ST AGNES PARISH COUNCIL

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Extraordinary Full Council meeting – Monday 26th January 2026

Minutes of the meeting of St Agnes Parish Council as above, held at St. Agnes Scout Hut, Trelawney Road, St Agnes TR5 0TH at 19:00.

Present: Cllrs. Kimberley (Council Vice Chair & meeting Chair), Porter, Biggs, Palombo, Sheard, Pudney, Watson, Griffiths
Absent: Cllrs. Brown (Council Chair), Clark, Williams, Law, Woolcott
In attendance: C Nutting, Clerk | R. Thomas, Planning Support Assistant | Cwll Cllrs Blackman & Desmonde | 31 Members of the Public (MOP)

184/25 Apologies for absence
RECEIVED and **ACCEPTED** from Cllrs. Brown (Council Chair), Clark, Williams, Law, Woolcott and Cwll Cllr. Mitchell.

185/25 Declarations of interest/Requests for dispensation.
Item Chaired by Cllr. Pudney | Cllrs. Kimberley and Watson left the meeting: 19:05
The Clerk reported receipt of written dispensation requests from Cllrs. Kimberley and Watson, submitted to the Proper Officer prior to the meeting. Both Members declared that they are directors of the St. Agnes Parishwide Defibrillator Network CIC, which has been in email contact with the developer regarding the siting of a Public Access Defibrillator (PAD). **RECEIVED** the Clerk's advice and had regard to the Localism Act 2011 and the Council's Code of Conduct. **DETERMINED** that the declared matter is not a Disclosable Pecuniary Interest, as the directorship roles are unpaid and not carried on for profit or gain. **APPLIED** the two-limb test in Part 5B of the Code of Conduct and **DETERMINED** that the test is not met, noting that the matter under consideration is whether the Parish Council seeks legal advice in relation to challenging Cornwall Council's planning decision, not the siting of a defibrillator. Neither the CIC nor its directors have any financial, operational, reputational or organisational stake in the outcome of this matter; the ability to site a PAD at the location is not dependent on any planning outcome; and the parish is already well served by defibrillators, reducing any moral pressure. **CONCLUDED** that it is not reasonable on the facts to regard the Council's deliberations on seeking legal advice as affecting the CIC's wellbeing more than the majority of residents, and that a reasonable person with knowledge of all relevant facts would not regard the interest as so significant as to be likely to prejudice judgement of the public interest. Accordingly, no dispensation was required.
RESOLVED: That, having noted the declarations by Cllrs Kimberley and Watson as above, the Council determines that the disclosed matter is not a Disclosable Pecuniary Interest and does not meet the Part 5B two-limb test for a Non-Registerable Interest; therefore, the restrictions in paragraph 3.5 Code of Conduct are not engaged and no dispensation is required. The declarations and the Council's reasoning shall be recorded for transparency.
Cllrs Sheard/Biggs. Unanimous.

Cllrs. Kimberley and Watson returned to the meeting: 19:15

186/25 Public Participation
The Chair read out a statement regarding the management of this item. The Clerk read out a written representation submitted by Jon Pearson Ltd, Transport & Highway Consultant, who had addressed Cornwall Council's Central Sub-Area Planning Committee, setting out his concerns regarding the development's entrance junction, including its dimensions, the pedestrian refuge island, and the impact on access and manoeuvring for larger vehicles.

The Chair exercised discretion and allowed additional time for members of the public to address the Council (Standing Orders 3(f) and (g)), due to the complexity of the matter and differing community views regarding a commercial shop within the Penwinnick Road development.
Points raised (summarised):

- Concerns about safe access and accessibility for social housing residents within the development, alleging inadequate assessment and mitigation, and noted potential equality/human rights implications (including reported interest from the Equality Commission).
- Concern about convening an Extraordinary Meeting in response to an unfavourable planning decision and questioned taxpayer-funded legal advice when many residents support the convenience shop, which would support wider development in this part of the village.
- Questions raised regarding the highway/junction safety arrangements, citing risks to pedestrians and road users and requesting better assessment and stronger assurances/mitigation.
- Some speakers emphasised that their objection was to the location and decision-making process, rather than the principle of a shop in general.
- Alleged procedural impropriety and material errors in the planning assessment, including claims that relevant material considerations and amenity impacts were not given adequate weight.
- The Parish Council should consider whether there are grounds for legal challenge (including potential Judicial Review), focusing on legality, procedural fairness, and decision robustness.
- The need for up-to-date retail impact evidence and the potential effects on smaller businesses within the village, including the Post Office.
- The need for improved local shopping provision and the need to travel to Truro for a supermarket.
- A convenience store could increase traffic and deliveries, potentially becoming a "destination" facility, and that it may contribute to wider growth pressures without corresponding infrastructure/amenities.
- Questioned the Parish Council's basis for a statement about the proportion of village support/opposition, highlighting community views are mixed.
- The potential financial impact on taxpayers, including requests for clarity on likely legal costs, funding sources, and prospects of success before any decision is taken.
- Some speakers suggested an initial, proportionate approach to test the position and seek reconsideration before committing to litigation.
- Others urged the Parish Council to take a stand on perceived wider failures in planning decision-making, including concerns that consultee comments and material objections are not being given sufficient weight, with potential implications for future development and local amenity.

187/25 Cornwall Councillors' Reports

RECEIVED verbal reports from Cwll Cllrs Blackman and Desmonde; both sit on Cornwall Council's Central Sub-Area Planning Committee. They voiced concerns arising from the meeting and noted potential complaint routes, including the Code of Conduct process and the Local Government Ombudsman. Concerns were raised regarding highways evidence and heritage considerations. Reference was made to the settlement boundary in the St. Agnes Neighbourhood Development Plan, which supports residential (including affordable) development rather than commercial development. While acknowledging differing views, they stated there were apparent flaws in decision-making and hoped these could be addressed to protect the village.

188/25 Council meeting minutes: 1st December 2025

RESOLVED that the minutes of the meeting of the Council as above, having been previously circulated, be taken as read and approved. No matters arising. Cllrs Pudney/Watson. Unanimous.

189/25 Planning application PA25/02531: Erection of community convenience retail store, access, vehicle parking and landscaping (CO-OP).

a. Submit a complaint to Cornwall Council's Monitoring Officer: **NOTED** that a complaint to Cornwall Council's Monitoring Officer in respect of alleged non-disclosure of an interest/conflict of interest by Cwll Cllr Rowe,

Member of the Central Sub-Area Planning Committee, had already been submitted by members of the public and determined/rejected by the Monitoring Officer on 21st January. As this is a rejection of a complaint, there is no right of review. The Decision Notice is publicly available on Cornwall Council's website. Therefore, there is no scope/requirement for the Parish Council to consider submitting a complaint.

b. Instruct solicitors to review Cornwall Council's decision-making: **LENGTHY** discussion undertaken, with additional input from members of the public at the Chair's discretion, regarding the concerns raised by residents and councillors about *how* the planning decision was reached, including potential errors in the Local Planning Authority's (LPA) assessment of the facts, application of policy and material considerations, and adherence to proper process. **DISCUSSED** whether to obtain independent legal advice on whether Cornwall Council may have erred in law, fact and/or procedure, and on the available remedies, options, risks and likely outcomes, including (where appropriate) Judicial Review.

DISCUSSED the relevant context of this matter:

- Cornwall Council is the Local Planning Authority and is responsible for making planning decisions.
- The Parish Council is only one of several consultees invited to comment on planning applications. All consultee comments are passed to Cornwall Council, and it is Cornwall Council who makes a decision based on national and local planning policies.
- Planning application **PA25/02531: Erection of community convenience retail store, access, vehicle parking and landscaping** (locally referred to as the Co-op application) was considered by Cornwall Council's Central Sub-Area Planning Committee at its meetings on 17th November 2025 and 12th January 2026. Cllrs. Brown and Watson respectively attended these meetings to make verbal representations on behalf of the Parish Council.
- The Parish Council objected to the application. The Parish Council's objections, and other consultee comments can be viewed here: PA25/02531 | Erection of community convenience retail store, access, vehicle parking and landscaping | Land South West Of Penwinnick Farm Penwinnick Road St Agnes Cornwall
- The Co-op application is linked with planning application **PA20/07522**|Full detailed application for a cross subsidy exception site residential development comprising 39 dwellings (22 affordable), access roads and landscaping which was granted approval on appeal.
- The Parish Council's objection to the Co-op application was not directed at the named operator (Co-op), nor at the principle of additional convenience retail within the village. Rather, it related to the suitability of the site to accommodate a convenience store, and the application's reliance on planning considerations originally assessed and approved in the context of a residential development site rather than a commercial one.
- The Parish Council recognises this is a complex issue and that the community holds differing views about a commercial shop within the Penwinnick Road development.
- Explained Cllr. Brown's error when speaking at the meeting on 17th November: she mistakenly said "90% of the community" when she meant "90% of respondents" (i.e., those who submitted comments/feedback on the application). The wording was subsequently picked up and amplified by media.
- On 12th January, the LPA resolved to delegate authority to the Service Director for Planning & Housing (Chief Planning Officer) to approve the application, subject to conditions and the completion of a Section 106 Agreement securing the off-site Biodiversity Net Gain payment; with delegated authority to refuse if the S106 Agreement is not completed within 3 months of the date of the Committee or within an agreed extension period.
- There is generally no third-party right of appeal against a grant of planning permission. For objectors (including Parish Councils), the main route to challenge is Judicial Review (JR).
- JR challenges the lawfulness of how the decision was reached (process, legal tests, correct consideration of policy/material considerations).
- Costs and risk can be significant; the Council must be mindful of unbudgeted expenditure and consider public views on using Council funds to challenge the LPA's decision-making. Key themes for discussion included affordability (legal costs, potential adverse costs and staff time), reputational/credibility risk, and the need to reflect residents' views.

- Seven (7) solicitor firms were contacted for cost information. Due to non-response or conflicts of interest, only two firms provided costs (Kingsley Smith Solicitors LLP and Richard Buxton Solicitors), and only one provided an hourly rate. Members considered the proposed costs and how the matter would be managed, noting that some firms would instruct specialist Counsel at additional cost.
- Alternatives to JR include writing formally to Cornwall Council setting out concerns and requesting the matter be returned to committee; however, this is discretionary for the LPA and not guaranteed. This can be undertaken 'in house' by the Clerk, or via solicitors, at less cost than JR.
- Correspondence from solicitors, providing advice on the merits/strength of the concerns, is likely to be more cogent and carry greater weight with the LPA than a letter from the Council alone. Members also considered whether the correspondence could be issued as an open letter.
- Other complaint routes are available, including the Local Government & Social Care Ombudsman (maladministration/fault) and standards/Monitoring Officer processes (conduct/process issues). However, these routes cannot quash planning permission. An Ombudsman complaint may be pursued alongside, or in parallel with, other routes of redress.
- Members considered three broad options: (i) obtain specialist legal advice; (ii) pursue further action (including pre-action steps and, if advised, Judicial Review); or (iii) take no further action.
- Members and residents expressed concern that, if no action is taken and Cornwall Council is not challenged, the Parish Council's and residents' views will continue to be overlooked and errors or failures to apply policy could continue, creating a "slippery slope" and setting damaging precedent.
- Noted that the Neighbourhood Development Plan (NDP) was endorsed at referendum by residents, with support from Cornwall Council and partner councils, and promotes small-scale development while seeking to avoid pressure on village boundaries, retain the nature and character of St. Agnes, and protect heritage interests. Concern was expressed that development could proceed without reference to the NDP and this should be challenged, and that the Parish Council's policy-led planning comments should be taken into account by Cornwall Council.
- The principal concern raised repeatedly was highway safety and accessibility (including potential impacts on social housing residents), and whether this could form the strongest basis for formal representations.
- Members noted greater confidence in the highways concerns, as these were raised by a professional highways consultant and are less subjective, particularly in relation to junction sizing.
- A "targeted approach" was favoured focusing correspondence on highway/junction safety and equality and access issues affecting the social housing within the development to avoid diluting key points, while also making Cornwall Council aware of other procedural, policy, and material consideration concerns that the Parish Council may raise in due course.
- The possibility of marrying up with other external/low-cost support, including specialist equality/human-rights related input from the Equality and Human Rights Commission.

The Council **NOTED** public concerns regarding the use of taxpayers' money. **DISCUSSED** and **AGREED** that, at this stage, the Council will pursue a proportionate and cost-effective approach by instructing a solicitor to draft an initial letter to Cornwall Council addressing the key highways safety and access equality issues, with any further legal action to be subject to additional Council consideration in the future. This will limit costs and risk. **NOTED** this is an unbudgeted expenditure. **NOTED** the Council's overall budget expenditure to date (c.66%) and the pending year-end (31.03.2026). **CONSIDERED** that managed expenditure, constrained at this stage to the drafting of a letter to Cornwall Council only, is likely to be absorbed within overall annual budget underspends or, if required, with minimal impact on the Council's General Reserves and will not require any Precept increase to fund. **FURTHER NOTED** the Council maintains a Reserves Policy and holds sufficient funds to support unbudgeted expenditure without compromising the Council's financial security or service delivery.
EMPHASISED that the matter is not about being for or against the Co-op development in principle, or additional retail outlets within St Agnes village; rather, the Council's focus is on the highways safety implications and the potentially life-changing consequences this could have; and the impacts on the safety, wellbeing and residential

amenity of residents within the Penwinnick Road development, particularly social housing residents, having regard to equality, accessibility and related statutory duties.

The Council made resolutions in stages, as follows:

RESOLVED:

i. Draft/send a letter to Cornwall Council. Cllrs Sheard/Biggs. Unanimous.
ii. Instruct solicitors to draft this formal letter. Cllrs Pudney/Griffiths. 7 in favour, 1 objection: Cllr Biggs.
iii. Concerns to focus on the highway/junction safety and equality and access issues affecting the social housing within the development, and reserves the right to raise any further procedural, policy, and material consideration concerns in due course. Investigate the possibility to dovetail other external/low-cost support, including specialist equality/human-rights related input from the Equality and Human Rights Commission. Cllrs Watson/Pudney. Unanimous.
iv. Instruct Kingsley Smith Solicitors LLP, £350+VAT per hour. Cllrs Sheard/Pudney. Unanimous.
v. Establish a Working Group to draft the letter of instruction to the solicitor, to be approved by Full Council at its February meeting. Cllrs Porter/Sheard. Unanimous.
vi. Working Group will comprise Councillors only; members of the public will be invited to submit relevant information for the Group to consider and, where appropriate, include. Cllrs Pudney/Kimberley. Unanimous.
vii. Working Group membership: Cllrs. Watson, Pudney, Porter, Sheard, Brown and those who request to join. Cllrs Pudney/Sheard. Unanimous.

REAFFIRMED that no decision has been taken to commence Judicial Review proceedings or any pre-action protocol steps; instruction is limited to the drafting of an initial letter only. Any proposal to escalate beyond this will require further consideration by Full Council and a further formal resolution.

21:00

190/25 Extension of meeting time (Standing Order 3(w))

RESOLVED that the meeting be extended for a maximum of 30 minutes to complete items of business on the agenda. Cllrs Porter/Watson. Unanimous.

Meeting closed at 21:42