 after junction with Path Number 399 and runs South East with hedges on both sides. Ends at field gate and stile".

Total Length: 86 metres.

Width: Whole width of 3 metres throughout.

Surface Type: Metalled.

Path/Way Number: Restricted Byway Bolton 400

Remove the existing statement entry:

"Back Lane. Continuation of Path Number 398 after field gate and runs to South East. After 164m entrance to Hulton Heys Farm and continues to end at slag heaps".

Total Length: 386 metres.

Width: Whole width of 3 metres throughout.

Surface Type: Cinder.

THE COMMON SEAL of
THE BOROUGH COUNCIL OF
BOLTON was hereto affixed
on the 19th day of September 2016
in the presence of:



SEALING NO.
19511

Declared operative by the
Borough Council of Bolton on
23rd December 2016

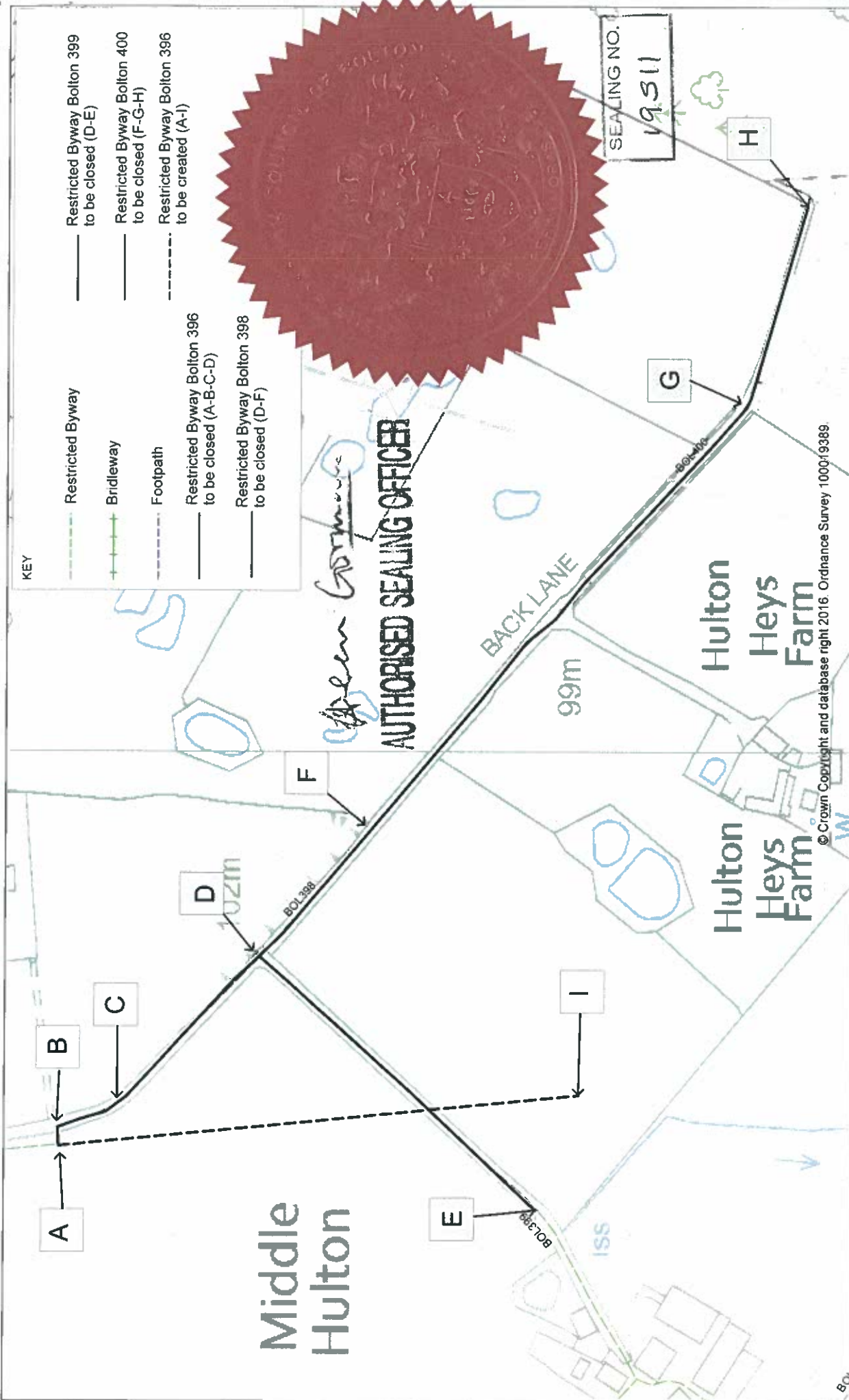
Aileen Gorman

Aileen Gorman

Authorised Sealing Officer

This order was confirmed by the
Borough Council of Bolton on
8th November 2016.

Aileen Gorman



KEY

- Restricted Byway
- Restricted Byway Bolton 396 to be closed (D-E)
- Restricted Byway Bolton 400 to be closed (F-G-H)
- Restricted Byway Bolton 396 to be created (A-I)
- Bridleway
- Footpath
- Restricted Byway Bolton 396 to be closed (A-B-C-D)
- Restricted Byway Bolton 398 to be closed (D-F)

Aileen Gorman
AUTHORISED SEALING OFFICER

SEALING NO.
19511

Date	04/08/2016
Scale	1:2500 @ A3
Drawn	AS
Dwg No	160356/398/399/400The Plan

THE BOROUGH COUNCIL OF BOLTON
 Restricted Byway Bolton 396 (part) Diversion Order &
 Restricted Byways Bolton 398, 399 (part) & 400 Stopping up Order
 Section 257 Town and Country Planning Act 1990

Bolton Council
 HIGHWAYS AND ENGINEERING
 DELIVERY SERVICES
 PUBLIC RIGHTS OF WAY

ENVIRONMENTAL SERVICES
 Stephen Young BA(Hons) DMS MBA
 Director of Place
 The Wallingway, Civic Centre, Bolton, Lancashire, BL1 1J5