

**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. 397 (PART) AND  
RESTRICTED BYWAY NO. 399 (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 a 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 F Bol 397-399) 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 paragraph 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. 397 (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 369614 404337 curving in a generally south-south-easterly direction to Point B at grid reference SD 369640 404260 as shown by the continuous bold line between Points A-B on the Order Plan over a total distance of approximately 86 metres and a width of 1.5 metres throughout.

Restricted Byway No. 399 (Part) 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 369771 404262 in a generally south west by westerly direction to Point D at grid reference SD 369686 404210 as shown by the continuous bold line between Points C-D on the Order Plan over a total distance of approximately 100 metres and a width of 3 metres throughout.

### **PART 2**

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

Public Footpath No. 397 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 369614 404337 curving in a generally east-south-easterly direction to Point C at grid reference SD 369771 404262 as shown by the bold black dashes between Points A-C on the Order Plan over a total distance of approximately 176 metres. The width between Points A-C will be 1.5 metres throughout over a red shale surface.

Restricted Byway No. 399 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 369771 404262 running in a generally east-south-easterly direction to Point E at grid reference SD 369829 404241 for a distance of approximately 61 metres then running in a generally southerly direction to Point F at grid reference SD 369829 404229 for a distance of approximately 12 metres then running in a generally west by southerly direction to Point G at grid reference SD 369779 404219 for a distance of

approximately 51 metres then curving in a generally south-westerly direction to Point H at grid reference SD 369738 404175 for a distance of approximately 62 metres then curving in a generally south-westerly direction to Point I at grid reference SD 369660 404134 for a distance of approximately 91 metres as shown by the bold black dashes with arrowheads between Points C-E-F-G-H-I on the Order Plan over a total distance of approximately 277 metres. The width between Points C-E-F-G-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: Public Footpath Bolton 397

**Replace** "Starting from its junction with restricted byway Bolton 424 at grid reference SD369600 404602 with fencing and business park on its eastern side curving for approximately 150 metres in a generally south-south-westerly direction to grid reference SD369558 404459 then curving in a generally south-south-easterly direction to grid reference SD369614 404337 for approximately 138 metres then running in a generally south-south-easterly direction following stream on its right hand side for approximately 86 metres to its end at its junction with restricted byways Bolton 428 & 444 at grid reference SD369640 404260" **with** "Continuation of Public Footpath Bolton 423 at grid reference SD369600 404602 with fencing and business park on its eastern side curving for approximately 150 metres in a generally south-south-westerly direction to grid reference SD369558 404459 then curving in a generally south-south-easterly direction to grid reference SD369614 404337 for approximately 138 metres then curving in a generally east-south-easterly direction for approximately 176 metres to its end at its junction with Restricted Byway Bolton 399 at grid reference SD 369771 404262".

**Total Length:** 464 metres.

**Width:** 1.5 metres throughout.

**Surface Type:** red shale.

Path/Way Number: Restricted Byway 399 Bolton

**Replace** "Starts at junction of Path Number 444 and Path Number 402 at Leadbeaters Farm and runs to North East between hedges and ends in Back Lane" **with** "Starting from its junction with Restricted Byway Bolton 396 & 398 at grid reference SD 369897 404400 continuing in a generally south-westerly direction to grid reference SD 369771 404262 for a distance of approximately 186 metres where the way turns 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:** 463 metres.

**Width:** 3 metres throughout.

**Surface Type:** limestone

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



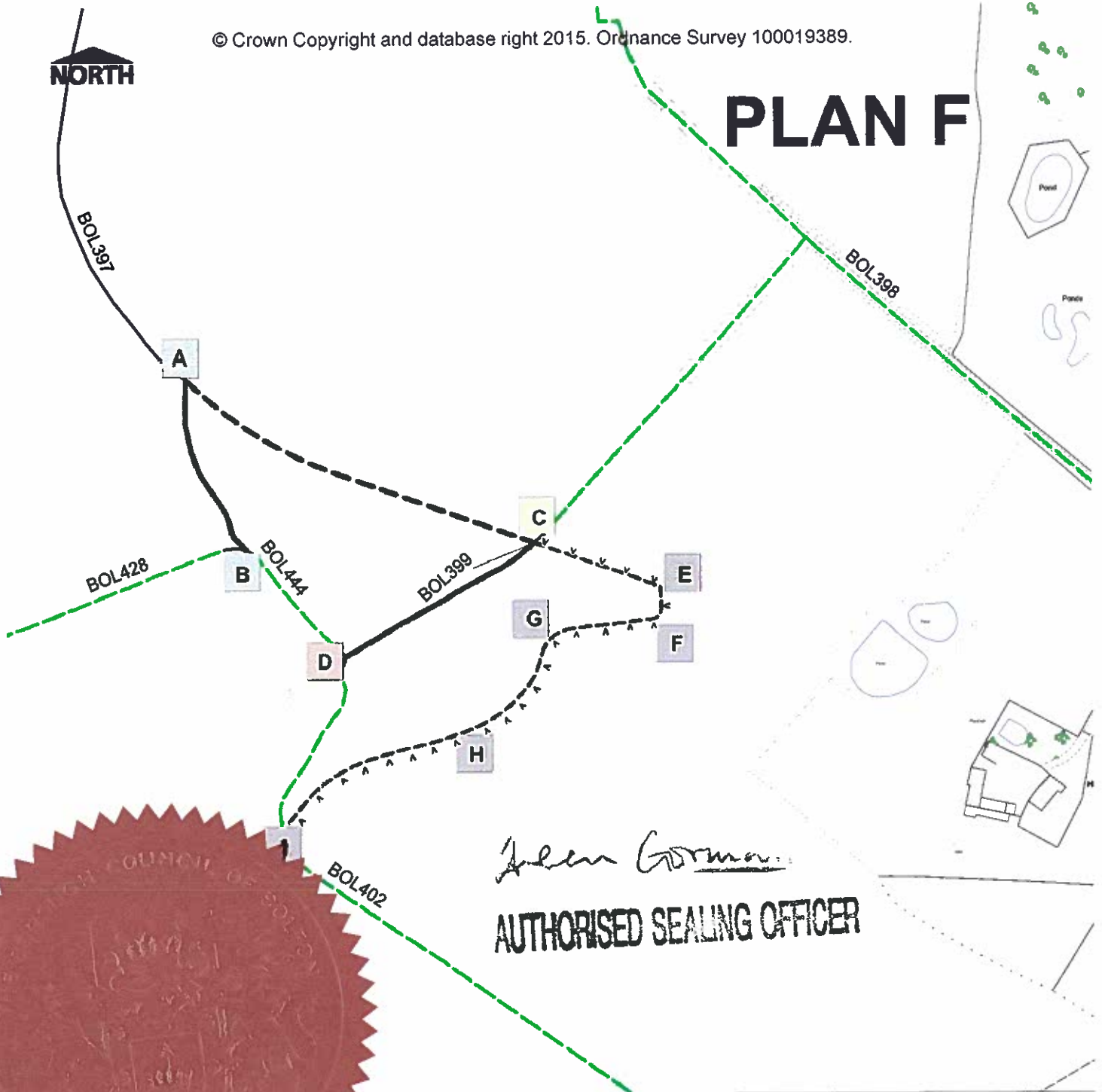
SEALING NO.  
19376

*Allen Gorman*

Authorised Sealing Officer

**NORTH**

# PLAN F



*Jules Gorman*  
**AUTHORISED SEALING OFFICER**



SEALING NO.  
**19376**

Middle Hulton

- KEY**
- Restricted Byway
  - + -+ -+ Bridleway
  - Footpath
  - Public Footpath Bolton 397 to be closed (A-B)
  - Restricted Byway Bolton 399 to be closed (C-D)
  - - - - - Public Footpath Bolton 397 to be created (A-C)
  - . - . - . Restricted Byway Bolton 399 to be created (C-E-F-G-H-I)

<b>Bolton Council</b> HIGHWAY AND ENGINEERING PUBLIC RIGHTS OF WAY	<b>THE BOROUGH COUNCIL OF BOLTON</b> Public Footpath Bolton 397 & Restricted Byway Bolton 399 (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 08/10/2015	Scale 1:2500