

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

BEFORE: HIS HONOUR JUDGE HARRISON
ON: 5 JUNE 2024

BETWEEN :-

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 an interim injunction order being made by Mrs Justice Heather Williams on 20 May 2024.

AND UPON hearing Mr Michael Fry, Counsel for the Claimant, and no other party attending.

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

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 or permissive path.

AND UPON the court being satisfied that notwithstanding there being no formal notice of hearing issued that the place and time of this hearing was made clear on the face of the original interim injunction Order dated 20 May 2024.

IT IS ORDERED THAT:

1. In this Order

- a. the "Craig Yr Hesp 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 2025 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 without the consent of the Claimant 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; or
- b. Prevent any person from exercising their lawful rights over any public highway.
- c. For the avoidance of doubt, the use of any permissive paths granted by the Claimant over the Quarry for the purposes of passing and repassing would not be a breach of this Order as such use is with the consent of the Claimant.

Service of the Claim Documents

4. Pursuant to CPR r.6.15, r.6.27 and r. 81.4(2)(c) and (d), as regards 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; the Order of Mrs Justice Heather Williams made on 20 May 2024; and the note of the without notice hearing (together the “**Claim Documents**”) the Court is satisfied that at the date of the certificates of service, good and sufficient service of the Claim Documents has been effected on the Defendants and each of them.
5. The Claimant is released from its undertaking at Schedule D paragraph 4 of the Order of Mrs Justice Heather Williams made on 20 May 2024.

Alternative Service of this Order

6. The Court will provide sealed copies of this Order to the Claimant’s solicitor for service.
7. Pursuant to CPR r.6.27 and r. 81.4(2)(c) and (d), personal service of this Order is dispensed with, and service shall be by the following alternative method:
 - a. The Claimant shall affix sealed copies of this Order in a transparent envelope 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 this Order in PDF form to savecraigyrhesg_properties@outlook.com and to ddraig@savecraigyrhesg.com; and

- d. The Claimant shall upload electronic copies of this 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-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 (but no further or updated certificate of service need be filed in the case of a website address change).

8. Pursuant to CPR r.6.15(3), r.6.27 and r.81.4(2)(c) and (d), this Order will be deemed to be served on the latest date on which all of the methods of service referred to in paragraph 7 above have been completed, such date to be verified by the completion of a certificate of service to be filed with the Court.
9. The steps identified in paragraph 7 above shall stand as good and sufficient service of the Order 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 Order is dispensed with.
10. Further, without prejudice to paragraph 7, 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.
11. The witness evidence related to this claim including exhibits will not be posted online by the Claimant at the webpage set out at paragraph 7 (d) or otherwise made public by the Claimant in accordance with the alternative service provisions of paragraph 7 of this Order but will be available on application to the email address of the Claimant's solicitors below, which request must include the full name of the party making the request and that party's reasons for making that request.

Further Directions

12. 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 by email at the details set out below providing at least one weeks' 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 48 hours in advance of the hearing.

13. 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.
14. The Claimant has liberty to apply to extend or vary this Order or for further directions.
15. Costs of this application reserved.
16. Except for as provided for as above, the Claim is stayed until further order in the absence of which the Claim will be dismissed at 23:59 on 5 June 2025 with no order as to costs.

Communication with the Claimant

17. 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 5 JUNE 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.

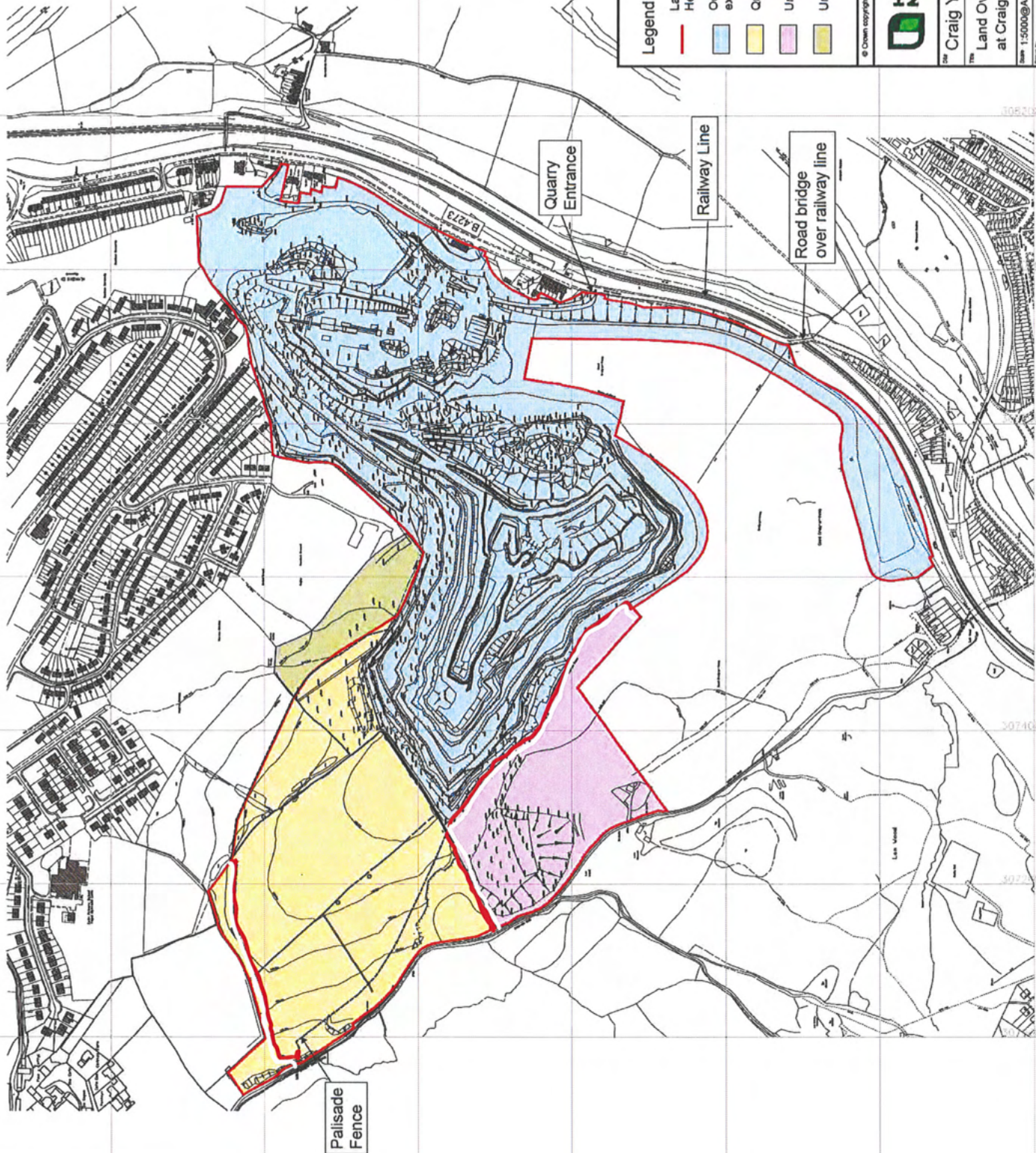
Communications with the Court

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.

Schedule A

PLAN



- Legend**
- Land in the ownership / control of Heidelberg Materials
 - Occupied freehold land within the existing quarry
 - Quarry extension area
 - Un-occupied woodland
 - Un-Occupied leasehold land

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Craig Yr Hesg
The Land Ownership and Occupation at Craig-yr-hesg Quarry

Scale: 1:5000@A3 Date: May 2024 Drawing No: C10m/156
Drawn by: JHP Checked by: JMF

Schedule B

Undertakings given to the Court by the Claimant:

1. Any person who emails or writes to the Claimant's solicitor at the addresses in paragraph 14 of this Order will be provided if so requested with electronic copies of the Claim Documents and this Order to the email address specified by that person.
2. The Claimant will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a defendant and the Court finds that the defendant ought to be compensated for that loss.
3. The Claimant will seek to identify and name defendants and apply to add them as named defendants to the claim as soon as reasonably practicable.