



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

Before HHJ Keyser QC

Date: 26 April 2022

CC-2022-CDF-000002

BETWEEN:-

VELINDRE UNIVERSITY NHS TRUST

Claimant

-and-

- (1) PIP BEATTIE**
- (2) **DISCONTINUED****
- (3) **DISCONTINUED****
- (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
(9) DAVID CAMPBELL**

Defendants

FINAL ORDER

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, 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, 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 claim by Amended Claim Form dated 5 April 2022

AND UPON reading the Amended Claim Form and the supporting evidence

AND UPON an interim injunction having been granted following application by the Claimant on 28 January 2022

AND UPON hearing Leading Counsel and Junior Counsel for the Claimant, there being no appearance by or on behalf of any of the Defendants

IT IS ORDERED THAT:

1. 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 which is: (a) 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; (b) erected by the Claimant or its contractors; (c) on the Land; and, (d) for the purpose of the Works. The area demarcated by the Safety Zone includes the airspace above it and the subsoil below.

Injunction

2. With immediate effect and until 1 July 2025, 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 outwith 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 2a – 2g above;
- i. Continue any act prohibited by Paragraphs 2a – 2h above.

Service of this Order

3. Pursuant to CPR 6.15 and 6.27, 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 1st, 4th and 9th Defendants, attempting to send a Facebook message to the 1st, 4th and 9th 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 Macdonalds Bridge; and,
 - iii. On the footbridge in the Railway Cutting.
 - c. Sending an internet link to the Order by email to savethenorthernmeadows@gmail.com.
 - d. Uploading it to the Claimant's website at:
<https://velindre.nhs.wales/transforming-cancer-services/your-questions/>
 - e. By including a link to it on the Claimant's "Velindre Matters" page on Facebook; and,

- f. By 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 a final 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 contempt of court and lead to imprisonment, fines or seizure of assets. The final injunction can be found at the following link – <https://velindre.nhs.wales/transforming-cancer-services/your-questions/>.*”
4. Pursuant to CPR 6.15(3) and 6.27, this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in paragraph 3 above have been completed.
5. Pursuant to CPR 6.15 and 6.27, the steps identified in paragraph 3 above shall stand as good service of this Order.

Further directions

6. The Claimant’s claim for damages against the 1st, 4th and 9th Defendants is stayed until a further order is made, or if no further order is made, 1 July 2025, following which it shall be deemed dismissed.
7. Liberty to apply. Any person applying to vary or discharge this Order must provide their full name and address and an address for service and must also apply to be joined as a named defendant to the proceedings at the same time.
8. The 1st, 4th and 9th Defendants to pay the Claimant’s costs, such costs to be the subject of a detailed assessment on the standard basis if not agreed.

Communications with the Claimant

9. The Claimant’s solicitors and their contact details are:

DLA Piper UK LLP
160 Aldersgate St

Barbican

London EC1A 4HT

Email: sarah.burton@dlapiper.com

Tel: +442077966612

Dated: 26 April 2022

Plan 2

