

1. On behalf of the Applicant/
Claimant
2. Witness: Mr David Convey
3. First
4. Exhibit: None
5. Dated: 15 May 2025

Claim No. KB-2024-001463

**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

**WITNESS STATEMENT OF
DAVID CONVEY**

I, David Convey, of the Brampton, Newcastle under Lyme, Staffordshire, ST5 0QW state as follows:

1. I am a solicitor of the Senior Courts of England and Wales and a Partner at Knights Professional Services Limited with day to day conduct of this matter. I am authorised to make this statement on behalf of the Claimant.
2. I make this statement in support of the Claimant's application dated 15 May 2025 seeking an order for alternative service and for directions (**Directions Application**).

3. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.
4. On 5 June 2024, His Honour Judge Harrison, sitting as a Deputy High Court Judge at the High Court in Cardiff granted an injunction to the Claimant in order to restrain trespass and nuisance which was interfering with the Claimant's business (**Injunction Order**). No other person turned up at the hearing, which was unopposed.
5. The hearing before His Honour Judge Harrison was the return date hearing for the injunction. At an urgent without notice hearing on Microsoft Teams on 20 May 2024, Mrs Justice Heather Williams granted an interim injunction on the same terms as the Injunction Order. The claim and application for an urgent injunction were lodged in London, but at the without notice hearing, the Claimant suggested that the return date hearing ought to be listed in Cardiff in order to assist potential defendants. Heather Williams J was not sure, but her Ladyship's clerk undertook to see if a listing was available in Cardiff. There was an available hearing, and in due course the return date hearing was listed in Cardiff.
6. As I understand the position, the claim remains with the High Court in London and has not been transferred to the High Court in Cardiff.
7. The Injunction Order (and the claim) have a sunset clause and will expire/be dismissed at 23:59 on 5 June 2025.
8. Due to recent events, the Claimant seeks to extend the Injunction Order (**Extension Application**) in accordance with the provisions within it and seeks a hearing before 5 June 2025. It makes the Directions Application in order to facilitate that hearing.

Alternative Service

9. No named defendant has been identified or come forward as a defendant to the claim, and there has been no application to discharge or vary the Injunction Order. For that reason, it remains the position that the Claimant cannot effect personal service of the Extension Application documents or any order the Court might make in respect of the Directions Application on any defendant.
10. In consequence, the Claimant seeks an order for alternative service on the three defendants, who are persons unknown. The proposed alternative service provisions in the draft Directions Order are substantively identical to the alternative service provisions which the Court accepted in respect of the Injunction Order itself, on which basis the Claimant submits that the proposed alternative service is appropriate and likely to draw the Extension Application to the attention of any potential named defendants and to the defendants.

Proposed Directions

11. The Claimant's proposed directions result from the lack of any engagement with the proceedings from any other party.
12. The Claimant's primary position is that it would be appropriate for the Extension Application to be heard on a remote platform, whether Teams or CVP. The reason is that the Claimant considers that that might facilitate some engagement from persons who are potentially effected by the Injunction Order as it is more convenient, and perhaps less intimidating, to engage on a remote basis from home than from the formal setting of a courtroom. There is no evidence the Claimant can adduce in support of this position, it is simply a commonsense suggestion.
13. If the Court does not consider that a remote hearing is appropriate, the Claimant's secondary position is that the Extension Application should be heard in London. The reason is that listing in Cardiff demonstrably did not lead to attendance by any person unknown, and a listing in Cardiff would be more expensive for the Claimant. It is also assumed that London may have greater capacity to hear the Extension Application in the time available.
14. Recognising that this Directions Application is itself made without notice and has not been served on any person, the Claimant has included paragraph 9 in the draft directions order which would permit any person to seek to vary or set aside any order the Court makes. Accordingly, if any party considered the matter should not be heard remotely, or in London, they would be entitled to make those observations and the Court would have the opportunity to reconsider the directions.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand 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.

Dated 15 May 2025

Signed


.....
DAVID CONVEY