

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 CRAIG YR HESG QUARRY**

**Defendants**

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**CLAIMANT'S SKELETON ARGUMENT**  
**For injunction renewal hearing 5 June 2025**

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**References**

HB/X – page X of the Hearing Bundle  
JJR1/X – paragraph X Witness Statement of John Julian Radcliffe dated 20 May 2024 [HB/14]  
JJR2/X – paragraph X Second Witness Statement of John Julian Radcliffe dated 31 May 2024 [HB/182]  
JJR3/X – paragraph X Third Witness Statement of John Julian Radcliffe dated 15 May 2025 [HB/261]  
JJR4/X – paragraph X Fourth Witness Statement of John Julian Radcliffe dated 30 May 2025 [HB/290]  
AB/X – page X of the Authorities Bundle

**Preliminary**

Suggested pre-reading (t/e: 1.5 hours):

1. Claimant's skeleton argument
2. Witness Statement of Mr Radcliffe [HB/14] ("**Radcliffe 1**")
3. Third Witness Statement of Mr Radcliffe [HB/261] ("**Radcliffe 3**")
4. Fourth Witness Statement of Mr Radcliffe [HB/290] ("**Radcliffe 4**")
5. Order of HHJ Harrison dated 5 June 2025 [HB/121] ("**Harrison Order**")
6. Directions Order of Mr Justice Goose dated 20 May 2025 [HB/130] ("**Directions Order**")
7. Draft Order [HB/164]
8. Rochdale MBC v Persons Unknown [2025] EWHC 1314 (KB) [39] – [52] [AB/2]

Hearing time estimate: 2 hours

**Introduction**

1. This is the Claimant's skeleton argument for the extension of an injunction order protecting the Claimant's quarry, Craig Yr Hesg Quarry ("**Quarry**") from persons unknown who it fears will trespass on the Quarry and/or obstruct the Claimant's access to and from the Quarry and/or obstruct vehicles on the main road to the Quarry ("**Protestors**"). The interim injunction sought is to last for a period of a further 12 months until 5 June 2026 at 23:59 unless extended, varied or discharged.
2. The short procedural history of the injunction is that an interim injunction order was granted on an urgent without notice basis by Heather Williams J following a hearing on 20 May 2024 [HB/4] ("**May Order**"). At the on notice renewal hearing on 5 June 2024, HHJ Harrison extended the injunction for a year and stayed proceedings for that period [HB/121]. Perhaps unusually, HHJ Harrison did not issue any written judgment and there is no agreed note available of the judgment. In essence, HHJ Harrison made the order on the same basis as Heather Williams J. The note of the hearing before Heather Williams J is at [HB/140]. As there is no judicial history of the proceedings available, this skeleton provides some of the additional detail which was before the Court in both of the previous hearings.
3. The Claimant is Hanson Quarry Products Europe Limited, which trades as Heidelberg Materials UK. It owns the Quarry as set out in Radcliffe 1 at [JJR1/6, HB/15]. A plan of the Claimant's land is at Schedule A of the Harrison Order [HB/128].
4. The Quarry is a nationally important source of premium quality blue pennant sandstone which is used for road surfacing. The Quarry's materials are used in a wide range of industries and disruption of the supply could have wide ranging economic impacts which could impact the general public [JJR1/7, HB/15].

### **Background to the Injunction**

5. In June 2022, the Claimant was granted planning permission to extend operations at the Quarry by Welsh Ministers [JJR1/8, HB/16]. That decision was opposed by local people, and there have been entirely lawful protests directed against the Quarry [JJR1/15, HB/18].
6. However, the protests against the Quarry moved away from democratic means to "direct action" seeking to compel the Quarry to cease operations by causing economic harm. The Claimant faced unlawful trespass on the Quarry ("**Trespass**") and had the entrance to the Quarry from the public highway blocked by a fluctuating and changing body of persons unknown ("**Obstruction**", together with the Trespass the "**Protests**") [JJR1/18, HB/30]. As a result of that activity, the large goods vehicle ("**LGV**") fleet necessary for the Claimant's business was delayed with significant financial consequences and intolerable risks to health and safety [JJR1/22 – 34, HB/19].

7. Radcliffe 1 explains the background and business of the Claimant, describes the Protests and their Impact, and focusses on the Protest events which led to the urgent without notice application. The Court noted in particular the Schedule of Incidents exhibited at [HB/36], which set out the 33 days of Protest activity between 19 February 2024 and 17 May 2024.
8. Given the impact of the Protests, their apparent escalation, and the increasing risks arising from the Claimant moving towards full operations at the Quarry [JJR1/22, HB/19], injunctive relief was sought on an urgent basis against persons unknown as the Claimant had no knowledge of when the next Protest was planned or who would take part in the Protests.
9. The Harrison Order was made on 5 June 2024. Paragraph 4 of the Harrison Order provided that the Court was satisfied that the Claim Documents (the Claim Form; Particulars of Claim; the application for an interim injunction dated 20 May 2024; Radcliffe 1; the note of hearing, notice of the return date hearing, and the May Order) had been properly served on the Defendants.
10. Paragraph 6 of the Harrison Order provided for alternative service of that Order in identical terms to the May Order as follows:
  - a. The Claimant shall affix sealed copies of the [Harrison Order] 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](mailto:savecraigyrhesg_properties@outlook.com) and to [ddraig@savecraigyrhesg.com](mailto:ddraig@savecraigyrhesg.com); and
  - d. The Claimant shall upload electronic copies of [the Harrison Order] 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-quarrycommunity-page/court-documents> or  
<http://www.heidelbergmaterials.co.uk/cyhquarrydocuments>.  
If that website address changes for any reason, there will be a note on this webpage indicating the new website address.
11. The Claimant complied with those steps. A certificate of service is provided at [HB/400].

12. There is one matter to draw to the Court's attention in respect of service which will be relevant if the Court determines to continue the injunctive relief: there were complaints from members of the local community that the evidence exhibited to Radcliffe 1 included names of people who were members of a community Facebook group and photos of people attending the Protests. Particular criticism was made of the inclusion of photos of minors. The Claim Documents were taken down by unknown third parties after they had been served in accordance with the May Order. Although not required to do so as a condition of service, the Claimant replaced the order with redacted versions of the Claim Documents.
13. The approach was continued in respect of the documents relevant to the Harrison Order and is proposed to be continued in respect of this application and any further order.

### **Procedural Matters**

14. Paragraphs 2 and 24 of the Harrison Order provided the Claimant with liberty to apply to extend the injunction order or for further directions.
15. On 15 May 2025, the Claimant made this application to extend the injunction [HB/159] and an application for directions [HB/173]. The application for directions was made without notice.
16. In the Directions Order [HB/130], Goose J ordered alternative service of the application documents. Those alternative service directions were the same as had been ordered for alternative service in the May and Harrison Orders.
17. The Claimant has served the relevant documents in accordance with the Directions Order and filed a certificate of service [HB/403] and JJR4/7.2 – 7.7 [HB/291].
18. No party has contacted the Claimant, nor so far as the Claimant is aware, has any party contacted the Court in relation to the application. No application has been made to discharge or vary the Directions Order, and nothing has been filed in response to the application to extend the injunction as at the date of this skeleton argument.
19. However, three people have complained to the Claimant regarding data processing, made subject access requests and raised a complaint about copyright related to online posts. None of those are matters which are relevant to the determination of this application, but they are good evidence that the alternative service ordered has been effective.
20. It follows that, at present, the Claimant's application is unopposed.

### **Legal Principles**

21. This is an application for an extension of an injunction order made against persons unknown. Although there has been one instance of judicial divergence (which concerned the extension of a traveller and gypsy injunction), the first instance authorities, helpfully summarised by Garnham J in Rochdale MBC have followed the approach in High Speed Two (HS2) Ltd v Persons Unknown [2024] EWHC 1277 (KB) (which, as here, concerned a protestor injunction) [AB/17].

22. At [51] of Rochdale MBC, the learned judge held:

“In my judgment the correct approach is dictated by the Supreme Court’s judgment in Wolverhampton and in particular in [225]. This is not a “tick box” exercise, but the matters on which evidence should be adduced and argument focused are (i) how effective the order has been; (ii) whether any reasons or grounds for its discharge have emerged; (iii) whether there is any proper justification for its continuance; and (iv) whether and on what basis a further order ought to be made. The parties should give full disclosure, supported by appropriate evidence, directed towards those questions.”

23. Accordingly, in this skeleton argument the Claimant focusses on the matters identified in Rochdale MBC. It is submitted that the Court can be content that the wider issues around injunctive relief, orders against persons unknown and any issues arising under the Human Rights Act 1998 were all considered by the learned judges in 2024 and the injunctive relief the Claimant’s sought was granted. Nevertheless, the Claimant is prepared to address those issues orally if the Court wishes those submissions to be made.

24. Although in the context of summary judgment and final injunctive relief, in National Highways v Persons Unknown [2023] EWCA Civ 182 the Court of Appeal (Sharp P, Flaux C and Lewison LJ) confirmed at [40] [AB/133] that where defendants had not served a defence or any evidence or otherwise engaged with the proceedings “despite being given ample opportunity to do so, was not, as the judge thought, irrelevant, but of considerable relevance, since it supported NHL’s case that the defendants had no real prospect of successfully defending the claim for an injunction at trial”, and continued at [41]:

“It is no answer to the failure to serve a defence or any evidence that, as the judge seems to have thought (see [35(5)] of the judgment), the defendants’ general attitude was of disinterest in Court proceedings. Whatever the motive for the silence before the judge, it was indicative of the absence of any arguable defence to the claim for a final injunction. Certainly it was not for the judge to speculate as to what defence might be available. That is an example of impermissible “Micawberism” which is deprecated in the authorities, most recently in King v Stiefel. If the judge had applied the right test under CPR 24.2 and had had proper regard to CPR 24.5, he would and should have concluded that none of the 109 named

defendants had any realistic prospect of successfully defending the claim at trial and that accordingly, NHL was entitled to a final injunction against those defendants.”

25. The Claimant’s submission is that although not a complete answer to an application to renew an injunction, the lack of any filed reason for opposition or any contrary evidence before the Court is a significant factor in favour of granting the Claimant’s application.

### **Effectiveness of the Harrison Order**

26. The Claimant’s submission is that the Harrison Order has been effective and, importantly, has struck the appropriate balance. Lawful protest has continued, online and elsewhere [JJR3/16 and 21, HB/264 and 265 and JJR4/34. HB/298]. The injunction has not prevented anyone from making plain their opposition to the Claimant and/or the Quarry in a lawful manner.
27. There have been mostly relatively minor incidents of unlawful protesting [JJR3/16 – 25, HB/264] and one very recent more serious incident [JJR4/. HB/293] (which is addressed in more detail in respect of justification below).
28. Notably, in perhaps the most serious of the minor incidents, it was the personal service of the Harrison Order upon the persons unknown which appears to have caused them to leave the Quarry [JJR3/18, HB/264]. Further, in an Instagram post advertising a protest on 23 April 2025, persons unknown were advised to stay on the pavement. In the Claimant’s submission, that not only shows the effectiveness of the Harrison Order but also demonstrates good service and understanding of the terms of the injunction by the general public.

### **Change in Circumstances: whether any reasons or grounds for discharge of the Harrison Order have emerged**

29. There is nothing which in the Claimant’s submission would be grounds for the discharge or substantive modification of the Harrison Order. The factual circumstances remain the same as in June 2024. The only substantive difference is that rather than facing scores of incidents in the space of a few weeks, the Claimant is now dealing with a few incidents in the space of a year.
30. The fact that an injunction has been effective is not in these circumstances a reason to discharge the injunction. Indeed, the Claimant submits that it is a reason to maintain the injunctive relief unaltered so far as possible. As Mr Radcliffe notes [JJR3/26, HB/266], there is considerable ongoing

opposition to the Quarry, and absent the injunction there is a real and imminent risk that unlawful protest would once again become a serious issue at the Quarry.

### **Justification for the continuance of the Harrison Order**

31. Although the Harrison Order has been effective, it is plain that there remains considerable opposition to the Claimant and the Quarry – see [JJR3/19 – 20, HB/264]. There continues to be protest in and around the Quarry, which at times does stray into minor incidents of trespass and nuisance. The Claimant has elected to take no action in respect of those incidents, but they serve to evidence a continued thread of opposition which, the Claimant submits, is likely to stray back into unlawful trespass and obstruction without the protection of the injunction.
32. It is also relevant that the Harrison Order has not been completely effective. As Mr Radcliffe explains in Radcliffe 4, on 27 May 2025, there was a serious breach of the injunction [JJR4/9 – 33, HB/293]. Two persons unknown, who the Claimant now knows were a Mr Vincent and Mr Jones, obstructed the gates to the Quarry and trespassed on the Claimant’s land between 7am and just before midday. The impact on the Claimant’s operations was considerable – JJR4/24 – 27 and a number of LGVs were delayed or rerouted with the consequential economic harm, delay and risk to the public caused by those delays.
33. What is equally plain from Mr Radcliffe’s evidence is that the police response was, at best, inadequate and ineffective [JJR4/28 – 30,33]. The Claimant was left to self-help by incurring the costs of having bailiffs on site the next day [JJR4/32].
34. Although not a matter which the Claimant seeks to address before this Court (given the short time which has been available between the incident and this hearing) the Claimant has instructed agents who have identified the address of Mr Vincent. The Claimant will seek to add Mr Vincent and Mr Dale as named defendants to these proceedings as soon as possible and is considering whether it should make an application for committal. Nevertheless, this Court may wish to consider making provision for that application to be dealt with on the papers with suitable directions in order to avoid unnecessary cost and use of court time.
35. Given the ongoing actions against the Claimant and the Quarry, the Claimant’s submission is that there remains a very real threat of unlawful trespass and nuisance at the Quarry, on which basis continued injunctive relief is justified.
36. The potential losses from the Protests to the Claimant’s turnover at full operations are approximately £55,000 a day. Moreover, the Court’s protection continues to be needed to mitigate a significant and increasing health and safety risk. As a result of the obstruction of the Quarry entrance, the number of

LGVs queuing on the public highway outside the Quarry increased considerably. As Radcliffe 1 set out, there are 14.5 LGV movements an hour into and out of the Quarry. The significance of a potential 10 minute delay to each LGV is obvious. There is a further risk caused by LGVs delivering explosives to the Quarry. The tonnages in 2025 remain considerable, as set out in Radcliffe 4 [JJR4/8, HB/292].

37. There is nowhere for those LGVs to wait, or indeed turn around, safely. As a result, members of the public using the public highways who are forced to manoeuvre around waiting LGVs would be putting themselves at risk. Similarly, members of the public on the footpaths alongside the public highway would be put at risk from manoeuvring vehicles. The Claimant's evidence is that when the Protests were taking place, there were near misses and a road traffic incident, and it was only a matter of time before there is a serious accident. Further, in seeking to block the LGVs, the Protestors were putting themselves at significant risk of serious harm.

### **Whether and on what basis a further order ought to be made**

38. The Claimant submits that further injunctive relief is justified and a further order ought to be made, substantively in the form of the Draft Order which accompanies this application [HB/164]. That draft Order is itself substantively the same as the May and Harrison Orders.
39. Given the nature of some of the threats and statements made on social media, the Court will be aware that there are other potential behaviours which could be subject to a prohibitory injunction but the Claimant has taken a proportionate view and decided at this stage not to seek any further or different injunctive relief.
40. The Draft Order is straightforward. So far as applicable to an interim order made on a without notice basis, it responds to the protections and limits confirmed by the Supreme Court in Wolverhampton.
41. The headnote defines the Defendants by their prohibited conduct and matches the prohibited behaviour. A penal notice in the usual format is included in the Draft Order.
42. Paragraph 1 defines terms.
43. Paragraph 2 sets out the terms of the injunctive relief in the Order, and states clearly that the long-stop date is 5 June 2026. It does not depend on intention but relates to actions which amount to the tort of trespass or nuisance.
44. Paragraphs 3 is intended to assist potential defendants in explaining what matters are outside the scope of the prohibitions in paragraph 2. Paragraph 3(c) is a point of clarification which addresses



the confusion expressed by some members of the local community who were concerned that the May Order prevented the use of permissive paths in and around the Quarry. As the use of a permissive path (for the purpose for which it is granted) is by definition with the consent of the Claimant it may be thought that paragraph 3(c) is extraneous drafting. However, the Claimant is conscious that many local people are not legally trained and submits that this remains a useful clarification.

45. Paragraph 4 confirms that the Court is satisfied with the Claimant's discharge of the service requirements.
46. Paragraph 6 - 10 set out the steps the Claimant will take to bring the Order to the attention of the Defendants. Paragraph 10 in particular makes provision for the Claimant to take all reasonably practicable steps to effect personal service when possible.
47. Paragraphs 11 – 12 provide for the ability and procedure for the Defendants, or any other person affected, to apply to the Court to vary or discharge the order, and to be joined to the proceedings.
48. Paragraph 13 provides the Claimant with permission to apply to extend or vary the Order, or to ask the Court for further directions.
49. Paragraph 14 reserves costs.
50. Paragraph 15 stays proceedings. As was observed in Wolverhampton, there is little difference between interim and final orders, and very often the injunction is the remedy. The Claimant submits that is the position in these proceedings – the claim is undefended, and there is little reason to take the claim to trial in those circumstances. The protection of any potential defendants is greater, as there remains the opportunity to take the proceedings to trial rather than simply to vary or discharge a final order.
51. Paragraph 16 provides the Claimant's solicitors' contact details.
52. Appended to the draft Order are:
  - a. guidance notes to assist Defendants;
  - b. at Schedule A, the Plan of the Quarry;
  - c. at Schedule B, the usual undertakings that a Claimant in these proceedings should offer the Court.

## **Conclusion**

53. Subject to any modifications the Court considers appropriate, the Claimant respectfully asks that the Court make the Order in the terms sought.

**MICHAEL FRY**  
**Francis Taylor Building**

**3 June 2025**