

On behalf of: the Claimant
By: S J Burton
No: 1
Exhibit: SJB1
Date: 18 January 2022

[Claim Number TBC]

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS IN CARDIFF

CIRCUIT COMMERCIAL COURT (QBD)

BETWEEN:

VELINDRE UNIVERSITY NHS TRUST

Claimant

- and -

PIP BEATTIE AND OTHERS

Defendants

**FIRST WITNESS STATEMENT OF
SARAH JANE BURTON**

I, SARAH JANE BURTON, an Associate at DLA Piper UK LLP ("**DLA Piper**") of 160 Aldersgate Street, Barbican, London, EC1A 4HT **WILL SAY** as follows:

1. I am a solicitor qualified in England and Wales and an Associate in the London office of DLA Piper. I qualified as a solicitor in 2014.
2. I am duly authorised by the Claimant, Velindre University NHS Trust (the "**Trust**" and "**my Client**") to make this statement on its behalf in support of its claim for an injunction (the "**Claim**" or "**these Proceedings**") against both named Defendants and Persons Unknown (together the "**Defendants**") and its applications for an interim injunction and service by an alternative method ("**Applications**").

3. I attach a paginated bundle of true copy documents marked "**SJB1**" to which I shall refer in the course of this statement. References in this statement in bold square brackets are to the pages of exhibit **SJB1**.
4. The matters set out within this witness statement are within my own knowledge, save where I state otherwise.
5. In this statement, I have described events which I personally witnessed, and I have also referred to information provided to me by my Client. My recollection of these events is very good as they are relatively recent.

A. INTRODUCTION

6. I am part of the DLA Piper legal team consisting of other Associates, Trainee Solicitors and a Partner ("**Legal Team**") instructed by the Claimant to advise and assist in relation to its Claim for an injunction against the Defendants.
7. I attended my Client's offices at Unit 2, Charnwood Court, Parc Nantgarw, Nantgarw, Cardiff ("**Offices**") on Monday 7 and Tuesday 8 December 2021. During the two days I spent there, I also attended both the site of the proposed development of a new Velindre cancer hospital ("**New Cancer Centre**") on land owned by my Client ("**the Site**") as well as the land surrounding this area, including the land known as Lady Cory Field (see the green triangle with the letter C on the map at [**SJB1/1**] and the land owned by the County Council of the City and County of Cardiff ("**Council**") which includes a railway cutting (see the area in red with the letter A on the map at [**SJB1/2**] ("**Railway Cutting**"). The Railway Cutting has a public footpath running down it.
8. In this statement, I explain:
 - 8.1 what is meant by the term "Direct Action";
 - 8.2 the background to the events which took place during the weeks commencing 6 and 13 December 2021;
 - 8.3 the events I witnessed on Monday 6 and Tuesday 7 December 2021 involving the Defendants to these proceedings;

- 8.4 the events that took place on Wednesday 8 December and Thursday 9 December 2021;
- 8.5 the events that have taken place since;
- 8.6 the steps taken by the Claimant to communicate to the Defendants about the unlawful nature of the Direct Action;
- 8.7 the steps taken by myself and the rest of the Legal Team to identify the Defendants to this Claim;
- 8.8 the urgency of the Applications and Claim that my Client is making, and
- 8.9 the reasons why my Client is making an application under CPR 6.15 and 6.27 for service by an alternative method and why I believe that alternative service can reasonably be expected to bring the proceedings to the attention of all Defendants.

B. DIRECT ACTION

- 9. The term "Direct Action" is used by my Client in these Proceedings to refer to conduct that is done for the purpose of impeding or preventing works sought to be carried out in order to enable and complete the development of the New Cancer Centre ("**the Development**").
- 10. This includes (but is not limited to) the following types of behaviour:
 - 10.1 announcing on social media that work will be/is being carried out at the Site and encouraging individuals to attend and resist it or prevent it;
 - 10.2 sitting or standing or positioning vehicles on the highway at the entrance to Lady Cory Field or other Council-owned land to prevent the Claimant/its contractors from accessing that land on foot or in vehicles;
 - 10.3 sitting or standing in Lady Cory Field, the Railway Cutting or other Council-owned land to prevent vehicles from getting where they need to go to do the works;

- 10.4 erecting tents or other structures (e.g. piles of logs) in Lady Cory Field and/or the Railway Cutting to prevent vehicles from getting where they need to go to do the works;
- 10.5 individuals chaining themselves to gates to prevent the Claimant/its contractors and their vehicles from accessing the Site or other land on which my Client is using for the Development, and
- 10.6 otherwise positioning their bodies in such a way as to physically prevent the Claimant/its contractors from carrying out their duties at the Site or on other land which my Client is using for the Development.

C. BACKGROUND

11. As explained by David Powell in his First Witness Statement, particularly at paragraphs 23 and 24, in order to prepare the land needed for the Development of the New Cancer Centre, including the land needed for access to the Site and the land on the Site itself, my Client needs to carry out ground investigatory works ("**GI Works**") which include site clearance works, for example strimming, and investigatory works, for example the digging of bore holes.
12. As explained by David Powell in his First Witness Statement, in particular paragraph 21, the next stage of works is what is known as "**Enabling Works**" and consist of, in summary:
 - 12.1 Building bridges to access the Site;
 - 12.2 Bringing utilities to the Site;
 - 12.3 Site preparation, and
 - 12.4 Building temporary construction access roads.
13. The Claimant has an agreement with the Council dated 25 July 2019 [**SJB1/3-46**] which provides my Client with rights over the Council's land in order to complete the Enabling Works ("**EW Licence**").
14. On 5 June 2020, my Client was granted a licence [**SJB1/47-54**] ("**GI Licence**") to use land owned by the Council shown edged green on the plan annexed to the GI Licence [**SJB1/53**] for the purpose of GI Works.

15. In advance of the week commencing Monday 6 December 2021, I was instructed by my Client that on Monday 6 December they wished to continue GI Works on land owned by the Council in advance of Enabling Works due to start in January 2022. This is all prior to the commencement of the building of the New Cancer Centre which, as David Powell explains in his First Witness Statement, is due to start in March 2023.
16. The reason for the Legal Team's involvement was because of the Direct Action in May and October 2021 which had impeded the GI Works. David Powell explains at paragraph 24 of his First Witness Statement that these initial GI Works in October 2021 consisted of ground clearance work.
17. The GI Works which had started in October 2021 were due to continue on 6 December 2021. The GI Works in December 2021 were to consist, primarily, of the drilling of four boreholes in two locations (two boreholes in the Railway Cutting and two on the site of the New Cancer Centre) in order to obtain soil samples. A rig would be used to drill these holes. In order to gain access to this location, our Client relies on the GI Licence.
18. I refer to Mark Young's First Witness Statement where he explains at paragraph 14 that he applied for a Temporary Traffic Restriction Order in July 2021. The Council agreed in September 2021 to implement a public right of way diversion, so there was an alternative route for pedestrians around the working area in the Railway Cutting. I exhibit the order of the Council dated 15 September 2021 [SJB1/55] (the "**Council Order**").
19. On Tuesday 30 November 2021, my Client posted on its Facebook page "Velindre Matters" an explanation of the GI works due to start on 6 December [SJB1/56]. The post explained:

"We will use Lady Cory Field to deliver the investigation equipment to the relevant areas of the site which are the railway cutting, for which a footpath diversion will be put in place, and later at the site end of the proposed Asda bridge. The investigation works themselves will commence at these locations and when the works are completed we will return them to a useable state.

During the works, some areas of the site will be fenced off. Access to the railway cutting will be unavailable to the public and there will be a footpath diversion, clearly signposted, will be in place to ensure public and contractor safety. You may find this map helpful."

The map which was posted was the Advanced Site Clearance Proposed PROW Temporary Closure and Diversion Map [SJB1/57] ("**ROW Closure Map**") which showed the route of the diverted footpath.

20. Various individuals commented on this post, including Catherine Lewis and Michelle Gough [SJB1/58-59], who I then witnessed at Lady Cory Field on 6 and 7 December 2021, as I explain below. The 30 November 2021 post was also posted in Welsh [SJB1/60]. Also on 30 November 2021, my Client posted on its website this ROW Closure Map with an explanation of the survey works due to commence in December 2021¹.
21. In an e-mail dated 1 December 2021 from the Council [SJB1/64], the Council confirmed that the Trust was allowed under the GI Licence to fence off the required area of Lady Cory Field. This fenced-off area would be known as the "**Safety Zone**". This Safety Zone would allow the rig to pass safely through Lady Cory Field and into the Railway Cutting². The Council also confirmed that the EW Licence in place for the Enabling Works in January 2022 gave my Client "*exclusive access*" provided this was supported in the RAMS.
22. On Sunday 5 December 2021, via a Teams video call, I was introduced by my client to Christian Edwards who is the head of the security team employed by my Client ("**Security Team**").
23. On Monday 6 December 2021, my Client received from the Council a letter addressed to "Whom It May Concern" [SJB1/95] confirming that members of the public had no right to access the "Safety Zone" for health and safety reasons ("**Council Letter**"). It stated:

"The County Council of the City and County of Cardiff, which owns the land at Lady Cory Field, has granted Velindre NHS Trust a licence to use this land in order to gain access to the Railway Cutting in order to undertake Ground Investigation Works due to start 6 December 2021.

The Council has agreed that Velindre's rights in this regard extend to creating a "Safety Zone" across Lady Cory Field, part of which will be fenced

¹ <https://velindre.nhs.wales/news/latest-news/survey-works-to-commence-on-the-new-velindre-cancer-centre-site1/?fbclid=IwAR1PC0pqCRaDupezBPTWQerdW3GdJ4DPquELmIEkuVsMkx133pZxHCrQKpA> [SJB1/61-62 – doc 76]

² The Council requested that further detail be set out in the risk assessment and method statement ("**RAMS**") to be submitted pursuant to the Clause 6 Obligations and the Easement Agreement. I refer to the Method Statement Proforma prepared on behalf of my Client, dated 1 December 2021, which is the document referred to as the RAMS [SJB1/71-94]. Figure 8 on page 8 of the RAMS shows in blue the Safety Zone that was to be erected.

off, and which members of the public will have no rights to enter due to health and safety. The Council has taken all required steps to revoke the rights which members of the public previously had to use the Safety Zone and the fenced off land at Lady Cory Field which is now to be fenced off and used by Velindre.

For the avoidance of doubt, this gives Velindre exclusive rights over the Safety Zone and fenced off land for the duration of the existing survey."

24. This Council Letter and the Council Order were put in various locations in and around the site, including at Lady Cory Field and at the entrance to the Railway Cutting on 8 December 2021 by two employees of the Trust, as I explain at paragraph 67 below. These locations (with photos taken by the Trust Project Support Officer on 8 December between 2 and 3pm) were:

24.1 the McDonald's bridge [SJB1/96-97]; and

24.2 on temporary fencing/barriers in and at the entrance to Lady Cory Field [SJB1/98-99].

25. I attended my Client's Offices on 6 and 7 December 2021 in anticipation of the GI Works that were to commence on 6 December 2021 with anticipated accompanying Direct Action to prevent such Works. On arrival on 6 December 2021, I was introduced to the Project Manager for Walters. Walters is the main contractor who my Client has instructed to work on the GI and Enabling Works. I refer in this statement to the "**Walters Team**" by which I mean the team of contractors from Walters.

D. Events of Monday 6 December 2021 and Tuesday 7 December 2021

(i) Monday 6 December 2021

26. At approximately 8.30am on Monday 6 December I walked with David Powell from my Client's Offices to Lady Cory Field, via the Railway Cutting. There were flags hung up around the Railway Cutting [SJB1/100] and at least one tent, a blue tent, which had been pitched on the Railway Cutting [SJB/101].

27. I arrived at Lady Cory Field at 8.58am, there was a blue tent pitched in the middle of it [SJB1/102]. I walked to the gate which is located in the far left corner (when approaching from the Railway Cutting) and which opens onto the A4054 (Pendwyallt Rd) (the "**Gate**").

28. When we arrived at the Gate, there was no one there. However within the space of a minute or two, two individuals, both with dogs, joined us at the Gate and started speaking to David Powell. One of the individuals, who I would later learn to be an individual named Chris Marshall, immediately started filming the conversation on his mobile phone and so I did the same and exhibit the video footage here [SJB1/103]. The other individual would later tell me his name was Ian Vincent. The conversation went on for some 30 or so minutes and it consisted of both Mr Marshall and Mr Vincent asking David questions about the Development and planned works and registering their opposition and dissatisfaction with the plans and with David's responses to their questions.
29. Also when we arrived at the Gate, there was at least one individual on the other side of Pendwyallt Road watching what was happening at the Gate. This was an older man with a white beard in grey waterproof clothing. He crossed the road to stand by the Gate and observe the conversation between Mr Marshall, Mr Vincent and David Powell. Other individuals started arriving, including a man in a red waterproof jacket who came over and spoke to me briefly, asking who I was and if I had been into the Railway Cutting and seen how beautiful it was. Based on my subsequent online research³, I believe this individual to be called David Kilner.
30. By 9.20am, there was also a couple of other individuals at the Gate, watching what was happening and chatting to the various individuals present. One was a woman in a pink hat with two spaniels with her. She seemed to know who everyone was and kept asking those she was speaking to who I was. The conversation between Mr Marshall, Mr Vincent and David was still ongoing, and still being filmed by Mr Marshall.
31. By 9.31am a woman in a dark coloured anorak (with a bumble bee print) had arrived and started filming as well. She came up to me directly and, at close range, started filming or taking a photo of my face, which I found somewhat aggressive. I therefore took my phone out and started filming her for evidential purposes [SJB1/107]. I believe this person to be Michelle Gough based on Facebook posts which involve her and which I and others on the Legal Team have been able to find on Facebook [SJB1/108].

³ See for example this article featuring the man I am describing: <https://jomec.co.uk/thecardiffian/2017/03/21/wildlife-corridor-will-bring-nature-riverside-canton/> [SJB1/104-106].

32. At 9.38am the conversation between Mr Marshall, Mr Vincent and David Powell was still ongoing. At this point I returned to the Office and did not return to Lady Cory Field for the rest of the day.
33. By 11.30am, someone with the Facebook name Charlie Brown had posted on Facebook a selection of photos with the caption "heros [sic] and villains" [SJB1/109]. One of the photos was the photo, or screenshot, of me filming Michelle Gough while she filmed me.

(ii) Tuesday 7 December 2021

34. On Tuesday 7 December 2021, I walked from my Client's Offices to the Gate at Lady Cory Field via the Railway Cutting at around 8.00am. When I arrived at Lady Cory Field from the Railway Cutting at 8.09am, the blue tent from the day before was still in position and approximately eight security guards in high visibility jackets and hard hats (part of the Security Team instructed by the Claimant) were stood at the Gate. This was in anticipation of an attempt to open the Gate, to allow a van with heras fencing and matting to enter Lady Cory Field in order to build the Safety Zone that morning.
35. By about 8.15am, various individuals had arrived including Mr Marshall and Mr Vincent from the day before. Mr Vincent asked me who I was, and I responded that I was a lawyer working for the Trust.
36. There was a lady in a purple jacket and purple bobble hat who was filming activities at the Gate on her phone. As Michelle Gough had done the day before, she came over to me to film my face which I found quite aggressive. At one point, she must have been informed by Ian Vincent that I was a lawyer as she started shouting "*why is there a lawyer here?*" repeatedly. I heard this lady answer to the name "Nia". The Legal Team later found a photo of this lady in front of the Gate posted to the Save the Northern Meadows Facebook page on which somebody had commented "*Go Nia*" [SJB1/110]. I therefore believe her to be Nia Williams, who is an administrator of the Save the Northern Meadows Facebook group.
37. At about 8.20am, the Security Team opened and unlocked the Gate, in anticipation of the arrival of the fencing and matting which was to be placed down on Lady Cory Field in order to create the Safety Zone.

38. At 8.54am there were about eight to ten individuals (not part of the Claimant's Security Team) standing by the Gate. A woman in a red hooded jumper and yellow anorak, who I believe to be Catherine Lewis based on subsequent online research⁴, was stood in the middle of the open Gateway shouting "...*I am not moving,I am here you can run me over I am not moving*".
39. By 9.07am there were about six individuals present who had been at the Gate for about 45 minutes by this point. By this time, a younger individual in a blue beanie hat had arrived. There was also a man in a red waterproof, but I could not tell if he was the same man in a red waterproof (David Kilner) who had spoken to me the day before.
40. Some of those present were peacefully protesting. However others, such as Ms Lewis, were positioning themselves in front of the Gate and making it clear that they intended to block access to Lady Cory Field. By 9.46am, there were about eight individuals present at the Gate, standing in a position which made clear they intended to block access to Lady Cory Field.
41. At around this time, 11.45am, the van with the fencing and matting was in the vicinity of Lady Cory Field, and the Walters Team and Security Team were ready to bring the van onto Lady Cory Field to unload the fencing and matting. David Powell and Christian Edwards approached these individuals and advised them that works were about to start, and that they did not have a right to block access. I refer to the video footage of this conversation which I filmed on my mobile phone [SJB1/114]. None of the individuals moved.
42. At 11.48am, there were four individuals standing or sitting on the pavement in front of the Gate blocking access to Lady Cory Field [SJB1/115]. I refer to the Defendants' Schedule which I have created in order to consistently refer to Defendants in these proceedings [SJB1/231]. These individuals included the following:
- 42.1 a man standing with a placard in a red waterproof and grey hat ("**Defendant B**");

⁴ See for example a photo of Ms Lewis on this online article: <https://www.thenational.wales/environment/19724059.latest-legal-challenge-new-velindre-cancer-centre-rejected/> [SJB1/111-113]

- 42.2 a woman sat down in a red Santa hat, who I believe to be Alice Macintosh;
- 42.3 a woman sat down in blue jeans and red wellies, who I believe to be Pip Beattie; and
- 42.4 a younger person in a black waterproof and blue hat.
43. At 11.52am, the van with fencing and matting was parked on Lon-Y-Celyn road, waiting to be able to enter Lady Cory Field. Christian Edwards approached the individuals sat on the pavement and advised that access was needed for 15 minutes, to get fencing and matting into Lady Cory Field. I filmed this interaction on my mobile phone [SJB1/116]. The individuals who Chris Edwards spoke to at this time included:
- 43.1 Defendant B;
- 43.2 a man in a red waterproof with a green umbrella ("**Defendant D**");
- 43.3 Pip Beattie;
- 43.4 the younger person in a black waterproof and blue hat;
- 43.5 Alice Macintosh; and
- 43.6 Chris Marshall.
44. Christian Edwards asked "*will you move for us?*". Mr Marshall, who was filming, asked me "*where are the notices?*". I explained that fencing needed to go in Lady Cory Field, and that the land in question belonged to the Council. I explained that the Trust needed to put matting down. I confirmed that Lady Cory Field was needed for access from the road and was not "*out of bounds*" to the public.
45. At 11.57am, the van with the fencing and matting attempted to enter Lady Cory Field but was unable to do so due to the individuals blocking access. As a result, it parked outside the Gate on the main road. The Walters team began to unload the fencing, and carry it past the individuals sat in the way, into Lady Cory Field. I exhibit [SJB1/117] a photo I took at 12.03pm which shows (from left to right) the following individuals sat or stood blocking access to Lady Cory Field:
- 45.1 a woman in purple with a black umbrella ("**Defendant A**");

- 45.2 an individual in a red waterproof sat on the floor (possibly Defendant B);
- 45.3 an individual in brown/grey/green waterproofs with spectacles, holding a flask ("**Defendant C**");
- 45.4 the younger individual in a blue hat;
- 45.5 Pip Beattie;
- 45.6 Alice Macintosh;
- 45.7 Defendant D, and
- 45.8 an individual in a blue waterproof holding a placard ("**Defendant E**").

I have circled on the photograph the two individuals who, as I explain below, I would go on to hand a pre-action letter to later that day.

- 46. The Walters Team were able to move some fencing into Lady Cory Field [SJB1/118] by carrying it around the individuals who were blocking access. However their progress was very slow, due to the need to carefully avoid the individuals in the way, and the individuals blocking access kept moving to block off any spaces through which the Walters Team were taking fencing. At around 12.15pm, the Walters Team stopped altogether. I had a brief conversation with a member of the Walters Team who confirmed to me that he could no longer safely carry fencing past the individuals blocking access and the work had therefore been stopped.
- 47. I returned to my Client's Offices and assisted in the preparation of pre-action letters to hand to the individuals who had blocked access to Lady Cory Field and thereby prevented the Walters Team from entering the field in order to erect the "Safety Zone".
- 48. At this time, I did not know the names of any of the individuals who I had witnessed blocking access to Lady Cory Field and so I prepared pre-action letters to "Persons Unknown".
- 49. While I was preparing these letters at the Client's Offices, I was informed that the police had arrived at around 2.30pm as the Walters Team had attempted once again to drive the van with the fencing on it into Lady Cory Field, but had been

obstructed. I exhibit a photo I was sent by Christian Edwards at 2.53pm [SJB1/119] which shows a police van in the middle of Pendwyallt Road outside the entrance to Lady Cory Field.

50. At approximately 4.00pm I returned to the entrance to Lady Cory Field. I identified two individuals at or near the entrance who had been blocking access to Lady Cory Field earlier in the day. They were the following individuals:

50.1 Pip Beattie, and

50.2 the younger individual in a blue hat.

51. I approached Pip Beattie first and explained to her that I had a pre-action letter for her. I exhibit a copy of this letter at [SJB1/120-126]. She refused to take the letter and so I placed it on her lap. She then moved so that it dropped to the floor at her feet. I exhibit at [SJB1/127] a video of this interaction filmed by a member of the security team at my request.

52. After this interaction, I could no longer see the younger individual in a blue hat anymore. However Defendant A [SJB1/128], who I had taken a picture of at 12.03pm [SJB1/117] and who I had witnessed blocking access to Lady Cory Field, had crossed Pendwyallt Road and was stood on the pavement near Pip Beattie. I therefore approached this lady and explained that I had a pre-action letter for her. She asked who I was and when I replied "*a lawyer from DLA Piper*" she replied "*nice! I bet you are on loads of money!*". This lady also refused to take the pre-action letter, and so I dropped it at her feet on the floor. She called after me "*how rude!*". I exhibit at [SJB1/129] a video of this interaction filmed by a member of the security team at my request.

53. After I moved away from this lady in the purple she continued to laugh and make remarks about me, which I do not have on film but as far as I recall involved remarks such as "*who do you think you are?*". Someone came towards me to try and film my face, I turned around and put the hood of my coat and a face covering on. This filming was later posted as a tweet by Pip Beattie, as I explain below. When I turned back around, my glasses were steamed up and Defendant A said something along the lines of "*look your glasses are steaming up because you are so embarrassed*". This interaction felt quite aggressive to me and shortly after I left the Lady Cory Field area and returned to my Client's Offices.

54. Before I left the entrance to Lady Cory Field, I handed a laminated copy of the pre-action letter to a member of the Walters Team and instructed that person to affix the laminated copy to the fence at the entrance to Lady Cory Field. By 4.35pm I had been sent a photo by the Walters Project Manager of the laminated letter and enclosures stapled to the fence at the entrance to Lady Cory Field [SJB1/130].
55. When I was back at the Offices, the Legal Team and I made arrangements for a process server, Tremark, to send to the administrators of the Facebook groups "Save the Northern Meadows" (as I explain below, there are two such groups, one which is now private and one which is public) a copy of the pre-action letter which I had just handed to Pip Beattie and Defendant A at Lady Cory Field.
56. At 8.12pm that evening Pip Beattie posted a video on her twitter of me moving away from the entrance to Lady Cory Field [SJB1/131] [SJB1/132]. I note in her tweet she states "*A lawyer representing @MattersVelindre today wouldn't explain what these papers were about and when members of the community wouldn't accept them just threw them on the floor! Is this acceptable?*". As I have explained above, I did not try and hand pre-action letters to anyone other than Pip Beattie and Defendant A, both of whom I had witnessed blocking access to Lady Cory Field earlier that day. I explained to both that the letters were pre-action letters.

E. EVENTS OF WEDNESDAY 8 DECEMBER 2021 AND THURSDAY 9 DECEMBER 2021

(i) Wednesday 8 December 2021

57. I did not return after Tuesday 7 December 2021 and so the evidence about what Direct Action occurred on Wednesday 8 December 2021 and on subsequent days is set out in the Witness Statements of David Powell and Mark Young.
58. On 8 December 2021, at 7.51am, I received from Christian Edwards a photo of a green tent [SJB1/133] which had been erected on Lady Cory Field overnight. The location of the green tent was on or near the strip of land which was to form a Safety Zone, as indicated on the map enclosed with the pre-action letter [SJB1/126] handed to two individuals, Pip Beattie and Defendant A at Lady Cory Field, and affixed to the fence at the entrance to Lady Cory Field, the day before.

59. At 8.02am, a woman named Roxanne Cardey tweeted a picture of the green tent and the words: "*WE WILL NOT GO AWAY. OUR FUTURE GENERATIONS DEPEND ON US AND OUR ACTIONS TODAY...We stand because we have no other choice available to us....*" [SJB1/134]. My Client instructed me to prepare a pre-action letter to send to Roxanne Cardey on Facebook. I did so, and then instructed Tremark to send this letter [SJB1/135-143] to Roxanne Cardey on Facebook, which they did at 5.33pm [SJB1/144]. I also requested that an employee from the Trust should attempt to fix a laminated copy of the letter to Roxanne Cardey to the green tent in Lady Cory Field and I was later provided with evidence that this had been done [SJB1/145-146].
60. During the morning of 8 December, the Legal Team noticed a post on the Save the Northern Meadows Facebook page warning its members to take care to hide their identities [SJB1/147].
61. Also during the morning of 8 December 2021, my Client sent me a photo to confirm that pre-action letters to Persons Unknown were still affixed to the fence outside Lady Cory Field [SJB1/148].
62. At 12:24pm, Tremark confirmed that they had achieved the following:
- 62.1 Tremark posted the pre-action letter to the Facebook group 'Save the Northern Meadows'⁵ with the message "*Please see below a pre-action letter to persons unknown engaging in unlawful direct action today (and only those individuals)*" [SJB1/149];
- 62.2 Tremark sent a direct message on Facebook containing the pre-action letter and the message "*Please find attached a pre-action letter to persons unknown engaging in unlawful direct action today (and only those individuals), please post this on the Save the Northern Meadows pages you are administrators of*" to the following individuals who are the administrators of the Facebook group:
- 62.2.1 Michelle Gough [SJB1/150];
- 62.2.2 Ben Marshall [SJB1/150];

⁵ <https://www.facebook.com/groups/savenorthernmeadows>

62.2.3 Nia Lewelyn Williams [SJB1/151];

62.2.4 Tessa HM [SJB1/151];

62.2.5 John-Paul Jones [SJB1/152];

62.2.6 Rob Sage [SJB1/152],

62.2.7 Chris Marshall [SJB1/153], and

62.2.8 Pip Beattie [SJB1/153].

62.3 Tremark emailed the letter to savethenorthernmeadows@gmail.com with the message "*Please see below a letter before action to persons unknown engaging in unlawful direct action today (and only those individuals)*" [SJB1/154].

63. At 2.35pm on 8 December, my Client sent me a video of a van parked on the side of the road between Pantmawr Road and Lon-y-celyn Road [SJB1/155]. I was later informed by email that this video was filmed by the Trust's Project Support Officer and it shows a person unknown in a green 'scooby doo' Volkswagen van parked on Lon-Y-Celyn Road where it had been parked all day. The Project Support Officer told me that she witnessed the lady who is driving the van jump in it in order to try and blog the rig (which is visible behind the van) which was being taken off the low loaded HGV and into Lady Cory Field. A number of Walters, security and other contract staff were stood to the side of the van instructing the safe removal of the rig. The driver of the van started her engine and edged forward and hit one of the contractors. The video clearly shows him being touched and pushed by the van.

64. During the course of the day, the Legal Team, including myself, had searched social media and other publicly available online sources in an attempt to identify the two individuals who I had handed a pre-action letter to the day before.

64.1 I identified the first individual who I had served as Pip Beattie based on the profile picture of Pip Beattie on Facebook [SJB1/156-157].

64.2 I could not identify Defendant A, and so she remains a person unknown.

65. In the same way, we also made attempts to identify the other individuals who I had witnessed blocking access to Lady Cory Field. In addition to social media and publicly available online sources, we asked the Security Team and employees of Walters and the Trust if they recognised anyone in the photos I had taken the day before. It was suggested that the woman in the santa hat was called "Alice". I searched online and identified this person as Alice Macintosh [SJB1/158]. At 6.00pm on 8 December 2021, DLA Piper instructed Tremark to send a pre-action letter to Alice Macintosh [SJB1/159-165] and at 7.02pm Tremark confirmed that they had done this [SJB1/166]. I also requested that my Client place a laminated version of this pre-action letter on the tents in Lady Cory Field as Ms Macintosh had been seen sat by those tents earlier in the day. I was later informed that a member of the Security Team had affixed a laminated version of the pre-action letter addressed to Ms Macintosh to one of the tents [SJB1/167].

(ii) Thursday 9 December 2021

66. On the morning of Thursday 9 December 2021, a member of the Walters team sent me a photo at 8.45am of a red tent which had been positioned in the middle of the Railway Cutting, blocking access to the rig which I was informed by my Client would be passing down the Railway Cutting later that day [SJB1/168]. At some point during the day, this tent would be moved out of the way by Mark Young.

67. At about 9.00am I received messages from the Senior Project Manager for the Trust. She sent me photos of signs at the McDonald's bridge entrance to the Railway Cutting, next to Asda; and at the entrance to Lady Cory Field, which had been placed there on the afternoon of 8 December 2021 [SJB1/169-170]. Two signs had been put up, one was the Council Letter dated 6 December [SJB1/95] and the other an Order from the Council dated 15 September 2021 removing the public right of way ("**Council Order**") [SJB1/55]. The Senior Project Manager informed me that the Council Letter and Council Order had been put up by her and a colleague on 8 December 2021 and removed from the entrance to the Railway Cutting by persons unknown but were still in place at other locations such as Lady Cory Field.

68. Starting at 12.39pm, I was sent by the Walters Project Manager a series of photos showing diversion signs in place around the Railway Cutting. These are the signs

which Mark Young explains at paragraph 64 of his statement went up around this time.

69. The Legal Team, including myself, noticed during the morning of 9 December 2021 that some of the individuals we had identified had taken steps to change their Facebook profile details.

69.1 Roxanne Cardey had changed her name to "Clara Wendy" [SJB1/171].

69.2 Pip Beattie had changed her name from Pip Beattie to "Pip Beat" [SJB1/172].

70. The Legal Team prepared a follow up letter to Pip Beattie [SJB1/173-184]. This follow-up letter explained that we had identified her as the individual who I had served a pre-action letter to on 7 December 2021, and it enclosed a copy of this prior letter. We sent this follow-up letter to Tremark, asking them to send this to Ms Beattie via Facebook. We also asked our Client to arrange for a hard copy to be handed to Ms Beattie on site (if she was present there). At 2.48pm Tremark sent the letter to Ms Beattie via Facebook [SJB1/185].

71. I refer to David Powell's First Witness Statement, in particular paragraphs 70 to 82 , for details of the obstruction which he witnessed on the afternoon of 9 December 2021.

72. At 3.36pm, the Trust posted on their Facebook page pictures of the diversion signs (as referred to at 68 above) now in place [SJB1/186] with the explanation:

"Our contractor is now on site - thank you for your cooperation and patience. You will see that diversion signs are up and the footpath is now closed. We have also put up other signs relating to the work being undertaken."

F. SUBSEQUENT EVENTS

73. On Friday 10 December 2021, the Trust was able to make some progress with moving the rig along the Railway Cutting. The progress was slowed down by unidentified individuals dragging branches and logs across the Cutting, and I exhibit a video sent to me by the Project Support Officer at the Trust which shows the Walters Team dealing with the logs and branches in the way [SJB1/187]. The Project Support Officer has informed me that she recorded this video between 8.12 and 8.37am on 10 December 2021 when the Walters Team were trying to keep the

cutting clear in order for the boreholes to start to be dug. The branches and logs that she filmed being cleared had been placed there, unseen, at some point overnight.

74. Just before midday, I was informed by the Walters Project Manager that the rig was in position and, as David Powell explains at 83 of his First Witness Statement, they were able to start drilling.
75. On Monday 13 December 2021, as David Powell explains in his First Witness Statement, the Direct Action was limited to the individuals placing logs and branches across the Railway Cutting unseen.
76. On Tuesday 14 December 2021, as Mark Young explains in his First Witness Statement, one borehole was successfully drilled. I refer to Mark Young's Statement for further information on what happened on this date and on Wednesday 15 December 2021.
77. Also on Tuesday 14 December 2021, the Legal Team reviewed the footage sent by David Powell of persons unknown blocking the progress of the rig in the Railway Cutting (as referred to at paragraphs 84 and 85 of his statement). We identified one of the individuals, a woman in a purple hat and blue snood, as being Penny Owen [SJB1/188]⁶. We therefore prepared a pre-action letter to Ms Owen [SJB1/189-199] and instructed the process server to serve it on her by direct message on Twitter and to the phone number listed on the web page showing her as a Labour local election candidate. The process server was not able to send a direct message to her Twitter profile [SJB1/200], as the direct message function on Ms Owen's account was disabled. The process server also did not have an available phone number to send a message to her phone. Therefore, to date Ms Owen has not received a pre-action letter addressed to her personally but she was, as David Powell describes, provided by Christian Edwards with a pre-action letter addressed to persons unknown on 9 December 2021 when she was obstructing the rig in the Railway Cutting.
78. In the course of assisting my Client to prepare this Claim, I have reviewed a Highways Report for an area of land which includes the location of the pavement

⁶ Ms Owen is listed as a Labour local election candidate here: <https://mycardiffnorth.com/2017/04/12/penny-owen-labour-heath/> [SJB1/188]

outside the Gate to Lady Cory Field [SJB1/201-214]. Based on this Report, I believe that the pavement which the Defendants were blocking on 7 December 2021 is a public highway. I also refer to a photo from Google Maps which shows the pavement I am referring to [SJB1/215].

G. STEPS TAKEN BY CLAIMANT TO COMMUNICATE TO DEFENDANTS ABOUT UNLAWFUL NATURE OF DIRECT ACTION

79. At every stage, the Claimant has attempted to communicate with the Defendants about the unlawful nature of the Direct Action and the consequences of it continuing.
80. As I have explained, Velindre employees, including David Powell, were at Lady Cory Field on Monday 6 December 2021, communicating with all those present. Over the course of Monday 6 December 2021 and Tuesday 7 December 2021, David spent hours engaging with those present and some, such as Ian Vincent, registered their dissatisfaction orally and did not go on to unlawfully block access. However a number of individuals, including the Defendants to this Claim, went on to unlawfully block access and prevent or impede the Trust from going about its lawful business over the course of Tuesday 7 to Friday 10 December 2021.
81. On Tuesday 7 December 2021, as I have explained above, some four hours passed from the time that the Defendants were first asked to stop blocking access to Lady Cory Field until the time at which two individuals (Pip Beattie and Defendant A) were provided with a pre-action letter. This pre-action letter was then displayed prominently on the entrance to Lady Cory Field and the existence of the letter was referred to on social media by a numbers of individuals, including Defendants to this claim, as I have explained at paragraphs 56 and 84 below.
82. On 8 December 2021, the legal team arranged for a process server, Tremark, to serve the pre-action letter to persons unknown on the "Save the Northern Meadows!" Facebook group. Tremark informed us that they had sent the pre-action letter, but the post needed to be approved by the administrators of the page before it would publicly appear on the group [SJB1/149]. The Legal Team continue to monitor the Save the Northern Meadows! Facebook page, and have not seen that this post was approved or posted. There are currently two Save the Northern Meadows Facebook pages – one which was public until January 2022

and one which has been private since sometime around 8 December 2021. We were unable to serve the private Save the Northern Meadows Facebook group on December 2022, as posts by non-members are disabled. Tremark also attempted to serve the administrators of the Save the Northern Meadows! Facebook page individually, to their own Facebook accounts, with the pre-action letter to persons unknown asking them to "*please post this on the Save the Northern Meadows pages you are administrators of*" [SJB1/150-153]. As yet Tremark have received no response to these messages. The individual Facebook accounts served were:

82.1 Michelle Gough;

82.2 Ben Marshall;

82.3 Nia Llewelyn Williams;

82.4 Tessa HM;

82.5 John Paul Jones;

82.6 Chris Marshall;

82.7 Rob Sage; and

82.8 Pip Beattie.

83. Despite this publication of the pre-action letter, the Defendants went on to unlawfully prevent and impede the Trust's GI Works on 8 to 10 December 2021.

84. On 8 December 2021, the Save the Northern Meadows Facebook group posted a message asking members not to accept service of pre-action letters, stating "*PLEASE DO NOT LOOK OR TOUCH ANY INFORMATION. They are trying to serve notice on us and will stop us being able to go on any of the land...*" [SJB1/216]. As such, I believe that the individuals who I and my Client had served (or attempted to serve) pre-action letters on had seen and/or were aware/had reasonable notice of the contents of these letters.

85. On 9 December 2021, the Defendants were repeatedly asked by Christian Edwards to move out of the way of the rig in the Railway Cutting, and they refused to do so and so were handed pre-action letters. I exhibit at [SJB1/217]

a video from bodycam footage sent to me by Christian Edwards. Despite being provided with these letters some, such as Pip Beattie, continued to block access.

86. All of the pre-action letters stated that, if the served individual did not want to be a defendant to these proceedings, they could give an undertaking that they would not take part in further Direct Action. No undertakings were received and no responses have been provided to the pre-action letters.
87. I believe that the Defendants' history of Direct Action, or encouragement of the same, their refusal to provide an undertaking to desist and the continuing Direct Action and encouragement following service of the Pre-Action Protocol letters means that the Direct Action will continue unless restrained by this Court.

H. STEPS TAKEN TO IDENTIFY DEFENDANTS

88. It has not been possible to name all of the individuals against whom relief is sought.
89. When I approached Pip Beattie on 7 December 2021, in order to serve her with a pre-action letter, I informed her that the letter was addressed to her, as a person unknown and asked if she would like to tell me her name to which she replied "*no thank you*" [SJB1/127]. Shortly after this I approached Defendant A to serve her with a pre-action letter. The sound on this video is less clear, but as far as I recall I similarly asked her if she would tell me her name and she refused [SJB1/129]. When pre-action letters were physically served by others, my understanding is that they requested the names and addresses of the individual. For example, I refer to the footage at [SJB1/217] in which Christian asks those present, including Defendant F, to tell him their name and address when he hands out the pre-action letters. No Defendants identified themselves.
90. The Legal Team were able to identify defendants by looking at social media activity which showed, tagged, or otherwise identified people that my Client and I saw in person. However, identifying potential defendants via social media was made more difficult when the potential defendants started changing their Facebook profile names on 8 December 2021. I believe this to be in response to the Save the Northern Meadows Facebook post at around 12.00pm on the same day stating "*PLEASE TRY AND STOP USING PEOPLES NAMES... PROTECT YOUR IDENTITY... TIGHTEN UP YOUR FACE BOOK SETTINGS*" [SJB1/216].

One of the Save the Northern Meadows! Facebook groups became a private group at some point after 8 December 2021 so non-members were no longer able to see their posts.

91. Identifying all potential defendants when I was present at Lady Cory Field was difficult due to the face coverings, hats and hoods worn by some of those engaging in Direct Action. Similarly, some individuals seen engaging in Direct Action at Lady Cory Field and the Railway Cutting appeared to have no social media activity on Facebook or Twitter which matched their appearance when they were engaging in Direct Action. This meant that the Legal Team found it difficult to identify them by name.
92. While reviewing social media and online news stories in an attempt to identify the Defendants, it became apparent to me that the identities of the two women who, as David Powell describes at paragraph 44 of his First Statement, were arrested on 26 October 2021 are Roxanne Cardey and Defendant F. I exhibit a screenshot of the ITV news report from 26 October 2021 [SJB1/218] which shows a woman, presumably the 69 year old woman referred to in the report [SJB1/219-223], who I believe to be Defendant F based on the clear likeness between Defendant F [SJB1/224-227] and the woman in this news report. Similarly, I believe the younger woman who is shown in the ITV news report being arrested [SJB1/228] is Roxanne Cardey based on the likeness to Facebook posts of Roxanne Cardey [SJB1/229]. Finally, Save Cardiff Northern Meadows tweeted a picture of these two woman on 27 October 2021 with the caption "*They're out*". I exhibit this tweet with my amends to show which Defendants I believe the post is referring to [SJB1/230]. The women in the picture appear to me to be Defendant F and Roxanne Cardey.

I. URGENCY

93. My Client is making this application for an interim injunction on an urgent basis, in light of the need to start placing matting and fencing down on 20 January 2022 in advance of the start of tree clearance work on 31 January 2022, as explained at paragraph 28 of David Powell's statement. Since 17 December 2021, when my Client brought to an end its unsuccessful attempts to complete GI Works in the face of the Direct Action engaged in by the Defendants, the Trust has been working over the Christmas and New Year period to prepare this Claim and these

Applications as soon as possible. explained by Carl James at paragraph 35 of his First Witness Statement, my Client required approval from the Welsh Government in order to start the Enabling Works and this approval was received on 18 January 2022. Therefore the soonest the Claim and Applications could be filed is 18 January 2022. This has meant that the Applications will need to be heard on an urgent basis given the start date for placing down matting and fencing ahead of tree clearance is 20 January 2022.

J. REASONS WHY THE CLAIMANT IS MAKING AN APPLICATION UNDER CPR 6.15 AND 6.27 FOR SERVICE BY AN ALTERNATIVE METHOD

94. In respect of all Defendants, including Persons Unknown, the Claimant is applying to serve by an alternative method the Claim Form, the Response Pack, the Witness Statements, the Draft Order ("**Claim Documents**"), the Application Notice for the Interim Injunction and the Application Notice for Service by an Alternative Method together with the Order for Service by an Alternative Method (if granted) ("**Application Documents**").
95. In respect of the First to Fourth Defendants, the Claimant cannot serve these Defendants in the usual way (in compliance with CPR 6.3(1)(a) to (d)). Taking each of these methods of service in turn:
- 95.1 The Claimant is unlikely to be able to effect personal service in accordance with CPR 6.5 as the Claimant does not know the whereabouts of the named Defendants;
- 95.2 The Claimant cannot post the Claim Documents and Application Documents as it does not know their addresses or places of residence or places of business. This means that service in accordance with CPR 6.3(1)(b) and CPR 6.7 cannot be effected. The Legal Team has, as I have described above, assisted the Claimant with investigating the identities of the Defendants but these investigations have not been capable of obtaining or identifying the addresses, usual or last known places of residence or places of business of the named Defendants; and

- 95.3 The Claimant cannot effect service on a solicitor in accordance with CPR 6.7 as the Claimant has not been provided with the details of any solicitor instructed on their behalf.
96. The Claimant therefore intends to serve the Claim Documents and the Application Documents on the First to Fourth Defendants by:
- 96.1 With regards to the First, Second and Fourth Defendants, Pip Beattie, Alice Macintosh and Roxanne Cardey, the Claimant sending a link to the Claim Documents and Application Documents to these Defendants by direct message to their respective Facebook accounts⁷.
- 96.2 With regards to the Third Defendant, Penny Owen, the Claimant sending a text message of a link to the Claim Documents and Applications to the phone number listed on the profile associated with Ms Owen on the My Cardiff North webpage⁸.
- 96.3 Sending the Claim Documents and the Application Documents to the email address savethenorthernmeadows@gmail.com.
- 96.4 Uploading it to the Claimant's website at:
<https://velindre.nhs.wales/transforming-cancer-services/your-questions/> ;
97. The Claimant intends to serve the Claim Documents and the Application Documents on the Fifth to Eighth Defendants by:
- 97.1 Carrying out the steps set out at paragraphs 96.3 and 96.4 above;
- 97.2 Fixing copies of them (excluding the exhibits to the Witness Statements) in clear plastic envelopes at the following locations:
- 97.2.1 on the fence at the entrance to Lady Cory Field;
- 97.2.2 at the McDonald's bridge, and

⁷<https://www.facebook.com/pipbeat4>; <https://www.facebook.com/alice.macintosh.3>; <https://www.facebook.com/roxanne.cardey.90>

⁸ <https://mycardiffnorth.com/2017/04/12/penny-owen-labour-heath/> [SJB1/188]

97.2.3 on the footbridge in the Railway Cutting;

97.3 Including a link to them on the Claimant's "Velindre Matters" page on Facebook ;

97.4 Requesting the administrators of the Facebook page "Save the Northern Meadows", listed at paragraph 62.2 above to post a message (or allow the Claimant to post a message) to all members stating, "*Velindre NHS Trust have issued a claim in the High Court seeking an injunction to prohibit individuals taking Direct Action against the works sought to be carried out on Cardiff Council land and land owned by Velindre NHS Trust accessed via Lady Cory Field and the railway cutting. The documents supporting this claim can be found at the following link – <https://velindre.nhs.wales/transforming-cancer-services/your-questions/>."*

98. I believe that alternative service by these methods can reasonably be expected to bring the proceedings to the attention of all Defendants including Persons Unknown for the following reasons.

98.1 First, the methods of service proposed at paragraphs 96.1, 97.3 and 97.4 utilising social media (specifically Facebook) are likely to be effective in respect of the relevant Defendants, as based on the investigations of the Legal Team and to the best of the Claimant's knowledge the relevant Defendants are active users of those social media platforms. In addition, the comments I have heard and described above at paragraph 90 further indicate that the Defendants are active on social media;

98.2 Second, there appears to be a strong network of individuals spreading information by phone and social media between themselves as to the Trust's activities. I witnessed this myself on 6 and 7 December 2021 when I saw the numbers of those present participating in Direct Action grow in response to the presence of Trust staff and contractors at key locations such as Lady Cory Field. By way of specific example, as noted at paragraphs 28 and 29 above, on arrival at Lady Cory Field on 6 December 2021 there was no one present at the Gate but various people, including those most active on social media such as Michelle Gough, started

arriving shortly after. There were also individuals, such as the older man with a white beard I refer to at paragraph 29 above, who was watching the Gate from the other side of the road.

- 98.3 As part of this activity on social media, posts on the Velindre Matters Facebook page are routinely commented on by individuals such as Catherine Lewis and Michelle Gough who have been present and active in the events described in the witness statements submitted by the Claimant in these proceedings. It is in my view therefore highly likely that the Defendants will see for themselves, or become aware via other people, of the Claim Documents and Application Documents if there is a post linking to them on the Velindre Matters Facebook page.
- 98.4 Third, the proposed locations where the Claim Documents and Application Documents will be prominently displayed are locations that the Defendants will have to pass by in order to access the land on which the Trust is attempting to carry out GI and Enabling Works. Any Defendant who attempts to carry out Direct Action is therefore very likely to see the Claim Documents and Application Documents before they reach the location where the Trust is completing its Works.
- 98.5 Relatedly, individuals who have been present and active in the events described, including the Defendants to these proceedings are regularly seen in and around the Railway Cutting and Lady Cory Field. There is what I would describe as a constant presence of individuals who are active in the campaign to prevent the Trust from completing its lawful business. I refer to paragraphs 78 to 82 of Mark Young's First Witness statement which describes the presence of key individuals, such as Ian Vincent, on the site of the New Cancer Centre in the first week of January 2022 when the Trust's contractors were on the Site and in the Railway Cutting for planning purposes ahead of the Enabling Works. It is therefore in my view highly likely that Claim Documents posted in prominent locations, especially the entrance to Lady Cory Field, will come to the attention of the Defendants.
- 98.6 Finally with regards to the Third Defendant, Penny Owen, the Claimant believes that serving her with the Claim Documents and Applications via

a link sent to her by text message will bring these documents to her notice as the phone number the Claimant intends to use is currently listed as a phone number that can be used to get in touch with her on the My Cardiff North website⁹ [SJB1/188].

Confirmation of Compliance

I understand that the purpose of this witness statement is to set out matters of fact of which I have personal knowledge.

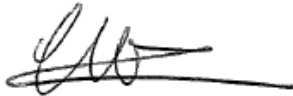
I understand that it is not my function to argue the case, either generally or on particular points, or to take the court through the documents in the case.

This witness statement sets out only my personal knowledge and recollection, in my own words.

On points that I understand to be important in the case, I have stated honestly (a) how well I recall matters and (b) whether my memory has been refreshed by considering documents, if so how and when.

I have not been asked or encouraged by anyone to include in this statement anything that is not my own account, to the best of my ability and recollection, of events I witnessed or matters of which I have personal knowledge.

Signed



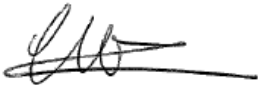
.....
SARAH JANE BURTON

⁹ <https://mycardiffnorth.com/2017/04/12/penny-owen-labour-heath/> [SJB1/188]

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 18 January 2022



.....

SARAH JANE BURTON

Certificate of Compliance

I hereby certify that:

- 1. I am the relevant legal representative within the meaning of Practice Direction 57AC.
- 2. I am satisfied that the purpose and proper content of trial witness statements, and proper practice in relation to their preparation, including the witness confirmation required by paragraph 4.1 of Practice Direction 57AC, have been complied with.
- 3. I believe this trial witness statement complies with Practice Direction 57AC and paragraphs 18.1 and 18.2 of Practice Direction 32, and that it has been prepared in accordance with the Statement of Best Practice contained in the Appendix to Practice Direction 57AC.



Signed:

Name: Sarah Burton

Position: Associate

Date: 18 January 2022

List of Documents referred to for the purpose of providing evidence

When preparing my statement I have referred to or been referred to the following documents:

Document	Date
Legal agreements relating to the Development, for example various licence agreements which my Client has entered into for the purposes of the Development	various
Logs kept by my Client recording key events, such as meetings held and abuse suffered by employees and contractors	various
Privileged emails and communications between the Legal Team and my Client	various
The first Witness Statements of Mark Young and Christian Edwards	13 January 2022
The first Witness Statements of David Powell and Carl James	18 January 2022
Privileged drafts of witness statements	[undated]
Online social media and news articles and posts	various
Documents exhibited with Exhibit SJB1	
Map showing Lady Cory Field	[undated]
Map showing the Railway Cutting	[undated]
EW Licence	25 July 2019
GI Licence	5 June 2020
Council Order	15 September 2021
Velindre Matters Facebook post	30 November 2021
ROW Closure Map	10 December 2020
Catherine Lewis and Michelle Gough's comments on Facebook post	[Accessed 16 December 2021]
Velindre Matters Facebook post in Welsh	30 November 2021
Velindre Website Article	30 November 2021
Emails between (1) Cardiff Council and (2) Velindre	1 December 2021
RAMS	1 December 2021
Letter from the Council to Whom it May Concern	6 December 2021
Photos of the Council Letter at the McDonald's bridge	8 December 2021
Photos of the Council Letter in Lady Cory Field	8 December 2021
Photo of flags around the Railway Cutting	6 December 2021
Photo of blue tent on the Railway Cutting	6 December 2021
Photo of blue tent on Lady Cory Field	6 December 2021
Video of David Powell, Chris Marshall and Ian Vincent	6 December 2021
The Cardiffian News Article	21 March 2017
Video of Michelle Gough	6 December 2021
Michelle Gough Facebook post	[Accessed 14 December 2021]
Charlie Brown Facebook post	6 December 2021
Save the Northern Meadows Facebook post	7 December 2021
The National Wales News Article	17 November 2021
Video of Christian Edwards at Lady Cory Field	7 December 2021
Photo of four individuals	7 December 2021
Video of Christian Edwards and other individuals	7 December 2021
Photo of individuals blocking access to Lady Cory Field [needs changing can get rid of the letters altogether]	7 December 2021

Photo of fencing in Lady Cory Field	7 December 2021
Photo showing a police van in the middle of Pendwayallt Road	7 December 2021
Pre-action letter to persons unknown	7 December 2021
Video of Pip Beattie and Sarah Burton	7 December 2021
Photo of Defendant A	7 December 2021
Video of Defendant A and Sarah Burton	7 December 2021
Photo of laminated letter and enclosures at Lady Cory Field	7 December 2021
Pip Beattie tweet	7 December 2021
Pip Beattie Twitter video	7 December 2021
Photo of green tent in Lady Cory Field	8 December 2021
Roxanne Cardey tweet	8 December 2021
Pre-action letter to Roxanne Cardey	8 December 2021
Process Server's screenshot serving pre-action letter to Roxanne Cardey	8 December 2021
Photo of laminated pre-action letter to Roxanne Cardey fixed to the green tent	8 December 2021
Save the Northern Meadows Facebook post	8 December 2021
Photo of pre-action letters affixed to the fence outside Lady Cory Field	8 December 2021
Process Servers screenshot serving pre-action letter on Save the Northern Meadows Facebook group	8 December 2021
Process Servers screenshots serving pre-action letters on the administrators of Save the Northern Meadows Facebook group	8 December 2021
Process Servers screenshot of email sent to savethenorthernmeadows@gmail.com	8 December 2021
Video of van hitting contractor	8 December 2021
Pip Beattie Facebook profile picture	[Accessed 8 December 2021]
Alice Macintosh Facebook profile picture	[Accessed 21 December 2021]
Pre-action letter to Alice Macintosh	8 December 2021
Process Servers screenshot serving pre-action letter on Alice Macintosh	8 December 2021
Photo of pre-action letter to Alice Macintosh at the tents	8 December 2021
Photo of red tent in the Railway Cutting	9 December 2021
Photos of the Council Letter at the McDonalds bridge and Lady Cory Field	8 December 2021
Roxanne Cardey's Facebook profile changed to Clara Wendy	9 December 2021
Pip Beattie's Facebook profile changed to Pip Beat	9 December 2021
Follow-up letter to Pip Beattie	9 December 2021
Process Servers screenshot serving follow-up letter on Pip Beattie	9 December 2021
Velindre Matters Facebook post	9 December 2021
Video of Walters Team dealing with logs and branches	10 December 2021
Screenshot of My Cardiff North Website – Penny Owen profile	[Accessed 10 January 2022]
Pre-action letter to Penny Owen	20 December 2021
Process Servers screenshot attempting to serve letter on Penny Owen via twitter	14 December 2021
Highways Report	14 July 2020
Google Maps Street View of the gate at Lady Cory Field	[Accessed 11 January 2022]
Save the Northern Meadows Facebook post	8 December 2021

Video of pre-action letters served at the Railway Cutting	9 December 2021
Screenshot from ITV news report (Defendant F)	26 October 2021
ITV News Report	26 October 2021
Photos of Defendant F	6 December 2021 – 9 December 2021
Screenshot from ITV news report (Roxanne Cardey)	26 October 2021
Roxanne Cardey (Clara Wendy) Facebook pictures	[Accessed 10 December 2022]
Save Cardiff Northern Meadows Tweet	27 October 2021
Schedule of Defendants	13 January 2022

On behalf of: the Claimant
By: S Burton
No: 1
Exhibit: SJB1
Date: 18 January 2022

[Claim Number TBC]

IN THE HIGH COURT OF JUSTICE

**BUSINESS AND PROPERTY COURTS IN
CARDIFF**

CIRCUIT COMMERCIAL COURT (QBD)

BETWEEN:

VELINDRE UNIVERSITY NHS TRUST
Claimant

- and -

(1) PIP BEATTIE

(2) ALICE MACINTOSH

(3) PENNY OWEN

(4) ROXANNE CARDEY

(5) PERSONS UNKNOWN

Defendants

**FIRST WITNESS STATEMENT OF
SARAH JANE BURTON**

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