

**5. TOWN CLERK'S UPDATE (SEE ATTACHED) – A. UPDATE B. LISKERRETT CENTRE PUBLIC RIGHT OF WAY C. COODES QUOTE ON LEGAL ADVICE)** – Following the resolution at the 24th September 2024 Town Council Minute 173/24 – 1. To seek an urgent meeting with the relevant Cornwall Council Portfolio Holder to discuss this issue and find a way forward including community consultation. 2. To investigate legal advice on whether the closure of the byway is legal and report back to the next meeting. – **Note the incident following the resolution has made carrying out certain aspects very difficult. It would appear that the Cornwall Council staff and councillors have been informed of the incident and are applying a policy regarding minimising contact with the sources of the threat.** a). To update on the Integrated Service Hub contract including the access. b). To be informed that the Liskerrett Centre has made an application to have the footpath added to the definitive map as a Public Right of Way.c). To receive the quote from Coodes on obtaining advice on whether the closure of the byway is legal.

**1. To seek an urgent meeting with the relevant Cornwall Council Portfolio Holder to discuss this issue and find a way forward including community consultation.**

- SV - emails 25th Sept and 3rd Oct to the Cornwall Council portfolio holder Councillor David Harris as below asking for a meeting to discuss the resolutions made by the Town Council. With the portfolio holder responding with an offer to arrange a date – I sent the 8th Oct e-mail (and 4 attachments) to the relevant Cornwall Council officers to update them as to the areas for discussion made in the Town Council meeting and also suggest an option regarding the possible early demolition of the Coronation Centre to provide more temporary car parking now that three planning applications have been supported through the Town Council's Planning Committee.
- 7<sup>th</sup> Oct "Sorry for delay. I was away all last week. I understand that Senior Officers are having discussions with you at the moment and subject to what comes out of those discussions would be happy to have a private meeting with you. My PA Linsey is copied in to help arrange things". Councillor David Harris Portfolio Holder.
- 24<sup>th</sup> Oct Follow up e-mail to update "Hello David – I hope that you are well. This is to update you that the ideas put forward at the 24th September Town Council meeting (8th Oct attachment ) were considered at the last 15th October Liskeard Redevelopment Working Group meeting for which the draft notes have not yet been produced. The idea of the early demolition of some of non-operational buildings to create a greater number of nearby car parking appears to have some merit. Although, according to advice, the necessary Planning consent would probably take until January 2025. When I checked on Tuesday some follow up notes were being prepared. (attached 22 Oct). From our side the original request for a meeting with the two Cornwall Council ward members our Mayor Christina Whitty and myself... When I updated the town councillors on progress. Two more volunteered being Councillor Simon Cassidy (Chair of Planning) and Councillor Annette Lee-Julian (the councillor uses a wheelchair). Both were involved at different times of the day in the 5th August site walk around." Steve Vinson

**2. To investigate legal advice on whether the closure of the byway is legal and report back to the next meeting. (please see 5.c. below)**

**a). To update on the Integrated Services Hub contract including the access. The following notifications have been received:**

22/10 – Neil Sandland (Capital Programme Officer – Cornwall Council) – Impact of the application to have the footpath added to the definitive map and the idea of trying to run the ramp upgrade alongside the main construction contract.

22/10 – Phil Jones (Senior Portfolio Surveyor – Cornwall Council) (attached 5.a.) – South West Water and National Grid - Residents Notices – “In advance of the South West Water connection works on Varley Lane, (28<sup>th</sup> Oct – 3<sup>rd</sup> Nov) our contractor Morgan Sindall hand delivered the attached letter to residents last weekend. We’re checking with them to ensure that the letter was provided to the Liskerrett Centre and the Family Hub, but either way, we wanted you to be aware of it. There will be a second letter sent out regarding the forthcoming National Grid connection works, that will follow on after SWW. We will forward that on to you once it’s drafted. Pedestrian access will be maintained when safe’, as stated in the letter, means that for 99% of the time there will be pedestrian access past the works, but there might be the odd occasion, for a minute or so, when the site team will need to stop pedestrians from passing by the works for safety reasons.”

22/10 – SV “thanks - do you know if the notices to residents were delivered to the more “tucked away” locations like Thorn Terrace”?.

14/10 – Neil Sandland – (Capital Programme Office – Cornwall Council) - Cornwall Council giving details of the works to install a gas supply to the Liskeard Market Café (attached 5.a.i).

14th Oct – SV follow up of my 8th Oct – wanting to confirm what was going to be discussed at the 15th Oct Liskeard Redevelopment Working Group – These were discussed and a set of bullet points were to be provided for the Town Council. At the time of writing the notes of the meeting were not available.

**b). To be informed that the Liskerrett Centre has made an application to have the footpath added to the definitive map as a Public Right of Way.**

- 13th Oct – Dr. Cheryl Bailey – Treasurer and Trustee. Copied the Town Council into an e-mail which was an application to Cornwall Council to add the footpath added to the Definitive map. In more detail.

“I believe the legal points are as follows:

The Definitive map is predominantly about footpaths in the countryside where a right of way is being questioned or challenged. The presence of a path on the definitive map is conclusive evidence of it being a public right of way; its absence from the map does not establish the converse. Footpaths in towns are rarely shown on these maps as a matter of course.

It is very clear to all that this path has been in existence for over 50 years. It has been used daily and has never been closed and people have never been challenged when using it. There is no signage asserting ownership or restrictions, so the public have been using it freely without permission.

We believe this path fully meets the criteria for a 'Public Right of Way'. Its absence from the map does not mean it is not a Public Right of Way."

22<sup>nd</sup> October 2024 – response from Phil Jones – Senior Portfolio Surveyor – Cornwall Council  
"In practical terms it won't make a difference for this project, but it will mean in future we would have to give formal public notice of its intended closure."

**RECOMMENDATION: That application is noted.**

**c). To receive the quote from Coodes on obtaining advice on whether the closure of the byway is legal.**

30th Sep – Trudy Rosevink – Coodes – confirmed that the advice could be provided at the fee quoted.

14th Oct – Trudy Rosevink - Coodes – confirmed that she has received the e-mails from Cheryl Bailey that the Town Clerk had forwarded and included that aspect in the cost of obtaining legal opinion on the highways ramp access.

**RECOMMENDATION: That the quote is considered.**