

1. On behalf of the Applicant/
Claimant
2. Witness: Mr J J Radcliffe
3. Third
4. Exhibit: JJR3
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

**THIRD WITNESS STATEMENT OF
JOHN JULIAN RADCLIFFE**

I, John Julian Radcliffe, known as Julian Radcliffe, of Heidelberg Materials UK, Second Floor, Arena Court, Crown Lane, Maidenhead, Berkshire, England, SL6 8QZ state as follows:

1. 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.

2. This statement has been prepared following discussions with the Claimant's solicitors by telephone and by video call.
3. I am an Area Operations Manager for the Claimant with responsibility for the Craig Yr Hesg Quarry (**Quarry**). I have been in this role for over seven years and have worked for the Claimant on and off for around thirty years. I am duly authorised to make this witness statement on behalf of the Claimant.
4. I make this third witness statement so to update the Court following my first witness statement of 20 May 2024 (**Radcliffe 1**), the Court's Order of 20 May 2024 (sealed on 21 May 2024) (**Williams Order**), my second witness statement of 28 May 2024 (**Radcliffe 2**), and the order of His Honour Judge Harrison (sitting as a Deputy High Court Judge) made on 5 June 2024 (**Harrison Order**), all in relation to the Claimant's claim (**Claim**) and application for an injunction in relation to trespass and nuisance arising at the Quarry.
5. There is now produced and shown to me a paginated bundle of true copy documents marked "Exhibit JJR3". All references to documents and pages in this statement are to Exhibit JJR3 unless otherwise stated.
6. In this statement, I use references defined in Radcliffe 1 and Radcliffe 2.

Purpose and scope of this statement

7. In this statement I will:
 - 7.1 Explain the history of these proceedings;
 - 7.2 Explain how the Claimant effected service of the Harrison Order; and
 - 7.3 Explain why the Claimant considers that it still requires the protection of the injunction contained in the Harrison Order.

History of the proceedings

8. On 20 May 2024, the Claimant made an urgent application for injunctive relief without notice. The reasons for that are addressed in Radcliffe 1, but in summary, the Claimant's business was being significantly damaged by unlawful trespass by unknown protestors blocking the entrance to the Quarry over the course of months – in Radcliffe 1 I detailed the 33 days of direct action protest activity between 19 February 2024 and 20 May 2024. Matters became urgent because the Quarry was due to return to full operation.
9. Following an ex parte hearing, Mrs Justice Heather Williams made the Williams Order, which provided for a return date of 5 June 2024 at the High Court in Cardiff. In due course, the on notice hearing was heard by His Honour Judge Harrison. The learned judge made the Harrison Order following that hearing.

10. The Harrison Order has a sunset date of 23:59 on 5 June 2025 for expiry of the injunction in force at paragraph 2 of the Harrison Order.
11. Paragraph 16 of the Harrison Order provided for the Claim to be stayed until further order in the absence of which the Claim was to be dismissed at 23:59 on 5 June 2025 with no order as to costs.
12. Paragraph 14 of the Harrison Order provides that the Claimant has liberty to apply to extend or vary the Harrison Order or for further directions. By this Application, the Claimant seeks to extend the Harrison Order for a further year, on otherwise identical terms, for the reasons set out in this statement.

Service on Persons Unknown / Response of Potential Defendants

13. Further to paragraphs 7 to 8 of the Harrison Order, the followings steps were taken to serve the Harrison Order:
 - (a) affixing copies of the Harrison Order in transparent envelopes in two prominent and conspicuous locations on the stone walls on both sides of the Access at the Quarry close to the public highway, which steps were completed by 4.52pm on 5 June 2024;
 - (b) positioning four signs at conspicuous locations along the Quarry boundary fence which signs were at least 1m x 1m advertising the existence of the Harrison Order, which steps were completed by 4.52pm on 5 June 2024;
 - (c) sending electronic copies of the Documents in PDF form to savecraigyrhesg_properties@outlook.com and ddraig@savecraigyrhesg.com, which emails were both sent by 1.10pm on 5 June 2024; and
 - (d) uploading redacted the Harrison Order in PDF form to an electronic folder on the Claimant's website <https://www.communities.heidelbergmaterials.co.uk/en/sites/craig-yr-hesg-quarry-community-page/court-documents>, linked to by <http://www.heidelbergmaterials.co.uk/cyhquarrydocuments>, which steps were completed by 5 June 2024, and including the link to that website page and the Claimant's solicitor's contact details on each of the aforesaid signs.
14. As set out in Radcliffe 2, the Harrison Order, including the injunction, became well known to those who had been trespassing and/or blocking access to the Quarry, and such nuisance and trespass stopped as soon as the Harrison Order was served. Those protestors continued protests, including close to the Quarry, but not in a way that trespassed or caused nuisance. The knowledge and effectiveness of the Harrison Order remain effective, and still hold, as at today's date.

Need for Continued Injunctive Relief

15. Activity at the Quarry is continuing and increasing as the Claimant implements its planning permission. The Quarry has been operating normally year to date; the asphalt plant continues to produce Pre-Coated Chippings.
16. There have been incidents of protesting since the Order was served, but there have been only relatively minor incidents of unlawful protesting, which may indicate the effectiveness of the Order. Of course, the Claimant has no issue with protests carried out lawfully.
17. On 7 June 2024, one of our hauliers experienced a spate of incidents on Berw Road (beyond the injunction boundary) where a gentleman stopped HMUK franchise tipper trucks (that is vehicles marked as HMUK vehicles, but purchased by franchisers who have contracts with HMUK), and hit these vehicles which caused disruption to traffic. These incidents were reported to the police.
18. On 2 October 2024, when we were working the extension and a fence line, protestors trespassed on the Quarry, walking into an area where contract workers were using machinery to install fence posts. The contractors were under instruction to stop work at the first sign of people and withdraw. The contractors did so ensuring the safety of the protestors. I was contacted and went to meet the trespassers. I asked them to leave, and they would not. I told them that they were in breach of the terms of the injunction. I then served the injunction on them, see pages 3 to 4, and they did then leave.
19. On 28 December 2024, unsettling posts were made on Facebook, see pages 7 to 8.
20. On 2 February 2025, a post was placed on Facebook, see page 9, seeming to promote a protest at the Quarry entrance, with the protest to take place *by “stand[ing] on the pavement on either side just to let #heidelberg know we’ve not gone away”*. The following point is also set out by the Facebook post:

“the lorries can’t be stopped due to the injunction”

This seems to show that the injunction within the Order is preventing the protestors from stopping vehicles coming to and from the Quarry, and there is a real imminent risk that, without that Order people would not consider themselves bound from trespassing and blocking access to the Quarry, as was done by protestors almost immediately prior to service of the Initial Order.

21. Similarly, the Instagram post advertising a march on 23 April 2025, at page 12, states “MUST STAY ON THE PAVEMENT”. This protest was arranged and took place on 23 April 2025, including in close proximity to the Quarry entrance. Photographs of, and screenshots of videos of, this protest are at pages 13 to 21. It can be seen that this protest was taking place very close to the Quarry entrance, while lorries were looking to enter and exit the Quarry. Access was not substantially blocked to the Quarry other than when the protestors walked past the Quarry entrance. That walk past the Quarry entrance was not repeated and repeated, but it should be noted that there has been reference to the protestors walking slowly on that day (due to wheelchair use), see page 12, and the protestors did walk on the road (including but not limited to across the entrance), which could block access, even though the post in advance of the protest (at page 9) states “MUST STAY ON THE PAVEMENT”.
22. On 13 December 2024, a blast was arranged to take place at the Quarry. This was the first blast of the new extension. On that day, the Claimant arranged for bailiffs to be available should they be needed to remove trespassing protestors. The protestors deliberately targeted the planned blast and trespassed onto our land just before the planned blast time. Three contractors from EPC-UK (our blasting contractor) and I on making our way to the gate noticed the protestors. We left the site and locked the gate behind us. I approached the protestors and asked them to move off our land and advised them that the land was subject to the injunction. They asked for a copy of our land holding and advised that they would move once they had seen a copy. There was some disagreement about where they should withdraw to. I went down to our office and obtained a copy of the landholding plan and returned. When I returned, I went through the landholding plan with one protestor, and we agreed the point at which our land holding ended, and he moved beyond it. By the end of the discussion there was consensus about where our landholding ended, with both parties clear on where this was. While I was getting the plan from the office one of the trespassing protestors struggled to get back down from a tree which was rotten, and nearly fell out of that tree. We succeeded in persuading the protestors to leave, without having to use the bailiffs and they moved just outside the Quarry landholding, in line with the injunction. If we had not put provisions in place and had not had the injunction, I believe that the trespassers would have not moved and would have prevented us from firing the blast. The blast was charged with detonators, primers and explosives. If we had not been able to fire the blast this would have led to a significant health & safety and security issue with us having to safeguard the explosives until we could safely fire the blast. As the person dealing with our contractors (EPC-UK) I asked two of those individuals, Mr Cameron Davies and Mr Robert Ellis, to make contemporaneous notes of their experiences that day and those handwritten notes are at pages 5 and 6. Mr Davies’ note on page 6 has a typographical error on the first line, where the date of 13/12/25 is noted, which was meant, in fact, to refer to 13/12/24.

23. Protestors have recently caused us to postpone the planned works of removing old fence posts and laying two concrete pads for blast monitoring in the extension area. On 15 April 2025, two Tazrock contractors were working for HMUK outside our palisade fence, but within our land and the area covered by the injunction, preparing an area for the first concrete slab, when they were confronted by a large group of children. The contractors stopped their work and came back inside the palisade fence, they waited for 30 minutes but the children did not move on, so the workers came back down to report this to us at our office, and we postponed the works as a result.
24. On 9 May 2025, we were carrying out blasting operations and, in line with planning conditions, we were monitoring at two locations; one was on the water main, which is within the injunction area, and to the south west of the palisade fence; and the other location was at a property on Pen Y Bryn Road in Glyncoch, around 120 metres to the north east of the edge of injunction area (i.e. outside of the injunction area). Our employees Gerard Thomas and Luke Francis were at these locations and received a lot of verbal abuse and interference by local residents, such that neither of them felt comfortable to complete any monitoring on their own in fear of their personal safety. A member of the public interfered with the monitoring equipment, removing the sandbag securing the transducer on the vibrograph. This action prevented the monitoring device from working, we were therefore unable to obtain a reading of the vibration and air overpressure levels which are a requirement of our planning permission. Thomas Boothroyd from Carmarthenshire County Council witnessed the incident and his email to me of 13 May 2025 is at page 22.
25. The above points indicate that the injunction is making the protestors consider that they must not block access to the Quarry while that injunction is live, and, again, the absence of such an injunction would create a very real and imminent risk of access to the Quarry being blocked from 6 June 2025. I refer to Radcliffe 1 regarding the impact of access to the Quarry being blocked.
26. Given the ongoing nature of the opposition to the Claimant, the use of the Quarry and the matters set out above, I consider that there remains an imminent risk that the Defendants will return to the Quarry in order to continue unlawful protest which could be a trespass and nuisance if the injunction no longer applies (as it was, before the injunction, and the protest remains well attended).
27. For the reasons set out in Radcliffe 1, and accepted by Mrs Justice Heather Williams and by His Honour Judge Harrison, it is important that the Defendants are prohibited from unlawfully disrupting the Claimant's use and enjoyment of the Quarry.

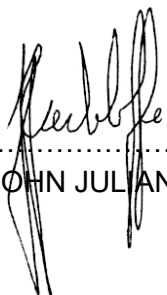
28. Accordingly, the Court is respectfully asked to renew the injunction granted by His Honour Judge Harrison for a period of at least 12 months from 6 June 2025 to 23:59 on 5 June 2026.

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


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JOHN JULIAN RADCLIFFE