



Claim No. CC-2022-CDF-000002

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN WALES
CIRCUIT COMMERCIAL COURT (QBD)

CC-2022-CDF-000002

His Honour Judge Keyser Q.C.

27 January 2021

BETWEEN:

VELINDRE UNIVERSITY NHS TRUST

Claimant

-and-

(1) PIP BEATTIE

(2) ALICE MACINTOSH

(3) PENNY OWEN

(4) ROXANNE CARDEY

(5) PERSONS UNKNOWN

**BEING PERSONS IDENTIFIED BY THEIR PHYSICAL APPEARANCE
AND CONDUCT IN THE SCHEDULE OF DEFENDANTS ATTACHED
HERETO**

(6) PERSONS UNKNOWN

**BEING PERSONS WHO, WITHIN THE AREA SHADED BLUE IN THE
PLAN ATTACHED HERETO, WITHOUT CONSENT (A) ENTER ANY
SAFETY ZONE (B) TUNNEL WITHIN ANY SAFETY ZONE (C)
REMAIN WITHIN ANY SAFETY ZONE AFTER IT IS ERECTED (D)
SEEK TO PREVENT THE ERECTION OF ANY SAFETY ZONE OR
INTERFERE PHYSICALLY WITH OR WITH THE USE OF ANY
SAFETY ZONE (E) KNOWINGLY LEAVE ANY VEHICLE IN ANY
SAFETY ZONE OR INTENTIONALLY PLACE A VEHICLE IN A
POSITION SO AS TO PREVENT THE ERECTION OF A SAFETY ZONE**

(7) PERSONS UNKNOWN

**BEING PERSONS WHO WITHOUT CONSENT (A) BLOCK, PREVENT,
SLOW DOWN OR OTHERWISE OBSTRUCT THE CLAIMANT OR ITS
CONTRACTORS IN THEIR USE OF THE PUBLIC HIGHWAY**

**(INCLUDING PAVEMENTS) TO ACCESS THE AREA SHADED BLUE
IN THE PLAN ATTACHED HERETO TO CARRY OUT THE
CLAIMANT'S WORKS (B) PREVENT, SLOW DOWN OR OTHERWISE
OBSTRUCT THE CLAIMANT OR ITS CONTRACTORS FROM
CARRYING OUT THE CLAIMANT'S WORKS OR ACCESSING PARTS
OF OR MOVING OVER THE AREA SHADED BLUE IN THE
ATTACHED PLAN**

**(8) PERSONS UNKNOWN
BEING PERSONS WHO CAUSE, DIRECT, ASSIST OR ENCOURAGE
ANY OTHER PERSON TO DO ANY OF THE MATTERS REFERRED TO
IN (6) and (7) ABOVE**

Defendants

ORDER FOR INTERIM INJUNCTION

PENAL NOTICE

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

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES
ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO
BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN
CONTEMPT OF COURT AND MAY BE IMPRISONED OR 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 hearing Mr Cowen, Queen’s Counsel, and Mr Vanderman of Counsel for the Claimant and the Second Defendant and the Third Defendant in person, there being no appearance by or on behalf of any other Defendant

AND UPON the Claimant’s claim by Claim Form dated 18 January 2022

AND UPON the Claimant’s application dated 18 January 2022 for an interim injunction

AND UPON reading the Claim Form and the evidence filed in support of the application

AND UPON the Second Defendant and the Third Defendant each offering to the Court, and the Court accepting, undertakings in the terms signed by the respective Defendants

AND UPON the Court accepting the Claimant’s undertaking that 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 that the Defendant ought to be compensated for that loss

IT IS ORDERED THAT:

1. The Second Defendant and the Third Defendant be and are hereby removed as defendants in these proceedings.
2. For the avoidance of doubt, any further reference in this Order (save for paragraph 18) to Defendants shall not refer to the Second Defendant or to the Third Defendant.

Definitions

3. For the purposes of this Order:
 - a. The “Land” means any of the land shown shaded blue on the Plan attached to this Order, including the airspace above and the subsoil below.
 - b. “Works” means any works being carried out on the Land by the Claimant or its contractors – including ground investigatory works and enabling works – relating to or for the purpose of progressing the development of the new cancer centre.

- c. A “Safety Zone” is any area on the Land which is demarcated as an area from which members of the public are excluded, whether by fencing alone, by other barriers or markers (natural or man-made), or a combination of fencing and those other barriers, for the purpose of the Works. The area demarcated by the Safety Zone includes the airspace above it and the subsoil below.

Injunction

- 4. With immediate effect and until the earlier of the Trial or further order in the meantime, the Defendants must not:
 - a. Enter any Safety Zone;
 - b. Tunnel within any Safety Zone;
 - c. Remain within any Safety Zone after it is erected;
 - d. Seek to prevent the erection of any Safety Zone or interfere physically with or with the use of any Safety Zone, which prohibition shall (without limitation) include the following acts:
 - i. Moving, lifting, pushing, pulling, damaging or destroying any features demarcating the Safety Zone or climbing upon such features;
 - ii. Placing or throwing items inside of the Safety Zone or attaching persons or property attached to persons to any part of the Safety Zone or features demarcating the Safety Zone;
 - iii. Erect any structure either within the Safety Zone or outside the Safety Zone but which is intended to prevent the erection of a Safety Zone;
 - e. Knowingly leave any vehicle in any Safety Zone or intentionally place a vehicle in a position so as to prevent the erection of a Safety Zone;
 - f. Block, prevent, slow down or otherwise obstruct the Claimant or its contractors in their use of the public highway (including pavements) to access the Land (whether the Defendants themselves are on the public highway or the Land) to carry out the Works;

- g. Prevent, slow down or otherwise obstruct the Claimant or its contractors from carrying out the Works or accessing parts of or moving over the Land;
- h. Cause, direct, assist or encourage any other person to do any act prohibited by Paragraphs 4a – 4g above;
- i. Continue any act prohibited by Paragraphs 4a – 4h above.

Service

5. Service of this Order shall be effected on the Defendants by the Claimant carrying out each of the following steps:
 - a. In relation to the First and Fourth Defendants, attempting to send a Facebook message to the First and Fourth Defendants with a link to the Order.
 - b. Fixing a copy of the Order in a clear plastic envelope at the following locations:
 - i. At the entrance to Lady Cory Field;
 - ii. At the McDonalds Bridge; and,
 - iii. On the footbridge in the Railway Cutting.
 - c. Sending an internet link to the Order to the email address savethenorthernmeadows@gmail.com.
 - d. Uploading the Order to the Claimant's website at: <https://velindre.nhs.wales/transforming-cancer-services/news/tcs-news/injunction-process/>.
 - e. Including a link to the Order on the Claimant's "Velindre Matters" page on Facebook.
 - f. Requesting an administrator of the Facebook page, "Save the Northern Meadows", to post a message (or allow the Claimant to post a message) to all members stating, "The High Court has granted an interim injunction prohibiting individuals taking Direct Action against the works sought to be carried out by Velindre on the Northern Meadows in respect of the new cancer centre. Breach of this injunction may amount to a contempt of court and lead to imprisonment,

fines or seizure of assets. The interim injunction can be found at the following link – <https://velindre.nhs.wales/transforming-cancer-services/news/tcs-news/injunction-process/>.”

Injunction - further directions

6. 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 (and in any event not less than 48 hours before the hearing of any such application). Any notice must be in writing and addressed to the contact details at the bottom of this Order.
7. Any person applying to vary or discharge this Order must provide his or her full name and address and an address for service and must also, and at the same time, apply to be joined as a named defendant to the proceedings.
8. The Claimant has liberty to apply to extend or vary this Order or for further directions.

Case Management Directions

9. The Claimant has permission to file and serve further evidence, if so advised, by 4 p.m. on 4 March 2022.
10. The Defendants shall file and serve any evidence on which they wish to rely by 4 p.m. on 18 March 2022.
11. Disclosure of documents be and is dispensed with.
12. Costs management be and is dispensed with.
13. The claim be listed for trial on the first available date after 1 April 2022. The Claimant shall contact the Court not later than 1 February 2022 in order to inform the Court of the time required for the trial (including reading time) and to fix a trial date.
14. The Claimant shall file and serve a trial bundle not less than 7 days before the trial.
15. The Claimant shall file and serve a skeleton argument not less than 3 days before the trial.

16. The documents mentioned in paragraphs 9 (further evidence), 14 (trial bundle) and 15 (skeleton argument) above may be served on any Defendant who has not provided an address for service by carrying out the following steps and each of them:
- a. Sending an internet link to the documents to the email address savethenorthernmeadows@gmail.com.
 - b. Uploading the documents to the Claimant's website at: <https://velindre.nhs.wales/transforming-cancer-services/news/tcs-news/injunction-process/>.
 - c. Including a link to the documents on the Claimant's "Velindre Matters" page on Facebook.
 - d. Fixing a notice, in a clear plastic envelope, that the documents can be found at the Claimant's said website, at each of the following locations:
 - i. At the entrance to Lady Cory Field;
 - ii. At the McDonalds Bridge; and,
 - iii. On the footbridge in the Railway Cutting.
17. The Claimant and any Defendant who has filed an acknowledgment of service shall have permission to apply for further or other case management directions.
18. There shall be no order as to the costs of the case as between the Claimant and the Second Defendant and the Third Defendant.
19. Subject to paragraph 18 above, costs are reserved.

Communications with the Claimant

The Claimant's Solicitors and their contact details are:

DLA Piper UK LLP, 160 Aldersgate Street, Barbican, London EC1A 4HT

Email: velindre@dlapiper.com

Tel: 020 7796 6612

Dated: 27 January 2021

Plan 2

