

**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. 418 AND  
RESTRICTED BYWAY NO. 391 (PART) 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 footpath and 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 highways shown or required to be shown in the Definitive Map and Statement.

**BY THIS ORDER:**

1. The footpath and restricted byway over the land shown by bold black lines on the attached plan ("the Order Plan": Plan A Bol 418-391) and described in Part 1 of the Schedule to this Order ("the Schedule") shall be 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 footpath and restricted byway as provided in Part 2 of the Schedule and shown by bold black dashes and bold black dashes with arrowheads on the attached plan.
3. The diversion of the footpath and restricted byway 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 of the footpath and 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 footpath and restricted byway referred to in paragraph 1 of this Order and the footpath and 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 both way and footpath 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 footpath and restricted byway 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**

Public Footpath No. 418 (Part) Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/Manchester Road, Bolton, commencing from Point A at grid reference SD 369719 405345 in a generally west-south-westerly direction to Point B at grid reference SD 369633 405308 for a distance of approximately 94 metres, then running in a generally west-north-westerly direction to Point C at grid reference SD 369615 405313 for a distance of approximately 19 metres as shown by the continuous bold line between Points A-B-C on the Order Plan over a total distance of approximately 113 metres and at a width of 0.6 metres throughout.

Restricted Byway No. 391 (Part) Bolton situated within the former Cutacre Open Cast Mining Site, south of the A6 Salford Road/Manchester Road West, Bolton, commencing from Point E at grid reference SD 369713 405302 in a generally southerly direction to Point F at grid reference SD 369674 404938 as shown by a bold line between Points E-F on the Order Plan over a total distance of approximately 367 metres and at a width of 3.6 metres throughout.

### **PART 2**

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

Public Footpath No. 418 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 C at grid reference SD 369615 405313 running in a generally south-west by southerly direction to Point D at grid reference SD 369588 405269 as shown by the bold black dashes between Points C-D on the Order Plan over a total distance of approximately 51 metres. The width between Points C-D will be 2 metres throughout over a red shale surface.

Restricted Byway No. 391 (Part) 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 369713 405302 curving in a generally west-south-westerly direction to Point D at grid reference SD 369588 405269 for a distance of approximately 140 metres then running in a generally south by westerly direction to Point G at grid reference SD 369552 405084 for a distance of approximately 190 metres then

curving in a generally south-westerly direction to Point H at grid reference SD 369463 405018 for a distance of approximately 114 metres as shown by the bold black dashes with arrowheads between Points E-D-G-H on the order Plan over a total distance of approximately 444 metres. The width between Points E-D-G-H 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: Public Footpath Bolton 418

**Replace** "Starts at stepping stile at junction with Path number 417 at Umberton's Farm and runs east with wooden fence on left hand side for 67m then crosses stepping stile and continues with hedges on left hand side to end at field gate at junction with Path number 390 at Adises Farm" **with** "Starting from its junction with Restricted Byways Bolton 417 and 419 at Umberton's Farm grid reference SD 3693332 405408 then crossing stepping stile and continues east with Umberton's Farm on left hand side continuing for approximately 157 metres to grid reference SD 369488 405378 where the path then turns south for approximately 20 metres to grid reference SD 369486 405358 then turns east for approximately 138 metres to Adises Farm at grid reference SD 369615 405313 then turns and continues in a generally south-west by southerly direction for approximately 51 metres to its end at the junction with Restricted Byway Bolton 391 at grid reference SD 369588 405269".

**Total Length:** 315 metres

**Width:** 2 metres throughout

**Surface Type:** red shale

Path/Way Number: Restricted Byway Bolton 391

**Replace** "Rosemary Lane. Starts at junction with Path number 418 and continues to south between fences to junction with Path Number 393 at field gate" **with** "Rosemary Lane. Starting from its junction with Restricted Byway Bolton 390 at grid reference SD 369720 405345 continuing south to grid reference SD 369713 405302 with Adises Farm on right hand side for a distance of approximately 44 metres then curving with Adises Farm on right hand side for a distance of approximately 140 metres in a generally west-south-westerly direction to grid reference SD 369588 405269 at the junction with Public Footpath Bolton 418 where the way turns continuing in a generally south by westerly direction to grid reference SD 369552 405084 for a distance of approximately 190 metres then curving in a generally south-westerly direction for a distance of approximately 114 metres to its end at the junction with Restricted Byway Bolton 394 at grid reference SD 369463 405018".

**Total Length:** 488 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:

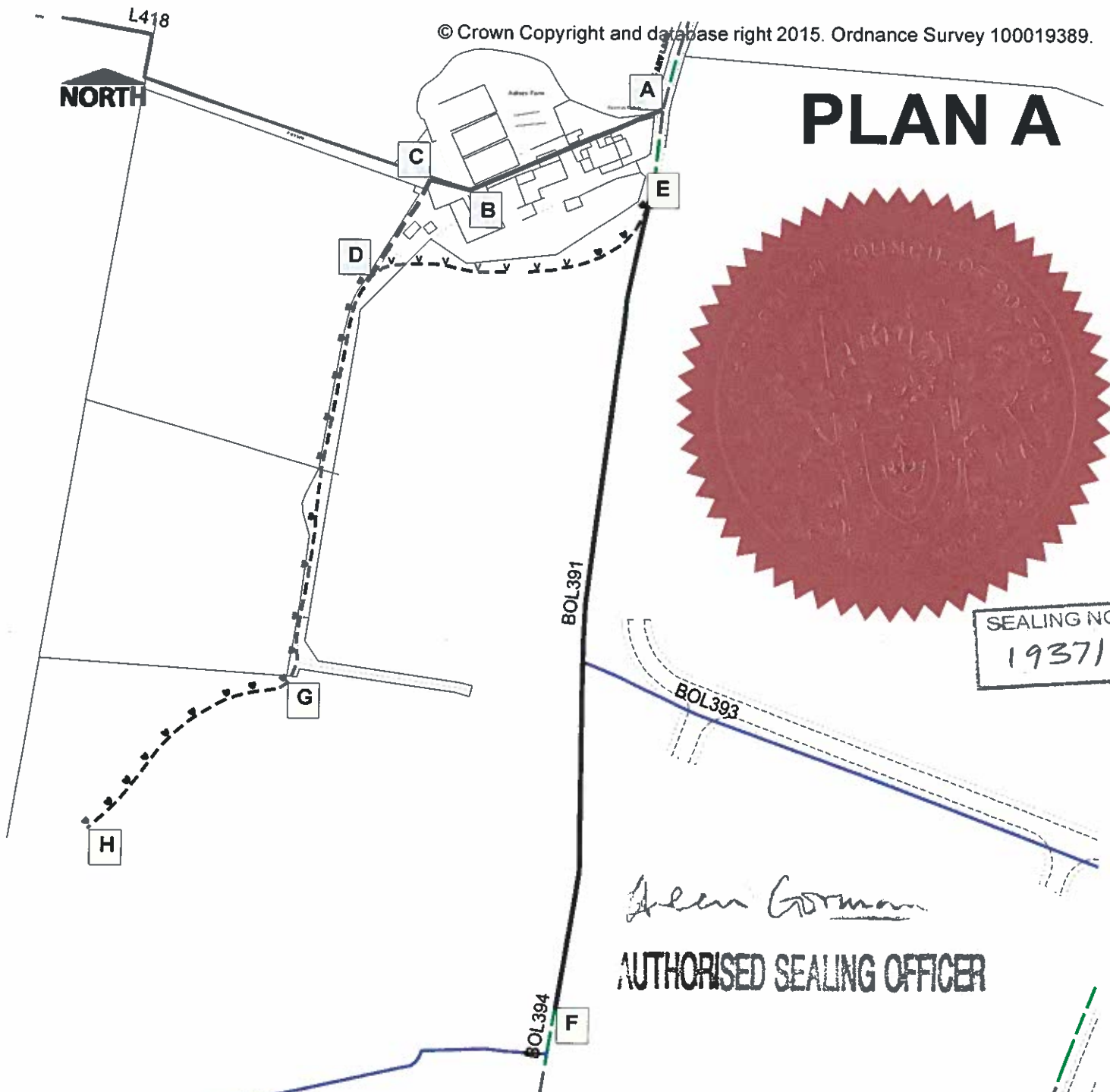


SEALING NO.  
19371

*Aileen Gorman*

Authorised Sealing Officer

# PLAN A



SEALING NO.  
19371

*Aileen Gorman*  
AUTHORISED SEALING OFFICER

- KEY**
- Restricted Byway
  - + + + Bridleway
  - Footpath
  - Public Footpath Bolton 418 to be closed (A-B-C)
  - Restricted Byway Bolton 391 to be closed (E-F)
  - - - - Public Footpath Bolton 418 to be created (C-D)
  - v v v Restricted Byway Bolton 391 to be created (E-D-G-H)

<b>Bolton Council</b> HIGHWAY AND ENGINEERING PUBLIC RIGHTS OF WAY	<b>THE BOROUGH COUNCIL OF BOLTON</b> Public Footpath Bolton 418 & Restricted Byway Bolton 391 (part) Diversion Order Section 257 Town and Country Planning Act 1990			
	<b>ENVIRONMENTAL SERVICES</b> Stephen Young BA(Hons) DMS MBA Director of Place The Wellsprings, Civic Centre, Bolton, BL1 1US	Date 24/09/2015	Scale 1:2500	Drawn AS