



WIGAN BOROUGH COUNCIL

NOTICE OF PROPOSALS

THE WIGAN BOROUGH (PASSAGEWAYS AT THE REAR OF 98 TO 120 OLD ROAD, 4 TO 16 EASTWELL ROAD AND 45 TO 57 MORDEN AVENUE, ASHTON-IN-MAKERFIELD) GATING ORDER 2009

Notice is hereby given that the Wigan Borough Council intends to make the above Gating Order under Section 129 of the Highways Act 1980 (hereinafter called 'the Act') and of all other enabling powers.

The effect of the Order will be to restrict at all times, subject to certain exemptions, the public right of way over the passageways.

Details of the exemptions and alternative routes along with full particulars of the passageways affected are set out in the proposed Order shown in the Schedule.

Any representations or objections to the Order must be in writing to the Service Director Borough Solicitor, Town Hall, Library Street, Wigan WN1 1YN quoting reference BSS/LD/NP/Q44/43-/Q-001246 by 12th August 2009. Please state the grounds on which they are made.

A copy of the proposed Order and associated documents may be inspected at the Town Hall, Library Street, Wigan Monday to Friday between the hours of 9.30 a.m. and 4.30 p.m. or by visiting the Council's website at www.wigan.gov.uk

Dated this 14th day of July 2009

SCHEDULE

(Proposed Gating Order)

THE WIGAN BOROUGH (PASSAGEWAYS AT THE REAR OF 98 TO 120 OLD ROAD, 4 TO 16 EASTWELL ROAD AND 45 TO 57 MORDEN AVENUE, ASHTON-IN-MAKERFIELD) GATING ORDER 2009

Wigan Borough Council in exercise of its powers under Section 129 of the Highways Act 1980 and all the enabling powers being satisfied that a Gating Order would be beneficial for tackling crime and anti-social behaviour to that area of Wigan hereby makes the following Order:-

1. This Order may be cited as The Wigan Borough (Passageways at the rear of 98 to 120 Old Road, 4 to 16 Eastwell Road and 45 to 57 Morden Avenue, Ashton-in-Makerfield) Gating Order 2009.

2. The public right of way along the following passages as shown for identification purposes only on the attached plan is restricted at all times:-
 - (i) at the rear of 98 to 120 Old Road, Ashton-in-Makerfield
 - (ii) at the rear of 4 to 16 Eastwell Road, Ashton-in-Makerfield
 - (iii) at the rear of 45 to 57 Morden Avenue, Ashton-in-Makerfield

3. Nothing in article 2 of this Order shall apply to:
 - a) all owners and occupiers of premises adjacent to or adjoining the passageways listed in Article 2
 - b) persons using the highway in connection with the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the said length of highway of any sewer, main, pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any other telecommunication apparatus as defined in Schedule 2 to the Telecommunications Act 1984
 - c) persons using the highway for police, ambulance or fire brigade purposes
 - d) Council officers on business
 - e) persons using the highway with the permission or at the direction of the duly authorised officer of the Council

4. Alternative routes are available via Old Road, Eastwell Road and Morden Avenue.

5. Gates will be installed at the approximate locations marked on the attached plan and each will be operated and maintained by the Council.

6. The maintenance and operation of the gate will be the responsibility of the Council's Alleygating Project Manager who may be contacted at the Environmental Services Department, Unity House, Westwood Park Drive, Wigan, WN3 4HE.

7. The conditions set out in Section 129A (3) of the Highways Act 1980 have been complied with for the purposes of making the Order

Dated this day of 2009

EXECUTED as a DEED)
 by affixing THE COMMON)
SEAL of WIGAN BOROUGH)
COUNCIL in the presence of:)

Service Director Borough Solicitor