

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

BEFORE: THE HONOURABLE MRS JUSTICE HEATHER WILLIAMS DBE

B E T W E E N : -



KB-2024-001463

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

ORDER

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER YOU
MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR
HAVE YOUR ASSETS SEIZED.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH
HELPS OR PERMITS THE DEFENDANT TO BREACH THE TERMS OF THIS ORDER MAY
ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE**

THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

UPON the Claimant's application notice dated 20 May 2024 being made without notice to the Defendants.

AND UPON hearing Mr Michael Fry, Counsel for the Claimant.

AND UPON the Court noting the Plan in Schedule A, reading the witness statement of John Julian Radcliffe set out in Schedule B and upon the Claimant giving and the Court accepting the undertakings set out in Schedule C of this Order.

AND UPON the Court being satisfied it was appropriate to proceed with the Claimant's application on a without notice basis to the extent that s.12(2) Human Rights Act 1998 applies as the Claimant had taken all practicable steps to notify the Defendants.

AND UPON the Claimant confirming that this Order is not intended to prohibit lawful protest in the vicinity of the Claimant's Land which does not breach the terms of this Order, nor is it intended to prevent the lawful use of any public right of way.

AND UPON the Court being satisfied that the test in s.12(3) Human Rights Act 1998 was met and it was appropriate for relief to be granted.

IT IS ORDERED THAT:

1. In this Order, the “**Craig Yr Hesg Quarry**” or “**Quarry**” means the land registered under title numbers CYM678259 (comprising the majority of the Quarry, including land around the entrance/exit way discussed below), CYM630995 (comprising a small area of land around the same entrance/exit way), CYM706100, WA689401 and WA689404, as more particularly shown on the plan attached to this Order edged red at Schedule A.

Injunction in Force

2. With immediate effect, and until 23:59 on 5 June 2024 unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from doing any of the following:
 - a. entering or remaining on any part of the Quarry;
 - b. deliberately obstructing or otherwise interfering with the free movement of vehicles, equipment or persons accessing or egressing the Quarry; or
 - c. interfering with any sign, fence or gate on the perimeter of, or within, the Quarry.
3. Nothing in paragraph 2 of this Order shall:
 - a. Prevent any person from exercising their lawful rights over any open public right of way over the Quarry;
 - b. Prevent any person from exercising their lawful rights over any public highway.

Service

4. Pursuant to CPR r.6.15, r.6.27 and r. 81.4(2)(c) and (d), service of: the Claim Form; Particulars of Claim; the application for an interim injunction dated 20 May 2024; the witness statement of John Julian Radcliffe dated 20 May 2024; any Order made (including this Order); the notice of the return date hearing; and the note of this hearing (together the “**Claim Documents**”) on the Defendants shall be dealt with as follows:

- a. The Claimant shall affix sealed copies of the Claim Documents in transparent envelopes in two prominent and conspicuous locations on the stone walls on both sides of the Access close to the public highway (marked “Quarry Entrance” on the Plan at Schedule A);
- b. The Claimant shall position at least four signs at conspicuous locations along the Quarry boundary fence which are at least 1m x 1m advertising the existence of this Order;
- c. The Claimant shall send electronic copies of the Claim Documents in PDF form to savecraigyrhesg_properties@outlook.com and to ddraig@savecraigyrhesg.com; and
- d. The Claimant shall upload electronic copies of the Claim Documents in PDF form to an electronic folder on the Claimant’s website and shall include the link to that website page and the Claimant’s solicitor’s contact details on each of the aforesaid signs. The current website address is:

<https://www.communities.heidelbergmaterials.co.uk/en/sites/craig-yr-hesg-quarry-community-page/court-documents> or <http://www.heidelbergmaterials.co.uk/cyhquarry-documents>.

If that website address changes for any reason, there will be a note on this webpage indicating the new website address.

5. Pursuant to CPR r.6.15(3), r.6.27 and r.81.4(2)(c) and (d), the Claim Documents will be deemed to be served on the latest date on which all of the methods of service referred to in paragraph 4 above have been completed, such date to be verified by the completion of a certificate of service to be filed with the Court.
6. The steps identified in paragraph 4 above shall stand as good and sufficient service of the Claim Documents on the Defendants and each of them. For the avoidance of doubt, in respect of any application for committal, if such becomes necessary, the need for personal service of the Claim Documents is dispensed with.
7. Further, without prejudice to paragraph 4, whilst this Order is in force, the Claimant shall take all reasonably practicable steps to effect personal service of the Order upon any Defendant of whom it becomes aware is, or has been, involved in the prohibited activity and shall verify any such service

with further certificates of service (where possible if persons unknown can be identified) to be filed with Court. For the purposes of those reasonably practicable steps, the Order will not include the Schedules, as those documents are available on the Claimant's website at the address in paragraph 4(d) above.

8. The Court will provide sealed copies of this Order to the Claimant's solicitor for service (whose details are set out below).

Further Directions

9. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately by email at the details set out below providing at least 24 hours' written notice of any hearing. If any evidence is to be relied upon in support of the application the substance of it must be communicated in writing to the Claimant's solicitors at least 6 hours in advance of the hearing.
10. Any person applying to vary or discharge this Order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
11. The Claimant has liberty to apply to extend or vary this Order or for further directions.
12. This injunction shall be reconsidered at a hearing at 10.30am on 5 June 2024 ("**Return Date Hearing**") at the High Court in Cardiff with a time estimate of 2 hours.
13. No acknowledgement of service, admission or defence is required by any party in advance of the Return Date Hearing.
14. Costs reserved.

Communication with the Claimant

15. The Claimant's solicitors and their contact details are:

Knights Professional Services Limited

The Brampton, Newcastle-under-Lyme, Staffordshire, ST5 0QW

E: cyhquarry@legal-contact.com

T: 01782 619225

Reference: HAN226/2561

BY THE COURT

MADE ON 20 MAY 2024

GUIDANCE NOTES

Effect of this Order

1. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
2. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees, or agents or in any other way.

Effect of this Order on Parties other than the Defendants

3. It is a contempt of court for anyone notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

Communications with the Court

4. All communications to the Court about this Order should be sent to Room WG 08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010). The offices are open between 10 am and 4:30pm Monday to Friday.

Pursuant to CPR Part 40.7(1) this order takes effect from the date it was made, i.e the date on the face of the Order.