

**NOTICE OF 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. 440 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 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 byway over the land shown by bold black lines on the attached plan ("the Order Plan"; Plan H and Plan HH Bol 440) 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, an alternative highway for the use as a replacement 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 the 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. 440 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 369267 404286 in a generally south by westerly direction to Point B at grid reference SD 369258 404230 for a distance of approximately 61 metres then running in a generally south-westerly direction to Point C at grid reference SD 369232 404199 for a distance of approximately 38 metres then running in a generally south-west by southerly direction to Point D at grid reference SD 369197 404133 for a distance of approximately 75 metres then running in a generally southerly direction to Point E at grid reference SD 369198 404113 for a distance of approximately 20 metres as shown by the continuous bold line between Points A-B-C-D-E on the Order Plan over a total distance of approximately 194 metres and a width of 3.4 metres throughout.

PART 2

Description of site of the alternative highway

Restricted Byway No. 440 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 F at grid reference SD 369285 404288 curving in a generally southerly direction to Point G at grid reference SD 369281 404212 for a distance approximately 77 metres then running in a generally south-south-easterly direction to Point H at grid reference SD 369311 404153 for a distance of approximately 67 metres then curving in a generally south-easterly direction to Point I at grid reference SD 369351 404110 for a distance of approximately 60 metres then running in a generally south by westerly direction to Point J at grid reference SD 369343 403989 for a distance of approximately 122 metres then running in a generally south-south-easterly direction to Point K at grid reference SD 369368 403951 for a distance of approximately 47 metres then running in a generally east-south-easterly direction to Point L at grid reference SD 369669 403876 for a distance of approximately 311 metres then running in a generally south-east by easterly direction to Point M at grid reference SD 369755 403817 for a distance of approximately 104 metres then curving in a generally north-east by easterly direction to Point N at grid reference SD 369851 403844 for a distance of approximately 106 metres then curving in a generally north-easterly direction to Point O at grid reference SD 369880 403860 for a distance of approximately 35 metres as

shown by the bold black dashes with arrowheads between Points F-G-H-I on the Order Plan and as shown by the bold black dashes with arrowheads between Points I-J-K-L-M-N-O on the Order Plan over a total distance of approximately 929 metres. The width between points F-G-H-I-J-K-L-M-N-O 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 440

Replace "Starts at Mill's Brow farm at junction with Path Number 441 and Path Number 432 and runs to North for 27m with wooden fence on right hand side and hedge on left hand side. After 91m crosses stream by cartbridge then wire fence on right hand side. Ends at field gate at junction with Path Number 437 and Path Number 436" **with** "Continuation of Public Footpath Bolton 443 at grid reference SD 369285 404298 curving in a generally southerly direction to grid reference SD 369281 404212 for a distance of approximately 77 metres and continues in a generally south-south-easterly direction to grid reference SD 369311 404153 for a distance of approximately 67 metres then curving in a generally south-easterly direction to grid reference SD 369351 404110 for a distance of approximately 60 metres and continues in a generally south by westerly direction to grid reference SD 369343 403989 for a distance of approximately 122 metres then continuing in a generally south-south-easterly direction to grid reference SD 369368 403951 for a distance of approximately 47 metres then continuing in a generally east-south-easterly direction to grid reference SD 369669 403876 for a distance of approximately 311 metres then continuing in a generally south-east by easterly direction to grid reference SD 369755 403817 for a distance of approximately 104 metres then curving in a generally north-east by easterly direction to grid reference SD 369851 403844 for a distance of approximately 106 metres then curving in a generally north-easterly direction for a distance of approximately 35 metres to its end at the junction with Restricted Byway Bolton 402 at grid reference SD 369880 403860".

Total Length: 929 metres

Width: 3 metres throughout

Surface Type: limestone

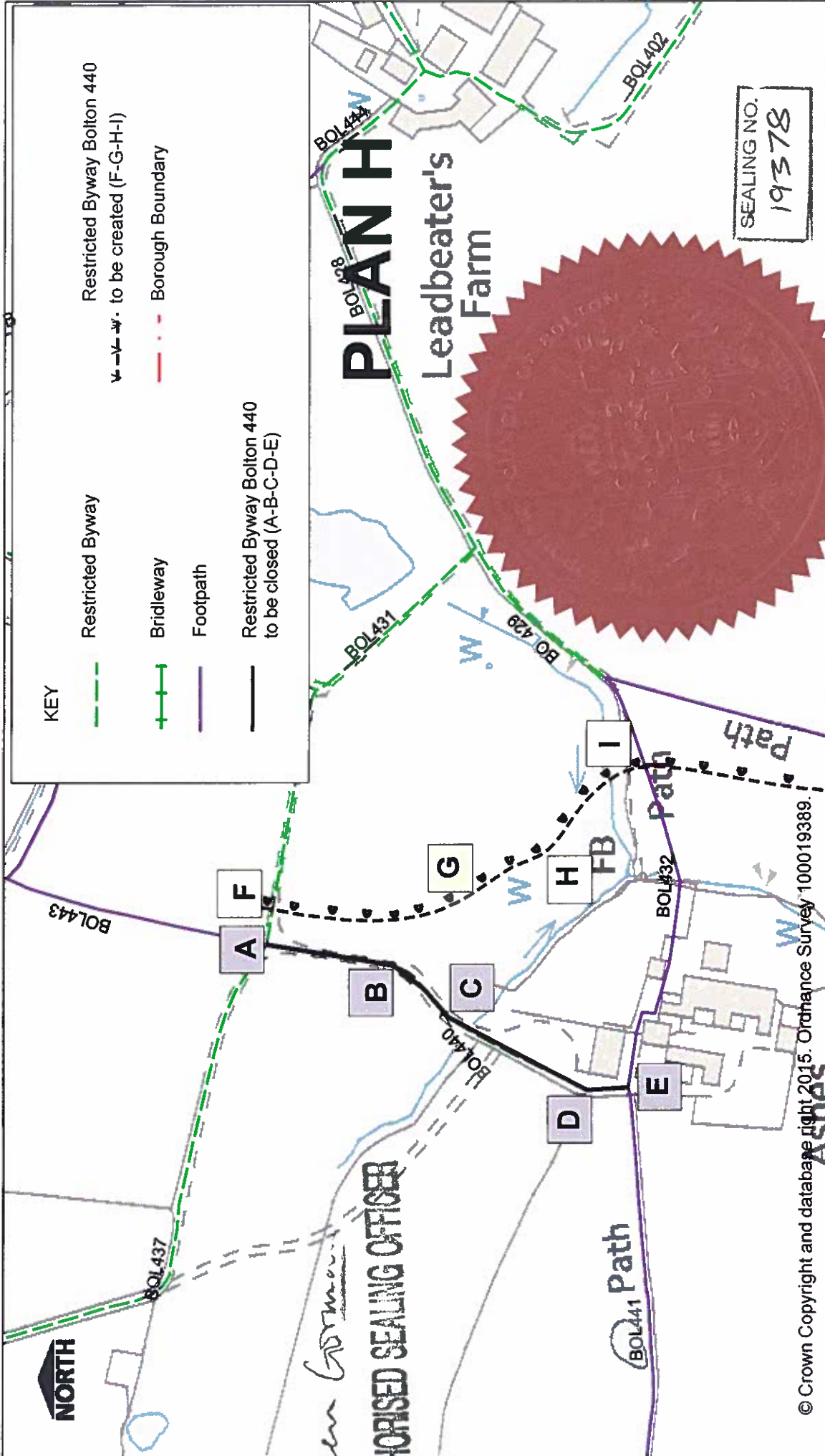
THE COMMON SEAL of
THE BOROUGH COUNCIL OF
BOLTON was hereto affixed
on the 4th day of August 2016
in the presence of:



SEALING NO.
19378

Aileen Gorman

Authorised Sealing Officer



SEALING NO.
19378

PLAN H

Leadbeater's Farm

KEY

- Restricted Byway
- Bridleway
- Footpath
- Restricted Byway Bolton 440 to be closed (A-B-C-D-E)
- Borough Boundary
- Restricted Byway Bolton 440 to be created (F-G-H-I)

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Bolton HIGHWAYS AND ENGINEERING
PUBLIC RIGHTS OF WAY
Council

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

THE BOROUGH COUNCIL OF BOLTON

Restricted Byway Bolton 440 Diversion Order
Section 257 Town and Country Planning Act 1990

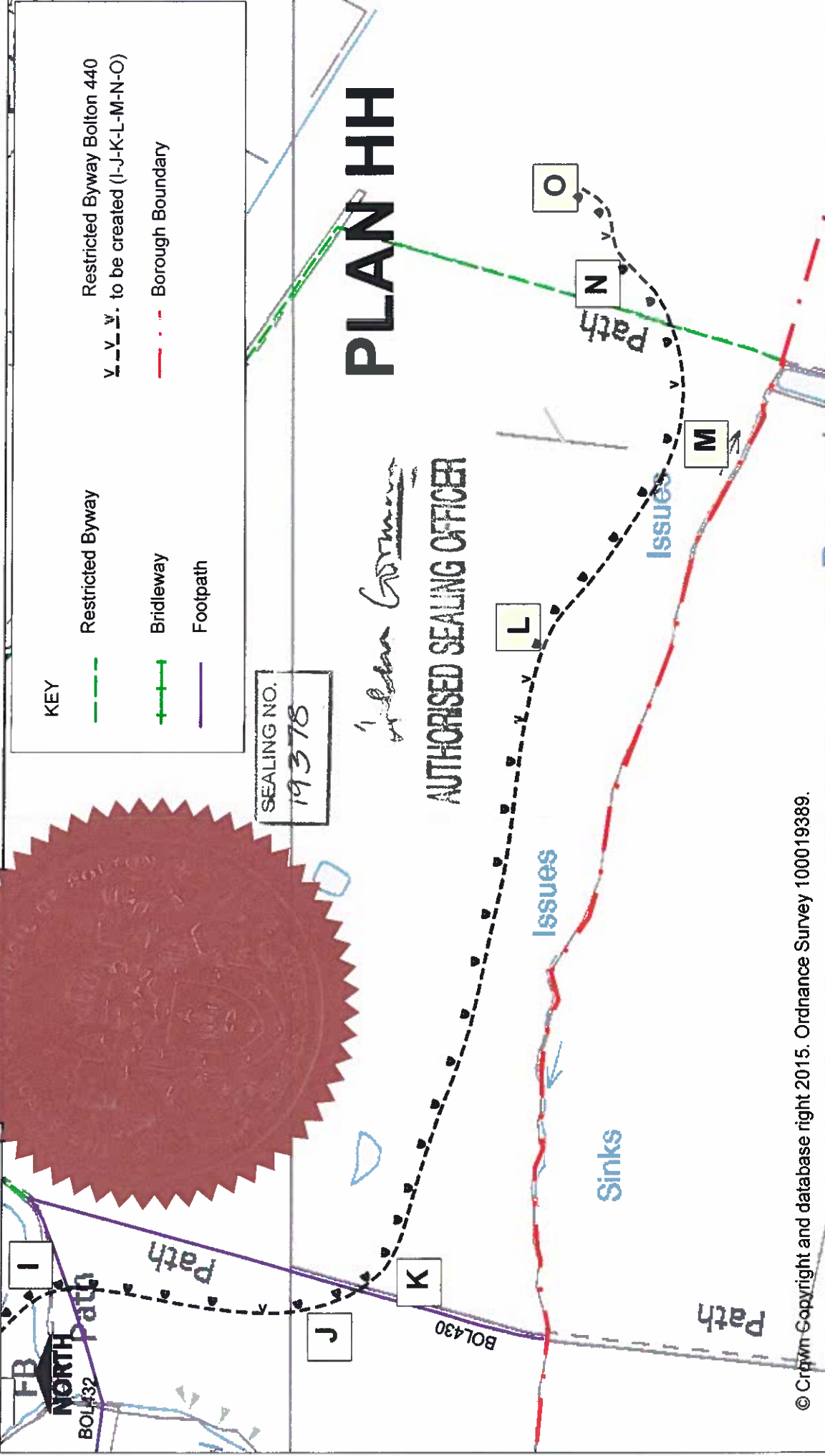
Date 22/10/2015

Scale 1 : 2500

Drawn AS

Drg. No. Plan H Bol440

Jelen Gorman
AUTHORISED SEALING OFFICER



<p>Bolton Council HIGHWAYS AND ENGINEERING PUBLIC RIGHTS OF WAY</p> <p>ENVIRONMENTAL SERVICES Stephen Young BA(Hons) DMS MBA Director of Planning The Wellsprings, Civic Centre, Bolton BL1 1US</p>	<p>THE BOROUGH COUNCIL OF BOLTON Restricted Byway Bolton 440 Diversion Order Section 257 Town and Country Planning Act 1990</p>	<p>Date: 22/10/2015</p>
	<p>Scale: 1 : 2500</p>	<p>Drawn AS</p>
	<p>AS</p>	<p>Drg. No. Plan HH Bol440</p>
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