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Council will not appeal after losing quarry challenge

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CORNWALL Council has decided not to go to appeal after losing a legal challenge over the reopening of Dean Quarry.

The council said it was taking a "pragmatic view about the costs of arguing a point of principle".

Planners were criticised by a High Court judge in the case brought against the council by Silke Roskilly, on behalf of the campaign group Cornwall Against Dean Superquarry, (Cads) last month.

Mr Justice Dove said the council was wrong to grant planning permission for buildings at the quarry near St Keverne without first waiting to see what Secretary of State for Communities and Local Government Greg Clark, MP, had to say.

The judge said: "No reasonable planning authority, knowing at the time when they formed a resolution to grant planning permission, that there was an outstanding request of the Secretary of State ... would proceed to grant planning permission without knowing the outcome of that process."

He said Mr Clark decided after planning permission was granted in April that the application should

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have had an environmental impact assessment.

He said this meant the decision to grant permission was therefore unlawful and should be quashed.

Shire Oak Quarries had applied for permission for the buildings on the land to allow it to mine millions of tonnes of rock for a renewable energy tidal lagoon in Swansea Bay.

A spokesman for Cornwall Council said: "The council has decided not to appeal this judgement and to take a pragmatic view about the costs of arguing a point of principle.

"However, the judgement has serious implications for Cornwall Council and for other local planning authorities, statutory consultees and planning agents, as it could change the way that both applicants and those opposing development will operate. The judge felt that the

council should not have decided this planning application before a request on whether or not an environmental impact assessment was required had been decided by the Secretary of State.

"This assumes that the council will be aware of all such requests to the Secretary of State which, in practice, will not be the case."

She said the judgement further centralised planning powers away from local planning authorities.

Mrs Roskilly said: "This has been an incredibly testing time for our communities here on the Lizard."

Paraphrasing the judge, she added: "A decision to defer the granting of planning permission would have been the only sound course to take by any reasonable planning authority in such a situation.

"It's such a shame that we, the taxpayer, will have to foot the bill of an unlawful decision made by a few people in positions of authority and trust. We will continue to scrutinise any future planning application to reopen Dean Quarry and the procedures of Cornwall Council's planning department."

Shire Oak Quarries said: "We are disappointed with the judgement and now await the council's next steps in relation to determining our application for ancillary works. Dean Quarry has a valid minerals consent to operate until August 2035."