

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

B E T W E E N : -

HANSON QUARRY PRODUCTS EUROPE LIMITED
(t/a Heidelberg Materials UK)

Claimant

and

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT
OF THE CLAIMANT ON ANY PART OF THE CRAIG YR HESG QUARRY

(2) PERSONS UNKNOWN DELIBERATELY OBSTRUCTING AND/OR INTERFERING
WITH THE FREE MOVEMENT OF VEHICLES, EQUIPMENT OR PERSONS
ACCESSING OR EGRESSING FROM THE CRAIG YR HESG QUARRY

(3) PERSONS UNKNOWN INTERFERING WITH SIGNS, FENCES OR GATES ON
THE PERIMETER OF OR WITHIN THE QUARRY

Defendants

PARTICULARS OF CLAIM

THE CLAIMANT

1. The Claimant, Hanson Quarry Products Europe Limited trading as Heidelberg Materials UK, operates a quarry known as Craig yr Hseg Quarry, Berw Road, Pontypridd, CF37 3NG (“**Quarry**”).
2. The Quarry is a nationally important source of premium quality blue pennant sandstone for road surfacing. On 11 October 2022, following a six day planning inquiry, Welsh Ministers granted planning permission for a geographic and temporal extension to the quarrying operations at the Quarry.
3. The Quarry and the land under the Claimant’s control is shown edged red on the plan exhibited at page 8 of Exhibit JJR1 (“**Plan**”) to the Witness Statement of John Julian Radcliffe dated 20 May 2024 (“**Radcliffe 1**”).

4. The Claimant is and was at all material times the registered freehold proprietor of the Quarry under title numbers CYM678259, CYM630995, CYM706100, WA689401 and WA689404. A copy of each title is exhibited at pages 61 to 84 of Exhibit JJR1 as exhibited to Radcliffe 1.
5. The Quarry is accessed from the B4273, the Ynysybwl Road (“**Access**”). The Quarry may be subdivided into separate parcels, as noted on the Plan.
6. As the registered proprietor of the Quarry, the Claimant is entitled to the use and enjoyment of the Quarry and, accordingly, is entitled to take steps to prevent trespass and nuisance to the use of, and access to, the Quarry.
7. Since 25 March 2024, the Claimant has been subjected to unlawful trespass and nuisance to the Quarry by persons unknown, who are protesting against the Claimant’s operations at the Quarry (“**Protests**”).
8. On 20 May 2024, the Claimant made an urgent application without notice for an interim injunction to restrain the Defendants. Mrs Justice Heather Willams DBE made an interim injunction order (“**Injunction**”), subject to a return date hearing on 5 June 2024. In Schedule C of the Injunction, the Claimant undertook to file these Particulars of Claim and the Claim Form within 48 hours.

THE PROTESTS

9. The Claimant is aware that its operations at the Quarry are not popular with many local residents. It is making significant efforts to engage with the local community in that regard (as described in Radcliffe 1).
10. The Claimant has knowledge of extensive lawful protest against it and the Quarry (Radcliffe 1 para. 15). The Claimant takes no issue with lawful protest. However, since 25 March 2024, the Protests have moved beyond lawful and peaceful protest and persons unknown have been entering onto the Quarry and blocking the Access. A Schedule of Incidents to 17 May 2024 is set out at pages 5 to 7 of Exhibit JJR1. The Claimant believes that the majority of the persons unknown are local residents, but it also possible that persons unknown from outside the area have been attending the Protests.

11. The Protests to date have included unlawful behaviour: blocking the Access, trespassing on the Claimant's land, interfering with the Claimant's gates and fences, causing criminal damage, common assault, and building camps on the Claimant's land without permission. On one occasion so far, an individual involved in the Protests has been arrested and charged with offences.
12. Most recently, the Protests have been focussed on delaying LGV lorries for up to, and sometimes over, 10 minutes at a time. Even individually such a delay is significant despite being relatively short lived, but cumulatively the delays imposed by such Protests are very significant.
13. The Claimant, the Claimant's staff, local road users and the Police has been affected, directly and indirectly by the Protests, as explained in Radcliffe 1. The Claimant's particular concern is that the Protests are causing health and safety issues not only for the protestors, but also for its employees and other road users (see for example, Radcliffe 1 at para. 99).
14. The Claimant is intensifying activity at the Quarry in accordance with its planning permission. It anticipates that this will cause further protest activity. It is aware from social media posts that further planning is taking place (Exhibit JJR1 page 40) and further protests at the Quarry are intended.

THE DEFENDANTS

15. The Claimant is unsure how the Protests are being organised, but is aware that such activity is being coordinated on social media, particularly Facebook (pages 23 – 26, 35 – 41, 44, 52- 53 and 62 – 64 for example of Exhibit JJR1).
16. The Claimant only has knowledge of the name of a single person who has attended the Protests and carried out potentially unlawful activity. That person is subject to police bail, so the Claimant does not consider it necessary to name that person to these proceedings immediately.
17. The Claimant does not yet have knowledge of the names of persons unknown who have attended the Protests and carried out unlawful activity. The number of persons unknown at each of the Protests has fluctuated both within a particular incident and by day. The Claimant does not presently know if it is the same or different persons who attend each incident.

PARTICULARS OF TRESPASS AND NUISANCE

18. Since 19 February 2024, and to the date of these Particulars, the Protests have been on at least 36 days. On those days, there have been incidents of unlawful trespass and/or nuisance on the Quarry and, in respect of the Access, by a fluctuating body of persons unknown in order to carry out the Protests.
19. The incidents comprised in the Protests are described in detail in Radcliffe 1, and in the Schedule of Incidents.
20. The most recent incidents blocking LGVs for around 10 minutes at a time may be relatively short lived, but cumulatively have a significant impact on the Claimant's lawful activities and enjoyment of the Quarry (see Radcliffe 1 para. 20 to 34 which described the impact). That impact will significantly increase as the Claimant intensifies its activity at the Quarry in accordance with its planning permission.
21. As set out in Radcliffe 1, each incident has taken a great deal of the Claimant's staff's time.
22. Although the Claimant has attempted to engage with protestors, that engagement has not prevented the Protests or caused the Protests to cease.
23. The Protests have:
 - a. Disrupted the lawful activities of other parties, on the Quarry, using the Access and using the B4273;
 - b. Caused disruption and nuisance to the Claimant, their agents, invitees and employees.
24. Further, the Defendants' conduct:
 - a. Is an unlawful trespass on the Quarry;
 - b. Constitutes a nuisance;
 - c. Has caused the Claimant to incur managerial, legal and staffing costs to deal with the Protests, and other costs in remedying the wrongs and seeking to prevent further wrongs.

25. The incidents of trespass and nuisance involved in the Protests have been frequent. Given that there is nothing to suggest that the reason for the Protests is likely to be resolved, the Claimant reasonably fears that the Defendants, unless restrained by the Court, will continue to pursue the Protests on the Quarry and by blocking the Access, and there will be further trespass and nuisance. By reason of the matters set out herein, there is a real and imminent risk of trespass and nuisance continuing to be committed unless restrained by this Honourable Court.

26. Further, by reason of the unlawful behaviour set out herein, the Claimant has suffered loss and damage.

AND THE CLAIMANT CLAIMS:

- (1) An Order that the Defendants, and each of them is forbidden from:
 - a. entering or remaining on any part of the Quarry without the consent of the Claimant;
 - b. deliberately obstructing and/or interfering with the free movement of vehicles, equipment or persons accessing or egressing from the Quarry;
 - c. interfering with signs, fences or gates on the perimeter of, or within, the Quarry.
- (2) Further or other relief
- (3) Costs

Dated: 22 May 2024

Statement of Truth

The Claimant believes that the facts stated in these Particulars of Claim are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised by the Claimant to sign this statement.

Signed: 

Print name: MS ASTRID VERENA DAHL

Position: AREA GENERAL MANAGER FOR THE CLAIMANT

Dated: ...22 May 2024.....

The Claimant's solicitors address for service is:

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