

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER**

HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981

**THE BOROUGH COUNCIL OF BOLTON (PUBLIC FOOTPATH NO. 040 BLACKROD)
PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2016**

This Order is made by the Borough Council of Bolton ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act"), because it appears to the Authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of the path should be diverted.

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 shown or required to be shown in the map and statement.

Messrs James, Brian, Robert and Alan Halton of Rollinson House Farm, Little Scotland, Blackrod, Bolton have agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

Blackrod Town Council has been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situated at Pennington Fold Farm, Little Scotland, Blackrod and shown by a bold continuous line on the map contained in this Order ("the Order Plan") 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 Authority shall be modified as provided below on the later of the following events:
 - a. The date of first publication of confirmation of this Order
 - b. The date that the Authority certifies that all necessary works to bring the footpath described in Part 2 of the Schedule into a fit condition for use have been completed.
2. There shall be created to the reasonable satisfaction of the Authority an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by black dashes on the Order Plan.
3. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.
4. The Definitive Map and Statement of the Public Rights of Way for the Authority shall be modified as described in Part 4 of the Schedule.

5. Where immediately before the date on which the public footpath is diverted any statutory undertakers had existing rights of access to and egress from any apparatus and plant accessible only from the right of way described in Part 1 of the Schedule such undertakers will continue to have such rights.

SCHEDULE

PART 1

Description of site of existing path and way

Public Footpath No. 040 Blackrod situated to the North of Pennington Fold Farm, Little Scotland, Blackrod, Bolton, BL6 5LW commencing from the road known as Little Scotland point A at grid reference SD360742 410820 in a generally south east by easterly direction to point B at grid reference SD360773 410798 for a distance of approximately 38 metres then curving in a generally south by easterly direction to point C at grid reference SD360772 410772 for a distance of approximately 27 metres then running in a generally south east by easterly direction to point D at grid reference SD360777 410769 for a distance of approximately 6 metres as shown by the continuous bold line between points A-B-C-D on the Order Plan over a total distance of approximately 71 metres of a width of 1.5 metres throughout.

PART 2

Description of site of new path and way

Public Footpath No. 040 Blackrod commencing from a new line from point F at grid reference SD360727 410801 in a generally south east by easterly direction to point E at grid reference SD360770 410772 for a distance of approximately 51 metres then running in a generally east - south easterly direction to point D at grid reference SD360777 410769 for a distance of approximately 8 metres as shown by the bold black dashes between points F-E-D on the Order Plan over a total distance of approximately 59 metres. The width between points F-E-D will be 2.0 metres throughout over a natural surface.

PART 3

Limitations and Conditions

One kissing gate of 1.5m width conforming to BS5709 Scottish Natural Heritage timber kissing gate version 3 as indicated by **KG** on the Order Plan at grid reference SD360770 410772.

PART 4

Modification of Definitive Statement

Particulars to be varied within the definitive statement

District: Blackrod

Path/Way Number: Public Footpath Blackrod 040

Particulars to be varied:

Replace "Starts at Pennington Fold Farm in an easterly direction following hedgerow alongside of field, exit at F.P. 39" **with** "Starting from the road known as Little Scotland at grid reference SD360727 410801 and continuing through woodland then field between a hedgerow on its northern side and wooden fence on its southern side in a generally south east by easterly direction to grid reference

SD360770 410772 for approximately 51 metres then through a wooden kissing gate at grid reference SD360770 410772 and running in a generally east - south easterly direction to grid reference SD360777 410769 for approximately 8 metres then curving across the field in a generally east by southerly direction to grid reference SD360854 410729 for approximately 88 metres where the path then curves and turns south – south west with hedge on its eastern side for approximately 60 metres to its end at the junction with public footpath Blackrod 039 at grid reference SD360841 410673.

Total Length: 207 metres.

Width: Between grid reference SD360727 410801 and SD360777 410769; 2.0 metres throughout and between grid reference SD SD360777 410769 and SD360841 410673; 1.5 metres throughout.

Surface Type: Natural.

**THE COMMON SEAL of THE BOROUGH
COUNCIL of BOLTON** was hereunto affixed
on the 17th day of March 2016 in the presence of:



SEALING NO.

19120

Authorised Sealing Officer

Confirmed by the Borough
Council of Bolton on the
15th July 2016

Nicola Raby



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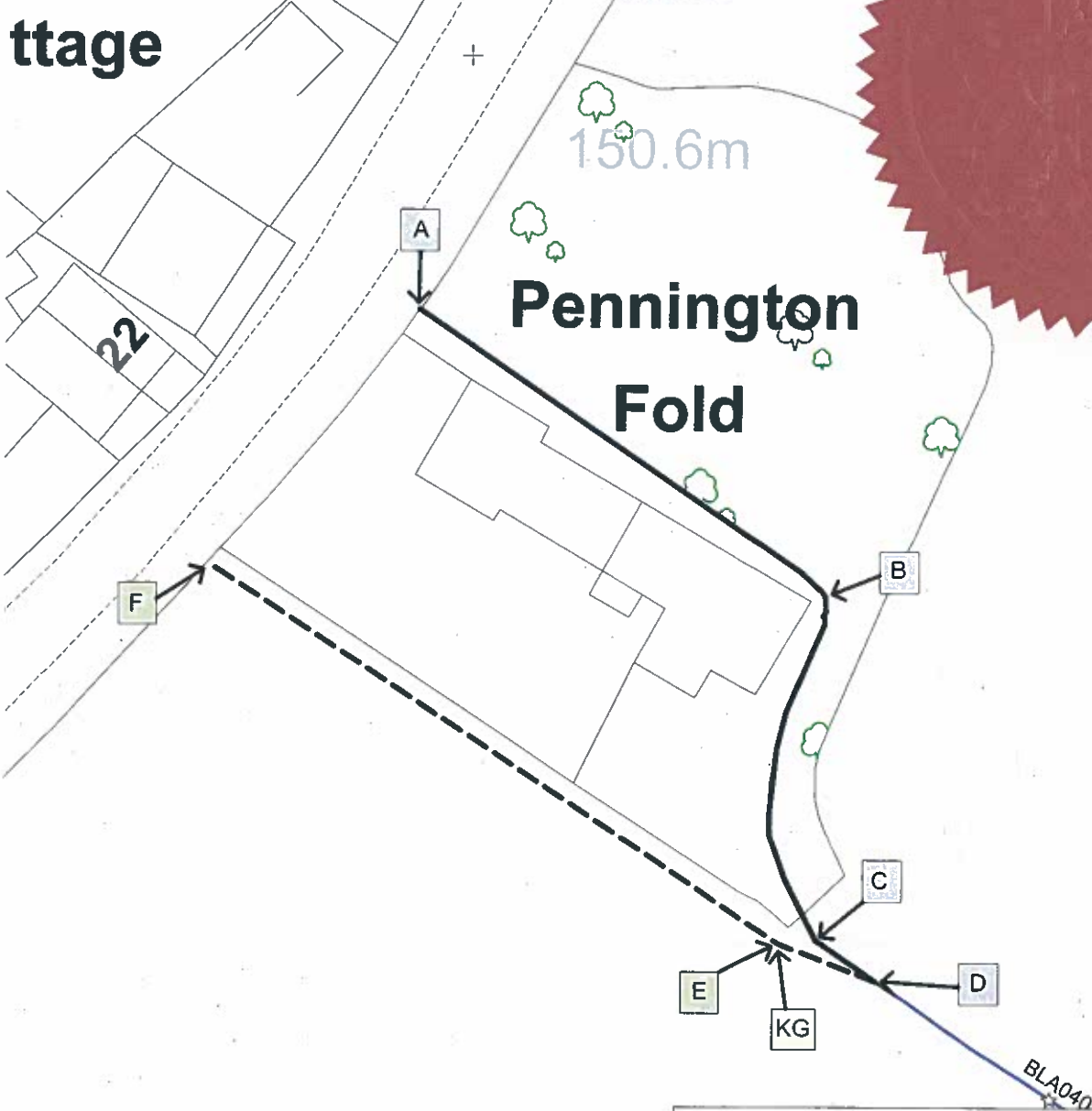
~~AUTHORISED SEALING OFFICER~~



SEALING NO.
19120

150.6m

Pennington
Fold



KEY

- Restricted Byway
- Bridleway
- Footpath
- Footpath to be diverted (A-B-C-D)
- Footpath diversion line (D-E-F)
- KG - Kissing Gate



HIGHWAY AND ENGINEERING
DELIVERY SERVICES
PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON
Public Footpath Blackrod 040 (part) Diversion Order
Section 119 Highways Act 1980

ENVIRONMENTAL SERVICES

Stephen Young
Director of Space
The Wellsprings, Civic Centre, Bolton, BL1 1US

Date	Scale	Drawn	Drg. No.
15/02/2016	1:500	AS	18la040The Plan