

Cuddington Parish Council

MINUTES OF FLEA MOSS PIT COMMITTEE MEETING HELD AT THE VILLAGE HALL, NORLEY ROAD, CUDDINGTON ON FRIDAY 15TH JUNE 2018 AT 1PM.

Present: Cllr Chivers - Chairman, Cllr's Chrimes and Kerrigan.

Also present: Mrs. Julie Chrimes – Clerk.

1. **Apologies.** Cllr Nixon.
2. **Declarations of interest:** There were no, disclosure of any (a) Disclosable Pecuniary Interests and, (b) Other Disclosable Interests as required under Chapter 7 of the Localism Act 2011 and Cuddington Parish Council's Code of Conduct.
3. **Flea Moss Pit.** The committee discussed the way forward as confirmation has been received that the current buyers are unwilling to proceed with have ~~pulled out of~~ the sale due to the road not being registered.

In relation to the road being unregistered the committee noted that the Council's solicitor has advised:

"Whilst there does not appear to be any formal deed granting this right I believe that a right of way has nevertheless been acquired by CPC by way of prescription. Prescription is the acquisition of a right through long use or enjoyment and the law presumes that that right was lawfully granted. The basic principal is that, if a land owner has exercised a right over his neighbours adjoining land, "not by force, nor stealth, nor license" and for a long period of time, the owner of that land has effectively lost their right to object to that right and has acquiesced to that right being made lawful. The right or use over the land must be for at least 20 years. Rights or Easements arising in this way will be legal interests and will pass to successors in title Thus CPC has acquired a legal right of way over and along the roadway which will pass to your Buyers. Additionally this right has been noted at the Land Registry that the council should take out a Absence of Easement Indemnity Insurance Policy in order to give the Buyers additional "comfort".

The Clerk advised that the expiry date of the current outline planning permission is 1st October 2018.

The committee requested that the clerk seek the following information.

- Ask Chalc if by Wright Marshall advertising the land for sale, would this be sufficient advertisement of land and in accordance of Section 127, LGA 1972.

"Subsequent to the meeting Chalc advised the Council do not have to advertise the sale of the land".

- Contact the Planning Department to see if there is a process to extend the planning permission.

The committee recommend to full council that they:

- a) Following a current valuation of the land the Council advertise the land for sale with the same Estate Agents that being, Wright Marshall.
- b) Continue to liaise with the residents adjoining Footpath 32.
- c) Noting that there is no money in this financial year's precept for Flea Moss Pit, the Committee use £500 from reserve funds.

There being no further business the meeting closed at 1.40pm.

Date.....

Signed..... **Chairman**

