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Claim Form

In the High Court of Justice, Kings Bench Division, Bristol District Registry

Fee Account no. PBA0087783

Help with Fees - Ref no. (if applicable)

H W F -

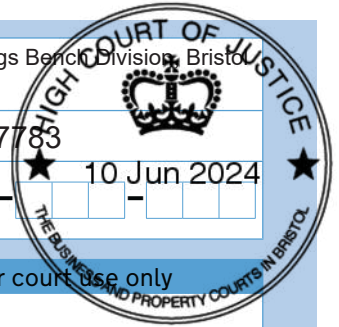
10 Jun 2024

For court use only

Claim no.

Issue date

HT-2024-BRS-000018



You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

Claimant(s) name(s) and address(es) including postcode

- (1) IMERYS MINERALS LIMITED
- (2) RECLAYM LIMITED
- (3) IMERYS BRITISH LITHIUM LIMITED
- (please see attached Rider 2 for addresses)



Defendant(s) name and address(es) including postcode

- (1) ROSEANNE BUCKLAND (please see attached Rider 2 for addresses)
- (2) ALFIE-LEE COOPER (please see attached Rider 2 for addresses)
- (3) LISA COOPER (please see attached Rider 2 for addresses)
- (4) ALFIE COOPER (please see attached Rider 2 for addresses)
- (5) PERSONS UNKNOWN AS FURTHER DESCRIBED IN RIDER TO CLAIM FORM

Brief details of claim

In 2013, C1 sold a parcel of land to the Defendants. This included a restrictive covenant that the Defendants were not permitted to use the land for residential purposes as it was too close to a quarry. Notwithstanding this, the Defendants have stationed their caravans there for some years. Recently, Cornwall Council issued a planning enforcement notice stating that the stationing of caravans was a breach of planning control and had to stop. The Defendants hold C1 responsible.

In November 2023 and April 2024, the Defendants trespassed on one of C1's sites. On the latter occasion, they made various threats against the Claimants and their employees. In particular, the Defendants stated that it was their intention to occupy C1's land until matters were resolved to their satisfaction. If they were forced to leave their own land, they would move onto alternative land owned by C1. The Claimants seek an injunction over 16 sites to prevent the threatened trespasses and damages for anticipated lossess occurring.

Value

The Claimants cannot say how much they expect to recover.

Defendant's name and address for service including postcode

An application for an interim injunction is being made without notice to the Defendants.

Following this, all documents will be served at the addresses noted at Rider 2

	£
Amount claimed	N/A
Court fee	626
Legal representative's costs	TBC
Total amount	

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim no.	
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You must indicate your preferred County Court Hearing Centre for hearings here
(see notes for guidance)

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Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

--

- No

Does, or will, your claim include any issues under the Human Rights Act 1998?

- Yes
 No

Claim no.

Particulars of Claim

- attached
- to follow

Statement of truth

Note: you are reminded that a copy of this claim form must be served on all other parties.

I understand that proceedings for contempt of court may be brought against a person 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.

- I believe** that the facts stated in this claim form and any attached sheets are true.
- The claimant** believes that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the claimant to sign this statement.

Signature



- Claimant
- Litigation friend (where claimant is a child or protected party)
- Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year

0	7	0	6	2	0	2	4
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Full name

Benjamin Hugh Jones

Name of claimant's legal representative's firm

Stephens Scown LLP

If signing on behalf of firm or company give position or office held

Partner

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

Osprey House, Malpas Road

Second line of address

Town or city

Truro

County (optional)

Postcode

T R 1 1 U T

If applicable

Phone number

01872 265117

DX number

Your Ref.

Email

B.Jones@stephens-scown.co.uk

RIDER TO CLAIM FORM

In addition to the First to Fourth Defendants, the Claimants also seek an injunction against Persons Unknown defined as follows:

Persons Unknown who, without the Claimants' consent, enter occupy or remain or cause any vehicle to enter occupy or remain upon those parts of the following sites hatched red in the attached Schedule 1 (but excluding those parts (a) edged black and coloured yellow or (b) edged yellow):

(A) PAR MOOR CENTRE, PAR MOOR ROAD, PAR, PL24 2SQ

(B) THE DOCKS, FOWEY, PL23 1AL

(C) TREBAL REFINER, SAINT AUSTELL, PL26 8YH

(D) GOVERSETH REFINERY, FOXHOLE, ST AUSTELL, PL26 7XY

(E) MELBUR REFINER, MELEDOR, ST. STEPHEN, ST AUSTELL, PL26 7SB

(F) TREVISCOE DRYER, RAILWAY VIEW, LITTLE TREVISCOE, SAINT AUSTELL PL26 7QN

(G) ROCKS DRYER & RAILHEAD, ROSEVEAR ROAD, BUGLE, PL26 8PJ

(H) PAR DRYER COMPLEX, PAR HARBOUR, PAR PL24 2BN

(I) PARKANDILICK CALCINER, PARKANDILICK, ST DENNIS, SAINT AUSTELL PL26 8DY

(J) LITTLEJOHNS PIT, HENSBARROW, SAINT AUSTELL PL26 8XT

(K) LONGSTONE PIT, HENSBARROW, SAINT AUSTELL PL26 8XT

(L) IMERY'S BRITISH LITHIUM PILOT PLANT, ROCHE RD, STENALEES, PL26 8ZH

(M) DRINNICK, ST GEORGES RD, NANPEAN, SAINT AUSTELL PL26 7XR

(N) QUARRY CLOSE OFFICES & WORKSHOPS, NANPEAN, SAINT AUSTELL, PL26 7DJ

(O) WHEAL MARTYN TANK SITE, CARTHEW, PL26 8XH

(P) RECLAYM LTD, REFURBISHMENT PLANT, BLACKPOOL, HIGH STREET, TREWOON, PL26 7TF



Schedule 1

- Site Access Locations
- Building Barrier
- Bund Barrier
- Fence
- Internal Fencing
- Natural Barrier
- Tunnel Wall Barrier
- Wall Barrier
- IML Tenents
- ▣ Site Area (4.52 hectares)

Title: PMC Site Map

Scale (at A3): 1:1,250	Drawing Number: IML-INJ-014	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (11.18 hectares)


Title: Fowey Site Map

Scale (at A3): 1:15,000	Drawing Number: IML-INJ-016	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (14.76 hectares)





Title: Trebal Refiner Site Map

Scale (at A3): 1:2,000	Drawing Number: IML-INJ-012	Date: 29/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (16.30 hectares)

Title: Goverseth Site Map

Scale (at A3): 1:2,000	Drawing Number: IML-INJ-005	Date: 29/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



- Site Access Locations
- Building Barrier
- Bund Barrier
- Fence
- Internal Fencing
- Natural Barrier
- Tunnel Wall Barrier
- Wall Barrier
- IML Tenents
- Site Area (15.14 hectares)


Title: Melbur Refiner Site Map

Scale (at A3): 1:2,000	Drawing Number: IML-INJ-001	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (13.27 hectares)

Title: Treviscoe Site Map

Scale (at A3): 1:3,000	Drawing Number: IML-INJ-002	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (26.82 hectares)

Title: Rocks Site Map

Scale (at A3): 1:3,500	Drawing Number: IML-INJ-011	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (17.56 hectares)

Title: Par Site Map

Scale (at A3): 1:4,000	Drawing Number: IML-INJ-015	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



- Site Access Locations
- Building Barrier
- Bund Barrier
- Fence
- Internal Fencing
- Natural Barrier
- Tunnel Wall Barrier
- Wall Barrier
- IML Tenents
- ▨ Site Area (7.51 hectares)

Title: Parkandillick Site Map

Scale (at A3): 1:1,500	Drawing Number: IML-INJ-003	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (20.40 hectares)

Title: Littlejohns Site Map

Scale (at A3): 1:2,500	Drawing Number: IML-1NJ-008	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



- Site Access Locations
- Building Barrier
- Bund Barrier
- Fence
- Internal Fencing
- Natural Barrier
- Tunnel Wall Barrier
- Wall Barrier
- IML Tenents
- ▤ Site Area (0.91 hectares)

Title: Longstones Site Map

Scale (at A3): 1:750	Drawing Number: IML-1NJ-007	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024

56000

57000



200300



- Site Access Locations
- Building Barrier
- Bund Barrier
- Fence
- Internal Fencing
- Natural Barrier
- Tunnel Wall Barrier
- Wall Barrier
- IML Tenents
- Site Area (0.53 hectares)

Title: IBL Pilot PlantSite Map

Scale (at A3): 1:500	Drawing Number: IML-INJ-010	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (1.84 hectares)

Title: Drinnick Site Map

Scale (at A3): 1:700	Drawing Number: IML-INJ-006	Date: 29/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



- Site Access Locations
- Building Barrier
- Bund Barrier
- Fence
- Internal Fencing
- Natural Barrier
- Tunnel Wall Barrier
- Wall Barrier
- IML Tenents
- ▨ Site Area (2.83 hectares)

Title: Quarry Close Site Map

Scale (at A3): 1:1,000	Drawing Number: IML-INJ-004	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



-  Site Access Locations
-  Building Barrier
-  Bund Barrier
-  Fence
-  Internal Fencing
-  Natural Barrier
-  Tunnel Wall Barrier
-  Wall Barrier
-  IML Tenents
-  Site Area (15.27 hectares)

Title: Wheal Martyn Site Map

Scale (at A3): 1:4,000	Drawing Number: IML-INJ-009	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024



- Site Access Locations
- Building Barrier
- Bund Barrier
- Fence
- Internal Fencing
- Natural Barrier
- Tunnel Wall Barrier
- Wall Barrier
- IML Tenents
- Site Area (9.64 hectares)

Title: Reclaym Site Map

Scale (at A3): 1:2,000	Drawing Number: IML-1NJ-013	Date: 23/05/2024
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Aerial Imagery Captured by IML Drone by Certified UAS Operators. Valid from May 2024

RIDER 2 TO CLAIM FORM

The full names and addresses of the Claimants are:

- (1) IMERYS MINERALS LIMITED of Par Moor Centre, Par Moor Road, Par, Cornwall, PL24 2SQ**
- (2) RECLAYM LIMITED of Blackpool Refurbishment Plant Blackpool and Burngullow Dries, High Street Trewoon, St. Austell, Cornwall, PL26 7TF**
- (3) IMERYS BRITISH LITHIUM LIMITED of Unit 6 Victoria Trading Estate, Victoria Business Park, Roche, Cornwall, PL26 8LX**

The full names and addresses of the Claimants are:

- (1) ROSEANNE BUCKLAND of 3 Mayfair Park, Minorca Lane, Bugle, Cornwall and of bluebarrows Caravan Park Clays Walk Stenalees Cornwall**
- (2) ALFIE-LEE COOPER of 17 Fore Street, Roche, Cornwall, PL26 8EP and of Bluebarrows Caravan Park Clays Walk Stenalees Cornwall**
- (3) LISA COOPER of Murrayfield House, 3 Whealrose, Roche Road, Bugle, PL26 8PP and of Bluebarrows Caravan Park Clays Walk Stenalees Cornwall**
- (4) ALFIE COOPER of Bluebarrows Caravan Park Clays Walk Stenalees Cornwall**
- (5) PERSONS UNKNOWN AS FURTHER DESCRIBED IN RIDER TO CLAIM FORM**



IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BRISTOL DISTRICT REGISTRY

CLAIM NO:

HT-2024-BRS-000018

BETWEEN:-

- (1) IMERYS MINERALS LIMITED
- (2) RECLAYM LIMITED
- (3) IMERYS BRITISH LITHIUM LIMITED

Claimants

-and-

- (1) ROSEANNE BUCKLAND
- (2) ALFIE-LEE COOPER
- (3) LISA COOPER
- (4) ALFIE COOPER
- (5) PERSONS UNKNOWN WHO, WITHOUT THE CLAIMANTS' CONSENT, ENTER OCCUPY OR REMAIN OR CAUSE ANY VEHICLE TO ENTER OCCUPY OR REMAIN UPON THOSE PARTS OF THE FOLLOWING SITES HATCHED RED IN THE PLANS IN THE ATTACHED SCHEDULE 1 (BUT EXCLUDING THOSE PARTS (I) EDGED BLACK AND COLOURED YELLOW OR (II) EDGED YELLOW):

- (A) PAR MOOR CENTRE, PAR MOOR ROAD, PAR, PL24 2SQ
- (B) THE DOCKS, FOWEY, PL23 1AL
- (C) TREBAL REFINER, SAINT AUSTELL, PL26 8YH
- (D) GOVERSETH REFINERY, FOXHOLE, ST AUSTELL, PL26 7XY
- (E) MELBUR REFINER, MELEDOR, ST. STEPHEN, ST AUSTELL, PL26 7SB
- (F) TREVISCOE DRYER, RAILWAY VIEW, LITTLE TREVISCOE, SAINT AUSTELL PL26 7QN
- (G) ROCKS DRYER & RAILHEAD, ROSEVEAR ROAD, BUGLE, PL26 8PJ
- (H) PAR DRYER COMPLEX, PAR HARBOUR, PAR PL24 2BN
- (I) PARKANDILICK CALCINER, PARKANDILICK, ST DENNIS, SAINT AUSTELL PL26 8DY
- (J) LITTLEJOHNS PIT, HENSBARROW, SAINT AUSTELL PL26 8XT
- (K) LONGSTONE PIT, HENSBARROW, SAINT AUSTELL PL26 8XT
- (L) IMERYS BRITISH LITHIUM PILOT PLANT, ROCHE RD, STENALEES, PL26 8ZH
- (M) DRINNICK, ST GEORGES RD, NANPEAN, SAINT AUSTELL PL26 7XR
- (N) QUARRY CLOSE OFFICES & WORKSHOPS, NANPEAN, SAINT AUSTELL, PL26 7DJ
- (O) WHEAL MARTYN TANK SITE, CARTHEW, PL26 8XH
- (P) RECLAYM LTD, REFURBISHMENT PLANT, BLACKPOOL, HIGH STREET, TREWOON, PL26 7TF

Defendants

PARTICULARS OF CLAIM

I. INTRODUCTION

1. The First Claimant is a company operating in the UK, whose operations include the extraction and production of various minerals used in industries such as ceramics, paints, refractories, and hydraulic binders. It employs over 1,100 people across 30 operations. Its UK headquarters and research and development Centre is based at Par Moor Centre, Par Moor Road, Par, PL24 2SQ (Site A).
2. The Second Claimant is a group company of the First Claimant and assists the First Claimant with specific restoration tasks. It owns and/or occupies several sites.
3. The Third Claimant is a joint venture company between the First Claimant and a company previously called British Lithium Limited and now known as Lithium Assets Limited. The Third Claimant is responsible for developing an environmentally friendly process for extracting lithium on sites formerly used by the First Claimant.
4. As described further below, the Claimants are either the registered freehold or leasehold proprietors of the land subject to this claim (Sites A-P) and they occupy that land.
5. The Defendants are individuals who own land which is located close to both the First Claimant's UK headquarters in Par (Site A) and to an operational quarry at Goonbarrow. The Defendants purchased this land from the First Claimant pursuant to a transfer dated 20 June 2013. In light of its proximity to a quarry, this transfer of land included restrictive covenants prohibiting use of the land for residential development.
6. By this claim, the Claimants seek to restrain the Defendants and Persons Unknown by injunction from trespassing onto the Claimants' land as part of a protest aimed at pressuring the First Claimant to release the restrictive covenants on the Defendants' land.

II. LAND TO WHICH CLAIM RELATES

7. This claim covers only those parts of the following sites hatched red on the Plans in Schedule 1 to the Claim Form (but excluding those areas (i) edged black and coloured yellow or (ii) edged yellow):
- a. **Site A:** Par Moor Centre, Par Moor Road, Par, PL24 2SQ. This site consists of buildings, parking areas, verges and wooded areas. It is the workplace for approximately 251 employees and houses a number of laboratories which operate 7 days a week and 24 hours a day. The First Claimant is the registered freehold proprietor of the site under title number CL319637.
 - b. **Site B:** Fowey Docks, The Docks, Fowey, Cornwall, PL23 1AL. The site is used for shipping of kaolin and aggregate products. Approximately 24 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered leasehold proprietor of the site under title numbers CL352015, CL348217, CL348205, CL348133 and CL348135. Most of the area sought to be covered by the injunction is a private road.
 - c. **Site C:** Trebal Refiner, Saint Austell PL26 8YH. This site is used for mixing and blending kaolin slurry in large open tanks, and the clay slurry is chemically treated and sized to make the different product grades. Approximately 54 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title numbers CL352269 and CL261634.
 - d. **Site D:** Goverseth Refinery, Foxhole, St Austell, Cornwall, PL26 7XY. This site is used for mixing and blending kaolin slurry in large open tanks, and the clay slurry is chemically treated and sized to make the different product grades. Approximately 97 employees work on this site on a rotational shift

- pattern covering a 24 hour a day, 7 days a week period. The First Claimant is the registered freehold proprietor of the site under title number CL351479.
- e. **Site E:** Melbur Refiner, Meledor, St. Stephen, St Austell, Cornwall, PL26 7SB. This site is used for mixing and blending kaolin slurry in large open tanks, and the clay slurry is chemically treated and sized to make the different product grades. Approximately 43 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title number CL305072.
- f. **Site F:** Treviscoe Dryer, Railway View, Little Treviscoe, Saint Austell PL26 7QN. This site is used for filtration and heating to remove moisture from the China Clay product. Approximately 39 employees work at this site on a rotational shift pattern covering a 24 hour period, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title numbers CL321376, CL348009, CL351356, CL65698, CL304357 and CL65698.
- g. **Site G:** Rocks Dryer & Railhead, Rosevear Rd, Bugle, Saint Austell PL26 8PJ. This site is used for filtration and heat to remove moisture from the China Clay product together with transshipment of products in and out by rail. Approximately 51 direct employees work at this site on a rotational shift pattern covering a 24 hour, 7 days week period. The First Claimant is the registered freehold proprietor of this site under title numbers CL335887 and CL263199.
- h. **Site H:** Par Dryer Complex, Par Harbour, Par PL24 2BN. This site is used for filtration and heat to remove moisture from the China Clay product together with transshipment of products in and out by rail. Approximately 73 employees work at this site on a rotational shift pattern covering a 24 hour, 7 days a week period. The First Claimant is the registered freehold proprietor of this site under title number CL241895.

- i. **Site I:** Parkandillick Dryer and Calciner, Parkandillick, St Dennis, Saint Austell PL26 8DY. This site is used for filtration and heat to remove moisture from the China Clay product. Product is also heated / calcined at high temperatures on site through a rotary kiln. Approximately 44 employees work at this site on a rotational shift pattern covering a 24 hour, 7 days a week period. The First Claimant is the registered freehold proprietor of this site under title numbers CL303638 and CL351356.
- j. **Site J:** Littlejohns Pit, Hensbarrow, Saint Austell PL26 8XT. This is a quarry site producing China Clay aggregate. Production of the raw material is done using explosives stored on site. Approximately 29 direct employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title numbers CL225512, CL300463, CL312221, CL352495, CL376073, CL42895, CL61706 and CL85706.
- k. **Site K:** Longstone Pit, Hensbarrow, Saint Austell PL26 8XT. This is a quarry site producing China Clay and aggregate. Production of the raw material is done using blasting equipment. The number of individuals working at this site at any given time varies significantly. The First Claimant is the registered proprietor of this site under title numbers CL104389 (leasehold), CL201353 (leasehold), CL352090 (freehold), CL352495 (freehold), CL35764 (freehold) and CL65684 (freehold).
- l. **Site L:** Imerys British Lithium Pilot Plant, Roche Rd, Stenalees, Saint Austell PL26 8ZH. The site is used as a pilot plant for the manufacture of battery grade lithium compounds using thermal, chemical and physical processing. Approximately 20 employees work at this site at any given time. A company called Vistgate Ltd is the freehold registered proprietor of the site under title number CL277211. The Third Claimant occupies the site pursuant to a lease, dated 7 September 2021.

- m. **Site M:** Drinnick, St Georges Rd, Nanpean, Saint Austell PL26 7XR. The site is used for essential electrical and mechanical maintenance of plant and equipment on the First Claimant's sites. The number of employees at Drinnick is included in the Goverseth employee numbers as the employees work across the two sites on rotational shifts. The First Claimant is the registered proprietor of this site under title numbers CL241853, CL351479 and CL383018 (pending first registration).
- n. **Site N:** Quarry Close Offices and Workshops, Nanpean, Saint Austell, PL26 7DJ. Approximately 20 direct employees work at this site. The First Claimant is the registered freehold proprietor of this site under title numbers CL54483, CL354649 and CL269576.
- o. **Site O:** Wheal Martyn tank site, Carthew, PL26 8XH. The number of employees at Wheal Martyn is 29 although the staff move across this site and Littlejohns (Site J). The First Claimant is the registered freehold proprietor of this site under title number CL324902.
- p. **Site P:** Reclaym Limited, Blackpool Refurbishment Plant, Blackpool, High Street Trewoon, St. Austell, Cornwall, PL26 7TF. Approximately 5 employees work at this site at any given time. The First Claimant is the registered freehold proprietor of part of this site under title number CL242916 and the Second Claimant occupies part of that as the registered leasehold proprietor under title number CL277589, created pursuant to a lease dated 29 October 2010. The site also includes an additional freehold parcel registered to the Second Claimant under CL277594.

III. BACKGROUND

- 8. On 20 June 2013, the First Claimant transferred the registered freehold title of the site known as Land at Bluebarrow, St Austell, Cornwall, PL26 8TQ with title number CL299208 to the Defendants (the "**Transferred Land**"). The Transferred Land is located

close to the Par Moor Centre. It is also located approximately 100m from an operational quarry at Goonbarrow.

9. As a result, the transfer of land contained restrictive covenants ensuring it was used for grazing or equestrian purposes only and not for residential development. The Transferees (which includes the First and Second Defendants) covenanted not to use the Transferred Land or any part of it "*directly or indirectly for residential holiday or commercial use/development save that the [Transferred Land] may be [sic] the construction of a stable, field shelter or similar building appropriate for the size of the [Transferred Land]*".
10. In breach of the restrictive covenants, the First Claimant understands that at some stage the Transferred Land was subsequently used for residential use with caravans and mobile homes located on the site.
11. On 10 April 2024, an enforcement notice was issued by Cornwall Council as the Local Planning Authority in respect of the use of the Transferred Land (EN23/00050). The notice was served for the following reason:

"Without planning permission, the material change of use of the land from agricultural to residential (Gypsy Traveller Site) through the stationing of caravans for residential purposes along with associated operational development, including the erection of fencing, domestic sheds, porches, creation of hardstanding/access track, skirts around caravans, and storage of shipping containers."

12. Following the service of the enforcement notice, the First and Second applied for a certificate of lawfulness "*for [the] existing use for residential purposes, two twin unit lodges and four mobile homes (breach of planning permission PA13/06654 dated 22.12.2024) [at] Bluebarrows Caravan Park Clays Walk Stenalees Cornwall*". This application has not yet been determined.

IV. ACTIONS OF DEFENDANTS

13. In protest at the events referred to above, the Defendants and Persons Unknown, with their vehicles, have entered and remained upon the First Claimant's land at the Par Moor Centre without consent for the purpose of: pressuring the First Claimant into

releasing the restrictive covenants presently burdening the Transferred Land; and, withdrawing its objection to planning permission being granted. This conduct (further particularised below) amounts to trespass on Site A as well as a private nuisance in the sense of unduly and substantially interfering with the First Claimant's enjoyment of its land.

14. On or around 29 November 2023, the Second and Fourth Defendants entered the Par Moor Site without consent. They accessed the reception at the Par Moor Centre (Site A) and became aggressive towards the receptionist demanding to speak with members of the First Claimant's Estates Team. They were forcibly removed by the First Claimant's employees. As a result of this behaviour, the First Claimant introduced a variety of security measures including installing a panic button.
15. At or around 2:30pm on 10 April 2024, the Defendants and Persons Unknown (approximately 7 individuals in total) entered the Par Moor Site (Site A) without consent and parked their vehicles (2 caravans and 3 transit cars/pick-up trucks) at the entrance to the buildings.
16. In conversation with Mark Hewson (a Director of the First, Second and Third Claimants), the Second Defendant and an unidentified male stated (in the presence of police officers) that:
 - 16.1 Cornwall Council had now given them notice to leave the Transferred Land.
 - 16.2 The bailiff who had served them with the enforcement notice that morning said there was no planning permission for their use of the Transferred Land but that planning permission would be granted if the First Claimant removed its opposition to the proposed use. They were at the Par Moor Centre to protest against the First Claimant's position.
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19. At or around 5:30pm, there were approximately 15 Defendants and Persons Unknown trespassing on the Par Moor site and standing outside the buildings. They drove around the site and looked at doors and windows to see if there were any ways to access the building.
20. Having stayed the night in their vehicles, the Defendants and Persons Unknown remained at the Par Moor site on 11 April 2024. Between 5:30am and 7:30am the Second Defendant said to Mr Hewson:
- 20.1 “We aren’t going anywhere.”
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27. In all of these incidents, the Defendants and Persons Unknown entered, remained on and/or occupied the First Claimant's land without consent.
28. By reason of the facts and matters referred to above, there is a real and imminent risk of further acts of trespass at Sites A-P which are owned by, or otherwise closely

connected to, the First Claimant – such as those sites owned, leased and occupied by the Second and Third Claimants – unless restrained by the Court.

V. HARM AND LOSS

29. The trespasses particularised above and any further trespasses pose serious risk of harm to the Claimants' staff, security guards and the trespassers themselves. In particular:

29.1 There is significant risk of violence and public disorder.

29.2 Most of the Sites are physically dangerous and/or involve processes which are dangerous. Unlike the Claimants' staff, the Defendants and Persons Unknown have not received special training and will not be in a position to appreciate or manage risks on site.

29.3 They have caused the Claimants' staff, and are liable to causing, distress and anxiety.

30. In addition, these trespasses are causing the First Claimant significant financial losses: to date, the First Claimant has expended £44,000 in seeking to prevent the trespasses and is spending an extra £4,000 per week on security costs.

31. If the Defendants or Persons Unknown trespassed onto an operational site, the First Claimant could suffer significant financial losses. The halting of operations at a key Site could lead to wasted costs of approximately £180,000 per day. There would also be the risk of reputational damage if the First Claimant were unable to meet contractual obligations with third parties.

VI. IDENTITIES OF DEFENDANTS

32. The numbers and identities of those individuals trespassing on the First Claimant's land have varied. Although there were over 15 adult individuals who were protesting on the

First Claimant's land at Site A, the Claimants have only been able to identify the 4 named Defendants.

VII. HUMAN RIGHTS

33. Any reliance by the Defendants or Persons Unknown on their rights to freedom of expression and/or assembly within Articles 10/11 ECHR provides no defence to this claim. Articles 10 and 11 ECHR include no right to trespass on private property and thereby override the rights of private landowners: *DPP v Cuciurean* [2022] 3 WLR 446 (DC), §§40-50; *Ineos Upstream v Persons Unknown* [2019] 4 WLR 100 (CA), §36 (Longmore LJ).

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IX. RELIEF

AND THE CLAIMANTS CLAIM:

1. An order that the Defendants and all Persons Unknown must not, without the consent of the First Claimant, enter, occupy or remain or cause any vehicle to enter occupy or remain upon those parts of the Sites A-K and M-O hatched red (but excluding those parts (i) edged black and coloured yellow or (ii) edged yellow) on the Plans attached at Schedule 1 to the Claim Form.
2. An order that the Defendants and all Persons Unknown must not, without the consent of the Second Claimant, enter, occupy or remain or cause any vehicle to enter occupy or remain upon those parts of the Site P hatched red on the Plan attached at Schedule 1 to the Claim Form.
3. An order that the Defendants and all Persons Unknown must not, without the consent of the Third Claimant, enter, occupy or remain or cause any vehicle to enter occupy or remain upon those parts of the Site L hatched red on the Plan attached to Schedule 1 to the Claim Form.
4. Damages.
5. Costs.
6. Further and/or other relief.

YAASER VANDERMAN**Landmark Chambers**

STATEMENT OF TRUTH

I believe that the facts stated in this Particulars of Claim 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.

Signed:

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes.

Dated: 07 June 2024



IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BRISTOL DISTRICT REGISTRY

CLAIM NO:

HT-2024-BRS-000018

BETWEEN:-

- (1) IMERYS MINERALS LIMITED
- (2) RECLAYM LIMITED
- (3) IMERYS BRITISH LITHIUM LIMITED

Claimants

-and-

- (1) ROSEANNE BUCKLAND
- (2) ALFIE-LEE COOPER
- (3) LISA COOPER
- (4) ALFIE COOPER
- (5) PERSONS UNKNOWN WHO, WITHOUT THE CLAIMANTS' CONSENT, ENTER OCCUPY OR REMAIN OR CAUSE ANY VEHICLE TO ENTER OCCUPY OR REMAIN UPON THOSE PARTS OF THE FOLLOWING SITES HATCHED RED IN THE PLANS IN THE ATTACHED SCHEDULE 1 (BUT EXCLUDING THOSE PARTS (I) EDGED BLACK AND COLOURED YELLOW OR (II) EDGED YELLOW):

- (A) PAR MOOR CENTRE, PAR MOOR ROAD, PAR, PL24 2SQ
- (B) THE DOCKS, FOWEY, PL23 1AL
- (C) TREBAL REFINER, SAINT AUSTELL, PL26 8YH
- (D) GOVERSETH REFINERY, FOXHOLE, ST AUSTELL, PL26 7XY
- (E) MELBUR REFINER, MELEDOR, ST. STEPHEN, ST AUSTELL, PL26 7SB
- (F) TREVISCOE DRYER, RAILWAY VIEW, LITTLE TREVISCOE, SAINT AUSTELL PL26 7QN
- (G) ROCKS DRYER & RAILHEAD, ROSEVEAR ROAD, BUGLE, PL26 8PJ
- (H) PAR DRYER COMPLEX, PAR HARBOUR, PAR PL24 2BN
- (I) PARKANDILICK CALCINER, PARKANDILICK, ST DENNIS, SAINT AUSTELL PL26 8DY
- (J) LITTLEJOHNS PIT, HENSBARROW, SAINT AUSTELL PL26 8XT
- (K) LONGSTONE PIT, HENSBARROW, SAINT AUSTELL PL26 8XT
- (L) IMERYS BRITISH LITHIUM PILOT PLANT, ROCHE RD, STENALEES, PL26 8ZH
- (M) DRINNICK, ST GEORGES RD, NANPEAN, SAINT AUSTELL PL26 7XR
- (N) QUARRY CLOSE OFFICES & WORKSHOPS, NANPEAN, SAINT AUSTELL, PL26 7DJ
- (O) WHEAL MARTYN TANK SITE, CARTHEW, PL26 8XH
- (P) RECLAYM LTD, REFURBISHMENT PLANT, BLACKPOOL, HIGH STREET, TREWOON, PL26 7TF

Defendants

PARTICULARS OF CLAIM

I. INTRODUCTION

1. The First Claimant is a company operating in the UK, whose operations include the extraction and production of various minerals used in industries such as ceramics, paints, refractories, and hydraulic binders. It employs over 1,100 people across 30 operations. Its UK headquarters and research and development Centre is based at Par Moor Centre, Par Moor Road, Par, PL24 2SQ (Site A).
2. The Second Claimant is a group company of the First Claimant and assists the First Claimant with specific restoration tasks. It owns and/or occupies several sites.
3. The Third Claimant is a joint venture company between the First Claimant and a company previously called British Lithium Limited and now known as Lithium Assets Limited. The Third Claimant is responsible for developing an environmentally friendly process for extracting lithium on sites formerly used by the First Claimant.
4. As described further below, the Claimants are either the registered freehold or leasehold proprietors of the land subject to this claim (Sites A-P) and they occupy that land.
5. The Defendants are individuals who own land which is located close to both the First Claimant's UK headquarters in Par (Site A) and to an operational quarry at Goonbarrow. The Defendants purchased this land from the First Claimant pursuant to a transfer dated 20 June 2013. In light of its proximity to a quarry, this transfer of land included restrictive covenants prohibiting use of the land for residential development.
6. By this claim, the Claimants seek to restrain the Defendants and Persons Unknown by injunction from trespassing onto the Claimants' land as part of a protest aimed at pressuring the First Claimant to release the restrictive covenants on the Defendants' land.

II. LAND TO WHICH CLAIM RELATES

7. This claim covers only those parts of the following sites hatched red on the Plans in Schedule 1 to the Claim Form (but excluding those areas (i) edged black and coloured yellow or (ii) edged yellow):
- a. **Site A:** Par Moor Centre, Par Moor Road, Par, PL24 2SQ. This site consists of buildings, parking areas, verges and wooded areas. It is the workplace for approximately 251 employees and houses a number of laboratories which operate 7 days a week and 24 hours a day. The First Claimant is the registered freehold proprietor of the site under title number CL319637.
 - b. **Site B:** Fowey Docks, The Docks, Fowey, Cornwall, PL23 1AL. The site is used for shipping of kaolin and aggregate products. Approximately 24 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered leasehold proprietor of the site under title numbers CL352015, CL348217, CL348205, CL348133 and CL348135. Most of the area sought to be covered by the injunction is a private road.
 - c. **Site C:** Trebal Refiner, Saint Austell PL26 8YH. This site is used for mixing and blending kaolin slurry in large open tanks, and the clay slurry is chemically treated and sized to make the different product grades. Approximately 54 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title numbers CL352269 and CL261634.
 - d. **Site D:** Goverseth Refinery, Foxhole, St Austell, Cornwall, PL26 7XY. This site is used for mixing and blending kaolin slurry in large open tanks, and the clay slurry is chemically treated and sized to make the different product grades. Approximately 97 employees work on this site on a rotational shift

- pattern covering a 24 hour a day, 7 days a week period. The First Claimant is the registered freehold proprietor of the site under title number CL351479.
- e. **Site E:** Melbur Refiner, Meledor, St. Stephen, St Austell, Cornwall, PL26 7SB. This site is used for mixing and blending kaolin slurry in large open tanks, and the clay slurry is chemically treated and sized to make the different product grades. Approximately 43 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title number CL305072.
- f. **Site F:** Treviscoe Dryer, Railway View, Little Treviscoe, Saint Austell PL26 7QN. This site is used for filtration and heating to remove moisture from the China Clay product. Approximately 39 employees work at this site on a rotational shift pattern covering a 24 hour period, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title numbers CL321376, CL348009, CL351356, CL65698, CL304357 and CL65698.
- g. **Site G:** Rocks Dryer & Railhead, Rosevear Rd, Bugle, Saint Austell PL26 8PJ. This site is used for filtration and heat to remove moisture from the China Clay product together with transshipment of products in and out by rail. Approximately 51 direct employees work at this site on a rotational shift pattern covering a 24 hour, 7 days week period. The First Claimant is the registered freehold proprietor of this site under title numbers CL335887 and CL263199.
- h. **Site H:** Par Dryer Complex, Par Harbour, Par PL24 2BN. This site is used for filtration and heat to remove moisture from the China Clay product together with transshipment of products in and out by rail. Approximately 73 employees work at this site on a rotational shift pattern covering a 24 hour, 7 days a week period. The First Claimant is the registered freehold proprietor of this site under title number CL241895.

- i. **Site I:** Parkandillick Dryer and Calciner, Parkandillick, St Dennis, Saint Austell PL26 8DY. This site is used for filtration and heat to remove moisture from the China Clay product. Product is also heated / calcined at high temperatures on site through a rotary kiln. Approximately 44 employees work at this site on a rotational shift pattern covering a 24 hour, 7 days a week period. The First Claimant is the registered freehold proprietor of this site under title numbers CL303638 and CL351356.
- j. **Site J:** Littlejohns Pit, Hensbarrow, Saint Austell PL26 8XT. This is a quarry site producing China Clay aggregate. Production of the raw material is done using explosives stored on site. Approximately 29 direct employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The First Claimant is the registered freehold proprietor of this site under title numbers CL225512, CL300463, CL312221, CL352495, CL376073, CL42895, CL61706 and CL85706.
- k. **Site K:** Longstone Pit, Hensbarrow, Saint Austell PL26 8XT. This is a quarry site producing China Clay and aggregate. Production of the raw material is done using blasting equipment. The number of individuals working at this site at any given time varies significantly. The First Claimant is the registered proprietor of this site under title numbers CL104389 (leasehold), CL201353 (leasehold), CL352090 (freehold), CL352495 (freehold), CL35764 (freehold) and CL65684 (freehold).
- l. **Site L:** Imerys British Lithium Pilot Plant, Roche Rd, Stenalees, Saint Austell PL26 8ZH. The site is used as a pilot plant for the manufacture of battery grade lithium compounds using thermal, chemical and physical processing. Approximately 20 employees work at this site at any given time. A company called Vistgate Ltd is the freehold registered proprietor of the site under title number CL277211. The Third Claimant occupies the site pursuant to a lease, dated 7 September 2021.

- m. **Site M:** Drinnick, St Georges Rd, Nanpean, Saint Austell PL26 7XR. The site is used for essential electrical and mechanical maintenance of plant and equipment on the First Claimant's sites. The number of employees at Drinnick is included in the Goverseth employee numbers as the employees work across the two sites on rotational shifts. The First Claimant is the registered proprietor of this site under title numbers CL241853, CL351479 and CL383018 (pending first registration).
- n. **Site N:** Quarry Close Offices and Workshops, Nanpean, Saint Austell, PL26 7DJ. Approximately 20 direct employees work at this site. The First Claimant is the registered freehold proprietor of this site under title numbers CL54483, CL354649 and CL269576.
- o. **Site O:** Wheal Martyn tank site, Carthew, PL26 8XH. The number of employees at Wheal Martyn is 29 although the staff move across this site and Littlejohns (Site J). The First Claimant is the registered freehold proprietor of this site under title number CL324902.
- p. **Site P:** Reclaym Limited, Blackpool Refurbishment Plant, Blackpool, High Street Trewoon, St. Austell, Cornwall, PL26 7TF. Approximately 5 employees work at this site at any given time. The First Claimant is the registered freehold proprietor of part of this site under title number CL242916 and the Second Claimant occupies part of that as the registered leasehold proprietor under title number CL277589, created pursuant to a lease dated 29 October 2010. The site also includes an additional freehold parcel registered to the Second Claimant under CL277594.

III. BACKGROUND

- 8. On 20 June 2013, the First Claimant transferred the registered freehold title of the site known as Land at Bluebarrow, St Austell, Cornwall, PL26 8TQ with title number CL299208 to the Defendants (the "**Transferred Land**"). The Transferred Land is located

close to the Par Moor Centre. It is also located approximately 100m from an operational quarry at Goonbarrow.

9. As a result, the transfer of land contained restrictive covenants ensuring it was used for grazing or equestrian purposes only and not for residential development. The Transferees (which includes the First and Second Defendants) covenanted not to use the Transferred Land or any part of it *“directly or indirectly for residential holiday or commercial use/development save that the [Transferred Land] may be [sic] the construction of a stable, field shelter or similar building appropriate for the size of the [Transferred Land]”*.
10. In breach of the restrictive covenants, the First Claimant understands that at some stage the Transferred Land was subsequently used for residential use with caravans and mobile homes located on the site.
11. On 10 April 2024, an enforcement notice was issued by Cornwall Council as the Local Planning Authority in respect of the use of the Transferred Land (EN23/00050). The notice was served for the following reason:

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1. An order that the Defendants and all Persons Unknown must not, without the consent of the First Claimant, enter, occupy or remain or cause any vehicle to enter occupy or remain upon those parts of the Sites A-K and M-O hatched red (but excluding those parts (i) edged black and coloured yellow or (ii) edged yellow) on the Plans attached at Schedule 1 to the Claim Form.
2. An order that the Defendants and all Persons Unknown must not, without the consent of the Second Claimant, enter, occupy or remain or cause any vehicle to enter occupy or remain upon those parts of the Site P hatched red on the Plan attached at Schedule 1 to the Claim Form.
3. An order that the Defendants and all Persons Unknown must not, without the consent of the Third Claimant, enter, occupy or remain or cause any vehicle to enter occupy or remain upon those parts of the Site L hatched red on the Plan attached to Schedule 1 to the Claim Form.
4. Damages.
5. Costs.
6. Further and/or other relief.

YAASER VANDERMAN**Landmark Chambers**

STATEMENT OF TRUTH

I believe that the facts stated in this Particulars of Claim 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.

Signed:

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes.

Dated: 07 June 2024

N244

Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them

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Name of court High Court, King's Bench Division, Bristol District Registry	Claim no. CO 2546/2021 07 Jun 2024
Fee account no. (if applicable) PBA0087783	Help with Fees - Ref. no. (if applicable) H W F -
Warrant no. (if applicable)	HT-2024-BRS-000018
Claimant's name (including ref.) (1) Imerys Minerals Ltd (2) Reclaym Ltd (3) Imerys British Lithium Ltd	
Defendant's name (including ref.) (1) Roseanne Buckland (2) Alfie-Lee Cooper (3) Lisa Cooper (4) Alfie Cooper (5) Persons Unknown	
Date	07 June 2024

1. What is your name or, if you are a legal

Stephens Scown LLP

representative, the name of your firm?

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

1. An interim injunction, without notice to the Defendants, prohibiting the Defendants from trespassing on 16 of the Claimants' sites.
2. In relation to Persons Unknown, dispensing with service of the claim form, this application for an interim injunction and any order made, pursuant to CPR 6.16, 6.28 and 81.4(2)(c).
3. An order that Persons Unknown may be notified of the claim form, this application for an interim injunction any order made, any further applications and any further documents by the taking of the steps set out in the draft order.

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing

at a remote hearing

6. How long do you think the hearing will last? Is this time estimate agreed by all parties?

3 Hours

Minutes

Yes No

7. Give details of any fixed trial date or period

N/a

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

No-one. Application is without notice.

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

N/A

10. What information will you be relying on, in support of your application?

the attached witness statement

the statement of case

the evidence set out in the box below

If necessary, please continue on a separate sheet.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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.

I believe that the facts stated in section 10 (and any continuation sheets) are true.

The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

Signature



Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

07

Month

06

Year

2024

Full name

Benjamin Hugh Jones

Name of applicant's legal representative's firm

Stephens Scown LLP

If signing on behalf of firm or company give position or office held

Partner

Applicant's address to which documents should be sent.

Building and street

Osprey House, Malpas Road

Second line of address

Town or city

Truro

County (optional)

Postcode

T	R	1	1	U	T
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If applicable

Phone number

01872 265117

Fax phone number

DX number

Your Ref.

BHJ/IMER-1-1754

Email

B.Jones@stephens-scown.co.uk



On behalf of: IMERYS MINERALS LIMITED
 Witness: M HEWSON
 No. of witness statement: 1
 Exhibit: MH1
 Dated: 6 June 2024

**THE HIGH COURT OF JUSTICE
 KINGS BENCH DIVISION
 BRISTOL DISTRICT REGISTRY**

CLAIM NO:

HT-2024-BRS-000018

BETWEEN:

- (1) IMERYS MINERALS LIMITED
- (2) RECLAYM LIMITED
- (3) IMERYS BRITISH LITHIUM LIMITED

Claimants

- and -

- (1) ROSEANNE BUCKLAND
- (2) ALFIE-LEE COOPER
- (3) LISA COOPER
- (4) ALFIE COOPER
- (5) PERSONS UNKNOWN AS FURTHER DESCRIBED IN THE CLAIM FORM

Defendants

**WITNESS STATEMENT OF
 MARK DAVID STUART HEWSON**

On behalf of: IMERYS MINERALS LIMITED
Witness: M HEWSON
No. of witness statement: 1
Exhibit: MH1
Dated: 6 June 2024

I, MARK DAVID STUART HEWSON, of Par Moor Centre, Par Moor Road, Par, PL24 2SQ will state as follows:

1. I am a Director of Imerys Minerals Limited (“IML”), Reclaym Limited (“RL”) and Imerys British Lithium Limited (“IBLL”). I make this statement for and on behalf of IML, RL and IBLL, and their claim and application for injunctive relief. I make this statement with the approval of all fellow Directors in each of the claimant companies.
2. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.
3. This witness statement was prepared following discussions that I had with the Claimants’ solicitors at Stephens Scown LLP by MS Teams and by e-mail (although for the avoidance of doubt, the Claimants do not waive privilege in relation to these). The draft witness statement was prepared by Stephens Scown LLP and it was reviewed by me and Counsel for the Claimants. The final draft was sent to me electronically, with instructions that I should review it carefully and make any necessary changes before signing it, which I did. Stephens Scown LLP also prepared a bundle of documents relating to the factual matters addressed in this statement.
4. There is now produced and shown to me a paginated bundle of true copy documents marked “**MH1**”. All references to documents in this statement are to Exhibit **MH1** unless otherwise stated. All numbers in square brackets [] refer to the page of Exhibit **MH1**.

IML, RL and IBLL

5. IML operates in the United Kingdom, employing over 1,110 people across 30 operations. These operations include the extraction and production of various minerals, including

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kaolin, ball clay, calcium carbonate, and calcium aluminates for industries such as ceramics, paints, refractories, and hydraulic binders.

6. IML has a relatively large estate consisting of both redundant and/or restored sites and operational sites in both Cornwall and elsewhere.
7. IML's UK headquarters and research and development Centre is based at Par Moor Centre, Par Moor Road, Par, PL24 2SQ, which is registered with title absolute to IML at the Land Registry under title number CL319637 ("Par Moor"). Par Moor consists of buildings, parking areas, verges and wooded areas. Par Moor is the workplace for over 200 employees and houses a number of laboratories. The full extent of Par Moor is shown on the annotated aerial drone image at page [23]. This image shows the scale of the site and what the boundary features are around it.
8. Outside of Par Moor there are several active operational sites which are instrumental to IML's business infrastructure. I refer to paragraphs 60 – 76 below and the excel spreadsheet at page [22] which sets out those operational sites, the title numbers for each site and, with reference to the aerial images at pages [23] – [39] where those sites are located, including the extent of the site boundaries, accessways etc. ("the Sites")
9. RL is a group company of IML and assists IML with specific restoration tasks. It occupies one of the Sites and I refer to the document at page [22] which sets out specifically which site it owns or occupies.
10. IBLL is a joint venture company between Imerys British Lithium Ltd and IML and is responsible for developing an environmentally friendly process for extracting lithium on former IML sites. IBLL has developed Europe's only integrated lithium pilot plant which is located on one of the Sites. Again, I refer to page [22] showing what site IBLL owns/occupies.

Key Background

11. Pursuant to a transfer dated 20 June 2013, IML sold part of its land located close to Par Moor to the 1st and 2nd Defendants for the sum of £9,000. This land is registered at the

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Land Registry under title number CL299208 (“the Transferred Land”). A copy of the transfer is at page [1].

12. The Transferred Land was sold to the 1st and 2nd Defendant on the basis that it would be used for farming/grazing purposes only. As a result, the transfer of the Transferred Land included various covenants restricting residential development. Those covenants were included solely to protect the retained Imerys infrastructure and a quarry which is only some 100 meters or so from the Transferred Land. Whilst the quarry itself is not being worked, there are tips on the site and the site is used for the processing of secondary aggregates. The site also includes access to a pilot plant.
13. Notwithstanding the restrictive covenants that exist, in 2013, an application for planning permission was made by the Defendants for use of the Transferred Land for the stationing of three gipsy static caravans and three touring pitches.
14. After consideration of all material considerations (including the possible impact on mining operations), a conditional planning permission was granted under PA13/06654, dated 6 December 2013. Condition 6 stated that:

“The temporary permission is approved for a period of five years from the date of the decision notice. The static caravans, any touring caravans and all the associated residential paraphernalia, are to be removed and the land restored to its former condition on expiration of the permission.”
15. The Officer Report supporting the decision stated as follows in relation to the nearby mineral resource:

“30. The proposal would potentially sterilise a known mineral resource, however as indicated above the resource has not been worked since 2006. Therefore, a five year temporary consent is recommended, for a scheme with no day rooms (permanent structures) to provide 3 pitches to help meet the identified need, whilst allowing the situation to be reviewed with regard to the potential future workings of the mineral resource close to the site.”
16. More recently, however, the Defendants (as the owners and occupiers of the Transferred Land), after facing planning enforcement action, applied for a retrospective planning

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permission to allow the further use of caravans/motor homes on the Transferred Land. The planning permission was refused by the Local Planning Authority, Cornwall Council, on the basis of the proposed use not being in accordance with the appropriate planning policy. IML objected to the Defendants' application.

17. I understand from Cornwall Council's website (the Planning Portal) that an enforcement notice was issued to the Defendants by Cornwall Council on 10 April 2024 (ref EN23/00050) with the following complaint:

"Without planning permission, the material change of use of the land from agricultural to residential (Gypsy Traveller Site) through the stationing of caravans for residential purposes along with associated operational development, including the erection of fencing, domestic sheds, porches, creation of hardstanding/access track, skirts around caravans, and storage of shipping containers."

18. The Defendants have appealed against this enforcement notice.

Trespass by Defendants and Persons Unknown

(a) November 2023

19. On or around 29 November 2023, Alfie Cooper Jnr and Snr (the Second and Fourth Defendants) visited the office at Par Moor. I was not on site when they attended, but I was told by our Reception Team that when they walked into reception, they were extremely aggressive towards our receptionist, and repeatedly demanded that she get hold of someone in our Estate's Team. Our receptionist told them that no one from the team was available, at which point their behaviour escalated. Two or three managers had to confront them and throw them out of Par Moor. This caused distress to our receptionist. Our facilities manager then had to put new measures in place in respect of what to do if these people turned up again, which included pressing a newly installed panic button, locking the doors if possible, calling Clay Control (our security team) and refusing to engage with them in any way.

(b) April 2024

20. At around 2.30pm on 10 April 2024, I was called by a member of staff at Par Moor who confirmed that there was an on-going incident on site with some 7 or so people protesting

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against IML in respect of their proposed use of the Transferred Land. This group of people, in so far as I am able to identify them through speaking with the security officers who attended site, included all of the Defendants. The Defendants were known to the security team as they had encountered them in other settings, for example, working on the door at local pubs and nightclubs.

21. I arrived at Par Moor shortly after 3pm and, on my arrival, could see the protesters at the main entrance. Due to the aggression demonstrated on site back in November 2023 by the Second and Fourth Defendants, and for safety reasons, I decided to drive around the back of Par Moor and entered through a rear entrance.
22. The trespassers had parked multiple vehicles at the entrance to the buildings, within the parking area and on grass verges. Some limited photographs were taken and are exhibited to this statement at pages [61 – 67]. These images show where the vehicles were parked, together with some of the trespassers.
23. I walked through to the main reception area at the front of the building, which is mainly glass fronted. Out the window I could see three 'ringleaders', three other adults and two children. Two of these ringleaders were Alfie Cooper and Alfie Cooper Snr. I did not know, and still to this day do not know the name of the other third, more vocal, individual. When the trespassers spotted me, they immediately came up to the windows and started banging on them, shouting and swearing saying "*we are not going anywhere*" referencing the Transferred Land.
24. At this time, there were two caravans and three transit cars/pickup vans at Par Moor. One of these appeared to be continuously driving around, assessing the site. Children were skateboarding and playing and were joined by a few female trespassers whilst the male trespassers were trying to intimidate anyone from IML who might be present on the ground floor of the office/laboratory space and seen through the windows.
25. 'Clay Security' (IML's security team) and the Police were called, and we stayed in the reception area awaiting their arrival.
26. During this time, the trespassers started putting up awnings on the vehicles, which to my mind showed their intention to remain on site for some time. They all appeared in high

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spirits and started 'high fiving' each other, pointing at us through the window, and making rude gestures.

27. At around 3.30pm, two police officers arrived at Par Moor. When the police arrived, the children stopped playing outside and went into a vehicle and the women who were present on-site engaged in more restrained conversation. It was as if someone had 'flicked a switch', the behaviour changing with the police presence. The police approached the trespassers and had a conversation with them. The trespassers continued to point at us throughout the conversation. The police then came to the side door which we opened to allow them to access the premises. We then explained what had happened up to that point.
28. I was told by the police they wanted to speak with me (a decision maker at IML). The police also told me that they only had four officers covering the mid-Cornwall area during the day and having two officers at Par Moor was causing concern with their sergeant. Essentially, they were concerned that too much resource was being used on one site putting other policing needs elsewhere at risk. The police seemed keen for me to speak with the trespassers to try and de-escalate things.
29. Due to the aggression and threats made, I agreed to speak with the trespassers on the condition that the police were present throughout the whole conversation and that I only spoke with two of the trespassers, asking the rest of them go inside their vehicles. This was agreed.
30. I then approached two of the trespassers with the police, namely, Alfie Junior (Second Defendant) and the other male we have been unable to identify. Alfie Senior (Fourth Defendant) stood back behind them. There were lots of swearing and angry comments when I first approached them which included phrases like "*who the fuck are you*", "*we are not going anywhere until Imerys gives us what we want*", and "*we will make your life difficult*". They then went on to explain that they have been trying to get something out of IML for a long time, and that Cornwall Council have now given them notice to leave their

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land. Given the statements made, it was clear that this was a reference to the Transferred Land.

31. They continued to explain that it was their intention to occupy IML land until matters were resolved to their satisfaction and that if they are removed from the Transferred Land by Cornwall Council and/or are moved on from Par Moor, they would proceed to move to other sites owned by IML. These threats were made whilst the police officers were still on-site and made on multiple occasions and the police were next to me.
32. Whilst I was listening to Alfie Cooper Jnr, Alfie Cooper Snr, and the other individual, the rest of the trespassers, which I understand included the First and Third Defendants, were shouting things like: "*he is not going to listen to you*", "*come away, don't bother, we will get what we want another way*".
33. A lady, who I understand was the wife of Alfie Cooper Snr but whose name is not known, shouted saying that they are "*wolves*", and that "*the wolves will be coming to get [me] in the night if [I] do not give [them] what [they] wanted*", they also added that it was "*very easy to find where [I] lived*".
34. At this stage, I gave the two trespassers my name and explained that I was the person in charge and the ultimate decision maker at IML, and the UK based representative for Imerys. They explained that Cornwall Council had told them about the proposed eviction from the Transferred Land was IML's doing and that they were here to protest against that position. They said the bailiff who served them with the enforcement notice that morning had told them that the process was due to there being no planning permission for the use of the Transferred Land and that if Imerys removed its opposition to the proposed use, Cornwall Council would grant planning permission on the Transferred Land.
35. I tried to reason with them and asked if there was anything I could do that would encourage them to leave Par Moor. The Third Defendant stated he would sell me the Transferred Land. I explained that IML would consider re-acquiring the Transferred Land at a figure reasonably above the market value. The Third Defendant said market value was £12,000 so I offered £15,000. The response to this was: "*no, we want £200,000 and if this isn't*

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agreed next week it will increase to £300,000 and the week after £400,000. It will increase by £100,000 a week until you give us what we want”.

36. When it became clear to them that I was not going to give them what they wanted, and that the police were not going to get involved, they walked back to their vehicles again threatening *“the wolves will visit you tonight, we know who you are now. Imerys will give us what we want”*. References were also made to my wife and I “sleeping well” at night, which inferred some sort of intent to harm or, at the very least, intimidate me. These were statements made in front of the Police. In light of the statements the Police advised that I contact my family telling them to be extra vigilant.
37. Despite the statements made, the police told me that unless they cause damage or make a serious threat of violence there was nothing more they could do. The two officers left Par Moor just before 5pm.
38. During the time the police were on site, and in the interest of safety to our staff members, I actively emptied the building. At that time there were approximately 70 members of staff across all the office spaces. Given the safety concerns and threats made, employees were asking to leave site and, where possible, to work from home until notified further, a task difficult for some of those working in our labs. Whilst this was incredibly disruptive, it was felt that this was the safest thing to do in the circumstances. The trespassers allowed the employees to leave but did stare and followed them in vehicles as they were walking to and entering cars leaving some staff members feeling distressed and somewhat nervous.
39. After the police left (just before 5pm), more trespassers were arriving to try and gain access into Par Moor. The trespassers then tried to take water from an outside water tap. They also asked to have access to the toilet facilities claiming that if we refused, it would be a breach of their human rights. When we refused, largely for safety reasons, they began using the vegetation close to the reception area to defecate and urinate. We arranged to

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turn the water supply off, again to safeguard against damage to the building and staff, but this was met with more window banging and shouting.

40. At this time, threats were also made to contact Cornwall Live and BBC Spotlight.
41. At around 5.30pm there were approximately 15 trespassers outside the premises.
42. Initially, the trespassers were driving around the site looking at doors and windows to see if there were any open accessways. Our enhanced security team had arrived by this point and were also patrolling the site, ensuring all doors, windows and chemical cupboards were securely locked. After this, at around 6.30pm, I went home.
43. I was told that the women and children amongst the trespassers at Par Moor also left the site for the night, but that the men remained on-site for the evening. The site appeared calm and quiet, and the security team reported that the trespassers settled down to sleep at around 10.30pm.
44. Due to the stress caused and fearmongering I had experienced earlier in the day, I personally did not get much sleep and was back at Par Moor about 5/5.30am the next morning. Again, for safety reasons, I let myself in via the back entrance and went through to reception.
45. At this time there was only me, and two members of our security team in the building. The security team at the site entrance had blocked access to other vehicles entering Par Moor. Not long after I arrived, at around 5.30am, the trespassers who had stayed overnight at Par Moor were up and were banging on the windows and shouting again. Alfie Cooper Junior was one of the individuals banging on the glass.
46. Alfie Cooper Junior came to one of the windows and looked at me saying "*you, get out here now*". The trespassers then proceeded to pack up one of the vehicles. I thought they were going to leave but instead they reversed the tow bar right up to the main reception entranceway leaving just enough space so that the door was not obstructed, but you would have to get very close to them/their vehicle to be able to pass.
47. Alfie Cooper Junior proceeded to shout and bang on windows and stated that "*we aren't going anywhere*". He went on to say "*I have decided the price for the [Transferred Land]*

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is £300,000 now and we need another site”, he went on to say that his sister was suffering from mental health issues, and that his “kids were having problems with teachers at school” because of IML. He went on to say that he hoped that I “slept well in your bed in your mansion last night and hope your wife did too knowing we know where you live, and that the wolves are coming”.

48. We called the police to log these additional actions and threats which took place between 5.30am – 7.30am.
49. Shortly after 7.30am the women and children returned. I was informed by the security officer that one of the women had threatened the Security at the gate and said that she would ‘ram [their] way in’ if they were not allowed access. Security were asked not to move their vehicles and I understand responded to the threats by saying something like ‘go ahead they’re not our vehicles’. The trespassers presumably did not want to damage their own vehicles because they did not end up ramming into IML’s vehicles which were safeguarding the access to Par Moor.
50. In or around that time, more male trespassers arrived on site. We continued to call the police, but to no avail. By around 8:00am 12 to 15 people were at Par Moor. There were also several others wanting to get in. As they were unable to get in with vehicles, the women and new arrivals then began walking into Par Moor on foot.
51. At around 9.30am, two police officers arrived. These were different officers to the ones who had attended yesterday. As they entered Par Moor, they took details from the security

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team around the threats made to ram vehicles and I understand that those threats were once again repeated whilst the police were there.

52. We let them into the rear access to Par Moor and met the officers in my office. Clearly, they had not been briefed and were not aware of the situation and what had happened the day before. We briefed them.
53. On 12 April 2024, the previous evening, IML's solicitors were instructed to assist with advice on how to legally remove the trespassers at Par Moor.
54. High Court Enforcement bailiffs were instructed to attend Par Moor and to serve a common law notice on the trespassers requiring them to vacate. They arrived after the police had arrived on 13 April 2024. I was very anxious about what the effect of this would be and the police officers called the sergeant to attend. The bailiff turned up and, with all three police officers in tow, served the signed and dated notices on the trespassers (in the form attached at page [60]). One of the trespassers, a lady who I now understand to be Roseanne Buckland (the First Defendant), took the notices and proceeded to rip them up in front of the bailiff and police officers. She threw them on the ground and walked up to a police officer who was standing on a drain, putting the notice down the drain.
55. The police sergeant returned inside Par Moor and informed me that 3 of the 4 police officers for mid-Cornwall were currently at Par Moor, and he could not leave it like this. He said he was "*pretty toothless*" as it was a civil matter. The bailiff interjected and explained that there was some sort of act which allows police officers to disperse a gathering of more than 4 people. The sergeant said he had been a sergeant for 17 years and had not used that power once. He explained that he would have to get permission from the regional inspector to use it. He went on to add that even if he did have consent to use the power, he did not have the resources to enforce it. He encouraged us to write to the Chief Constable to complain about this.
56. The police were about to depart and went to speak to the trespassers as they were going to leave. The sergeant went to give a warning about their conduct and behaviour, concerned it was going to get out of hand. He then returned and said the trespassers

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wanted to speak with me again. I agreed, on the same conditions as the day before i.e that the police were present and there was now more than two of them.

57. At this point, Roseanne Buckland was extremely emotional, crying and making the following comments: *“how can you do this to me, why don't I have rights, why aren't I allowed to sleep safely and securely in my bed like you. My sister has bad mental health”*. The trespassers were extremely angry and aggressive and were shouting. Alfie Cooper Junior shouted *“you shouldn't have sold us that piece of land, you knew what we were going to do with it. I don't care you have mineral rights you are never coming onto our land I will do what I want. I am here and my family and I will make sure you give us what we want”*. This statement was made within earshot of the police sergeant.
58. I was then asked if there was anything IML could do. I repeated my offer of the day before to buy the Transferred Land for a reasonable sum above market value. The third Defendant then demanded £300,000 again.
59. I explained IML's position and why the covenants were there, and that this was not Imerys being greedy but that around 1/3rd of the Transferred Land was within 100 meters of a quarry site so we could not allow residential use within this area from a safety perspective. At that point allegations were made that IML were being discriminatory given the trespassers' heritage. I explained that these were standard IML covenants where land is sold at auction and were not discriminatory as alleged.
60. I explained that even if Imerys lifted the covenants, there was no guarantee Cornwall Council would give planning permission as its own mineral team objected to the application previously.
61. To move forward, and subject to the relevant paperwork being prepared by IML's lawyers, I offered to remove covenants from the Transferred Land up to and no less than 100 meters from our quarry. I confirmed they would have access to all of the Transferred Land but could not use any of the Transferred Land within 100 meters of the quarry for residential purposes. I explained that it did not matter how long they stayed and protested, that was all I could do.

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62. The trespassers were reluctant to agree immediately and wanted to go to the Transferred Land and measure it and assess it to see if 2/3rds Land would be sufficient for what they wanted to use it for.
63. From a safety perspective, I had tried to arrange it such that the sergeant would return at the time I agreed with the trespassers so that further dialogue could take place supervised by police presence. However, the sergeant did not return as we had agreed. Instead, the two police officers from the previous day returned.
64. The three ringleaders (which again included Alfie Cooper Junior and Alfie Cooper Senior) were provided with a plan IML had prepared which showed what part of the Transferred Land would have the covenants removed. Discussions progressed and, after committing to have an appropriate legal document prepared within 48 hours, the trespassers left Par Moor late that afternoon.
65. The following day (Friday) IML were informed by Tom Blake at Jefferys (a local land agent for IML) that the agreement which had been agreed subject to contract was off, and that they (with consultation with all owners and other occupiers/trespassers) would not be accepting the proposal IML had made. Tom had received a call from Alfie Cooper Junior confirming this.
66. I understand that during that afternoon, and after the call from Alfie Cooper Junior, the Fourth Defendant (Alfie Cooper Senior) later visited Jeffery's' offices to explain the issues around IML's proposal and how they would be left with insufficient space for fire breaks if they all had to shift down within the site. The suggestion that IML would have to buy the land from them for £200k was once again made.

Sites at risk

67. Whilst, as at the date of this Witness Statement, no further recorded attendance at Par Moor or the sites set out under this part of my statement has been made, security have observed vehicles similar to those on-site at Par Moor scoping some of the operational sites in the area. In light of this and the events that took place in October 2023 and April

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2024, I believe there is a real and imminent risk that the Defendants and Persons Unknown will trespass on the Claimants' sites that are the subject of this application.

68. It is emphasised that the Claimants are only seeking to protect those sites which, they believe, are most likely to be targeted by the Defendants and Persons Unknown. The following sites ("the Sites") are within 5 miles of Par Moor and/or the Transferred Land. In addition to Par Moor, they are the highest risk sites in terms of health and safety and are those sites which are most likely to be targeted by the Defendants or those in support of the Defendants. A plan showing the proximity of each site to the Transferred Land is attached at page [23].

(B) Fowey Docks, The Docks, Fowey, Cornwall, PL23 1AL

69. This land is comprised within title numbers: CL352015 (leasehold), CL348217(leasehold), CL348205 (leasehold), CL348133 (leasehold) and CL348135 (leasehold). An annotated aerial drone image of this site can be found at page [25]. This image shows the scale of the site and what the boundary features are around it.
70. The site is accessed via a long private haul road which consists of a large tunnel known as Pinnock Tunnel. The private haul road runs from Par to the East to Fowey in the West.
71. The site is used for shipping of kaolin and aggregate products. Heavy Mobile Equipment (Loading Shovels, Materials Handler, Forklifts, Site Vehicles, Large Goods Vehicles) is in 24/7 use. There is also associated rail activities for the trans-shipment of Kaolin and Aggregates (Locomotives, Rolling Stock), Fixed Plant & Structures (Conveyors, Hoppers / Bins), Confined Spaces, Asbestos Containing Materials, Wharf Activities (Wharf, open water), Ancillary Activities (Engineering, Fabrication, Electrical Management), Extensive infrastructure (Road Tunnel), Third Party commercial tenants, Dock Operations, and fuel & lubricant storage.
72. There are approximately 24 employees working at this site on a rotational shift pattern covering 24 hours, 7 days a week.
73. It is well known locally that the site is of significant importance to IML and its operations. The main access to the site is via a private road and tunnel in IML's ownership which could

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easily be blocked or obstructed to delay or prevent traffic in and out of the site. Imerys signage is present on the gateways leading to this road and at Fowey Docks in prominent places.

74. The site, if accessed unlawfully and unsafely, includes several risks including heavy mobile equipment (i.e. loading shovels, forklifts and other site machinery operated at this site) which could pose a real danger if trespassers were to enter. There are also various fixed plant and structures that could cause serious injury. This is separate from the risk of operational disturbance and financial losses that would arise from the trespass.

(C) Trebal Refiner, Imerys, Trebal Refiner, Saint Austell PL26 8YH

75. This site is included within title numbers: CL352269 and CL261634. An annotated aerial drone image of this site can be found at page [26]. This image shows the scale of the site and what the boundary features are around it.
76. At this site a kaolin slurry is mixed/blended in large open tanks, the clay slurry is chemically treated and sized to make the different product grades. Approximately 54 employees work at this site on a rotational shift pattern covering 24 hours, 7 days a week. Site operations involve forklifts, site vehicles, Large Goods Vehicles, chemical handling, open slurry storage tanks, fixed plant & structures (high level access, complex site infrastructure conveyors, exposed pipelines, lifting activities / suspended loads, confined spaces, Asbestos containing materials), localised high noise activities, Ozone generation, hazardous substances, and fuel & lubricant storage.
77. Again, heavy mobile equipment is operated here. Employees at a refiner site will be handling chemicals which could of course present a threat to the health and safety of our staff members as well as the trespassers themselves if they were to be interfered with.

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Another potential hazard at a refiner site is the presence of open slurry/water storage tanks and so there is a risk of drowning etc.

78. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(D) Goverseth Refiner Foxhole, St Austell, Cornwall, PL26 7XY

79. The title for this site is CL351479. An annotated aerial drone image of this site can be found at page [27]. This image shows the scale of the site and what the boundary features are around it.
80. Kaolin slurry is mixed/blended in large open tanks, the clay slurry is chemically treated and sized to make the different product grades. Approximately 97 employees work on this site on a rotational shift pattern covering 24 hours, 7 days a week. Site operations involve forklifts, site vehicles, Large Goods Vehicles, chemical handling, open slurry storage tanks, fixed plant & structures (high level access, complex site infrastructure conveyors, exposed pipelines, lifting activities / suspended loads, confined spaces, Asbestos

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containing materials), localised high noise activities, Ozone generation, hazardous substances, and fuel & lubricant storage.

81. As such, similar hazards as have been identified at Trebal Refiner are present at this site.
82. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(E) Melbur Refiner, Meledor, St. Stephen, St Austell, Cornwall, PL26 7SB

83. The title for this site is CL305072. An annotated aerial drone image of this site can be found at page [28]. This image shows the scale of the site and what the boundary features are around it.
84. At this site kaolin slurry is mixed/blended in large open tanks, the clay slurry is chemically treated and sized to make the different product grades. Approximately 43 employees work at this site on a rotational shift pattern covering 24 hours, 7 days a week.
85. Site operations involve forklifts, site vehicles, Large Goods Vehicles, chemical handling, open slurry storage tanks, fixed plant & structures (high level access, complex site infrastructure conveyors, exposed pipelines, lifting activities / suspended loads, confined spaces, Asbestos containing materials), localised high noise activities, Ozone generation, hazardous substances, and fuel & lubricant storage.
86. Again, similar hazards as have been identified at Trebal Refiner and Goverseth Refiner are present at this site.
87. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(F) Treviscoe Dryer, Railway View, Little Treviscoe, Saint Austell PL26 7QN.

88. This is a large site consisting of title numbers: CL321376, CL348009, CL351356, CL65698, CL304357 and CL65698. An annotated aerial drone image of this site can be

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found at page [29]. This image shows the scale of the site and what the boundary features are around it.

89. Approximately 39 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The process on site uses filtration and heat to remove moisture from the China Clay product. Operations on site involve heavy mobile equipment (loading shovels), Large Goods Vehicles, Forklifts, site vehicles, chemicals handling (goods inwards, storage, onsite distribution), open storage tanks, fixed plant & structures (high level access / structures, complicated and complex site infrastructure conveyors, exposed & buried Pipelines, lifting activities / suspended loads, confined spaces, Asbestos Containing Materials), finished product storage, loading & distribution, engineering (maintenance, gases), and fuel & lubricant storage.
90. As with most sites heavy mobile equipment is operated here. There are also hazardous substances such as chemicals and gases handled here which could present a huge threat if they were to be misused or tampered with. There are also open slurry/water storage tanks at dryer sites.
91. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(G) Rocks Dryer & Railhead, Rosevear Rd, Bugle, Saint Austell PL26 8PJ

92. This site is made up of titles CL335887 and CL263199. An annotated aerial drone image of this site can be found at page [30]. This image shows the scale of the site and what the boundary features are around it.
93. Approximately 51 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The process on site uses filtration and heat to remove moisture from the China Clay product together with trans-shipment of products in and out by rail.
94. Operations on site involve heavy mobile equipment (loading shovels), Large Goods Vehicles, Forklifts, site vehicles, chemicals handling (goods inwards, storage, onsite distribution), open storage tanks, fixed plant & structures (high level access / structures,

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complicated and complex site infrastructure conveyors, exposed & buried pipelines, lifting activities / suspended loads, confined spaces, Asbestos Containing Materials), finished product storage, loading & distribution, engineering (maintenance, gases), and fuel & lubricant storage.

95. The same hazards as detailed for Treviscoe Dryer are present at this site.
96. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(H) Par Dryer Complex, Par Harbour, Par, PL24 2BN

97. The site is contained within title number(s): CL241895. An annotated aerial drone image of this site can be found at page [31]. This image shows the scale of the site and what the boundary features are around it.
98. Approximately 73 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week. The drying process on site uses filtration and heat to remove moisture from the China Clay product, product is also calcined at high temperature on site. The process on site uses filtration and heat to remove moisture from the China Clay product together with trans-shipment of products in and out by rail.
99. Operations on site involve heavy mobile equipment (loading shovels), Large Goods Vehicles, Forklifts, site vehicles, chemicals handling (goods inwards, storage, onsite distribution), open storage tanks, fixed plant & structures (high level access / structures, complicated and complex site infrastructure conveyors, exposed & buried pipelines, lifting activities / suspended loads, confined spaces, Asbestos Containing Materials), finished

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product storage, loading & distribution, engineering (maintenance, gases), and fuel & lubricant storage.

100. Similar hazards as detailed for Treviscoe Dryer and Rocks Dryer are present at this site.
101. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(I) Parkandillick Dryer & Calciner, Parkandillick, St Dennis, Saint Austell PL26 8DY

102. This site is made up of title numbers CL303638 and CL351356. An annotated aerial drone image of this site can be found at page [32]. This image shows the scale of the site and what the boundary features are around it.
103. The drying process on site uses filtration and heat to remove moisture from the China Clay product, product is also heated / calcined at high temperatures on site through a rotary kiln. Approximately 44 employees work at this site on a rotational shift pattern covering 24 hours a day, 7 days a week.
104. The process on site uses filtration and heat to remove moisture from the China Clay product together with trans-shipment of products in and out by rail. Operations on site involve heavy mobile equipment (loading shovels), Large Goods Vehicles, Forklifts, site vehicles, chemicals handling (goods inwards, storage, onsite distribution), open storage tanks, fixed plant & structures (high level access / structures, complicated and complex site infrastructure conveyors, exposed & buried pipelines, lifting activities / suspended loads, confined spaces, Asbestos Containing Materials), finished product storage, loading & distribution, engineering (maintenance, gases), and fuel & lubricant storage. The same

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hazards as detailed for Treviscoe Dryer are present at this site. There are also rail and high temperature activities that take place here and could cause serious injury or harm.

105. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(J) Littlejohns Pit (offices & plant areas), Hensbarrow, Saint Austell PL26 8XT

106. This site is contained within title numbers: CL225512, CL300463, CL312221, CL352495, CL376073, CL42895, CL61706 and CL85706. An annotated aerial drone image of this site can be found at page [33]. This image shows the scale of the site and what the boundary features are around it.

107. This is a quarry site producing China Clay and aggregate production of the raw material is done using blasting equipment stored on site. The number of individuals working at this site at any given time varies significantly.

108. At our pit sites there are a number of hazards including; drilling rigs and potentially explosive material. These are of course potential dangers to any trespassers if they were to trespass onto the site.

109. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(K) Longstone Pit, Hensbarrow, Saint Austell PL26 8XT

110. This site comprises of the following titles: CL104389 (leasehold), CL201353 (leasehold), CL352090, CL352495, CL35764 and CL65684. An annotated aerial drone image of this

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site can be found at page [34]. This image shows the scale of the site and what the boundary features are around it.

111. This is a quarry site producing china clay and aggregate production of the raw material. The number of individuals working at this site at any given time varies and the same hazards as detailed for Littlejohns Pit are present at this site.
112. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(L) Imerys British Lithium (IBL) pilot plant, Roche Rd, Stenalees, Saint Austell PL26 8ZH.

113. Vistgate Limited own the land under title number CL277211 and IBL occupy the site under a lease found at page [133]. An annotated aerial drone image of this site can be found at page [35]. This image shows the scale of the site and what the boundary features are around it.
114. On average there are around 20 people on site at any given time.
115. Laboratory activities take place at our pilot plant site. Chemicals are handled by our employees which presents a huge health and safety risk. This site is of significant operational and strategic importance to IBL and the exploration of lithium.
116. It has been well publicised that IML are involved with IBL and it is well known locally how much economic importance has been placed on the exploration of lithium. This site is one of the closer sites to the Transferred Land and therefore more likely to be targeted.
117. IBL/IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(M) Drinnick offices and workshops, St Georges Rd, Nanpean, Saint Austell PL26 7XR

118. The site is comprised of land with title numbers CL241853, CL351479 and CL383018 (pending first registration). An annotated aerial drone image of this site can be found at [36]. This image shows the scale of the site and what the boundary features are around it.

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119. The number of employees at site are included within the details for Goverseth employee numbers and the staff work across both sites on rotational shift work.
120. Again, there are no significant industrial type hazards at this site, but as an operational premises occupied by a reasonable number of employees there is an underlying risk of safety to staff.
121. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(N) Quarry Close offices & maintenance facilities, Nanpean, Saint Austell, PL26 7DJ

122. This site is comprised of land with title numbers CL54483, CL354649 and CL269576. Title numbers: CL54483, CL354649 and CL269576. An annotated aerial drone image of this site can be found at page [37]. This image shows the scale of the site and what the boundary features are around it.
123. On average there are around 20 people on site at any given time.
124. There are no industrial type hazards at this site, but as an operational premises occupied by a reasonable number of employees there is an underlying risk of safety to staff.
125. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

(O) Wheal Martyn Tanks, Carthew, PL26 8XH.

126. This site falls within title number CL324902. An annotated aerial drone image of this site can be found at page [38]. This image shows the scale of the site and what the boundary features are around it.

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127. The number of employees at Wheal Martyn is included in the Littlejohns employee numbers as these employees cover both sites. Similar risks are present at this site too.
128. IML signage is present at the access points to this site.

(P) ReClaym (RCL): Blackpool Refurbishment Plant, Blackpool, High Street Trewoon, St. Austell, Cornwall, PL26 7TF

129. This site is comprised of title numbers: CL242916 (part only), CL277594, and CL277589. An annotated aerial drone image of this site can be found at page [39]. This image shows the scale of the site and what the boundary features are around it.
130. The data on how many employees occupy this site was not available as at the point of preparing this statement. As a processing plant for mining waste hazardous materials are present on site.
131. To the outside world and members of the public ReClaym staff and operations appear as if it is part and parcel of IML's operations despite the distinct role that company provides.
132. IML signage is present at the entranceway leading to the site and is visible from the public highway/ a public space.

Harm caused by the trespass

133. Attendance by the Defendants and Persons Unknown at the Claimants' sites' poses a significant risk to the health and safety of staff and the trespassers themselves, as well as substantial financial loss. These are detailed further below.

Risk to Health and Safety

134. Attached at pages [40] to [59] is an operational safety briefing note setting out the perceived health and safety risks with each of the Sites.
135. In summary, IML RL, IBL are worried about the following main risks.
136. First, in light of the events that have already taken place, there is a significant risk of violence and public disorder. So far, that has been avoided but the limited police resources

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make this a particular worry. As I set out below, this risk is so serious that the security staff employed by us are not prepared to give evidence for fear of reprisals.

137. Secondly, even in the absence of violence and disorder, the actions of the trespassers have caused and are causing distress and anxiety to me and my employees.
138. Thirdly, many of the sites which are the subject of this claim are dangerous either because of physical dangers or because of the processes being carried out on the sites. Our employees and agents are well-trained to appreciate and manage these risks. However, the Defendants and Persons Unknown are not. There is a significant risk that they could harm themselves or others by unwittingly trespassing on these dangerous sites.
139. In the circumstances, it is respectfully requested that the Court considers granting appropriate relief to protect the Claimants, and their employees, agents and infrastructure, as well as to protect the trespassers themselves and any children which may be present alongside them.

Financial loss

140. Since the trespassers have been on site, security at Par Moor and other sites have been stepped up. At present we have incurred £40,000 by way of extra security costs and those costs are continuing to build up on a daily basis. The current costs are £4,000 per week over and above our usual security costs.
141. Should the Defendants or those associated with them trespass onto an operational site it is likely that operations would need to be halted. If that were to happen, there would be significant financial losses to IML and its infrastructure. It is difficult to give a site-specific example as there are various moving parts to our operations and if one part (or site) goes down, others are impacted. As a best estimate, for every day a key site is down or non-operational the wasted operational costs alone would be circa £180,000 per 24-hour period. On top of that you would have contractual pressures and penalties relating to the

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supply of product to third party customers as well as wider reputational damage from being unable to fulfil orders.

142. From my engagement with the trespassers, I strongly believe that there is clear intent to injure IML by unlawful means such that there is a significant risk to IML, RL and IBL and staff. This was a point openly threatened by them in front of the police on numerous occasions whilst present at Par Moor.

Persons Unknown

143. We have been able to identify the First to Fourth Defendants, in particular because the First and Second Defendants own the Transferred Land and their identities were confirmed by the security team. However, the Claimants have been unable to identify any of the other individuals who trespassed onto Par Moor in April 2024. Although I consider it likely that they occupy the Transferred Land together with the Defendants, I do not know that to be the case for sure. We have no way of identifying them and CCTV footage from the incident is of low quality such that we cannot meaningfully undertake any follow-up investigatory work on their identities.
144. I believe that if the First to Fourth Defendants engaged in further protests on the Claimants' land, they would be accompanied by other unknown individuals. Given the likely numbers involved, we would have little idea as to whether such unknown individuals had or had not previously trespassed on the Claimants' land.
145. For the reasons set out above, I believe there is a compelling justification for granting injunctive relief against Persons Unknown who are newcomers.
146. I am advised that, according to the Supreme Court's judgment in *Wolverhampton CC v London Gypsies & Travellers* [2024] 2 WLR 45, the Claimants will need to take steps to

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notify Persons Unknown who are newcomers of the claim and any further applications made by the Claimants. We intend to take the following steps:

- In addition to serving the named Defendants in the usual way, uploading a copy onto a website.
- Posting or hand-delivering a set of the claim documents to the Transferred Land addressed to Persons Unknown.
- Affixing a notice at the main access point for each of the Sites stating that the claim has been brought and where it can be accessed in hard copy and online.

147. I believe that, by the taking of these steps, the claim and application for interim injunctive relief are likely to come to the attention of Persons Unknown. It was clear to me from the attendance at Par Moor that those individuals who cannot be identified are linked to the known trespassers/Defendants in some way and are most probably friends or family members.

Availability of other evidence

148. In preparing this claim our legal team have approached members of IML's security team and, regrettably, those members of the team who were present at Par Moor when the Defendants and Persons Unknown were there are not prepared to give evidence for fear of harm and violence. As outlined above, many of the security team will encounter these individuals elsewhere.

Cross-undertaking in damages

149. As referred to above, I am a Director of all three Claimants and the senior director representing Imerys here in the UK. I can confirm that the claimants to this claim (IML, IBL and RL) undertake to compensate the Defendants if it were subsequently determined that the Claimants were not entitled to any interim relief granted by the Court. The most recent published accounts for IML, IBL and RL are attached at pages [68] to [132]. These demonstrate that the Claimant's would be able to meet such a requirement if it came to it.

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Without Notice

150. This application for an interim injunction has been made without notice being given to the First-Fourth Defendants and without notifying Persons Unknown.
151. I understand this is an exceptional step to take but the Claimants believe there are compelling reasons for doing so:
- a. The Claimants are concerned that if the Defendants and Persons Unknown were given notice of the claim and application for interim injunction, there is a significant risk they would target the Sites before an injunction was in place. This would defeat the very purpose of making a claim for an interim injunction.
 - b. The risk of trespass is of very serious concern to the Claimants for the reasons mentioned above. The Defendants have made repeated physical and threats of a serious nature as set out in this statement. If notice of this claim and application were to accelerate the carrying out of trespass at the Sites, it would give rise to the exact risks the Claimants were intending to prevent..

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.

Name: Mark David Stuart Hewson

Signed:



Dated: 6 June 2024