

JUDGE GIVES THE GO AHEAD FOR JUDICIAL REVIEW OF CORNWALL COUNCIL'S DEAN QUARRY DECISION OVER FAILURE TO DEMAND ENVIRONMENTAL IMPACT ASSESSMENT (EIA).

High Court Judge the Honourable Mrs Justice Patterson granted permission on 12th August 2015 to Silke Roskilly, Chair of Cornwall Against Dean Superquarry (CADS) to proceed with Judicial Review of planning permission (PA14/12081) given on 8th April, 2015 by Cornwall Council to Shire Oak Quarries Ltd.

Cornwall Council faces a High Court hearing within three months for failure to demand an Environmental Impact Assessment for Dean Quarry development by Shire Oak Quarries Ltd. The hearing will take place in Bristol or Cardiff. If Cornwall Council pulls out at this stage, Shire Oak Quarries has the option of picking up the legal fight.

This disputed Planning Application by Shire Oak Quarries is for the erection of a reception building, fuel storage area, fencing, processing plant, explosive store and vehicle parking area, 'to support the re-opening of Dean Quarry'. It narrowly passed by 7 to 6 votes. Cornwall Council granted permission without an Environmental Impact Assessment in spite of Dean Quarry being within a Coastal Change Management Area as defined by the National Planning Proposal Framework. Para 116 states: 'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest'.

The High Court Judge's decision concurs with The Rt Hon. Greg Clarke, Secretary of State for Communities and Local Government. On 9th June 2015, he opposed Cornwall Council's decision to re-open Dean Quarry: 'On balance, the proposal is likely to have significant effects on the environment... any permitted development rights under the Town and Country Planning (General Development) Order 1995 (SI 418) are therefore withdrawn'.

Greg Clarke's decision was received on the same day that Amber Rudd, Secretary of State for Energy and Climate Change gave the green light on planning permission to build the world's first tidal lagoon power station in Swansea Bay. Developer Mark Shorrocks, also CEO of Tidal Lagoon Swansea Bay, proposes to ship rock from Dean Quarry to build a 6 mile long breakwater in Swansea Bay. There are far more sustainable sources of rock than Dean

FOR IMMEDIATE RELEASE: MONDAY 17TH AUGUST 2015

Quarry, which are also cheaper, thus beneficial in terms of reducing the cost of electricity to the taxpayer.

Since June 2015, Cornwall Council have refused to accept The Secretary of State Greg Clarke's condemnation of their failure to consider Shire Oak's proposed development of Dean Quarry on the Lizard Peninsula as 'EIA development'.

CADS are pleased with the Honourable Mrs Justice Patterson's decision. A spokesperson for the action group noted: 'Mark Shorrocks's company may have just bought Dean Quarry this week but CADS are standing strong and will continue with our fight. It will now be interesting to see if the developer stands by his alleged green ethics'. Mr Shorrocks was recently quoted in a newspaper interview: 'If there was any chance there would be environmental damage then I would not be going ahead with it'. Shire Oak Quarries completed on their purchase of Dean Quarry from Cemex on 11th Aug 2015.

CADS now waits to see if Shire Oak Quarries will volunteer an Environmental Impact Assessment which, although not independently sponsored, will be a test of their position of zero impact and the ability of their consultants to demonstrate it. The small Cornish communities on the Lizard Peninsula have, for months, been threatened with the reopening and massive upsizing of Dean Quarry to 13 times its previous level of extraction, following a heated public meeting in January 2015. Shire Oak Quarries Ltd propose to extract and ship to Swansea millions of tonnes of rock through the recently designated Manacles Marine Conservation Zone. This proposed environmental disruption is a test case for all 27 MCZs.

CADS has appointed solicitors Stephens Scown. CADS continue to fundraise £20,000 for legal costs as the Judicial Review proceeds to the High Court. Further funds will go toward the legal challenge posed by the major planning application by Shire Oak Quarries for the third of a mile long breakwater and jetties. Donations can be made on the CADS website: www.cads2015.com.

ENDS

Further information and imagery available from:

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