

**CORNWALL COUNCIL AGAIN FACES JUDICIAL REVIEW BROUGHT BY
CORNWALL AGAINST DEAN SUPERQUARRY (CADS).**

**Blasting and multiple planning breaches fail to convince Cornwall Council to take
immediate enforcement action via a STOP notice on Shire Oak Quarries.**

Action group Cornwall Against Dean Superquarry (CADS) is today issuing a claim for a second Judicial Review via their solicitors, Stephens Scown LLP against Cornwall Council. This is to require Cornwall Council to prohibit those actions by Shire Oak Quarries which are likely to have significant effects on the environment.

The claim follows Cornwall Council's decision made on 28.9.2016 not to commence enforcement action against unauthorised Environmental Impact Assessment (EIA) development in an Area of Outstanding Natural Beauty (AONB).

Dean Quarry is currently surrounded by a fence which the developer continued to erect after planning permission for the development was quashed in the High Court by Mr Justice Dove on 18.12.2015, for lack of an EIA. At the time both Mr Justice Dove and the Secretary of State for Communities and Local Government, the Hon Greg Clark, agreed that the re-opening of Dean Quarry constituted 'major development', requiring, by definition, an EIA.

Cornwall Council has since stated on 12.9.2016 that a fence cannot be constructed without an EIA because 'it is in a sensitive area and is likely to have significant effects on the environment'. The Planning Authority referred to the findings of the first Judicial Review which ruled in CADS' favour: 'The proposal should be considered in cumulation with the operation of the quarry, which in itself, was EIA development and therefore the proposal is considered likely to have significant effects on the environment'.

To date, no retrospective planning application has been submitted by Shire Oak Quarries, nor have they submitted an EIA after they withdrew their planning application (PA14/12081) to re-open Dean Quarry 'with immediate effect'.

But for the fence, Shire Oak Quarries cannot lawfully operate at Dean Quarry. Despite this, members of the local community have been informed by a representative from Shire Oak Quarries that blasting is scheduled for between 1 - 2pm on 30.9.2016.

Recent soil stripping operations in preparation for blasting at Dean Quarry have taken place without the submission or approval of a written scheme of archaeological investigation and reporting for the site. This is despite Dean Quarry's close proximity to heritage assets, notably the Trebarveth Settlements Sites Scheduled Monument and field systems.

Dean Quarry has been inspected annually by Cornwall Council since it received its latest planning permission for quarrying in 2012. However, some of the conditions of that planning permission have never been met in spite of annual monitoring. For example, Cornwall Council has failed to have proper regard to the Habitats Regulations when deciding not to take enforcement action.

The quarry has been dormant for many years. It was bought by Shire Oak Quarries in the summer of 2015. In June 2016, Cornwall Council served the developer with a Planning Contravention Notice at the urging of CADS. The conditions which have never been met include: the construction of mitigation ponds to protect rare species; removal of the jetty and all disused buildings; screening and planting on the site.

In spite of all the above screening opinions and monitoring comments, Cornwall Council has failed to take enforcement action via a STOP notice on the developer, Shire Oak Quarries.

Silke Roskilly, Chair of CADS, concludes: 'We are bitterly disappointed that yet again we are facing Cornwall Council and Shire Oak Quarries in court, arguing about the same environmental concerns. Mr Justice Dove was very clear in his ruling back in December 2015 that the re-opening and developing of Dean Quarry constitutes a major development in an AONB and therefore MUST have an Environmental Impact Assessment'.

Dean Quarry is located within the Coverack to Porthoustock Site of Special Scientific Interest (SSSI), an Area of Outstanding Natural Beauty (AONB) and extends seawards into the Manacles Marine Conservation Zone (MCZ). The quarry also immediately abuts a Special Area of Conservation (SAC).

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ENDS

Further information and imagery available from:

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