

## Minutes of the Extraordinary Parish Council Meeting for Lewannick Parish Council held on Friday 1<sup>st</sup> November 2019 at 7.30pm

Present: Cllr M White (Chairman), Cllr C Newbery (Vice Chair), Cllr B Sleep, Cllr R Finnimore, Cllr C Tyler, Cllr B Newbery, Cllr J Newbery Cllr D Parnell and Cllr P Atkinson.

In Attendance: Linda Coles, Locum Parish Clerk and Cllr A Parsons, Cornwall Council

There were 7 members of the public present.

Item No		Action By
1	<b>Apologies.</b> Apologies were received and accepted from Cllr S Jasper.	
2	<b>Declarations of Interest</b> a) <b>Agenda Items.</b> None declared b) <b>Gifts.</b> None declared	
3	<b>Consideration of written requests for dispensation.</b> None received.	
4	<b>Public Participation</b> A member of the public asked why there has been an adverse possession claim. The trackway is open and there has always been access to the applicant's fields so cannot understand why there is a need to claim ownership of this piece of land which forms part of CL258. There is also a concern that the applicant will claim CL393 as well. The member of the public who is claiming the land said that it was transferred to them in 1994. The land highlighted in blue does belong to Coombe Farm and from 1987 to now he has had the prescriptive right to the use of the land for access to his fields. The piece of land in question has been maintained solely by him and by his agents for the past 36 years. There is also a prescriptive right to put the land into his ownership and he has waited more than twenty years to exercise this right. The matter is now in the hands of the police, a very serious matter. The member of the public said that if he had not been prevented from getting to his fields this issue would not have arisen. There was some question about CL393 and it was said that had he not maintained this track it would be inaccessible. South West Water is monitoring this situation. Councillor Parsons, Cornwall Council, said that the Parish Council had been duty bound to call this extraordinary meeting because several members of the public had asked for it. Cllr Parsons said that he has had at least 6 residents from Polyphant contacting him about this adverse possession of a community asset. They are not able to challenge the applicant's legal claims and are afraid to speak out for fear of intimidation. It was also pointed out that the Parish Council has managed the Green for many years. The applicant said that the land is only some 90 feet and he does not have a problem with it being Common Land but he does have the prescriptive right to claim it. He will not prevent anyone from using the land.	
5	<b>Response to notification of the adverse possession of land at Polyphant Green</b> There was some discussion. Cllr Tyler said that the member of the public has maintained the land for some years; it is 90feet x 10feet and wide enough for an agricultural vehicle so cannot see a problem. Cllr J Newbery and Cllr C Newbery said that people do walk on the track and there is a concern that if this piece of the Green became blocked, chained off, it would stop people using that end. Cllr white pointed out that it is in a Conservation	

	<p>Area. Cllr Newbery said that the Parish Council clearly manages the Green and a tree surgeon has been employed to work on the tress on the boundary of CL258.</p> <p><b>A motion to support the applicant was proposed by Cllr Tyler, not seconded so motion failed. Cllr J Newbery proposed a motion to object to the applicant’s claim, seconded by Cllr C Newbery, eight votes for and one against.</b></p> <p>The Clerk will inform the Land Registry of the Parish Council’s decision.</p>	<b>Clerk</b>
<b>6</b>	<p><b>Close</b></p> <p>The meeting closed at 7.55pm.</p>	

Signed.....Chairman

Dated.....

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