

Shire Oak Quarries Limited prefers to withdraw planning application rather than submit legally-required Environmental Impact Assessment (EIA) for Dean Quarry.

Action group Cornwall Against Dean Superquarry (CADS) has received confirmation from Cornwall Council (25.2.2016) that Shire Oak Quarries Limited have withdrawn their planning application (PA14/12081) to re-open Dean Quarry 'with immediate effect' rather than undertake a legally-required EIA.

This concludes the first phase of a hard-fought battle for the Lizard communities of St Keverne and Coverack against a proposed superquarry in an Area of Outstanding Natural Beauty (AONB), and seaward into the Manacles Marine Conservation Zone. The quarry also abuts a Special Area of Conservation (SAC).

Silke Roskilly, represented by Stephens Scown LLP, challenged, via Judicial Review, planning permission granted to Shire Oak Quarries Limited by Cornwall Council to re-open Dean Quarry without an EIA.

Permission for this application was quashed in the High Court (18.12.2015) for lack of an EIA to support what Mr Justice Dove and Secretary of State for Communities and Local Government, the Hon Greg Clark, agreed constituted 'major development', requiring, by definition, an EIA.

Crucially, Cornwall Council didn't wait for the Secretary of State's decision prior to their granting Shire Oak Quarries permission following the Planning Meeting on 7th April 2015. Thus, Mr Justice Dove stated: 'If the planning authority chooses to grant consent and prior to the resolution of a direction requested of the Secretary of State then they run the risk that if that direction is positive they will have granted a planning consent which is infected with illegality'.

Clearly, any EIA which will be required to accompany a further application from Shire Oak Quarries, must satisfy the concerns of all stakeholders. Mr Justice Dove in his judgment (para 17) highlights the significant concerns of Historic England noted by the Secretary of State in his screening direction of 9 June 2015:

‘With regard to potential impacts on nearby heritage assets, notably the Trebarveth Settlements Sites Scheduled Monument, the Secretary of State has also had regard to the views of Historic England. They consider that the proposed development is close to the eastern edge of the extensive settlement and field systems remains of the Trebarveth Scheduled Monument. As such, they conclude that there is the potential for harm through the setting and other associated uses such as dust and vibration, particularly through increased transport usage. The Secretary agrees with this conclusion and considers that there is the potential for the harm to be significant’.

The result of the recent government announcement to commission an independent review into the feasibility and practicality of tidal lagoon energy in the UK will determine the future of Dean Quarry. Shire Oak Quarries Limited proposed to extract and ship millions of tonnes of rock from Dean Quarry through a Marine Conservation Zone to build a series of tidal lagoons.

CADS are cautiously optimistic. The developer’s decision to withdraw initial plans to re-open Dean Quarry is a significant step in the right direction for our communities. However, the group are pragmatic and believe that if the UK government give the green-light for a Tidal Lagoon, then the developer will attempt to re-apply for planning permission to re-open and upscale Dean Quarry.

CADS will continue to share their concerns about the use of rock from Dean Quarry with the Department of Energy and Climate Change as part of the government review of Tidal Lagoons, the results of which are not expected until this autumn. In the meantime, CADS will closely monitor any planning developments at Dean Quarry and would like to thank everyone for their generous contributions of time and money to date.

ENDS

Further information and imagery available from:

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