



IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
BUSINESS LIST (ChD)

In the Matter of an Application under the Mines (Working Facilities and Support) Act 1966

BL-2023-000606

MASTER BRIGHTWELL
14 JUNE 2023

Between

CLEVELAND POTASH LIMITED

Claimant

and

**SECRETARY OF STATE FOR BUSINESS, ENERGY AND INDUSTRIAL
STRATEGY**

Referee

ORDER

UPON hearing Emyr Jones, counsel for the Claimant, at a hearing listed in accordance with paragraph 13.6 of CPR Practice Direction 49E

AND UPON the Court considering that:

- (i) There is an issue between the Claimant and Mrs Drummond as to the meaning and effect of the imperfect reservation.
- (ii) Mr Drummond has a pending application at HM Land Registry to the mines and minerals in Area 5 based on her claimed manorial rights.
- (iii) It is likely that there will be a preliminary issue as to existing rights to the mines and minerals to be resolved before dealing with the application under the Mines (Working Facilities and Support) Act 1966.
- (iv) It would be expedient, at this stage, and having regard to (i) to (iii), to give notice of the proceedings only to the parties set out in paragraph 1 of the Order.

IT IS ORDERED that:

- 1 The Claimant shall by 28 June 2023 serve copies of the documents particularised in paragraph 2 hereof on:
 - (i) Classic Lodges Limited.
 - (ii) The Hon. Mrs Ferelith Drummond.
 - (iii) Mrs Jean Moralee.
 - (iv) North York Moors National Park Authority.
- 2 The documents to be served pursuant to paragraph 1 hereof are as follows:
 - (i) The Claim Form, the Amended Details of Claim and exhibits GNB 2 and GNB 7 of Volume B of the application.
 - (ii) The witness statement of Noel Barrett dated 9 June 2023.
 - (iii) A sealed copy of this Order.
 - (iv) The letter to interested parties in accordance with the letter exhibited to Noel Barrett's said witness statement.
- 3 The Claimant shall ensure that a paper copy of the documents in paragraph 2 hereof and of its application shall be available for perusal at the Claimant's registered office at Boulby Mine, Loftus, Saltburn By The Sea, Cleveland TS13 4UZ during weekday working hours between 9.30 am and 5.30 pm and that a copy of the said documents shall be available to peruse on the Claimant's website www.icl-uk.uk.
- 4 Any of the parties identified in paragraph 1 objecting to the grant to the Claimant of the rights applied for and desiring to be heard in opposition shall by 4pm on 6 September 2023 give notice in writing to the Claimant at the offices of their solicitors, Herbert Smith Freehills LLP, Exchange House, Primrose Street, London EC2A 2EG (ref: 2162/8118/31052269) stating: (a) their name and address; (b) the name and address of their solicitor, if any; (c) the grounds of the objection; (d) any alternative method for effecting the objects of the application that they allege may be used; and (e) the facts on which they rely.

- 5 The Claimant and any of the persons identified in paragraph 1 above wishing to be heard in respect of the application or wishing to object to the application shall attend before Master Brightwell in Hearing Room 2, The Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL at 11am on 17 October 2023 for further directions.
- 6 At the hearing on 17 October 2023 the court will consider
- (i) whether any preliminary issue should be tried and, if so, the terms of the preliminary issue and any directions required in respect of the same.
 - (ii) whether any other parties or surface owners should be given notice of these proceedings and, if so, when.
 - (iii) whether an advertisement ought to be directed and if so the content, timing and platforms for any advertisement.
- 7 The Claimant shall file and serve a bundle for the hearing on 17 October 2023 by 4pm on 9 October 2023 which shall include all relevant documents, including all representations received pursuant to paragraph 4.
- 8 The costs of today be reserved.
- 9 This order shall be served by the Claimant on the Referee.

Service of the order

The court has provided a sealed copy of this order to the serving party:

Herbert Smith Freehills LLP at Exchange House, Primrose St, London EC2A 2EG,
8118/30152269 (solicitors for the Claimant)