

**Footpath No. 52, Kingswear**

Report of the County Solicitor

**Recommendation: that the appended report by Mr R F Shercliff be received with thanks, and its recommendation be accepted in relation to the line of the footpath in the vicinity of Galmpton Mill.**

**1. Summary**

This report relates to the latest stage in attempts to resolve uncertainties as to the line of a public footpath beside the River Dart near Galmpton.

**2. Background**

A report was made to Members at the Meeting on 11 May 2004 (CS/04/06) arising from disputes as to the correct route of this footpath, and it was then decided to seek the advice of an independent Inspector. Mr R K Shercliff was appointed and conducted a non-statutory public hearing on 15 and 16 February 2005 and subsequently published his first report. The Inspector recommended that the route followed Option 1. However, following the receipt of additional evidence and representations after the close of the hearing, members took the view that Option 3 was in fact the route intended by the Definitive Map and Statement, as recommended in report CS/05/21. The landowners' successful judicial review of that decision was reported to the committee on 06 March this year. Mr Shercliff accordingly conducted a further hearing on 29 and 30 May 2007 to consider the additional evidence, and his second report has now been received.

**3. Report**

This is appended. It will be seen that the Inspector adheres to his previous opinion that the route the footpath follows is Option 1.

**4. Reasons for Recommendation / Alternative options considered**

This matter has now been exhaustively considered at these public hearings. Although opinions about the route of the path remain divided the County Council should now accept the Inspector's findings.

Roger Gash

**Electoral Division: Dartmouth and Kingswear**