

**CORNWALL AGAINST DEAN SUPERQUARRY (CADS) RECEIVE COURT JUDGEMENT
THAT RULES AGAINST THEIR ENVIRONMENTAL ARGUMENT.**

**Second Judicial Review brought by CADS against Cornwall Council triggers last
minute planning application by Shire Oak Quarries.**

Action group Cornwall Against Dean Superquarry (CADS) has learnt today that The Hon. Mr. Justice Hickinbottom has ruled against their second Judicial Review against Cornwall Council and Interested Party (IP) Shire Oak Quarries Limited.

Unlike the first Judicial Review, won by Silke Roskilly against Cornwall Council on 18th December 2015, the second Judicial Review held in Bristol Crown Court on 20th January 2017 has been unsuccessful.

This Judicial Review triggered a last minute, retrospective planning application by Shire Oak Quarries for a perimeter fence surrounding Dean Quarry, which is within an AONB and screened by Cornwall Council as EIA development. CADS regard the tardiness of this application as a cynical tactic as it addressed elements of Ground One in CADS' legal argument and thus emasculated the case. Judge Hickinbottom at the hearing said: ' Ground One is no longer substantive'. Ground Two related to the Habitats Directive and Regulations , and their implications.

According to Chris Tofts, partner and head of planning at Stephens Scown LLP: "This case was brought because no action was being taken by Cornwall Council or the quarry operator regarding unauthorised development, including building a perimeter fence at the quarry, which Cornwall Council had already determined would be likely to have significant effects on the environment. These legal proceedings have resulted in the operator making a planning application to Cornwall Council, which was validated just three days before the case was heard in the High Court. This planning application has taken over a year to be submitted".

"The planning merits of the fence will now be considered by Cornwall Council. Members of the public who are concerned about the effects on the environment can now have their say through the council's planning process, which allows comments to be made on its website".

CADS will look at the judgement in detail and carefully consider the retrospective planning application PA17/00257.

CADS are disappointed by the outcome of this battle but vow to continue to scrutinise and challenge any future planning applications. CADS remain committed to winning the environmental war ahead to prevent Shire Oak Quarries from re-opening and massively upscaling the small disused Dean Quarry - effectively creating a superquarry and industrialising the surrounding, highly protected land and seascapes.

CADS won the first Judicial Review against Cornwall Council's approval of Shire Oak Quarries' 7th April 2015 Planning Application for buildings and fencing at Dean Quarry without waiting for the determinative screening direction of the then Secretary of State Greg Clark. This planning application, 'infected with illegality' according to Justice Dove, was subsequently quashed.

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), across which Shire Oak Quarries have well documented plans to build new harbour installations on a vast scale. The quarry also immediately abuts a Special Area of Conservation (SAC) and National Nature Reserve (NNR).

ENDS

Further information and imagery available from:

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