

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

**TOWN AND COUNTRY PLANNING ACT 1990
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE BOROUGH COUNCIL OF BOLTON (PUBLIC FOOTPATH NO. 093
WESTHOUGHTON) PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDER 2023**

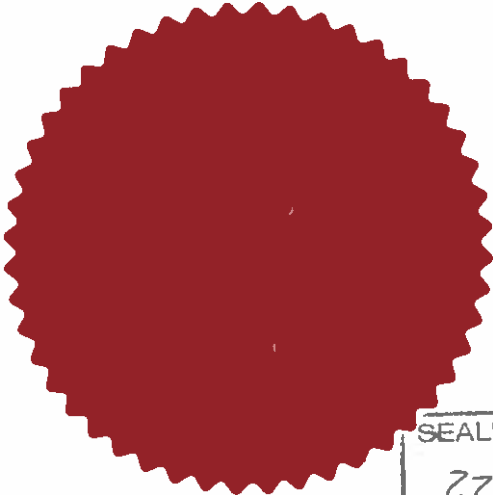
This Order is made by the Borough Council of Bolton ("the Authority") under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act"), because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990, namely: Erection of 119 dwellings with associated access, hard and soft landscaping, substation, walls and fences, drainage, open space including ecological mitigation and associated work (planning application 11568/21).

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(3)(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.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map ("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.
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 bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which the Authority certify that the terms of paragraph 2 above have been complied with and upon the occurrence of the diversion of the footpath the Definitive Map and Statement of the Public Rights of Way for the Authority shall be modified by deleting from it the path referred to in paragraph 1 of this Order and the path 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 4 of this schedule.
4. The following works shall be carried out in relation to the highway described in Part (2) of the Schedule: To construct of a self-binding gravel path with cross fall or camber.
5. Bellway Homes Ltd is hereby required to pay for the cost of carrying out the said works specified in paragraph 4 of this order.
6. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

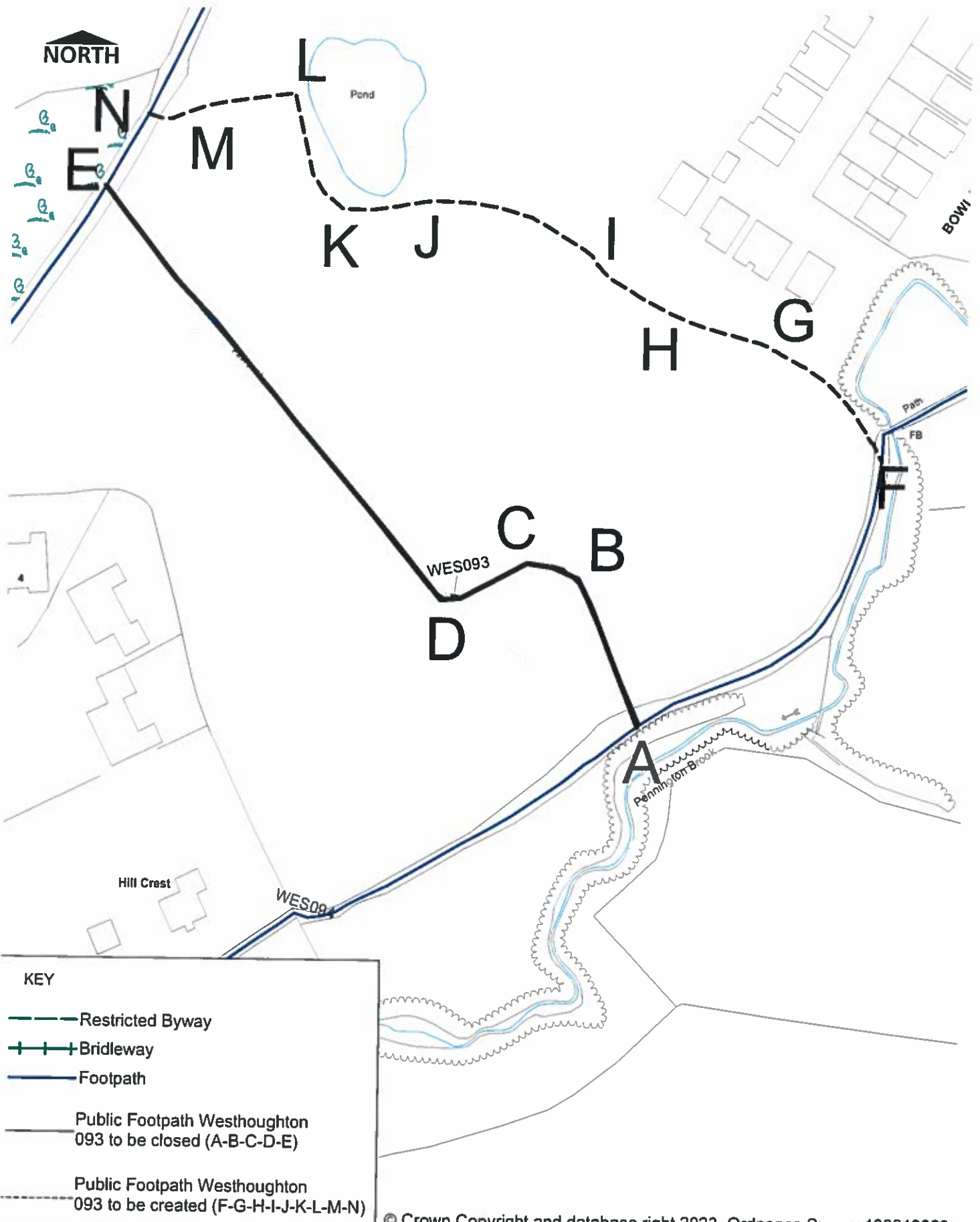
**THE COMMON SEAL of THE BOROUGH
COUNCIL of BOLTON was hereunto affixed
on the 24th May 2023 in the presence of:**



SEALING NO.
22680

Aileen Gorman

Authorised Sealing Officer



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HIGHWAY AND ENGINEERING DIVISION
PUBLIC RIGHTS OF WAY

THE BOROUGH COUNCIL OF BOLTON
Public Footpath Westhoughton 093 Diversion
Order Section 257 Town and Country Planning Act 1990

DIRECTORATE OF PLACE
Jon Dyson
Director of Place
Town Hall, Victoria Square, Bolton, BL1 1RU

Date	Scale	Drawn	Drg. No
17/04/2023	1:1100	AS	1Wes093 The Plan.

SCHEDULE

PART 1

Description of site of existing path

Public Footpath No. Westhoughton 093 which leads over land at Bowlands Hey, Westhoughton, Bolton, BL5 3RE commencing from point A at grid reference SD64760 05747 in a generally north – northwest direction to point B at grid reference SD64745 05779 for a distance of approximately 36 metres then curving in a generally west - northwest direction to point C at grid reference SD64733 05783 for a distance of approximately 13 metres then running in a generally southwest by west direction to point D at grid reference SD64715 05775 for a distance of approximately 20 metres then running in a generally northwest by north direction to point E at grid reference SD64637 05867 for a distance of approximately 122 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 191 metres and of a width of 1.5 metres throughout over a natural surface.

PART 2

Description of site of alternative highway

Public Footpath No. Westhoughton 093 which leads over land at Bowlands Hey, Westhoughton, Bolton, BL5 3RE commencing from a new line from point F at grid reference SD64814 05807 then curving in a generally north west by north direction to point G at grid reference SD64785 05834 for a distance of approximately 41 metres then curving in a generally west by northwest direction to point H at grid reference SD64766 05840 for a distance of approximately 20 metres then curving in a generally north west by west direction to point I at grid reference SD64748 05853 for a distance of approximately 23 metres then curving in a generally west northwest direction to point J at grid reference SD64712 05865 for a distance of approximately 39 metres then curving in a generally west by south direction to point K at grid reference SD64691 05863 for a distance of approximately 21 metres then curving in a generally north by west direction to point L at grid reference SD64680 05889 for a distance of approximately 29 metres then running in a generally west by south direction to point M at grid reference SD64660 05886 for a distance of approximately 20 metres then curving in a generally west by north direction to point N at grid reference SD64646 05884 for a distance of approximately 14 metres as shown by the bold black dashes between points F-G-H-I-J-K-L-M-N on the Order Plan over a total distance of approximately 207 metres and of a width of 2 metres throughout over a stone surface.

PART 3

Limitations and Conditions

None

PART 4
Modification of the definitive statement
Particulars to be varied within the definitive statement

District: Westhoughton

**Path/Way Number: Public Footpath Westhoughton
093**

Particulars to be varied: "This path originally joined paths Nos. 91 and 92 and 94 now ploughed up for the whole of its length." with
"Commencing from its junction with path No 094 with footbridge to the north at grid reference SD64814 05807 then curving in a generally north west by north direction to grid reference SD64785 05834 for a distance of approximately 41 metres; then curving in a generally west by northwest direction to grid reference SD64766 05840 for a distance of approximately 20 metres; then curving in a generally north west by west direction to grid reference SD64748 05853 for a distance of approximately 23 metres; then curving in a generally west northwest direction to grid reference SD64712 05865 for a distance of approximately 39 metres; then curving in a generally west by south direction with pond to the north at grid reference SD64691 05863 for a distance of approximately 21 metres; then curving in a generally north by west direction to grid reference SD64680 05889 for a distance of approximately 29 metres; then running in a generally west by south direction to grid reference SD64660 05886 for a distance of approximately 20 metres; then curving in a generally west by north direction for a distance of approximately 14 metres to its end at its junction with path No 092 at grid reference SD64646 05884".

Total Length: 207 metres.

Width: 2 metres throughout

Surface Type: stone.

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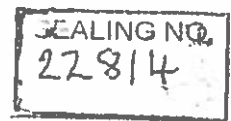
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STATEMENT MODIFICATION ORDER 2023**

Confirmed as an unopposed order on 31st August 2023.

THE COMMON SEAL of THE
BOROUGH COUNCIL OF BOLTON
was hereunto affixed on the 31st August 2023
in the presence of:

Allen Gorman

Authorised Sealing Officer



THE BOROUGH COUNCIL OF BOLTON

**TOWN AND COUNTRY PLANNING ACT 1990 AND WILDLIFE AND COUNTRYSIDE ACT
1981**

NOTICE OF OPERATION

**THE BOROUGH COUNCIL OF BOLTON (PUBLIC FOOTPATH NO. 093
WESTHOUGHTON) PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER 2023**

The Borough Council of Bolton declared the above-mentioned Order operative on the 8th November 2023.

H Gorman
Borough Solicitor
Town Hall
Bolton, BL1 1RU (LS/AAB/089435)

Helen Gorman



SEALING NO.
22680