

From Esmond Jenkins (on behalf of the residents of Shorncote and Somerford Keynes)

Press Release

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High Court Victory for Flood Risk Villagers

A judge has ruled that Gloucestershire County Council failed to consult the local community as required by law in a gravel extraction scheme involving jailed fraudster Dennis Grant.

The judgement, handed down in the High Court on Friday 17th February, means that the communities of Shorncote and Somerford Keynes have scored a resounding legal victory undermining the controversial July 2010 decision by the County Council to grant permission for quarrying.

The scheme that had involved Grant joining forces with developers to win a valuable mineral quarrying permission adjacent to Keynes Country Park threatened nearby Shorncote with flooding, noise and dust pollution. But villagers there have now won a major high court battle against Gloucestershire County Council.

Mr Justice Bean ruled that council planning consent was unlawful because GCC failed to properly consult with the Environment Agency and residents of Shorncote, near Cirencester, before permitting sand and gravel extraction close to their homes.

It is the second High Court defeat for GCC in three months following November's ruling that it failed to consult properly over plans to close local libraries.

Grant, former Chief Executive of the discredited Cotswold Water Park Society, who is currently serving four years and four months for a £660,000 fraud, entered into a joint deal with Moreton C Cullimore (Gravels) Ltd to make the Society a co-applicant for planning permission to quarry land off Spratsgate Lane close to the tiny hamlet of Shorncote.

Previously hidden documents that recently came to light revealed that a covert agreement between Grant and holiday home developers, the Watermark Group, would have eventually transferred the site out of the hands of the Water Park Society to the developer.

Esmond Jenkins, a Liberal Democrat councillor on Cotswold District Council, who brought the Judicial Review in a private capacity on behalf of his community said: "Yet again we have the spectre of Dennis Grant hanging over a deal that was very much against the interests of Water Park residents".

"Like the other Grant deals, including the transfer of Keynes Country Park to Watermark, local people were kept in the dark over a scheme that stood to make Grant, the mineral company and the holiday home developer a fortune."

“Nobody, including the County Council, seemed to care much about local residents who could have seen their homes flooded, not only in Shorncote but in neighbouring Somerford Keynes.

“Homes would have been blighted and substantially devalued as a result with a huge increase in insurance premiums. GCC had a duty to ensure that legitimate environmental protections were afforded to villagers but that has only been achieved through the intervention of the courts. This is no way to for a council to operate.”

He said he now intends to refer the evidence to officers from The City of London Police who recently began a fresh investigation into the Cotswold Water Park scandal.

“This is yet another example of officers at a senior level in local government failing to act in the public interest while taking decisions without proper public consultation that financially benefit a few very wealthy and influential people,” said Mr Jenkins.

“I think we have now reached the stage where there are just too many such coincidences and the police will have to ask why these mistakes keep happening.”

He said he would ask the police to investigate why the Water Park Society, entrusted with protecting the ecology of the Park, initially objected strongly to the scheme but, under Grant’s direction, suddenly changed its opinion.

Mr Jenkins, whose home, a converted farm building, is in sight of the proposed quarry said: “Although the gravel extractors knew that the Judicial Review was about to be heard, they started stripping the topsoil off the site before Christmas and I am now facing a monstrous bank of earth on the edge of my property.

“I expect them to restore the site to its original state and for the County Council to now do its duty and ensure that this happens without delay.”

Mr Justice Bean found that GCC had breached legal requirements to advertise the proposals. He explained that, before planning permission could be granted “GCC was obliged to follow certain procedures for publicity and consultation” following which it had to take into account the “environmental information” as defined under UK and European Law.

The court was told that the mineral company had initially submitted a report showing that groundwater from the site would be directed towards the County Ditch. But local residents made their own enquiries and were able to show that the ditch was already overloaded, an opinion later backed by the County’s senior drainage engineer.

Mr Jenkins, head of a law firm with offices in Gloucestershire and Oxfordshire, added: “Now that the crooked co-applicant is in jail for fraud, local residents hope this is the end of the affair and the threat will be permanently removed. The case underscores the critical role afforded to local communities in deciding environmental matters, and this is something the

County Council now need to take fully on board. A community should not need to have recourse to the High Court, at huge cost to itself and the public purse to ensure their local authority acts within the law.”

Ends

Please note that the review was brought by Esmond Jenkins in a personal capacity and not as a district councillor. Similarly, this press release has been prepared by Esmond Jenkins in a personal capacity.

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