

**To receive the Planning Inspectorate local inquiry into the Addition of Footpaths at Babis Lane and Town Quay in the Parish of Saltash and consider any actions and associated expenditure**

Further to the letter and Modification Order 2017, the following response has been received from the Planning Inspectorate relating to an extension;

Saltash Town Council Statement of Case can be accepted up to **18 January 2024**. However, if Saltash Town Council are able to submit it well before that date, it would mean they could circulate it to the other parties before theirs is due which is preferable as Saltash Town Council would be taking the place of the Order Making Authority in support of the Order.

Kind regards  
(DEFRA Team – Rights of Way)

---

Cornwall Council's Case Officer believes some parts of the footpath are privately owned but for many years now have been used as a public footpath. The law states that if used over a period of 20 years without impediment there is an opportunity to claim as a public right of way.

Uploaded to the agenda are various reports such as Saltash Town Council's original application dated 2001 (very little detail) and Cornwall Council's final report together with supporting reports and pictures.

Cornwall Council made an order to the definitive map to add two ends of the footpath and not the entirety. Saltash Town Council objected as did residents and Cornwall Rambles Association because they were all looking for the entire length of the footpath to be added to the definite map not part, because of this Cornwall Council are now taking a neutral stance.

Cornwall Council will attend the public inquiry but won't be making a statement.

Further to this, I have been talking with a specialist person who is unable to assist because he doesn't feel on this occasion he can do the Statement of Case justice, kindly gave some points for Members consideration:

1. Large sums of money is not required on this occasion neither is legal jargon, Statement of Case could be actioned in-house;
2. Cornwall Council will not want to make the beech section a public footpath due to the liability. The area in question is foreshore and belongs to the Duchy, is recognised as being wet at times, there could be many potential risks for by-passers which would fall to Cornwall Council;
3. Saltash Town Council would be best to accept both ends of the route to the definitive map but also ask that the route be identified as an established route and for it never to be impeded for public to use.

In order to progress, Members are asked to consider if the matter is of importance to Saltash, if so, the appointment of a specialist person to represent Saltash Town Council through the process may be the preferred option or if Members are content for an Officer to work with a small group of Members, residents, and the Cornwall Ramblers Association to submit a Statement of Case on behalf of Saltash Town Council, keeping the expenditure to a minimum.

It has been difficult obtaining quotes for such specialist work. Please refer to the one attached quote.

Planning and Licencing Committee do not hold any Town Council budgets therefore should Members wish to proceed, the resolution would need to be a recommendation to either P&F (per budget below) or Full Council (General Reserves), either way this creates a further time delay which may have an impact on the work required within the above extension date.

**Members are asked to be mindful of deferring the matter due to the very tight timeframe.**

Budget Availability:

**Budget Code:** 6224 PF Professional Costs

**Budget Availability:** £5,634

**Budget Code:** 6273 PF EMF Legal Fees

**Budget Availability:** £5,601

**General Reserves:** Approx £287k

**End of Report  
Town Clerk**