

On behalf of: Applicants/Claimants
R.Jordan
1st statement of witness
Exhibits: RJ1 and RJ2
Date:23 March 2022

**IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

Claim No. QB-2022-BHM-000044

BETWEEN:

- (1) HIGH SPEED TWO (HS2) LIMITED
(2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

- and -

- (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND KNOWN AS LAND AT CASH'S PIT, STAFFORDSHIRE SHOWN COLOURED ORANGE ON PLAN A ANNEXED TO THE PARTICULARS OF CLAIM ("THE CASH'S PIT LAND")**
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND ACQUIRED OR HELD BY THE CLAIMANTS IN CONNECTION WITH THE HIGH SPEED TWO RAILWAY SCHEME SHOWN COLOURED PINK, GREEN AND BLUE ON THE PLAN ANNEXED TO THE APPLICATION NOTICE ("THE HS2 LAND")**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND BY THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP**

COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT WITHOUT THE CONSENT OF THE CLAIMANTS

(4) PERSONS UNKNOWN CUTTING, DAMAGING, MOVING, CLIMBING ON OR OVER, DIGGING BENEATH OR REMOVING ANY ITEMS AFFIXED TO ANY TEMPORARY OR PERMANENT FENCING OR GATES ON OR AT THE PERIMETER OF THE HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS

(5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE) AND 58 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

Defendants

WITNESS STATEMENT OF RICHARD JOSEPH JORDAN

I, **RICHARD JOSEPH JORDAN**, of High Speed Two (HS2) Limited, Two Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA, WILL SAY as follows:

Introduction

1. I am the First Claimant's Interim Quality and Assurance Director and I am accountable for assuring the HS2 Railway will integrate, and be constructed and delivered into operation, to meet cost and schedule constraints, as well as Government, stakeholder and regulatory requirements. I am also accountable for providing our business wide management system, providing strategic direction for quality and for setting the arrangements for complying with and assuring that the First Claimant meets its obligations of 'Managing Public Money'.

2. At the time of the majority of the events described in this witness statement, I was the First Claimant's Chief Security and Resilience Officer. In that role, I was accountable for the delivery of corporate security support to the First Claimant in line with its security strategy, and the provision of advice on all security related matters. This included incident response, business continuity, cyber security, information assurance, physical security, personal security, personnel security and security of the future railway. I was the senior representative on behalf of the First Claimant dealing with external security partners, such as the police, security representatives at the Department for Transport, Centre for Protection of National Infrastructure and relevant security authorities and agencies. I had been in that role for over four and a half years. Previously, I was a consultant on defence and security projects, and served as a British Army officer for 21 years. In my military career I commanded 103rd Regiment Royal Artillery in which role I worked on projects including the security of the 2012 Olympics at Old Trafford. I have extensive experience of security and resilience operations, and I have completed the Advanced Command and Staff Course at the Joint Services Command and Staff College.
3. I am authorised to make this statement in support of the Claimants' application for an injunction in respect of the HS2 Land.
4. This statement has been prepared with the Claimants' legal representatives.
5. This statement is made from matters that are within my own knowledge and/or (unless other sources of information are stated) knowledge gained from my review of the First Claimant's documents, incident reports logged on the First Claimant's HORACE and Trak Tik systems, reports by the First Claimant's security and legal teams and those of the First Claimant's contractors, as well as material obtained and reviewed from open-source internet and social media platforms. In each case I believe them to be true. The contents of this statement are true to the best of my knowledge and belief. The HORACE system, in particular, is an important source of the information I set out below. HORACE is an online incident reporting system used by the First Claimant to record details of health, safety, security, environmental and reputational incidents which occur as a result of, or in connection with the work of the First Claimant. However,

because it is both an online system and contains information filled in by specialist security professionals, it is not a resource which can be easily printed out or otherwise presented in a way that is easily understandable by a lay person. The Trak Tik system presents similar issues. The accounts of the incidents set out below are therefore derived from those systems (and the other sources set out above) but explained in ordinary English.

6. There are now shown and produced to me marked **RJ1** true copies of documents to which I shall refer in this statement and which can be found at <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> . Page numbers without qualification refer to that exhibit. In this statement I also refer to video evidence which has been collated as numbered videos and marked **RJ2**. The videos can be viewed at: <https://vimeo.com/showcase/exhibit-rj2> and references in this statement to video numbers in bold are references to that exhibit.
7. In preparing this statement I have read the Witness Statement of Julie Amber Dilcock (“**Dilcock 1**”) in draft. Defined terms used in this statement are the same as those defined in the Particulars of Claim and in Dilcock 1, unless separately defined in this statement.

Purpose and scope of this statement

8. In this statement I will:
 - 8.1 Provide a history of protestor action against the HS2 Scheme;
 - 8.2 Explain the continued risk of unlawful protestor action against the HS2 Scheme and the need for an injunction.
 - 8.3 Explain the nature, aims and impact of direct action protest;
 - 8.4 Describe specific incidents of unlawful action by activists against the HS2 Scheme up to around 16 March 2022; and
 - 8.5 Explain how the First Claimant has come to identify the persons who have been added as named defendants to these proceedings;

9. As just indicated, I provide an explanation of protestor activity at the HS2 Land up to 16 March 2022. I have had to draw the line at that date (and for some data at 31 December 2021 or 28 February 2022 – where this is the case it is indicated), because it has proved very difficult to finalise a statement which tries to be precisely up to date as there continue to be regular incidents and developments at the HS2 Land. In respect of other incidents, given the frequency with which incidents occur, if necessary I will provide an updating witness statement to the Court before any future hearing in order to provide the Court with information on any important developments which have occurred between 16 March 2022 and that date.

Opposition to the HS2 Scheme

10. Those engaged in protest action opposed to the HS2 Scheme are made up of a broad cross-section of society, including concerned local residents, committed environmentalists, academics and also numerous multi-cause transient protestors whom have been resident at a number of protest camps associated with a number of different “causes”. Groups such as Extinction Rebellion (often known as “XR”) often garner much of the mainstream media attention and widely publicise their actions. They often only travel into an area for a short period (specific “days of action” or “weeks of action”), however once present they are able to execute comprehensive and highly disruptive direct action campaigns, whipping up an almost religious fervour amongst those present. Their campaigns often include direct action training, logistical and welfare support and complimentary media submissions, guaranteeing national media exposure. Such incidents have a significant impact on the HS2 Scheme but make up only a proportion of overall direct action protest against the HS2 Scheme, which occurs on an almost daily basis.
11. By way of explanation of a term that will be found in the evidence exhibited to this statement, activists often seek to anonymise themselves during direct action by referring to themselves and each other as “Bradley”. Activists also often go by pseudonyms, in part to avoid revealing their real identities. A number of the Defendants’ pseudonyms are provided in the schedule of Named Defendants and

those working in security on the HS2 Scheme are very familiar with the individuals involved and the pseudonyms they use.

12. On a day to day basis direct action protest is orchestrated and conducted by both choate groups dedicated to disruption of the HS2 Scheme (such as HS2 Rebellion and Stop HS2) and inchoate groups of individuals who can comprise local activists and more seasoned “core” activists with experience of conducting direct action campaigns against numerous “causes”. The aims of this type of action are made very explicitly clear by those engaged in it, as can be seen in the exhibits to this statement. It is less about expressing the activists’ views about the HS2 Scheme and more about causing direct and repeated harm to the HS2 Scheme in the form of delays to works, sabotage of works, damage to equipment, psychological and physical injury to those working on the HS2 Scheme and financial cost, with the overall aim of “stopping” or “cancelling” the HS2 Scheme.
13. In general, the Claimants and their contractors and sub-contractors have been subject to a near constant level of disruption to works on the HS2 Scheme, including trespass on and obstruction of access to the HS2 Land, since October 2017. The Defendants have clearly stated - both to contractors and via mainstream and social media - their intention to significantly slow down or stop work on the HS2 Scheme because they are opposed to it. They have trespassed on HS2 Land on multiple occasions and have issued encouragement via social media to others to come and trespass on HS2 Land. Their activities have impeded the First Claimant’s staff, contractors and sub-contractors going about their lawful business on the HS2 Land and hampered the work on the HS2 Scheme, causing delays and extremely significant costs to the taxpayer and creating an unreasonably difficult and stressful working environment for those who work on the HS2 Land.
14. At **page 1** is a graphic illustration of the number of incidents experienced by the Claimants on Phase One of the HS2 Scheme that have impacted on operational activity and the costs to the Claimant of dealing with those incidents. That shows a total of 1007 incidents that have had an impact on operational activity between the last quarter of 2017 and December 2021. Our incident reporting systems have

improved over time and refined since we first began experiencing incidents of direct action protest in October 2017 and it is therefore considered that the total number of incidents shown within our overall reporting is likely fewer than the true total.

15. The illustration also shows the costs incurred in dealing with the incidents. These costs comprise the costs of the First Claimant's security; contractor security and other contractor costs such as damage and repairs; and prolongation costs (delays to the programme) and show that **a total of £121.62 million has been incurred** in dealing with direct action protest up to the end of December 2021. The HS2 Scheme is a publicly funded project and accordingly the costs incurred are a cost to the tax-payer and come from the public purse. The illustration at **page 2** shows the amount of the total costs that are attributable to security provision.
16. The illustration at **page 1** just shows the data for Phase One of the HS2 Scheme. Activists have also begun targeting Phase 2a of the HS2 Scheme and as detailed later in this statement, we are seeing the same individuals that have organised and perpetrated unlawful acts on Phase One, also organising and perpetrating unlawful acts on Phase 2a. The graphic illustration at **page 3** shows the general trend of escalating incidents on Phase 2a.
17. At **page 4** is an illustration showing the escalation in incidents involving certain types of violence and crime on Phase One and Phase 2a of the HS2 Scheme between the beginning of February 2019 and the end of January 2022. Most categories show a generally increasing number of incidents involving these categories. Note that the figures show the number of incidents involving that type of activity and therefore where a single incident involves more than one type of activity, that incident will appear in more than one category. The acts perpetrated by the activists are not only frequently unlawful on a civil level, but regularly cross the line into criminal activity and include acts of violence. It is extremely disturbing to note the generally escalating trend in criminal and violent activity against the HS2 Scheme, which creates an immensely unpleasant and intimidating working environment for our staff and contractors.

18. At **page 5** is a “heat map” which shows the geographical location of security reports across the whole of Phase One and Phase 2a of the HS2 Scheme just for the period January 2020 to date, covering reports on incidents that had an impact on operational activity and also incidents where the First Claimant’s security team or contractor security teams were able to manage the incident so that there was no impact on operational activity. The total number of reports shown on the heat map is 4,013. The data clearly shows that the whole of Phase One of the HS2 Scheme from London in the south to Birmingham in the north has been subject to significant and sustained unlawful direct action protest over the last 2 and a quarter years (the period covered by the heat map) at a significant cost to the tax-payer and toll on those working on the HS2 Scheme. Phase One continues to be targeted by activists, with no sign that unlawful activity will cease unless restrained by the Court. The data also shows that Phase 2a of the HS2 Scheme is also being targeted by activists, with a generally increasing trend in the number and severity of incidents. Again, our incident reporting systems have improved over time and refined since we first began experiencing incidents of direct action protest in October 2017 and it is therefore considered that the total number of incidents shown within our overall reporting is likely fewer than the true total.
19. In order to assist with orientation, a separate map is at **page 6** showing the locations across the route of the HS2 Scheme of the sites where the example incidents set out in this statement took place. This map is referred to throughout this statement.
20. It is reasonably feared by the Claimants that this unlawful activity will only continue and worsen if left unchecked by the Court. In particular, the forthcoming eviction of the unlawful encampment trespassing on the Cash’s Pit Land will displace the activists trespassing on that land and the Claimants have good reason to believe that the Cash’s Pit Defendants will move to try to occupy other HS2 Land as they have done previously. For example, prior to entering onto the Cash’s Pit Land, D5; D17 to D20; and D22 were in occupation of an unlawful encampment dubbed “the WAR Camp” on HS2 Land in Wendover, Buckinghamshire and known by the Claimants (and labelled on the map at **page 6**) as Small Dean (“**Small Dean**”) and D31 was in occupation of HS2 Land at

Euston Square Gardens, London. A number of individuals who were in occupation of Euston Square Gardens (including D24, D25, D26 and D28) subsequently spent time in occupation of Small Dean. D32 has been involved in trespass and other incidents on HS2 Land at multiple locations across Phase One, including Harvil Road, Crackley & Cubbington Wood and Euston Square Gardens. The locations of these sites are shown on the map at **page 6**.

21. There are a number of reasons for the Claimants' belief that unlawful action against the HS2 Scheme will continue if unchecked by the Court. A large number of threats have been made by a number of the Defendants and general threats by groups opposed to the HS2 Scheme to continue direct action against the HS2 Scheme until the HS2 Scheme is "stopped". These threats have been made on a near daily basis - often numerous times a day - since 2017 and have been made in person (at activist meetings and to staff and contractors); to mainstream media; and across social media. They are so numerous that it has only been possible to put a small selection of examples into evidence in this application to illustrate the position to the Court. I have also included maps for some individuals who have made threats against the HS2 Scheme and who have repeatedly engaged in unlawful activity that show where those individuals have been reported by security teams along the HS2 Scheme route ("**Report Map**"). These maps clearly demonstrate that a number of the Defendants have engaged in unlawful activity at multiple locations along the route and the Claimants reasonably fear that they will continue to target the length of the route unless restrained by the Court.
- 21.1 Examples of the multiple threats made against the HS2 Scheme when direct action first began at HS2 Land at Harvil Road in Hillingdon, including threats by D36, D37 and D38 are at **pages 7 to 9** and include references such as "*let's build an army*" and "*Let loose hell on HS2*". Threats issued by D36 in 2019 were recorded by the Judge, Mr Justice Holland QC, in his judgment ([2019] EWHC 1437 (CH)) given on 16.05.2019 in proceedings to extend the Harvil Road Injunction (in which he was the Fourth Defendant) as follows:

79. Then there were, in particular, a number of statements made by the Fourth Defendant which are also recorded in that same exhibit. I believe this one is from Facebook and it records the Fourth Defendant saying in relation to the incident which resulted in the charge of aggravated trespass:

"Two arrested. Still need people here. Need to hold them up at every opportunity."

Then he is also recorded as saying on 28th April, whilst addressing a lady called Lainey Round, as follows:

"No, Lainey, these trees are alongside the road so they needed a road closure to do so. They can't have another road closure for 20 days. Meanwhile they have to worry BIG time about being targeted by extinction rebellion and, what's more, they're going to see more from us at other places on the route VERY soon. Tremble HS2, tremble."

80. I also note from his own witness statement that the Fourth Defendant says as follows. In paragraph 3 he says this:

"Yet again, I find myself here defending not just my honesty and my integrity but that of all those millions out there who hate HS2."

He says in paragraph 20 as follows:

"But that pales next to contempt of youth, of our children and their children, of our future and contempt of the planet we all share."

And at 21:

"I will NOT stand by. My daughter, who knows she has little chance of reaching my age, deserves all my energy and all my activism to end such horrible conceit."

Paragraph 23 of that statement is as follows:

"We have no route open to us but to protest. And however much we have sat in camp waving flags, and waving at passersby tooting their support, that was never and will never be the protest that gets our voices heard. We are ordinary people fighting with absolute integrity for truth that is simple and stark. We are ordinary people fighting an overwhelming vast government project. But we will be heard. We must be heard."

81. I fully accept that this expresses the passion with which the Fourth Defendant opposes the HS2 scheme and while they may not indicate that the Fourth Defendant will personally breach any order or be guilty of any future trespass, I think there is, I frankly find, a faintly sinister ring to these comments which in light of all that has gone before causes me to agree with Mr. Roscoe and the Claimants that there is a distinct risk of further objectionable activity should an injunction not be granted.

21.2 Interviews with the BBC on 19.05.2020 and posted on the Wendover Active Resistance Camp Facebook page. D5 (Report Map at **page 32**) was interviewed and said: *"The longevity is that we will defend this woodland as long as we can. If they cut this woodland down, there will still be activists and community members and protectors on the ground. We're not just going to let HS2 build*

here free will. As long as HS2 are here and they continue in the vein they have been doing, I think you'll find there will be legal resistance, there'll be on the ground resistance and there will be community resistance." In the same interview, another individual said: *"We are holding it to account as they go along which is causing delays, but also those delays mean that more and more people can come into action. In a way, the more we can get our protectors to help us to stall it, to hold it back now, the more we can try and use that leverage with how out of control it is, how much it is costing the economy, to try to bring it to account and get it halted."* A copy of the video is at **Video 1**.

- 21.3 Interview with the Guardian on 13.02.2021 given by D27 after he was removed from the tunnels dug and occupied by activists under HS2 Land at Euston Square Gardens, in which he said: *"As you can see from the recent Highbury Corner eviction, this tunnel is just a start. There are countless people I know who will do what it takes to stop HS2."* In the same article he also said: *"I can't divulge any of my future plans for tactical reasons, but I'm nowhere near finished with protesting."* A copy of the article is at **pages 10 to 12**.
- 21.4 In March 2021 D32 obstructed the First Claimant's works at Wormwood Scrubs and put a call out on Twitter on 24.03.2021 asking for support to prevent HS2 route-wide. He also suggested targeting the First Claimant's supply chain. A screenshot of the tweet is at **page 13** and copy of the video is at **Video 2**.
- 21.5 Post by D33 on Facebook on 28.07.2021 sharing with other activists maps of the HS2 Scheme route that he had transcribed onto OS maps: *"This gives a good idea of where HS2 are working ... Feel free to use in whatever way you see fit, share, edit, download, whatever..."*. A copy of the post is at **page 14**.
- 21.6 Interview with the BBC given by D24 (Report Map at **page 33**) on 15.11.2021 following his removal from tunnels under HS2 Land in Wendover, in which he said: *"If we look back to the 90s, we stopped the road-building programme [using] tactics like tunnelling, in fact that probably was the [thing] that broke the camel's back. So we can stop it [HS2] with this tactic which will save the country billions of pounds... they just have to reverse it."* A copy of the article is at **pages 15 to 16**.

- 21.7 Post on the Bluebell Woods Protection Camp Facebook page on 16.11.2021: *“Come and join and support the resistance as we put the final nails in the coffin of HS2”*. A copy of the post is at **page 17**.
- 21.8 Post on the Bluebell Woods Protection Camp Facebook page on 26.11.2021 with a link to a “Go Fund Me” fundraising page, saying: *“Please click below to help us continue blocking gates, building camps and momentum GROWS ever stronger so we can stop hs2!!!”*. A copy of this post is at **page 17**. Screenshots of the Go Fund Me page are at **pages 18 to 21**. Another post on the same page on 14.02.2022 stated: *“As usual we have been mega busy building and preparing for the fateful day they try and evict us! This costs time, resources and money. It’s great to see all the work and structures popping up everywhere! To that end, We really need your help with a few supplies and would really appreciate some help! We are so close to raising enough money for a minibus so that we can effectively protest in the local and wider areas alike as well as move people and resources enabling us to set up more camps needed to fight this ecocidal project!”* A copy of that post is at **page 25**.
- 21.9 D25 has been involved in multiple incidents against the HS2 Scheme, including occupying tunnels on HS2 Land at Euston Square Gardens and a lock-on at the Chiltern tunnel portal. D25 was also arrested for aggravated trespass and causing damage to the Arconic building in Birmingham (an article about that action is at **page 34**). On 05.12.2021 D25 placed a post on Facebook (which was also widely shared by a number of other activists) intimating that direct action had resulted in cancellation of projects and stating in relation to various sections of the HS2 Scheme: *“YOU’RE NEXT”*. A copy of the post is at **page 22**.
- 21.10 On 02.01.2022, information was posted on the Bluebell Woods Protection Camp Facebook page about property held by the HS2 Scheme and a threat made to squat in that property: *“So we could potentially squat some of those properties that might now be empty? Them being a ltd company they’d have to fight through the courts to evict ...”*. A copy of that post is at **page 23**.
- 21.11 Facebook post by D29 (who has been involved in multiple incidents against the HS2 Scheme, including occupying tunnels on HS2 Land at Euston Square

Gardens – see paragraph 50 onwards below - and a lock-on at the Chiltern tunnel portal (the location of which is shown on the map at **page 6**) – see paragraphs 29.6.4 to 29.6.5 below) on 27.01.2022 in which she stated: *“HS2 is a classist project that is only upheld because of the minimum wage workers. HS2 is a classist project that has thieved far more from working class people than many could even comprehend. Resist HS2, smash classism in the face.”*. A copy of that post is at **page 24**.

- 21.12 Statement by D6 (Report Map at **page 35**) on 23.02.2022 and livestreamed on Facebook discussing the injunction applied for by Balfour Beatty to restrain obstruction of access to their compound at Swynnerton (from which they carry out works on the HS2 Scheme) and fundraising for a minibus (from 1 min and 11 seconds): *“What that means is actually, if they actually do get the injunction here that we’ll incur massive fines, up to £35,000 each just for breaking that said injunction. So that would mean, if they get it, which they won’t, that we won’t be able to come to this gate. I mean, but [laughs] little do Balfour Beatty know, they are a national company and it will cost them an arm and a leg because it’s just one gate and we will just hit all the other gates. To that end, that’s why we’re trying to raise money for a minibus because if they do get this injunction then we can carry on this game and we can hit every HS2, every Balfour Beatty gate and with that it’s just lawful peaceful protest using our freedom of expression and assembly. So bring it on HS2. I’m gonna put the crowd-funder on the thing. I really, really need help to get this minibus. We’re really close. We’ve been saving all of that money. It does cost quite a lot to get the insurance on that for quite a few of us. But with that we can get more camps. We can get more gates that we can be seen and get everywhere we need to be. So please help, please give us support. And obviously we need money to fight this. We need money to fight this injunction, you know, look at this paperwork. So, yep, please come – just come and help us. Come and help us build. Come and help us dig. Come just be part of us. Come for a cup of tea. Come for a meal. Come have a chat. Come let us know what your concerns are. Thanks very much.”* A copy of the video is at **Video 3** and a screenshot of the post in which the video appeared is at **page 26**.

21.13 Statement by D6 on 24.02.2022 and recorded on video by D6 and uploaded to social media during service of the temporary possession notice and notice to vacate on the Cash's Pit Land, in which he said: *"They want to evict us. They're going to spend about £4 million evicting us from this place – and for what? They don't need it. They don't need it until 2024. They just – it's coz we're a nuisance. Because protest – using your human rights, freedom of assembly, freedom of expression is a nuisance for private industry. So they're going to take your tax-payers' money to make us homeless. But, the thing is, we'll just move on. And we'll just do it again and again and again. You know? So what's the point? What's the point in spending all that money and move it along? Tell you what the point is: it's because we're two sides of the same fucking arse cheek and we just make them a load of money. That's the point. They can't just leave us alone to peacefully protest, they want to make money out of it. Your tax-payer's money. Then they'll blame us for spending that, but they choose to spend it every single step of the way".* A copy of the video is **Video 4**. D6 was explicit about the intention of activists to trespass "again and again and again". In a reply to a comment on the same post, D6 said: *we can fight the injunction and we will resist and fight the eviction, we need all Hands to the pump but we're ready, we won't go down easy and this isn't the end of us, our camps or the protests."* A copy of that post is at **page 26**.

21.14 On 10.03.2022 D17 (Report Map at **page 36**), D18 (Report Map at **page 37**), D19, D31, D63 and a number of persons unknown spent the morning trespassing on HS2 Land adjacent to the Cash's Pit Land, where works are being carried out for a gas diversion by Cadent Gas and land on which archaeological works for the HS2 Scheme are taking place. This incident is described in detail at paragraph 78. In a video posted on Facebook after the morning's incidents, D17 said: *"Hey everyone! So, just bringing you a final update from down in Swynnerton. Today has been a really – or this morning today - has been a really successful one. We've blocked the gates for several hours. We had the team block the gates down at the main compound that we usually block and we had – yeah, we've had people running around a field over here and grabbing stuff and getting on grabbers and diggers (or attempting to), but in the meantime, completely slowing down all the works. There are still people blocking the gates down here as you can see and*

we've still got loads of security about. You can see there's two juicy diggers over there, just waiting to be surfed and there's plenty of opportunities disrupt – and another one over there as well. It's a huge, huge area so it takes a lot of them to, kind of, keep us all under control, particularly when we spread out. So yeah. If you wanna get involved with direct action in the very near future, then please get in touch with us at Bluebell or send me a message and we'll let you know where we are, where we're gonna be, what we're gonna be doing and how you can get involved and stuff like that. Loads of different roles, you've not just, people don't have to run around fields and get arrested or be jumping on top of stuff or anything like that, there's lots of gate blocking to do and stuff as well, yeah so you don't necessarily have to be arrested to cause a lot of disruption down here and we all work together to cause maximum disruption. So yeah, that's that. Keep checking in to Bluebell's page, go on the events and you'll see that we've got loads of stuff going on, and as I say pretty much most days we're doing direct action now down in Swynnerton, there's loads going on at the camp, so come and get involved and get in touch with us and we'll let you know what's happening the next day. Ok, lots of love. Share this video, let's get it out there and let's keep fucking up HS2's day and causing as much disruption and cost as possible. Coming to land near you.” D17 makes explicit threats to continue to trespass on HS2 Land and to try to climb onto vehicles and machinery and encourages others to engage in similar unlawful activity. A still from the video is at **page 27** and a copy of the video is **Video 5**.

22. On 16.03.2022 a post was placed on the Bluebell Woods Protection Camp Facebook page detailing the timetable for their “Open Weekend – The Last Stand” which included:

- “Climbing, traverses and nets”
- “Tree house building, barricading + more”
- “HS2 map study”
- “Climbing workshop”

Most of the activities appear to be designed to teach people techniques for resisting eviction. “HS2 map study” is likely to involve planning to target further HS2 Land in the future and may be related to the post by D33 on 28 July 2021 described at paragraph 20.5 above (and exhibited at **page 14**), A copy of the post is at **pages 28 to 30** and a copy of the Facebook event created for the open weekend is at **page 31**.

23. The unlawful activities of the Defendants regularly cross the line into the criminal and there have been hundreds of arrests since 2017 for offences committed on or in the vicinity of HS2 land. Commonly activists are arrested for aggravated trespass and criminal damage. Arrest data can be difficult to obtain and collate, but by way of illustration in the period from November 2019 to October 2020 129 individuals were arrested for offences linked to anti-HS2 activity covering 407 offences. The burden placed on the police – across multiple forces including: the Metropolitan Police, Thames Valley Police, Warwickshire Police and Staffordshire Police as a result of the geographical spread of illegal activity against the HS2 Scheme – is tremendous. Much of the period cited above was at the height of the pandemic when policing was particularly challenging and resources of the emergency services severely stretched. Both the police and the CPS have struggled to deal with the volume and nature of the illegal activity targeted at the HS2 Scheme and it has become increasingly incumbent upon the Claimants to seek civil law remedies to deal with the issues faced.
24. The Claimants have sought and obtained injunctions on prior occasions to restrain unlawful trespass and obstruction action by the Defendants at HS2 Land at Harvil Rd in Hillingdon (claim number: PT-20018-000098) and at land in Warwickshire known as Cubbington & Crackley (claim number: PT-2020-BHM-000017). The details of those injunctions and copies of the current orders are set out in **Dilcock 1**. Whilst those injunctions have been successful in reducing the number of incidents of unlawful trespass and obstruction on the land that they cover, some action has continued and, it is anticipated will continue and escalate if this land does not remain the subject of injunctive relief. Injuncting specific sites also, inevitably, has the effect of displacing unlawful direct action onto other parts of the HS2 Land not covered by an injunction. Given the scale of the issues faced

by the Claimants and the fact that fundamentally the Defendants have no right to enter onto the HS2 Land or to disrupt access to and from the HS2 Land, the Claimants consider that they are justified in asking the Court to impose an injunction restraining unlawful trespass and obstruction across the whole of the HS2 Land.

25. The Claimants anticipate that unless the Court takes steps to restrain the unlawful activity, the number of incidents will continue to increase significantly as more sites where work is being carried out are opened up and accordingly that the cost to the tax-payer of dealing with these incidents will also continue to increase significantly.
26. Whilst the identities of some of the individuals involved in unlawful action targeted at the HS2 Scheme are known to the Claimants – in particular those who have repeatedly engaged in action over a prolonged period and some of whom have been arrested and prosecuted for criminal offences committed during such action - the identities of many of those involved are not known to the Claimants and new individuals become involved on a regular basis such that the people involved are fluctuating.
27. The Claimants have named as Defendants to this application individuals known to the Claimants (sometimes only by pseudonyms) in the following categories:
 - 27.1 Individuals identified as believed to be in occupation of the Bluebell Wood Land whether permanently or from time to time (D5 to D20, D22, D31 and D63);
 - 27.2 The named defendants in the Harvil Rd Injunction (D28; D32 to D34; and D36 to D59);
 - 27.3 The named defendants in the Cubbington & Crackley Injunction (D32 to D35);
 - 27.4 Individuals not already named as a result of being in one of the above categories and whose participation in incidents is described in this statement.

“Direct Action” Protest

28. Direct Action protest against the HS2 Scheme takes many forms. I explain in the following paragraphs what the more commonly encountered forms of such action look like and provide examples perpetrated against the HS2 Scheme across Phase One and Phase 2a in order to illustrate the issues that the Claimants face and the need for injunctive relief. The over-arching aim of activists is to delay and disrupt work on the project and to force the Claimants to incur significant additional costs. By way of example, in the words of an activist, at **Video 6** is a video posted on Facebook by D5 on 24.02.2022, in which he gives an overview of the tactics they intend to use to delay and disrupt the First Claimant when seeking to possess the Cash’s Pit Land. He says: *“We have been served notice at Bluebell Woods. This morning some men dressed in black and another man who would not identify himself have pinned notice to the front of the camp – official paperwork saying that they plan to take temporary possession of the land and notice to vacate, which means they want us off. We have seen it before if you have followed what’s happened on the HS2 line, it means HS2 ... if you have seen what’s happened before, it means HS2 are coming. That means this woodland – all of this behind me – and the line all the way from here to Crewe is under threat of being felled this summer. They are moving on us in the next 28 days. So, what can we do? Dig in. That’s what I’m gonna say straight away simply... We have got 28 days to be here, to dig in and to build a resistance. It is time for gloves off. Diversity of tactics. They are going to come in and destroy the things that are important to us – the very eco-systems that we rely on. We are not going to sit back passively and allow this to happen. It’s time to get over-ground, underground, into lock-ons, to sit in roads. In 28 days’ time the only way to stop them taking this woodland is to have it full of hundreds of people ready to resist. Ready to put it on the line and ready to be arrested. Ready to go to court and stand up and fight for the rights. We have seen it time and time again. The justification of our actions on the HS2 line. Look at what happened in the Chilterns. Look at how many convictions they have got. Look at how – there are court cases ongoing – look at how it has been proven that Natural England and HS2 not only lied to the Government and the public in order to fell ancient woodland and do irreversible damage. That they acted criminally. We have not been convicted for our actions*

standing against those evictions. We have not been taken to Court. We are not in prison for our actions. We are not the criminals. HS2 are coming to Bluebell Woods in 28 days. We have an opportunity to now build an active – not passive – resistance. To get underground. To get over-ground. To deploy diversity of tactics. The fight is only just beginning in Staffordshire. They want us gone before felling season. It's all very coincidental. If we allow that, everything that happens here will be irreversible ecocide. If you allow that – it's not time to give up the rest of your lives and stop going to work and damaging your reputations in your communities. It's time to take 28 days out of your life and be here and be ready to put it on the line for the people of Staffordshire and the people who have put it on the line over the last few years on this campaign. It's time to resist.”

29. I want to emphasise (as illustrated in the graphics of overall incident numbers referred to above) that there have been multiple incidents of these types across the length of the route of the HS2 Scheme and that they are too numerous to detail each and every one in this statement.

29.1 Trespass

Put simply, activists enter onto HS2 Land without consent. The objective of such action is to delay and disrupt works on the HS2 Scheme. All forms of trespass cause disruption to the HS2 Scheme and have financial implications for the Claimants. Some of the more extreme forms of trespass, such as tunnelling (described in detail in the sections on Euston Square Gardens and Small Dean below) cause significant damage and health and safety risks and the losses suffered by the Claimants via the costs of removal and programme delay run into the millions of pounds. In entering onto work sites, the activists create a significant health and safety hazard, thus staff are compelled to stop work in order to ensure the safety of staff and those trespassing (see, for example, the social media posts at **pages 38 to 39** about trespassers at the HS2 Scheme Capper's Lane compound in Lichfield where there have been repeated incursions onto an active site where heavy plant and machinery and large vehicles are in operation, forcing works to cease for safety and security reasons. A video taken by a trespasser during an incursion on 16 March 2022 and uploaded to social media is at **Video 7**). Worryingly, such actions are often committed by activists in ignorance of the

site operations and or equipment functionality, which could potentially result in severe unintended consequences. For example, heavy plant being operated upon the worksite may not afford the operator clear sight of trespassers at ground level. Safety is at the heart of the Claimants' activities on the HS2 Scheme and staff, contractors and sub-contractors working on the HS2 Land are provided with intensive training and inductions and appropriate personal protective equipment. The First Claimant's staff, contractors and sub-contractors will always prioritise safety thus compounding the trespassers' objective of causing disruption and delay. Much of the HS2 Land is or will be construction sites and even in the early phases of survey and clearance works there are multiple hazards that present a risk to those entering onto the land without permission. The Claimants have very serious concerns that if incidents of trespass and obstruction of access continue, there is a high likelihood that activists will be seriously injured. Often the trespass is combined with one of the other forms of action designed to hinder the removal of the activists and further disrupt works, such as:

29.1.1 **Breaching fencing and damaging equipment.** By way of example, a significant incident occurred on 31.10.2020 (Halloween) at one of the First Claimant's sites on the HS2 Land, in the area of Cubbington & Crackley Woods in Warwickshire. At around 20:00hrs circa 30 to 40 unknown activists entered the site by cutting through and damaging the perimeter fencing. Once the activists were on site, they assaulted 2 security officers and dazzled their body-worn cameras with lasers. A fire was started in a skip and 6 vehicles and a marquee were damaged. In addition, a number of electronic items including body worn cameras, radios and chargers were stolen. Photographs of some of the damage caused are at **page 40**. Activists also tore down and damaged fencing at Jones Hill Wood in a violent incident on 30.04.2021 and which is described in more detail at paragraph 49 and shown in **Video 8**.

29.1.2 **Climbing and occupying trees on the trespassed land.** The occupation of trees by activists has been a feature of direct action protest against the HS2 Scheme across the whole route. For example,

it has featured at the First Claimant's sites at Harvil Road, Euston Square Gardens, Denham Country Park, Leather Lane, Jones' Hill Wood, Small Dean, Poor's Piece, Crackley Woods and Cash's Pit (the locations of which are shown on the map at **page 6**). Such is the prevalence of this type of action that it would be impossible to cover in detail each and every occurrence. Like other types of direct action, the occupation of trees is focused upon creating the maximum delay, disruption and cost to the Claimants. In this instance height is used as a mechanism to achieve this: as explained below in relation to other types of at-height action, the conducting of action at height requires specially trained and equipped personnel to effect a safe removal. Often the occupation of the tree is combined with other direct action techniques such as a lock-ons to make removal even more difficult, lengthy and dangerous. Some activists in trees will physically fight with specialist removal teams to prevent their removal. **Video 9** was taken at the First Claimant's land known as Poor's Piece Wood near Aylesbury in Buckinghamshire on 25.02.2021 and shows the quite incredible danger in which individuals are willing to place themselves and the First Claimant's removal teams. Between 11 and 16 seconds in that video an activist can be seen grappling with one of the removal team as he is removed from a tree into the basket of a cherry picker machine, putting himself and the member of the removal team at risk of injury. An article from Buckinghamshire Live first published on 24.02.2021 (and since updated) about the eviction is at **pages 41 to 47** (D27 was occupying one of the tree houses and can be seen in image 5 in the article).

- 29.1.3 By way of further example of the occupation of trees on HS2 Land, D5 entered onto HS2 Land at Leather Lane on 22.02.2021 and climbed and occupied an oak tree that was scheduled for felling. The location of this incident is shown on the map at **page 6**. D5 posted a video on Facebook on the morning of 23.02.2021 seeking support (a screenshot of this is at **page 48**). Following this, several activists' vehicles then entered upon the site and persons unknown occupied

other oak trees located approximately 200m to the north to try to prevent de-vegetation works scheduled as part of the works for the HS2 Scheme. Within days a small camp with tree houses and structures erected beneath the tree D5 was occupying and amongst the tree line to the south had been established and the occupation can be seen in a video taken by a security patrol on 05.03.2021 at **Video 10**. In addition, a field latrine was dug just beside the tree occupied by D5, an image of this is at **page 49**. The First Claimant and its contractor jointly undertook a clearance operation on the morning of 10.03.21 to evict the activists trespassing on the land and remove the structures they had constructed. Due to the poor weather and apparently having caught the trespassing activists by surprise, this operation was completed in a day. D5 and D8 and further persons unknown were escorted from the land by the First Claimant's security contractor. The cost of the clearance operation was almost half a million pounds. Photographs and screenshots of social media posts relating to this incident are at **pages 50 to 52**. Although the camp at Leather Lane was cleared, a significant security presence has had to be retained at the site thereafter because of the ongoing threat of reoccupation due to its location (just 1km south of Jones Hill Wood) and the opposition to the remaining de-vegetation works required. Further examples of action in trees are set out in the section on protest at height below.

- 29.1.4 **Climbing onto vehicles on the trespassed land** (often referred to by activists as vehicle "surfing"). An example of this occurred on 30.12.2021, when the First Claimant's contractors were carrying out preparatory works for the forthcoming box-slide of the Marston Box Bridge over the M42. The First Claimant had taken temporary possession of the section of the M42 between junctions 9 and 10 for the works and the road had been closed to the public using powers granted to the First Claimant under Schedule 4 of the Phase One Act. D6 trespassed on the works area and climbed onto a lorry delivering tarmac for the works. He remained on the vehicle for an hour, during which time the vehicle was unable to move for safety reasons and

unable to complete the delivery of the tarmac, which was time sensitive and risked the whole load becoming unviable to use for the surfacing works. The vehicle blocked the entrance to the HS2 Scheme works, meaning no other vehicles could enter or leave the site until a new entry point could be opened. A report with photographs compiled by the First Claimant's contractor's security team can be found at **page 53**. A video taken by D6 of himself on top of the lorry and uploaded to social media is at **Video 11**. D16 also committed acts of trespass during the First Claimant's M42 works and was arrested.

29.1.5 **Climbing under vehicles on the trespassed land.** For example, in a particularly serious incident on 02.10.2017, an activist gained access to HS2 Land at Harvil Road in Hillingdon and crawled underneath a 13-ton tracked excavation machine, which was parked on soft earth in readiness for carrying out tree removals and ground clearance activities on the site. She attached herself to a bracket on the excavator chassis using plastic handcuffs. D36, D38 and two other activists also gained access to the HS2 Land. One of them climbed up the machine to a height of around 2.5m. Two others placed themselves adjacent to each of the machine's tracks, the net effect being that the machine could not move without injuring them. The activist under the machine was at particularly significant risk of injury, having placed herself beneath a 13-tonne machine standing on soft earth, meaning that had the machine sunk into the earth under its own weight, she could have been crushed. Had she not been identified in this area, the machine operator would not have been able to see her. The activists remained under the machine overnight and into the following day, refusing to leave when requested to do so and were eventually removed by the First Claimant's security team. An article from the Guardian Newspaper about the incident is at **pages 54 to 55**.

29.1.6 **Climbing onto equipment.** This has been a common feature of the unlawful activity against the HS2 Scheme. Climbing onto equipment uses height as the primary mechanism for delay, which requires

specialist teams to remove the activist from the top of the equipment, creating delay and disruption. This delay may also be compounded as the equipment which has been climbed must then be inspected for sabotage or accidental damage prior to future use. This inspection is key to ensuring, for example, that hoses and lines have not been tampered with. The importance of this is highlighted by the incidences that have been discovered of activists tampering with and damaging plant across the HS2 Scheme (see for example paragraph 29.1.1 and).

- 29.1.7 By way of a particularly shocking and dangerous example of climbing onto equipment, D62 climbed a 150ft crane working on an HS2 Scheme site at Euston Station in the early hours of the morning on 05.09.2020. In a video interview uploaded to social media, D62 explained how she breached security and gained access to the construction site and climbed the crane in order to unfurl an anti-HS2 banner: *“Basically we have been planning this for a while because we wanted to do a banner drop and the main reason is is to get out more awareness about HS2 and the ruin they have caused so far and the fact that they have acted in corrupt ways. They have acted above the law many times. The crane’s a great opportunity because it’s a good way of using utilising what they’re using against them. I kind of got up at 3am this morning and then tried to get in through one of the gates and got caught, ran off and climbed over a different corner of it and ended up in the compound and then once I was in the compound – this was probably about half past 3 / quarter to 4 at this point – I basically got inside and just climbed up from there. Once I was on the ladders I was ok and I actually reached a point where it was a little bit unsafe because I had to go on the outside of the ladder to get up, yeah [laughs] that’s how I ended up up here. But the main reason is is that our goal is to create awareness around HS2 and what they’re doing so that we can stop them in their tracks before they keep causing any more devastation to the landscape. I do this for everybody. I do this for future generations, because it’s for all of us, like, we’re all*

sharing this environment together and it's really important. We've already built enough transport links on green space. We don't have enough woodland in the UK as it is, like, we don't need to keep on building infrastructure, building transport links. We need to work with what we've already got. You've got companies like HS2 that work outside the parameters of the law it seems and get away with doing whatever they like – [laughs] including assaults on protestors. I will continue to keep protesting for as long as it takes.” A copy of the video is at **Video 12**. D62 remained on the crane, putting herself in danger (exacerbated by the fact that she was not eating and would have been in a weakened state as a result) and stopping work on the site until the following Monday morning. She was also speaking on the phone to a crane operator, trying to find out how to start the crane, which would have created an unbelievably dangerous situation. In order to guard against this, the electricity supply to the crane had to be cut, which in turn meant that the flashing light that was on top of the crane to warn aircraft of its presence no longer functioned. Accordingly, aircraft – including the air ambulance – had to be diverted away from the area for the duration of the incident. Screenshots from social media, a media article and a piece by the group HS2 Rebellion on the incident are at **pages 56 to 63** (the contact details at the end of the HS2 Rebellion piece are D32's). More recently in **Video 46** taken on 10.03.2022, D17 clearly outlines the purpose of such protest and shows how hard groups of activists will work to climb on equipment.

- 29.1.8 **Using lock-on devices on the trespassed land.** For example, when the First Claimant commenced action to take possession of Euston Square Gardens in January 2021, D24 to D32 (the “**ESG Defendants**”) occupied tunnels that had been dug beneath the land in order to resist eviction. This incident is described in more detail from paragraph 50 below. In order to hinder the progress of the enforcement team seeking to safely remove them, the ESG Defendants erected a barricade in the down-shaft leading into the

tunnels and when that barricade was removed by the enforcement team, they found D27 with his arm in a lock-on device, blocking access to the tunnel complex. The lock-on device consisted of a concrete filled steel tube into which D27 had locked his arm. This tube was itself placed inside a steel safe filled with concrete and steel reinforced bars which was dug into the base of the tunnel. D27 was asked to release voluntarily and would not do so. The enforcement team were therefore obliged to work to try to cut D27 safely out of the device. D27 was at considerable risk of harm in the cold wet conditions underground and the circulation to his arm was put at risk by his refusal to release. There were serious concerns for his health amongst the enforcement team and the paramedics present on site. It was some two days before the enforcement team were able to release D27 from the lock-on device (he then retreated into the tunnel complex with the arm-tube part of the device still on his arm) and during that time it was not possible to make progress into the tunnel complex to attempt to safely remove the other ESG Defendants. Photographs of the lock-on device and D27 in the arm tube are at **pages 64 to 69**. The enforcement team working to remove the ESG Defendants safely from the dangerous and unstable tunnel complex that the ESG Defendants had dug were put at considerable risk during this operation and the use of the lock-on device to prolong the trespass increased the time that the team were forced to spend in those dangerous conditions. D27 himself described this incident in an interview he gave to the Guardian following his removal from the tunnels, a copy of which is at **pages 10 to 12**. The operation took place at the height of the Covid-19 pandemic and matters were made worse when D32 poured a 4 pint milk container full of urine into the sump that had been created with the removal of concrete around the lock-on device and where the enforcement officer working to remove D27 was lying. This urine also contaminated the surrounding area. D32 undertook this action in full knowledge that enforcement officers would have to come into contact with a bio-hazard for a considerable amount of time and during the Covid-19 pandemic.

29.1.9 **Theft, property damage and abusing staff and contractors.** Those trespassing on HS2 Land have also engaged in acts of theft of items belonging to the First Claimant or its contractors. An example of this is given at paragraph 29.1.1. By way of further example, on 16.12.2019 a security camera at the HS2 Land at Harvil Road in Hillingdon picked up images of a trespasser walking through the site. This alerted the security teams who monitored the incident. Images are at **page 70** and show the back of a person unknown wearing a puffer style coat, jeans, a woolly hat and carrying a large dark rucksack. The Claimants have not been able to identify this individual. The camera showed the trespasser walking towards the fencing at the rear of the site before stepping through it. As the trespasser stepped through the fence, the security team noticed that a different security camera appeared to have been removed from its mounting and taken by the individual. Whilst the camera was showing as connected at the time of the incident, images from the camera were consistent with it having been placed in a bag as no detail could be identified in the images. The site security officer investigated the area and reported that the fencing at the rear of the site had been cut and that the camera was missing. The theft and property damage were reported to the police (incident reference number 1274 16/12/19).

29.1.10 The abuse of the First Claimant's staff & contractors has been an almost constant feature of the activism experienced against the HS2 Scheme. This abuse creates fear and concern for those working on the HS2 Land. Understandably, staff and contractors are often reluctant to "run the gauntlet" and risk being confronted and identified upon social media. Ultimately this intimidation disrupts and increases cost as the First Claimant must find workarounds, deploy additional security resources and reassure its supply chain. The fears of staff and contractors are unfortunately well-founded and by way of example, the following show just some of the extreme behaviours encountered during the works on HS2 Land at Harvil Road in late 2019 and early

2020 when the First Claimant's staff and contractors were subjected to quite disgusting abuse:

- (a) On 24.11.2019 three male persons unknown approached West Gate 3. One of them aggressively pushed and pulled the fence when approached by a security officer and tried to reach through the fence to grab the officer and attempted to jump over the fencing to hit the officer. He then proceeded to make threats against the officer, stating he knew who he was and that he should "*watch [his] back*" as he would "*get*" him. He then repeatedly punched the fence which caused his right hand to start bleeding, then he started punching himself in the face screaming the words: "*you have assaulted me, you have assaulted me*". He produced his mobile phone and started recording the security officer and then filmed his hand saying: "*this man assaulted me and cut my hand*".
- (b) On 01.04.2020 D33 (Report Map at **page 71**) walked in front of a security vehicle at HS2 Land to slow it and was then joined by D44, who started fencing the vehicle in with fencing taken from the site perimeter such that, within minutes, the vehicle was fully surrounded by Heras fencing. The individuals then placed cones in front of the vehicle and fence supporting blocks around the front and back wheels so that it was prevented from moving. D33 then spat on a sponge and smeared the vehicle with it. For context, this incident occurred in the height of the Covid 19 pandemic. The incident lasted for over an hour and half before D33 and D44 and another person unknown left the site and the security team were able to safely remove all obstacles around the vehicle. Twenty-seven fencing panels were removed by the activists during the incident, nine of which were damaged.
- (c) On the night of 13.05.2020, two unknown males and D54 were trespassing on HS2 Land in the Harvil Road area and became aggressive when challenged by security. D54 refused to leave

the HS2 Land and shouted and swore at the security officer. She slapped him in the face, punched him and spat in his face during the incident, which again took place during the height of the Covid pandemic. Upon eventually being removed from the HS2 Land, D54 was arrested for assault.

29.2 Obstruction of access

This typically involves obstruction of either the Claimants' private rights of way or the Claimants' right to access HS2 Land from the public highway. All forms of obstruction of access cause disruption and delay to the HS2 Scheme and have financial implications for the Claimants. It is sometimes combined with trespass and with the other forms of direct action described below, for example by using lock-on action to obstruct bell-mouth entrances to sites and compounds. The following are examples of obstruction incidents experienced on the HS2 Scheme:

29.2.1 On 29.09.2021 D17 and D22 trespassed on the HS2 Scheme worksite at London Road in Buckinghamshire (the location of which is shown on the map at **page 6** marked as "Small Dean") and obstructed access. D17 and D22 entered onto HS2 Land at 06:35hrs. They lay down in the bell-mouth entrance in front of the main compound gates restricting the flow of vehicles moving in and out of the site and refused to leave when told they were trespassing and asked to leave by the First Claimant's security team. The trespass lasted for almost 8 hours with the individuals having 'locked-on' (a technique described in more detail in paragraph 29.5 below) by locking their arms together inside a beer barrel filled with cement. Photographs of the incident (including a photograph of the lock on device used) as well as a social media posts by D17 documenting the incident are at **pages 72 to 75**. The individuals eventually left site voluntarily around 14:00hrs. This action prevented vehicles from accessing the site via this entrance, meaning that welfare facilities for those working on the site could not be maintained properly and in particular, toilets could not be emptied. A diesel delivery could not access the site and those working on the

site were unable to gain access to park and had to park elsewhere. One vehicle was trapped in the site for the duration of the incident.

29.2.2 On 19.04.2021 4 activists (including D24) conducted 2 lock-on protests at sites located either side of the A41 in Aylesbury (the location of which is shown on the map at **page 6**). A presentation on this incident including more detailed location information and photographs is at **pages 76 to 78**. The devices deployed were of complex construction including steel inner pipes within a concrete filled barrel with hidden expanding foam cannisters, one of which subsequently exploded on a Thames Valley Police officer (a photograph of the officer covered in foam is at **page 78**). Fortunately, no injuries were sustained in the removal, however, it is clear that had the Police team not been using protective shields, this may not have been the case. This action blocked the access to 2 HS2 Scheme sites, being a batching plant producing cement and a construction site. Whilst an exact figure is not readily available for the costs incurred as a result of the closure of these sites, it is considered by the First Claimant that the costs will have been significantly in excess of £50,000.

29.2.3 On a number of occasions activists have engaged in slow-walking protests. Slow-walking is the practice of walking slowly in front vehicles and delaying their access and egress to and from work sites, ultimately disrupting the opposed project and increasing cost. Slow-walking actions may also be used to facilitate other direct action tactics, including slowing a vehicle to such a speed that it is possible to climb. For example, on 20.11.2020, D31 climbed upon a Bauer Keller Piling Rig being transported upon a low-loader leaving one of the First Claimant's sites on HS2 Land at Edgcott Road near Quainton in Buckinghamshire (the location of which is shown on the map at **page 6**). Photographs of the incident are at **pages 79 to 80**. The exit of the low-loader from the site was initially obstructed by D24 and D45 slow-walking in front of it in order to afford D31 (who is D24's

son) the opportunity to climb onto it. Once D31 was on the vehicle, it was obliged to come to a complete halt for safety reasons until D31 could be removed. Shortly after the vehicle had stopped, D45 also super glued himself to the vehicle at ground level. D31 remained on top of the vehicle for approximately 6 hours before Police were able to remove him; D45 was removed shortly beforehand. As a result of this action the B classification road remained closed throughout, as the positioning of the abnormal load meant that no traffic could pass. A video showing the vehicle stopped in the highway is **Video 13**. This subsequently closed one of the main access routes to the village of Quainton. Once D31 and D45 were finally removed, an escorted convoy then proceeded along the route, where a further attempt was made to block it using a minibus driven by D28. The minibus was intercepted by police and confiscated.

29.2.4 Sit down and stand up actions within site entrance bell mouths have become a common feature of the campaign against the HS2 Scheme. By way of example, on 30.10.2020 a theatrical group called the Red Rebels who are part of the Extinction Rebellion group slowed traffic and then blocked access at one the First Claimant's sites at Gawcott Road in Calvert Buckinghamshire (the location of which is shown on the map at **page 6**). A video of the incident uploaded to social media is at **Video 14** and screenshots from the video are at **page 81**. The group conducted a procession along the highway before stopping at the site entrance and blocking the access for around 1 hour. Access to the site was blocked in 3 ways on 30.10.2020:

29.2.4.1 Boat Protest: a small boat was dropped at the entrance to block the access and egress to the site. This had to be removed by the First Claimant's contractor. The boat, which had been removed by the time of the subsequent actions by activists, can be seen in **Video 14** just inside the site entrance.

29.2.4.2 Standing in the Site Entrance: the Red Rebels stood in the site entrance obstructing access. HGVs unable to gain access to the site can be clearly seen driving past the site in **Video 14**.

29.2.4.3 “Die In” action: Simply, a “die in” is where a group of activists lie on the ground imitating death. In this instance, they blocked both lanes of the public highway at Gawcott Road blocking both works and local traffic.

29.3 Damage to buildings, vehicles and equipment

Where activists perceive that non-violent direct action protests may not be achieving the desired effect, action has on occasion escalated to directly damaging equipment. Such damage may be conducted overtly as seen at Crackley Woods (and detailed in para 29.1.1) when activists breached the site perimeter, assaulted security officers, started a fire and damaged plant machinery. Activists also engage in more covert activity. For example, incidents experienced in the Small Dean and Jones Hill Woods areas were not immediately obvious.

29.3.1 In the cases at Small Dean and Jones Hill Wood, hydraulic hoses had been cut and they were only discovered upon the first parade of the vehicle. This action prevented the use of those machines the following day. It is only the attention to detail of the operator which prevented potential further equipment damage and/or the spillage of fuel and hydraulic fluids on to the ground. Two images of the cut hoses are included in the contractors safety alert at **page 82**, which was issued after the Small Dean and Jones Hill Wood incidents.

29.3.2 By way of further example, on the morning of 06.05.2021 D32 and D60 scaled a building known as “The Podium” at 1 Eversholt Street in London (the location of which is shown on the map at **page 6**), which is one of the First Claimant’s offices. The activists climbed onto the canopy above the main entrance to the building and used ladders to reach further up the building. Once on the building, they proceeded to use fire extinguishers filled with pink paint to spray

across the front of the building. In addition to this, windows were also broken. An estimated £30,000 in damage was done to the building. In order to delay their removal, the activists climbed ladders to put themselves in more precarious positions and make removal more dangerous and D60 glued his hand to the building. The individuals remained on the building throughout the day and overnight into the following day before finally being removed. They were arrested by the police upon being removed from the building. Video footage of the individuals on The Podium is at **Video 15** and **Video 16**. Screenshots from social media posts about the incident and photographs are at **pages 83 to 85**. An article on the incident that appeared in the Metro is at **pages 86 to 89**.

29.4 Ecological and environmental damage

Activists regularly cause damage to the environment, ecological harm and interfere with environmental mitigation and compensation works being carried out as part of the HS2 Scheme. Typically, these incidents occur at works locations within close proximity unauthorised camps. Examples of this include:

29.4.1 **Spiking trees.** The act of putting screws and nails in trees. This is designed to delay tree-felling works and can cause significant safety hazards to the First Claimant's arborists. The metallic screws and nails are hazardous to the de-vegetation teams: striking a metal object can damage chainsaws and cause them to kick (when a chainsaw kicks back putting the operator in danger) or result in debris being launched at high speed as a result of striking the nail/screw. Metallic objects placed within branches damage chipping machines as they jam the internal mechanism. The activists' tree-spiking activities are also indiscriminate as they do not have a comprehensive understanding of the de-vegetation works that are to be undertaken. Accordingly, they often spike trees that are not scheduled for felling, which can (contrary, it seems, to the belief of some of the Defendants – see for example a note nailed to a tree in Wendover by activists at **page 90**) cause long-term harm to the trees. Photographs of spiked trees and a

safety alert about the practice are at **pages 91 to 94**. A photograph of a warning written on a white board by activists about spiked trees found at Small Dean is at **page 95**.

29.4.2 **Interference with badger mitigation works.** Activists have on a number of occasions in the area of Jones Hill Wood and Crackley Woods, damaged and removed the one-way gates placed over badger setts. The gates are designed to ensure the setts are empty prior to start of works. Actions which damage the mitigation works therefore delay and disrupt the programme and are undertaken by activists in full knowledge that the clock restarts if the mitigations are damaged. At **pages 96 to 101** are examples of sabotage to badger mitigation works on the HS2 Scheme. The document has been redacted due to the legal restrictions on publicising the specific locations of badger setts.

29.4.3 **Waste and fly tipping.** Upon the clearance of activist's camps, the First Claimant has been required to clear exceptional quantities of human waste, rubbish and general detritus. Examples of this can be seen at **pages 102 to 107**.

29.4.4 **Damage caused by establishing and occupying unauthorised encampments and constructing structures in trees.** Activists often target woodland for the establishment of unauthorised encampments (for example, Jones Hill Wood and the Cash's Pit Land). The Claimants' environmental compensation works to reduce the impact of the HS2 Scheme include initiatives to translocate the soils from Ancient Woodland environments on the route in order to preserve the seed bed. Occupation of this land by activists destroys the integrity of the soils and sabotages the translocation programme. By way of example, a summary of the compensation plan for Jones Hill Wood is at **page 108**. The occupation by the Defendants of HS2 Land at Jones Hill Wood caused huge damage to the important soil structure at that location that supports the Ancient Woodland habitats and prevented some areas of woodland soils from be translocated due the their poor state, reducing the overall effectiveness of the subsequent

compensation measures planned at this location prior to clearance activities. The photographs at **pages 109 to 110** show that the occupation of the activists effectively turned the soil into a soup-like consistency. Those photos also show the large quantity of waste that was left on the land, further compromising the soils. Activists also import often large quantities of scrap wood from other locations and use it to build structures both on the ground and in the trees. That wood imports microbes and bacteria that are harmful to the woodland habitat. This imported wood can be seen in numerous photos exhibited to this statement including those at **pages 102 to 107**. Activists also dig open latrines in these habitats which again disturbs the microbial balance of the woodland ecosystems. A photograph of a latrine dug on HS2 Land at Leather Lane by activists is at **page 105**.

29.5 Lock-ons

This is a form of protest where a person or persons attach themselves to an object and / or to each other. The immediate purpose of such protests has invariably been to obstruct the movement of vehicles or equipment with the individuals' bodies, and to delay their removal via the use of lock-on devices. Lock-on protests are commonly used to prevent access to sites or deny the use of machinery or in conjunction with tunnelling or protest at height (as to which, see further below) to delay removal of the individuals. The individuals who are "locked-on" are usually in a position where they are trespassing on HS2 Land or unlawfully interfering with the Claimants' private access rights or their rights to access HS2 Land from the public highway. In my experience of such incidents, devices by which the activists attach themselves include:

29.5.1 **Chains and padlocks.** Activists occupying trees and tunnels commonly use chains to delay and disrupt their removal. For example D26 attached a chain to her ankle to prevent her removal from the tunnel at Euston Square Gardens. A copy of a video uploaded to social media of this is at **Video 17**. During the same incident, D24 chained himself to an acrow prop supporting part of the tunnel structure and D30 laid on top of him in order to make their removal

from the tunnel complex more difficult and dangerous as pulling on them would have pulled on the acrow prop and risked precipitating a collapse. A video showing this is at **Video 18** and a still from the video in which the chain can be clearly seen is at **page 111**.

29.5.2 **Bicycle locks/ D-locks.** Activists often use substantial locks such as D-locks to attach themselves to items such as trees, gates or fences in order to make it more difficult to remove them. The keys to these devices are often disposed of elsewhere, away from the lock. For example, on 10/10/2017 approximately 20 trespassers entered onto HS2 Land at Harvil Road in what appeared to be a distraction technique to allow D38 and another individual to enter the land from a different direction and attach themselves to trees. D38 looped a bicycle D-lock around his neck and attached it to a branch of a tree. All work on site ceased as a result of the trespass and in view of the risks to the safety of the trespassers. They both refused to leave when asked to do so. Because of the proximity of the D-lock to D38's neck, it was not possible to cut the device off and the First Claimant's specialist security team had to cut the branch of the tree to which he had attached himself in order to remove him. A copy of the article that appeared online regarding the incident is at **pages 112 to 114**. The early parts of the incident were filmed and livestreamed and later uploaded to YouTube and screenshots from the videos and other social media posts relating to the incident are at **pages 115 to 117**. D38 made a clear statement on video of the trespassers' intention to continue repeatedly trespassing with a view to stopping the works on HS2 Land:

“It's quite funny that the police don't want to come in because as long as we not evicted properly by police we can come in and out whenever we like and stop the works again and again and again and again...”

29.5.3 **Elaborate devices manufactured specifically for the purpose.** These often consist of multiple layers of different materials such as different metals, concrete, plastic, bitumen and others. The use of

numerous layers of different materials is intended to delay the removal team, who may require different cutting equipment to cut through the different materials and to create hazards (for example, bitumen is flammable and could be ignited via the use of mechanical cutting equipment). In the case of arm-tube type devices, the term “lock-on” is something of a misnomer. Invariably the activists’ arms are not “locked” to anything – rather their hands or wrists are attached by clips or carabiners to a secure point in the middle of the device, but the protestor can unclip themselves or ‘self-release’ at any time. The devices are often extremely heavy to try to ensure that the individuals locked-on cannot be lifted and removed whilst still in the device without risking causing them injury. The lock-ons described at paragraph 29.1.8, 29.2.1 and 29.2.2 were of this type.

29.6 Protest at height

Activists will often seek to protest at height whether located on HS2 Land or on an access route. The objective of such an action is to cause maximum disruption through delaying their removal. Such actions are undertaken cognisant that positioning oneself at height requires specialist removal. At heights removal teams are often not readily available, therefore the activist is almost guaranteed a more substantial period of disruption than many actions conducted at ground level. Protest at height is sometimes compounded by locking-on, or utilising an inherently unstable structure which makes removal precarious. There have been a large number of such incidents targeting the HS2 Scheme. At **page 134 to 135** are photos of aerial structures that have been constructed in the trees at the Cash’s Pit Land. What is clear is that they are located at such a height that falling could prove fatal. For context, one activist tragically died when falling from such a platform at an environmental protest in the Hambacher Forest in Germany on 20.09.2018. A copy of an article about this incident is at **page 134**. The structures used by activists may be far more complex than a simple tree house. In the following paragraphs I have given some examples of the different types.

29.6.1 **Tree houses / make-shift structures in trees.** These have been a consistent feature of the activists’ occupation of the HS2 Land across

the route of the HS2 Scheme. Examples have been encountered at Harvil Road, Euston Square Gardens, Leather Lane, Jones Hill Wood, Small Dean, Poor's Piece, Crackley & Cubbington and Cash's Pit. Activists have constructed a range of structures in trees ranging from rudimentary make-shift platforms to substantial lookout towers and tree houses. These structures serve a number of purposes: they are difficult, costly, dangerous and slow to evict - as with other forms of occupation (particularly at height) difficulty of extraction is used as a mechanism to increase time and cost to the Claimants. The structures are often used as accommodation and they also afford the occupiers with improved vantage points over the First Claimant's works and / or early warning of any impending enforcement action. The removal of activists from these structures is extremely dangerous in any circumstances and such violence has been encountered during eviction operations that on occasion police have had to intervene. This occurred during the "battle of the bean can" at Jones Hill wood where D8 and D24 fought with Police and had to be forcefully removed by specialist officers from Thames Valley Police (this eviction operation is described in more detail from paragraph 44 below) and the eviction at Poor's Piece: see 29.1.2). The tree houses are often well provisioned ahead of an anticipated eviction operation to enable to occupants to hold out against the removal team for the maximum amount of time, for example during the eviction operation at Small Dean where the commencement of the enforcement operation seemingly caught the activists by surprise, the First Claimant was able to take possession of a tree house before it could be occupied by activists. The tree house was found to be provisioned with food to sustain occupiers through an enforcement (a picture of what was found in the tree house is at **page 133** and the items can be seen labelled: "only for eviction time"). These structures lack sanitation facilities and considerable quantities of human waste are often encountered in the immediate vicinity, increasing the unpleasant and hazardous nature of removal for removal teams. This human waste is also thrown or poured on officers seeking to evict the occupants, as

happened at the Jones' Hill Wood (a photograph of a bag containing faeces that was thrown at officers by activists is at **page 137**) and Poor's Piece evictions. Images of structures in trees from across the HS2 Scheme route are at **pages 118 to 135**. A video showing the eviction of tree structures at Euston Square Gardens in January 2021 is at **Video 19**. D46 and D49 and two others removed from tree structures at Euston Square Gardens were subsequently convicted of aggravated trespass.

29.6.2 **Vehicles and Equipment.** For example, in the early hours of the morning on 12.05.2021 D17 trespassed on HS2 Land at Jones Hill Wood in Buckinghamshire and climbed onto a digger on HS2 Land. Whilst on top of the digger D17 filmed himself and the removal team and a copy of one of those videos (which was posted by D17 on Facebook) is at **Video 20**. He occupied the digger for over 11 hours, during which time it was unable to move and work in the vicinity ceased for safety reasons. A post by D17 on Facebook after he was subsequently convicted of aggravated trespass and criminal damage and given a 12 month conditional discharge is at **pages 138 to 142** and includes photographs of D17 on the digger. In the post and despite having just received a criminal conviction, D17 says: "*I will NEVER stop fighting HS2*". D17 also filmed an unknown female who trespassed on land at Harvil Rd and climbed onto a digger on 08.08.2020. A copy of that video is at **Video 21**. Further examples of climbing on vehicles and equipment are given at paragraphs 29.1.4, 29.1.7 and 29.2.3.

29.6.3 **Towers.** The construction of towers within protest camps is extremely common. Towers are constructed to delay the removal of the activists from the camps. The most considerable tower constructed by activists on HS2 Land was at Small Dean and was dubbed "the temple" by activists. That tower was approximately 13m tall (photographs of the tower are at **page 144**). It was located above the entrance to a tunnel complex dug by activists. The tower was

constructed from a combination of scaffolding poles, scrap wood and pallets. In addition, rooms within the tower were protected with barbed wire and booby trapped with cans of expanding foam and razor wire. **Video 22** was taken by activists and uploaded to social media showing one such booby-trapped-room dubbed by the activists as the “trippy hell room”. A stills from the video and a social media post about the room are at **page 145**. Rooms such as this are constructed in a manner specifically designed to further endanger those undertaking the operation to dismantle the tower and remove the activists at height. The position of the tower at Small Dean over the entrance to the tunnel complex afforded the activists additional time in which to continue digging further and deeper tunnels whilst the removal team worked to dismantle the tower. It also allowed the activists the opportunity to come up for air from the tunnels during that time. The tower was found to conceal an estimated 35 tons of excavated chalk spoil from the tunnel complex. This spoil was loosely packed into retaining walls in the tower, which required shoring before removal works to avoid collapse of the tower onto the tunnel complex and the activists occupying it. Tower structures were also constructed at Poor’s Piece as shown in the photographs at **page 146**. Photographs of towers constructed by activists on HS2 Land are at **pages 143 to 148**.

29.6.4 **Tripods.** A tripod is a form of aerial protest where activists use 3 poles - either scaffolding or bamboo - to form a tripod platform upon which they can sit. The resultant structures are precarious, and it is difficult and time-consuming to remove the activists occupying them. Like other forms of aerial protest, tripods require specialist teams to remove the individual, thus delaying their removal and increasing the disruption to the First Claimant and their contractors. An example of a tripod protest was the action conducted at the Chiltern Tunnel Portal (the location of which is shown on the plan at **page 6**) on 09.10.2020. Tripods were deployed by activists as part of an Extinction Rebellion action which also incorporated “Beacons” and which blocked the

access to the site for the day. As part of the action, D25 and D29 conducted a lock-on under the base of one of the tripods in which they locked their arms together in a tube and D25 also attached herself to the tripod with a climbing rope. Screen shots from social media about the action and photographs of the tripods and the lock-on are at **pages 149 to 153**.

29.6.5 **Beacons.** Like tripods, beacons are another form of aerial protest. Beacons are, however, less stable, being formed of multiple pieces of scaffolding arranged in a more random configuration than a tripod. As a result of the increased instability, they are more difficult and time consuming from which to remove activists. The beacons deployed in the action at the Chiltern tunnel portal on 09.10.2020 can be seen in the image at **page 149**. D24 also occupied a beacon at Denham Country Park in the Colne Valley to obstruct works on the HS2 Scheme in December 2020. An article from the Guardian about the incident and additional photographs are at **pages 154 to 158**. D24 was convicted of aggravated trespass for the incident in November 2021.

29.7 Tunnels

Like aerial protests, tunnels are intended to delay the removal of trespassing activists for as long as possible. By placing themselves and those trying to remove them safely in ever increasing danger, the tunnellers are able to cause maximum delay and disruption and increase the cost and complexity of removal. Air quality is often poor inside make-shift tunnels and sometimes potentially deadly (deadly levels of carbon monoxide and dioxide were found in tunnels at Small Dean, for example) and the removal team have to provide an air supply into the tunnels to avoid the occupants being overcome and experiencing breathing difficulties. The tunnels can be extremely deep and are often not shored or are inadequately shored in a make-shift fashion, creating a very real risk of collapse. For example, the tunnels encountered at Small Dean (which is described in more detail from paragraph 56 below) were in excess of 7m in depth and were not shored, but reliant upon the self-supporting nature of the ground. Removal of activists from tunnels requires specially trained and equipped teams and mine rescue support

who first and foremost have to work to ensure the safety of the activists who have placed themselves in danger within the tunnels. Once the rescue team have located the activists in the tunnels, the activists often still fight and struggle with the team seeking to remove them and create further dangerous situations to try to prevent their removal (for example, filling in the tunnels behind them, effectively entombing themselves as D18 to D21 and D24 did at Small Dean; or chaining themselves to supporting structures such as acrow props as D24 and D30 did at Euston Square Gardens – see paragraph 29.5.1 above). The Claimants regularly encounter tunnel occupation as a tactic used by activists to resist eviction from HS2 Land. The two most serious examples were at Euston Square Gardens in London (which is described in more detail from paragraph 50 below) and Small Dean in Buckinghamshire and are described in detail elsewhere in this statement. The First Claimant also believes that tunnels have been dug under the encampment at Cash’s Pit as there have been several references made to underground resistance to eviction.

29.8 Abusive behaviour towards staff and contractors

Whilst many of the tactics deployed by activists can be described as non-violent, all too often and for example when works operations are conducted in close proximity to unlawful encampments or activists feel their non-violent tactics are being ineffective or where activists have been using drugs and alcohol, their conduct and behaviour worsens. Abuse aimed at security officers can be extremely personal and upsetting – see for example the behaviours highlighted at paragraph 29.1.9. I have described some further examples of the abusive behaviour experienced by those working on the HS2 Scheme in the following paragraphs.

29.8.1 On 18.02.2021, the First Claimant’s contractor was conducting vegetation clearance works close to the WAR Camp at Small Dean. Whilst conducting these works, a number of activists (including D5) became abusive towards security staff. In one exchange, a female security officer was told by an unknown female activist that “*people like them should have their wombs removed*”. On the same evening another security officer was abused by activists for being an armed

forces veteran and called a “*murderer and a war criminal*”. Copies of videos showing these incidents are **Video 23** and **Video 24**.

29.8.2 On 26.03.2021, a number of activists (including D5) assaulted security staff working on HS2 Land at a site known as the Rifle Range opposite the unlawful encampment at Small Dean (known as Small Dean). As a result, one security officer required attention in hospital for a CAT scan with a suspected concussion. At **page 159** are images of some of the officers after the incident, including one officer’s broken thumb. Body-worn camera footage of the incident is at **Video 25**.

29.8.3 Faeces / human waste and a smoke grenade were also thrown at and over the First Claimant’s contractors working directly opposite the WAR Camp at Small Dean on 12.05.21. At least 5 persons unknown in white coveralls approached the security officers working opposite the activists’ camp and proceeded to throw a smoke grenade and water balloons filled with what appeared to be human waste. Images of the areas where the balloons landed, and where one security officer was struck are at **pages 160 to 163**. A still recorded from the body worn camera of one of the security officers is at **page 164**. Following this incident, the First Claimants’ contractor deemed it necessary to install emergency showers at sites within the vicinity of the WAR Camp so that its staff could quickly decontaminate themselves. Faeces were also thrown at the First Claimant’s contractors by activists at Jones Hill Wood.

29.8.4 Activists have been observed carrying weapons on a number of occasions during incidents on the route of the HS2 Scheme. For example, D61 has been found trespassing on HS2 Land on at least two occasions whilst carrying a weapon: at Small Dean on 01.06.2020 he was arrested in possession of a machete; and on 6.11.2020 he was arrested having been found trespassing on HS2 Land in the Wendover area in possession of a knife. A photograph taken by the security team showing the knife in D61’s possession is at **page 166**. Activists have

also been observed carrying knives and scissors in incidents at Jones Hill Wood described in more detail from paragraph 49. An image of an individual with a knife at Jones Hill Wood is at **page 165**.

Detailed descriptions of repeated and extreme direct action at certain HS2 Scheme sites

30. This section sets out in detail the repeated and sustained incidents of direction action that have been targeted against certain HS2 Scheme sites and also describes in detail some of the most extreme incidents experienced on the HS2 Scheme to date. These are by way of illustration of the nature and scale of the problem and the reason for seeking the assistance of the Court by way of injunctive relief.

Harvil Road

31. The plan referred to in the current injunction order made in August 2020 is at **page 167** in order to assist with orientation. Direct action activity began at the HS2 Land in the Harvil Road area of Hillingdon in October 2017 during enabling works on the land. Incidents of repeated trespass and obstruction of access quickly escalated from the early incidents described at paragraphs 29.1.5 and 29.1.8 above. Between October 2017 and January 2018 there were 31 separate incidents of trespass to land and vehicles and obstruction of the highway and access thereto, including:

Date	Occurrence
24.10.2017	Two activists entered onto HS2 Land separately and simultaneously at different locations. Both lay down, both were asked to leave voluntarily and refused and were thereafter removed by security
04.11.2017	15 unknown activists, many aggressive, rushed the north compound entrance. About 7 persons unknown gained access and progressed about 5 metres into the site before they were repelled by security
11.11.2017	10 trespassers including D36 entered the site. They were asked to leave by security and refused and sat in a circle and linked arms. A specialist removal team had to attend to remove them.
17.11.2017	An activist climbed onto an excavator being delivered on the back of a low-loader vehicle whilst it was stationary in the

Date	Occurrence
	bell-mouth entrance to the north compound. She remained there for a number of hours, during which the vehicle was unable to move.
28.11.2017	An activist lay in the bell-mouth entrance to the northern compound stopping access to and egress from the site. She was later joined by three other activists.
04.12.2017	Approximately 11 trespassers including D36 and D37 entered onto the bell-mouth entrance to the northern compound. D37 climbed onto a truck making a delivery which drove away. He then jumped off the truck and returned to the bell-mouth where he lay down obstructing access.

32. The Claimants applied for and were granted an injunction restraining trespass and obstruction of access in February 2018.

33. The February 2018 injunction had a marked impact on the number of incidents at this site. It was almost entirely effective in deterring the named defendants to that action from engaging in further acts of trespass and obstruction. Between February 2018 and May 2019 (when the Claimants returned to court to renew the injunction and to extend it to further HS2 Land that had been taken into possession in the area since the injunction had first been imposed and some of which had then been subject to trespass) there had been just a further 17 incidents of note including:

Date	Occurrence
21.05.2018	An unknown activist broke through the perimeter fence adjacent to the south compound entrance and entered onto the site.
13.11.2018	Trespass by two unknown activists on the site.
22.11.2018	Trespass by a female activist who interfered with ecological surveys being carried out by the First Claimant's contractor
27.11.2018 to 29.11.2018	Repeated acts of trespass by a group of up to 11 activists and obstruction of access preventing vehicles from entering and leaving the site.
11.12.2018	Two female activists entered onto the site. One climbed on top of a digger and refused to come down and the other attached herself to the front of the digger using a D-lock around her neck. The digger was unable to move or carry out any further work until the individuals were removed.
27.04.2019	An activist approached the north compound entrance gates and verbally harangued the security officer on duty there, using offensive and racist language and made threats to kill and trace the officers. The incident lasted for 45 minutes. A male

Date	Occurrence
	activist also obstructed security contractors attempting to leave the site via the north compound entrance.
29.04.2019	A number of incidents throughout the day during which activists prevented access to and egress from the site by standing, sitting and lying in front of vehicles in the bell-mouth entrance to the north compound. These actions obstructed both delivery vehicles and the vehicles belonging to the contractors working on the land.
30.04.2019	A group of activists blocked the gate at the north compound entrance preventing a lorry from leaving and contractors from entering for a period of over two hours spanning most of the morning.
03.05.2019	A group of activists approached the gates of the north compound entrance. One individual locked herself onto the middle gate of the north compound entrance by placing a D-lock around her upper arm and through the gate to secure herself in place and then placing her arm in a plastic tube with a nail driven through it to which she glued her hand in order to make removal of her arm from the D-lock difficult. This resulted in the gates being unable to be opened.

34. The High Court found that all of the above incidents had occurred and was satisfied that the injunction should be extended to the additional land and remain in place for a further year. A short further extension was then granted in May 2020 before the matter was again before the Court in August 2020 when the Claimants applied to renew the injunction and to extend it to further HS2 Land that had been taken into possession since May 2019.
35. Between May 2019 and September 2020 the nature of the works being carried out on the HS2 Land in this area had become complex, involving the installation of a new high pressure gas main; the decommissioning of an existing overhead power line and the installation of a new and diverted overhead power line; the construction of new utility conduits; the realignment of Harvil Road and Dews Lane; the construction of a viaduct to carry the new railway line; and the construction of part of a tunnel also to carry the new railway line. This provides a good illustration of the complexity and diversity of the work that is routinely being carried out on the HS2 Land across the route. The works involved teams of different contractors and were being carried out under a number of constraints (including ecological constraints) that meant they must be carried out pursuant to

a quite regimented timetable, with delays having serious onward consequences. The presence of unauthorised persons on sites of this nature presents a health and safety hazard and necessarily prevents works. As at August 2020, the estimated additional costs of the development at Harvil Road by reason of the delays and additional security expenses caused by activist activity was almost £16million.

36. Between May 2019 and May 2020 there were over 60 incidents of incursion and/or obstruction in relation to the land at Harvil Road (which by that time again comprised both land covered by the 2019 injunction and other land that had come into the Claimants' possession since that injunction was imposed). The various incidents involved: climbing over or cutting through the fences at the Harvil Road site; unauthorised incursions into the site by individuals, small groups, or larger groups of 12 to 15 people; obstruction by one or more people of the bell-mouths between the various gates and the public highway to prevent vehicular access into or out of the site; damage to locks on the various gates to prevent there being opened; the placing of padlocks and chains around the gates to prevent there being opened; people sitting on or in front of machinery on the site to prevent its operation; people attempting to lock themselves onto gates and machinery to prevent opening or operation; walking slowly in front of vehicles on the Harvil road to prevent vehicular passage; tampering with and damaging plant; the climbing of trees both on and in the vicinity of the site and the construction of tree platforms; the rigging of lines between trees on an off the site. Photographs of some of the incidents are at **pages 168 to 172**. Many of these incidents were accompanied by threats and aggressive behaviour and three examples of such behaviour are set out at paragraph 29.1.10 above. The incidents that took place during this period included an incident on 19.11.2019 involving a lock-on in which D36 and D28 had secured themselves to a steel pipe filled with concrete and other materials with another pipe inside into which they had inserted their arms and secured themselves to each other. The incident took place in the bell-mouth of the West Gate 3 entrance and commenced at 07:05 hrs. The action prevented contractors from leaving or entering the site until the individuals were removed late that afternoon by a Metropolitan Police specialist team. Photographs of the incident are at **pages 173 to 174**.

37. The injunction was renewed and extended by the High Court in August 2020, with a long-stop date of 4 September 2022. The Claimants consider that the HS2 Land in this area remains a target for unlawful activity by activists and that – as was observed by the Judge at paragraph 57 of the Judgment delivered when the injunction was renewed in August 2020 - the action will likely continue in this area until the HS2 Scheme works in Hillingdon are complete.

Cubbington & Crackley

38. Plans A, B and C referred to in the current injunction order made in May 2021 are at **pages 175 to 177** in order to assist with orientation. Direct action activity began at the HS2 Land in the Cubbington & Crackley Woods area of Warwickshire in September 2019 during enabling works on the land for the HS2 Scheme. Two unauthorised encampments were established fairly swiftly in the locations shown on the plan at **page 177** and there were incidents of repeated trespass, disruption of works and damage to fencing by activists. Photographs of the encampments are at **pages 178 to 189**.
39. In February 2020, the Claimants applied to the High Court for a possession order and an injunction to restrain further trespass. The claim was heard on 17 March 2020 the Claimants were granted possession, declaratory relief and injunctive relief by The Hon Mrs Justice Andrews, who said in her judgment that she was *“satisfied that there is enough evidence to demonstrate a real risk of further trespass on the land in future by persons who are opposed to the HS2 project”*.
40. The Hon Mrs Justice Andrews’ judgment was prophetic. The order was breached – including by D32 and by D33 committing 12 breaches of the order between 04.04.2020 and 16.04.2020. Furthermore, the First Claimants’ contractors were subjected to a horrific sustained attack by 30 to 40 persons unknown on 31.10.20 (see 29.1.1 above).
41. D33 was found in contempt for committing 12 breaches of the injunction order between 4.04.20 and 16.04.20. A total of 17 incidents were recorded, an extract from the judgement of The Honourable Mr Justice Marcus Smith on 13.10.2020 sets out the timeline of the service of the order, clearance of the camp, arrival of D33 and subsequent breaches of the order and I have reproduced that here as it

serves both as a useful summary of what occurred in this location and the nature of the incidents that were experienced after the injunction was first imposed (noting that Mr Justice Marcus Smith found that all of these incidents occurred as described, save for incident 4, in respect of which he was not satisfied as to location):

Date	Occurrence
17 March 2020	The Order was granted by Andrews J.
24 March 2020	The injunction under the Order came into force from 4:00pm and the Writ is issued.
25 March 2020	The date of service of the Order, pursuant to its terms.
26 March 2020	Eviction action pursuant to the Writ took place on the Crackley Land. Camp 1 was closed down; and Camp 2 commenced effective operation.
26 March 2020	PROW165X is closed.
4 April 2020	Mr Cuciurean arrived at Camp 2. Incidents 1 to 4 took place during the evening of 4 April 2020. Incident 5 – which is related – took place in the early hours of 5 April 2020.
8:30pm	<p>Incident 1</p> <p>Mr Cucuirean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>Mr Cuciurean entered the Strip between the Hoarding Fence and the TPROW Fencing. He unclipped one of the Heras fence panels comprising the TPROW Fencing and entered on to the TPROW.</p> <p>He was asked to leave, and was told that he was on land in breach of an order of the court. He refused to leave, was restrained and arrested. He was then “de-arrested”, when it was clear that Warwickshire police would not attend.</p> <p>Mr Cuciurean was released at about 9:00pm.</p>
9:35pm	<p>Incident 2</p> <p>Mr Cucuirean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW. His activities were monitored by the Claimants’ agents.</p>

Date	Occurrence
	When they sought to approach him, he retreated back over the Hoarding Fence.
10:45pm	<p>Incident 3</p> <p>Mr Cuciurean entered Area A of the Crackley Land, traversing the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW. His movements were monitored by two of the Claimants' enforcement officers. Through the TPROW Fencing, Mr Cuciurean was told he was trespassing.</p> <p>Mr Cuciurean exited the Crackley Land by climbing over the Hoarding Fence and returning to Camp 2.</p>
11:25pm	<p>Incident 4</p> <p>This Incident took place at the perimeter of Crackley Land (East) between Points 2 and 3. A Heras fence panel was pulled over by protestors. It was later retrieved and re-installed.</p> <p>Mr Cuciurean was one of the protestors detained but not arrested. Mr Cuciurean and the others were released and returned to Camp 2.</p> <p>I am not satisfied so that I am sure that Mr Cuciurean himself was involved in physically pulling down the Heras fence panel. That would, in my judgment, have involved entering upon the Crackley Land. However, Mr Cuciurean may have been supporting others whilst standing outside the Crackley Land. I am not satisfied so that I am sure that Mr Cuciurean was on the Crackley Land.</p>
5 April 2020	Although Incident 5 formed part of the pattern of Incidents taking place on 4 April, it occurred after midnight. Incidents 6, 7 and 8 occurred later on that day.
00:25am	<p>Incident 5</p> <p>Mr Cuciurean and two other protestors were reported as being by the Heras fence panels between Points 2 and 3. That would not necessarily have involved entering the Crackley Land. Mr Cuciurean then climbed the Hoarding Fence (between Points 3 and 4), and approached the TPROW Fencing, walking on the Strip, but he did not enter the TPROW.</p> <p>The protestors were reminded that they were on the Claimants' land, although I have insufficient evidence as to the exact words used.</p> <p>Two of the Claimants' enforcement officers removed a Heras fence panel from the TPROW Fencing in order to arrest Mr Cuciurean. Mr Cuciurean retreated to Camp 2.</p>

Date	Occurrence
10:52am	<p>Incident 6</p> <p>Mr Cuciurean removed the clips from a Heras fence panel forming part of the perimeter between Points 2 and 3, and removed the panel from the fence line abutting the Hoarding Fence. He (with others) entered upon the Crackley Land.</p> <p>Mr Bovan informed Mr Cuciurean that he was on the Crackley Land. Mr Bovan attempted to reinstate the Heras fence panel that had been removed, and the protestors (including Mr Cuciurean) left the Crackley Land and returned to Camp 2.</p>
10:55am	<p>Incident 7</p> <p>Mr Cuciurean and other protestors entered the Crackley Land at the same place – and by the same means – as in Incident 6. Mr Bovan again attempted to reinstate the Heras fence panel, and the protestors (including Mr Cucuirean) again retreated to Camp 2.</p>
11:25am	<p>Incident 8</p> <p>Incident 8 was very similar to Incidents 6 and 7, albeit that this Incident involved the removal of <u>two</u> Heras fence panels from the perimeter between Points 2 and 3. Attempts were made to restore the perimeter fence panels, which was met by resistance from the protesters, including Mr Cuciurean. The protestors took Heras fence panels intended to fill the gap created back to Camp 2.</p> <p>There was a subsequent further attempt by Mr Cuciurean to enter upon the Crackley Land in the same way. Mr Cuciurean was repelled by the Claimants’ officers, but not detained.</p>
7 Apr 2020	Incidents 9, 10 and 11 all took place on 7 April 2020.
12:24pm	<p>Incident 9</p> <p>The Schedule describes this as a “specimen example of repeated acts of contempt”. Incident 9 concerned Mr Cuciurean climbing the Post and Wire Fence on the Northern border of the Crackley Land between Points 7 and 8. It is said that Mr Cuciurean did this on a daily basis, in order to distract the Claimants’ staff or to facilitate others entering the Land or to examine the fences for weaknesses.</p> <p>I am satisfied that Incident 9 took place, as described. However, I am not prepared to include it as a “specimen example”, and it must stand alone. Equally, I am not satisfied as to Mr Cuciurean’s precise motives in entering the Crackley Land here.</p>

Date	Occurrence
1:32pm	<p>Incident 10</p> <p>Mr Cuciurean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW.</p> <p>Mr Cuciurean and another protestor attempted to remove Heras fence panels and the footers that keep them upright. When approached by the Claimants' enforcement officers, they left the Crackley Land and returned to Camp 2.</p>
1:39pm	<p>Incident 11</p> <p>Mr Cuciurean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the area between the Hoarding Fence and the TPROW Fencing and penetrated the TPROW Fencing, entering upon the TPROW.</p>
14 April 2020	Incidents 12 and 13 took place on 14 April 2020.
2:33pm	<p>Incident 12</p> <p>Incident 12 is <i>mutatis mutandis</i> the same as Incident 9.</p>
1:58pm	<p>Incident 13</p> <p>Mr Cucuirean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW.</p>
15 April 2020	
11:50am	<p>Incident 14</p> <p>This is the Incident described in paragraph 12(3)(c) above, where Mr Mr Cuciurean penetrated <i>Ad Hoc</i> Fencing within the Crackley Land (East) and locked himself to the boom of a machine used by the Claimants for the HS2 works.</p>
17 April 2020	
15:24pm	<p>Incident 15</p> <p>Mr Cuciurean and other persons penetrated <i>Ad Hoc</i> Fencing on the Crackley Land (East).</p>

Date	Occurrence
21 Apr 2020	
10:40am	<p>Incident 16</p> <p>Mr Cuciurean, one of a group of around 12 protestors, penetrated <i>Ad Hoc</i> Fencing on the Crackley Land (East). Mr Cuciurean was asked to leave on several occasions and warned of arrest. He resisted removal from the site, and was arrested. There was interference with the works going on in relation to the HS2 Scheme, and those works were disrupted.</p>
26 Apr 2020	
7:30am	<p>Incident 17</p> <p>Mr Cuciurean and four other protestors climbed trees on Crackley Land (East). They were warned that they were trespassing by Mr Bovan and asked to climb down. They declined to do so, and specialist climbers had to be deployed by the Claimants to remove them, using “cherry pickers”. There was interference with the works going on in relation to the HS2 Scheme, and those works were disrupted.</p>

42. Proceedings were also brought by the Claimants against D32, who breached the terms of the injunction. Those proceedings were settled, with D32 admitting the breaches and giving a wide-ranging undertaking on 10.11.2021 not to breach Court orders made in respect of land on the HS2 Scheme and not to trespass or obstruct the Claimants’ access. A copy of the undertaking is at **pages 190 to 192**. D32 has been named in respect of the present application because the Claimants are applying to discharge the injunctions currently in place over Harvil Road and Cubbington & Crackley and to instead have that land covered by the new injunction sought under this application. D32 is a named defendant in respect of both of those other sets of proceedings and therefore must be named in this application. However, in view of the undertaking given by D32, the Claimants are willing to agree that he be removed as a named Defendant to the present application if he so wishes.
43. The Cubbington & Crackley injunction was most recently renewed and extended by the High Court on 03.05.2021, with a long-stop date of 31.10.2022. The Claimants consider that on the basis of prior incidents and their geographic spread

that the HS2 Land in this area remains a target for unlawful activity for as long works in connection with the HS2 Scheme are being undertaken.

Jones Hill Wood

44. Shortly after the establishment of the WAR Camp at Small Dean, D5 and other activists established an encampment in Jones Hill Wood around 03.03.2020. The camp partly occupied land required by the Claimants for the construction of the Wendover Dean viaduct as part of the HS2 Scheme. At its largest, the camp occupied a total area of just under 4 acres, approximately 2 of which were located on HS2 Land. The camp contained numerous tree houses, a tower and a tunnel. Images of some of the tree structures are at **pages 119 to 121**.
45. That part of the camp on HS2 Land was cleared of activists in a lengthy, dangerous and sometime violent enforcement operation carried out between the 01.10.2020 and 10.10.2020. The clearance operation at Jones Hill Wood saw aggressive and violent resistance, with activists fighting with firstly the First Claimant's removal team and latterly Thames Valley Police, who were forced to step in as a result of the extreme behaviour of the activists in seeking to resist eviction. At **Video 26** is a video taken on 03.10.20 shows an example of the dangerous and extreme measures deployed by activists - here grappling with and kicking a member of the removal team who was in a cherry picker at a height of over 20m attempting to remove the activist from a tree. A still image of an activist climbing on the outside of a cherry picker during attempts to remove them from the trees is at **page 193**.
46. **Video 27** shows some of the smoke bombs thrown by activists during the enforcement action and the height of the tree houses within the camp.
47. The enforcement operation at Jones Hill Wood culminated in what was dubbed by activists as "the Battle of the Beancan", during which D18 and D24 fought with Police and had to be forcefully removed by specialist officers from Thames Valley Police. This can be seen in **Video 27** which heavily features D5. A BBC article about the arrests made during the operation is at **pages 194 to 195**.

48. The costs of the enforcement operation to evict the unauthorised encampment in Jones Hill Wood were almost £1.5 million.
49. Following the completion of the enforcement operation and despite the removal of the encampment from the HS2 Land, direct action persisted whenever the First Claimants undertook vegetation clearance in the area. These actions were often complex and co-ordinated, notably the action of 07.04.2021 included multiple lock-on protests to block access routes whilst other persons unknown trespassed upon trees situated on the HS2 Land. Some examples of the incidents which followed the clearance of the camp at Jones Hill Woods are outlined below:

Date	Occurrence
05.03.2021	Large number of persons unknown trespassed on HS2 land sought to prevent the erection of fencing. Security removed a number of trespassers from the land. A video of this incident is at Video 28 .
07.04.2021	Complex multi-faceted direct action consisting of lock on protests blocking the highway routes to access the HS2 Land in this area (the locations of the lock-ons are shown on the slide at page 196) and tree climbing on HS2 Land. This action saw lock on protests deployed at 06:30hrs at multiple points preventing highway access to Jones Hill Wood (a video showing one of the lock-ons is at Video 29), designed to prevent the security shift change over and also the arrival of de-vegetation teams. The obstruction action also sought to prevent the arrival of the First Claimant's specialist climbing team. Once access was blocked, other persons unknown then began entering the HS2 Land using ropes across the tree canopy. The activists who occupied the trees also carried with them supplies and building materials in an attempt to re occupy the HS2 Land. As a result of this action, a day's work at Jones Hill Wood was lost and the First Claimant was forced to deploy a specialist climbing team and additional security, who finally removed the activists after they had occupied the trees for over 5hrs.
09.04.2021	a large group of activists damaged fencing, assaulted security officers, blocked an access gate and tried to force access onto the site using ladders, images of this incident are at pages 197 to 199 .
30.04.2021	persons unknown (the group covered their faces and wore white coveralls) attempted to breach the fence line at Jones Hill Wood to prevent de-vegetation works. A video taken during this incident is at Video 8 . This action resulted in considerable damage to the security fencing, which can be seen buckling in the image at page 200 . During the course of this incident a female person unknown was seen carrying

Date	Occurrence
	scissors and another person unknown was observed carrying a knife whilst trying to access the works area (photograph at pages 165 and 200). As a result of this incident, security officers operating within the Wendover area (including the sites at Jones Hill Wood, Leather Lane and Small Dean) were subsequently equipped with body armour for their protection.
12.05.2021	D17 climbed upon a digger working at the Jones Hill Wood site and remained for over 11hrs, thus preventing the driver and machine working for the day (this incident is described in more detail at paragraph 29.6.2 above).

Euston Square Gardens

50. A number of individuals moved onto Euston Square Gardens in London in September 2020 and rapidly established a tented camp that evolved into wooden defensive structures that could not be seen into or accessed by anyone but the occupants. Tents and wooden platforms with tarpaulin covers were also erected in trees. The occupants became so aggressive to the Claimant's security officers that foot patrols into the gardens were stopped in October 2020 because of the threat to personal safety, and it wasn't judged safe enough to recommence them until January 2021, when an operation to take possession of the land from the ESG Defendants and others who were occupying the land commenced. It took a month to complete the eviction of the trespassers from Euston Square Gardens in extremely dangerous conditions and at a cost (enforcement operation cost only – not including costs of delay to the scheduled works) to the public purse of approximately £3.4million pounds.
51. Urine and faeces were regularly removed from the tunnel complex by the removal team at the request of the ESG Defendants to try to keep conditions underground as sanitary as possible and to try to prevent the spread of disease. The operation took place during the height of the Covid-19 pandemic which significantly increased the risks involved to both the ESG Defendants and the removal team and placed a significant strain on the already over-stretched emergency services. An overview of some of the resistance encountered during the operation is set out in the following paragraphs.

52. The Claimants had no knowledge of tunnels under the encampment in Euston Square Gardens until the BBC released an online article titled “HS2 protesters dig tunnel to thwart Euston eviction” on 26.01.2021 (a copy of which is at **pages 201 to 204**), the day before the eviction of the surface camp and tree occupation was scheduled to take place. The stated intention of those who created the tunnel complex, as referenced in the BBC article, was to prevent the eviction of the camp. D26 stated in her BBC interview that, “...it is about *delaying and stopping HS2*.” A copy of the video imbedded in that article showing inside the tunnels is at **Video 30**. A video compilation put together by XR and uploaded to YouTube of the first few days of the enforcement operation from the point of view of the activists is at **Video 31**.
53. On entering the encampment on 27.01.2021 the enforcement team located the tunnel head, protected by a cover. They were informed by D28 and D32 speaking from the tunnel below that they had attached themselves to the cover with nooses around their necks and if opening was attempted, that would endanger their lives. This highly reckless and dangerous action set the tone for the behaviour of the ESG Defendants throughout the operation to remove them from the tunnels. They resisted and obstructed the specialist confined spaces team (“CST”) trying to remove them at every opportunity and continued to dig further dangerous and inadequately shored tunnels to try to evade the CST. A plan showing the layout of the tunnel complex as dug by the ESG Defendants is attached at **page 205**, although it should be noted that this plan was produced using information gathered during the extraction operation and after it was completed. The knowledge of the CST and the First Claimant and the other authorities involved in the extraction operation as to the layout and structure of the tunnels during the operation was limited and constantly evolving and it is important to appreciate how difficult and dangerous that made the extraction operation for those involved. A further plan is at **page 206** and shows both the tunnels created by the ESG Defendants and also the tunnels and nine access shafts created by the CST as part of the extraction operation. Finally, at **page 207** is a CAD drawing of the tunnel complex with some approximate dimensions to give an indication of size.

54. A selection of photographs from inside the tunnels and showing various of the ESG Defendants are at **pages 208 to 217** and give some idea of how cramped and dangerous the conditions were. The ESG Defendants were repeatedly warned that they were trespassing and in danger and required to leave the tunnel complex and refused to do so. The majority left only when cornered by the CST.
55. The following are some of the matters that arose during the course of the eviction operation:
- 55.1 The ESG Defendants barricaded the drop-shaft, preventing access to and egress from the tunnel complex in case of an emergency. When that barricade was eventually removed by the CST (who were obstructed by the ESG Defendants throughout the process) they then had the lock-on described at paragraph 29.1.7 above to deal with.
- 55.2 The ESG Defendants continued to dig throughout the removal operation and to deposit large quantities of spoil at the entrance to the tunnel they were digging, blocking their means of egress from the tunnel. At times they cannibalised their own shoring within their tunnels to achieve progression and in so doing so severely weakened parts of their tunnel system and in constructing with the bear minimal amount of shoring, they increased the chances of a major collapse for both themselves and the CST. They also deliberately pushed spoil towards the CST to impede their progress. An example of this can be seen in **Video 32** taken at 21:02hrs on 19.02.2021, D30 can be seen pushing spoil with her feet towards a CST member and can be heard laughing and asking: *“How’s this pace for you lads?”* and *“do you want it [understood to be a reference to the spoil that she was pushing out] to come a bit faster?”*. This activity continued for several hours. She was clearly deliberately trying to obstruct and hamper the work of the CST as they tried to remove the Tunnel Occupants from the tunnels.
- 55.3 On 14.02.2021 the police spoke to D32 from the top of Drop Shaft 1 and 2. A member of the CST took videos of the exchange, copies of two of which are at **Video 33 and Video 34**. **Video 33** contains the following refusal by D32 to cooperate to leave the tunnels as ordered by the High Court:

PS Hirst: *“you don’t fancy coming out?”*

D32: *“I would love to come out, yes”*

PS Hirst: *“come on”*

D32: *“as soon as we cancel HS2 and start taking appropriate action on the climate emergency”*

PS Hirst: *“I don’t think that’s about to happen”*

As can be seen from the videos, Maxey was at the entrance to the West Tunnel at the bottom of Drop Shaft 2 and could have been safely winched out of the tunnels at that time if he had agreed to cooperate. In fact, he confirmed to PC Hirst that all the Tunnel Occupants were safe and well and could leave at any time they wished (see **Video 34**).

55.4 Also on 14.02.2021, D26 passed a note to the CST which said:

*To Brett’s Tunnel Team
Dear Brett’s A team
Happy Valentines day!
Thank you for always
being there for us in
the downshaft even though
we know it must be hard and cold & wet
sometimes. To be honest,
you’re very close to
the best tunnel team
any of us has ever
been evicted by. (it
would be better if we
could get some food tho)
We have an extra
special surprise coming
up for you so be
careful where you dig!
Loads of love,
Dan – Swampy
Blue, Nemo x
& Larch x
The Rat*

A photograph of the note is at **pages 218 to 219**. This demonstrated the flippant attitude of the ESG Defendants to the dangerous situation in which they had placed themselves and the CST. The last section of the note appears to be a threat.

- 55.5 On 16.02.2021 D32 obstructed the CST works to shore up and make safe the tunnel complex and struck out at the CST with a piece of ply-wood. A video taken by one of the CST team during this incident is at **Video 35** and D32's hand can be seen in the area where the CST are working. On this date D32 also forcibly removed from one of the ground penetrating radar team his mobile phone and refused to return it until 18.02.2021, when it was eventually returned broken.
- 55.6 On 18.02.21 and 19.02.21, two videos made by D26 were uploaded to You Tube in which she gave a "guided tour" of the tunnels in which she talked about digging and a collapse that had taken place. Copies of those videos are **Video 36** and **Video 37**.
- 55.7 On 19.02.2021 two members of the CST were working on shoring up the south side entrance from Drop Shaft 4 into Chamber 4, which was occupied by D32. The existing timbers and shoring put in place by the Tunnel Occupants was of poor quality and made up of many small pieces of plywood and support timbers. One CST member was half a body length into Chamber 4 and the other was sitting to the side of his legs. This was a difficult area to work in as the tunnel floor sloped down into Chamber 4. The work was made very difficult due to the interference of D32 who was constantly attempting to remove the CST's hand tools as they were actually using them. D32 appeared acutely aware that the CST were making good progress and pulled a piece of flat timber out of the side wall, this resulted in a small amount of earth falling in from above and then began frantically trying to construct a door or barrier to his position out of a flat piece of timber and a metal road sign which he was hammering into shape around the timber. No more than 5 minutes later, a large section of the ceiling directly above the CST members' location suddenly collapsed onto one of the CST members' back. It formed a peaked mound of spoil which the other CST member was able to quickly begin removing by pushing it to the sides until the buried CST member was able to move and they both quickly removed themselves from that location. In the opinion of the very experienced CST members involved, the ceiling collapse was a direct result of D32 removing the side piece of timber moments before it happened. D32 took a series of videos during this incident and uploaded them to You Tube and two of these videos are **Video 38** and **Video 39**.

55.8 The last of the ESG Defendants (D25) was finally removed from the tunnel complex on 26.02.2021, bringing this long, extremely dangerous and costly incident to a thankfully safe conclusion.

55.9 Five of the ESG Defendants (D24, D25, D26, D30 and D32) defied the terms of two injunctions made by the High Court requiring that they cease tunnelling activity and co-operate to leave tunnels safely and the First Claimant has brought contempt proceedings against those individuals.

Small Dean

56. The WAR Camp at Small Dean just south of the town of Wendover was established on or around 04.01.2020. The location of this camp is marked on the plan at **page 6** and more detailed plans showing some of the HS2 Land in this area are at **pages 220 to 221**. The camp was first occupied by a small group of transient activists, including D5 who had previously been resident at anti-fracking camps in the North of England until November 2019. The camp initially occupied a small sliver of land owned by Buckinghamshire Council (and later leased to the First Claimant). However, the occupation progressively grew and expanded northward onto the adjacent HS2 Land. By the time the Claimants' operation to take possession of the occupied land commenced, D5, D17 to D26, D28, D36 and D39 and a number of other persons unknown had been in occupation at one point or another. Attempts by activists to occupy further HS2 Land to the West were prevented by the First Claimant's contractor. Photographs of the encampment constructed by the activists – which included a bar – are at **pages 222 to 236**. The extent of the occupation can be seen in the aerial photographs at **pages 222 to 228**.

57. The trespass upon HS2 Land in this area was characterised by a series of violent and abusive actions by activists, some of which I have described in more detail below and culminated in a long, dangerous and costly eviction operation (also described below). An overview of some of the incidents that took place at this location is at **pages 237 to 241** and examples are set out below:

Date	Occurrence
30.01.2021	The First Claimant’s contractors were undertaking vegetation clearance works to install fencing and secure land known as the golden triangle. A number of activists, including D5, assaulted security officers and one female person unknown was arrested for assault and possession of cannabis. Contractors were forced to cease work that day as a result of the incident.
02.02.2021	A security manager employed by one of the First Claimant’s contractors had his car windscreen damaged by a stone fired by activists from a slingshot. In addition, 80 fence panels were destroyed in one night as activists repeatedly tried to breach the site perimeter. A security overview report of the incidents that night is at page 242 (the report also covers incidents on 04.02.2021).
03.02.2021	Small tree houses erected by activists appeared on part of the HS2 Land known as “the golden triangle” (the land marked 19385 on the plan at page 221) and a joint operation between the First Claimant’s specialist security supplier and the First Claimant’s contractor was required in order to re-take that land to avoid the extent of the unauthorised occupation spreading further and to establish a secure perimeter.
18.02.2021	Whilst protecting contractors undertaking further vegetation clearance, security staff were subjected to quite horrific abuse. A female security officer was told by an unknown female activist that people like her should have their wombs removed. Another security officer (an armed forces veteran) was called a war criminal. These incidents are described in more detail and videos exhibited at paragraph 29.8.1 above.
26.03.2021	As described at paragraph 28.10.2 above, security officers working for one of the First Claimant’s contractors were pelted by activists with water balloons which were believed to be filled with urine. One officer was punched to the face and approximately 15 activists assaulted security officers. The use of bodily fluids as weapons during the Covid 19 pandemic was a particularly disturbing feature of this incident.
04.05.2021	When attempting to conduct de-vegetation works in the highway the First Claimant’s contractors were pelted with stones. The window of one vehicle was smashed and a set of temporary traffic lights were also smashed. It was unsafe for works to continue in view of the conduct of the activists and works ceased. A one-page briefing on the incident, including photographs is at page 243 . As a result of this incident, the contractor instigated a 50m exclusion zone away from the WAR Camp for works until the camp was subsequently cleared in October 2021.

58. On 10.10.2021 the First Claimant alongside their main works contractors commenced a significant enforcement operation to clear the camp at Small Dean. This operation encountered a complex tunnelling system, a 13m tower incorporating highly dangerous booby-trapped rooms dubbed “hell rooms” by activists and a further tower, built around a tree on which activists had suspended a bathtub containing two individuals in a lock-on (photographs at **pages 245 to 246**). I have set out in the following paragraphs a short overview of the clearance operation, which took over a month and cost the First Claimant just under £5million in security and enforcement costs alone (in addition to other costs that are set out at paragraphs 70 to 71 below). Photographs from the enforcement operation are at **pages 244 to 265**.
59. 10.10.2021 – Enforcement operation commenced early in the morning, discovering an occupied tower in the Northern part of the occupied land and the main camp tower (dubbed “the temple” by the activists) occupied by activists including D18 to D24. Located beneath the main camp tower the entrance to a tunnel system was identified. Within the base of the tower an estimated 17m³ of chalk spoil was packed within pallet walls. Initial works to shore the pallet retaining walls were undertaken, as there was an estimated 30t of spoil packed within the pallet walls. Within approximately 5hrs an unknown activist emerged from the tunnels claiming he felt unwell. The First Claimant’s contractor’s specialist security team began to dismantle the northern tower identifying 2 activists locked on at a height of around 5m and another 2 activists locked on at a height of around 4m in a bathtub. Works to remove the bath-tub lock-on were suspended as light failed and resumed the following morning.
60. 11.10.21 – Work resumed on the removal of the 2 activists within the bath-tub lock on, who were lowered within the bath by a spider crane to ground level before being unlocked. The continuing fencing and lifting operations necessitated a lane closure daily from 09:30hrs to 16:00hrs. Whilst necessary for the safety of the security, protestor removal staff and fencing, this created a significant impact upon traffic in the local area. Once the northern tower was cleared the climbing teams began working upon the main tower. Upon initial examination of the main tower it was established that it had been both extensively fortified, and that there

were also significant hazards present, namely the “trippy hell room” (this is discussed at paragraph 29.6.3 above).

61. The dismantling of the main tower commenced on 12.10.2021 and was obstructed throughout by the activists in occupation, who would re-build parts of the tower overnight (as the removal team could not safely work on the structure during the hours of darkness. Activists were also coming and going from the encampment overnight by trespassing across the live railway line adjacent to the occupied land, putting themselves and the railway in significant danger.
62. On 13.10.2021, the First Claimant’s security team entered the main encampment and found no-one in occupation. Security had been controlling the entrance to the encampment since the eviction operation commenced and not allowing anyone to enter. It appeared that the activists had been caught by surprise and not been able to occupy areas in time that they had otherwise intended to occupy to resist eviction. A tree house was located that was provisioned with food marked as being specifically for an eviction (see paragraph 2.6.1 above) and tunnels were located, one of which contained a lock-on device, but upon surveying them it was apparent that they were empty. The enforcement team placed air monitoring devices into the tunnels when they were discovered and found deadly levels of carbon monoxide and dioxide – a product of rainwater reacting with the chalk substrata in the area. Had anyone been in occupation of the tunnels, there was a significant risk that they would have been overcome and possibly have died. The main camp was secured by security to prevent activists from entering.
63. On 15.10.2022, with the tower having been reduced to around four fifths of its original height, the activists deployed D22 in a lock-on to slow the progress of the team dismantling the tower. D22 was removed from the lock-on device on 16.10.2022 and he was then taken from the tower. At that point, the remaining activists (D18 to D21 and D24) retreated into the tunnels under the tower and closed the tunnel lid, save for D23, who locked-on to the lid on the tunnel entrance underneath scaffolding bars to delay access by the removal team. Two videos posted on Facebook by the activists featuring D24 explaining that this was what they were doing are at **Video 40** and **Video 41**. The dismantling of the tower was

then completed on 16.10.2022 leaving only the base (photo at **page 248**). The removal team also had to clear large amounts of spoil left by the activists before they could safely commence the tunnel removal operation. The lock-on was removed on 18.10.2021 and D23 removed from the land. The removal team asked the activists in the tunnel to allow them to pass an air monitoring device into the tunnel as there were concerns about the air quality, but the activists refused to open the tunnel lid for this purpose. The removal team were eventually able to get a device into the tunnel, but not until some days later.

64. The tunnel lid was removed on 20.10.2021 and the removal team began the process and digging and shoring down-shafts and entering the tunnel complex to try to remove the activists. The tunnels dug by the activists were not properly shored and were unsafe and this slowed the progress of the removal team who were required to shore the tunnels as they proceeded. **Video 42** was taken by the removal team on 25.10.2022 and serves to illustrate the dangerous confined space of the activists' tunnels. The activists continued to dig further and deeper tunnels as the enforcement team worked. **Video 43** was recorded by D24 and posted on Facebook on 20.10.2021. It shows D19 and D21 speaking and demonstrates the flippant attitude of the activists to the dangerous situation they had created.
65. The activists in the tunnels evaded and resisted removal throughout the operation and were at times abusive towards the removal team. They backfilled the tunnel complex behind them with spoil, blocking their only means of safe egress in the event of an emergency. They were warned repeatedly by the High Court Enforcement Officers in the removal team that the land was subject to a writ of possession and that they were committing an offence by obstructing the execution of the writ. During the course of the eviction a tree that was not otherwise scheduled for felling had to be felled because it was found to be over one of the activists' chambers and presented a safety risk. The activists were advised that the tree would need to be felled for this reason and did not elect to leave the tunnels to avoid the otherwise needless felling of the tree. A picture of the tree is at **page 250**.
66. On 08.11.2021, the removal team broke through into the activists' tunnel complex and split the group in two. A photograph taken that day (**page 251**) shows D19

in one side of the tunnel and on 09.11.2021, one half of the split group (comprising D19, D20 and D21) were removed from the tunnels. Pictures of them taken following their removal are at **page 252 and 253**. They were arrested by Thames Valley Police. D18 and D24 remained in the tunnels and continued to dig.

67. By 12.11.2021, the removal team had caught up to the two remaining activists. In order to make it more difficult to remove them, the activists lay head to head in the tunnel and placed a noose around both their necks, meaning that the removal team could not pull on the feet of D18 (seen inside a sleeping bag in the photograph at **page 257**) without risking injury to both of them. The removal team had to dig around them to get to their heads.
68. On 13.10.2021, D18 and D24 were removed from a final lock-on (which is shown in the photograph at **page 258** following its removal) and then removed from the tunnel.
69. The eviction at Small Dean in total took over 1 month. Whilst the initial clearance of activists above ground (less those in the main tower) was quite swift, the hard core of activists who had barricaded themselves into the tower and the tunnel system below had spent considerable time laying in supplies and had established a strategy of staying above ground for as long as possible before entering the tunnels. The tunnels they had dug were substantial. The First Claimant's CDM team produced a 3D map of the tunnel complex and a video showing this is at **Video 44**. The tunnel complex was found to extend to a depth of 7 meters underground. The clearance of the camp at Small Dean, was not only disruptive to the First Claimant, but also the local community; such was the height of the tower that had been constructed that the north bound lane of the A413 had to be closed to accommodate a crane. This road is the main A road between Wendover and London and this lane closure resulted in significant tail- backs on a daily basis.
70. The presence of the activists below ground prevented the First Claimants' main works contractor from undertaking piling works on the weekends of the 29.10.2021 and 05.11.2021 utilising planned railway closures. The last two

activists to leave the tunnels did so on 13 Nov 21. By that point, the First Claimants main works contractor had been forced to cancel 2 weekends of works on the adjacent railway line at a cost of over £130,000. Had the camp not been cleared in time to remove the adjacent bridge during the Christmas railway blockade, the First Claimant could have feasibly lost 1 year of schedule and the financial implications of such a delay would have been extensive.

71. The security costs incurred by the contractor over the course of the operation exceeded £2million. The costs incurred by the First Claimant in removing the activists from Small Dean were just under £5million.

Cash's Pit Land and other HS2 Land in the Swynnerton area

72. The activist camp at Cash's Pit was established around March 2021. The camp is located within a square woodland of approximately 4 acres and which is referred to be the activists occupying it as "Bluebell Wood" (see maps at pages 6 and 266). The camp is just north of the A51 which has a speed limit of 60mph and a short distance along the A51 from a compound used by the First Claimant's contractor Balfour Beatty for the purposes of HS2 Scheme works in this area. Within the trees, activists have constructed a number of structures at heights of up to 20m. In addition to the structures within the trees a 2-story building has been constructed approximately 10m from the road-side and a post box has been set up at the entrance to the encampment. To assist with orientation, the approximate location of the entrance is marked with an X on the plan at **page 266**. Photographs of the encampment are exhibited to **Dilcock 1**. In **Video 6** D5 infers that there are tunnels located within the camp, saying that they need to resist the eviction "*over-ground and underground*".
73. D5 to D2; D22 and D63 have all been observed in occupation of the Cash's Pit Land at various times. It is not possible for the Claimants to gain access to the encampment and it is therefore not known precisely how many activists are in occupation at the present time, but the observation of the security teams of the First Claimant is that activists come and go from the encampment and numbers fluctuate.

74. Activists have used the encampment in this location as a base for repeated and sustained direct action disrupting access to and egress from and work at and in the vicinity of the nearby compound of the First Claimant's contractor Balfour Beatty. Typically, the gates of the compound are obstructed for around 2 hours a day, during which time vehicles are prevented from entering or leaving. Balfour Beatty sought and were granted an injunction on 17.03.2022 restraining the obstruction of access to and egress from the compound and it is hoped that the injunction will improve working conditions at that site.
75. Activists based at the encampment have also engaged in repeated trespass upon and disruption of works on HS2 Land in the area. Examples of the action that has been taken recently are set out in the following paragraphs.
76. Cadent Gas are carrying out works for a diversion and there are archaeological works being carried out (both in connection with the scheme) on land in the area that has been taken into temporary possession by the First Claimant. A plan showing the land coloured green is at **page [cadent gas land]** (the "Cadent Gas Land")
77. On 09.03.2022 a number of activists including D17 and D63 obstructed access to and egress from the Cadent Gas Land. The obstruction is shown in a video uploaded to Facebook by D17 in which he explains what the activists are doing: *"We are doing multiple gate blocks today ... now, as you can see, more of us have just appeared outside what is now another compound ... we are disrupting the works as well as you can see. We've blocked this gate here in front of you. We've also blocked the gate down at the other site near to Bluebell Woods Protection Camp. So there's multiple blockades going on at the moment. IRT [sic. Incident Response Team] are inside this compound, so they can't get down to the other compound to sort out our friends down there. If anyone in the area's free or you're half an hour away in the car or something like that, get yourself down to Bluebell, come and have a chat with us. Go on Bluebell Woods Protection Camp Facebook page, share this video. We've got an open day coming soon, will check in on the date on that now, so will let you know. But yeah, get down here. Come and join us ... yesterday there was lost of people getting dragged around fields,*

things like that so we'll see what the day brings, but for now the sun's shining and the sky is blue and fuck you HS2" A copy of the video is at **Video 45**.

78. On 10.03.2022 the Cadent Gas Land was the subject of a complex and aggressive action whereby access to their works was initially blocked by a group including D17, D18 and D19. Later D17 and D19 repeatedly attempted to climb upon an excavator conducting works on the site. A live stream shared by D17 on Facebook, a copy of which is at **Video 46**, shows persons unknown and D19 running at a line of the First Claimants' security officers, and D17 clearly states *"the staff are surrounding the digger, as soon as any of us get an opportunity we are gonna (sic) go for it"*. D19 is seen being physically carried away from the digger following an unsuccessful attempt to climb it in the first 10 seconds (stills at **pages 268 to 269**). D17 then encourages others to join *"if anyone from the gate fancies a bit of a run around, then feel free to walk up and join us"*. D17 goes further and states *"when one of us gets an opportunity we are going to take this machine"*. D17 then states *"due to the number of protestors heading towards the machine someone has told the machine driver to stop the work, which to us is as effective as somebody being on top of it as ultimately it's stopping the work"*.
79. On 14.03.2022 a number of unknown activists in red coveralls took part in a mass trespass on the same HS2 Land. D17 filmed much of this action and posted it publicly on Facebook and a copy is at **Video 47**. Notably, in his video he passes a set of ladders to an unknown male to prevent them being seized. D17 states: *"the aim of the game is to stop HS2 from actively working today and you better bet your arse we are going to do it"*. Throughout the course of the 22-minute video numerous activists in red jump suits are seen running across the HS2 Land, knocking over fencing, running away with fencing and kicking at security guards who are attempting to remove them from the land. It is clear from the video that it would be unsafe to undertake substantial works as simply installing a fence is fraught with issues.

Ongoing risk of unlawful conduct and need for injunctive relief

80. The Claimants do not seek to stifle anti-HS2 views and respect the right to engage in lawful protest and to express views that are opposed to the HS2 Scheme. The

Claimants seek the Court's assistance to try to ensure that the Defendants do not resort to unlawful direct action activity. Not only is that conduct unlawful, but it is extremely disruptive, dangerous, costly and unpleasant and difficult for those engage in work on the HS2 Land. The activity of the Defendants is an attempt, not to articulate views, but a hard-fought and continuous campaign to try to compel the Claimants to stop the work they are mandated to do by an Act of Parliament. It is no exaggeration to say that the Defendants appear to be seeking to engage in a war of attrition with the Claimants – of which the security personnel on the ground are at the front line. The very considerable deployment of police resources has also been required and continues to be required.

81. The incidents that have already occurred have caused injury to persons working on the HS2 Scheme and eye-watering levels of loss (all borne by the public purse) and damage via damage to property, suspension and delay of works and the need to incur the costs of specialist security to respond to and deal with incidents. A significant amount of police time and resources and time and resources of the other emergency services has also been expended. The incidents are distressing to the Claimants' contractors, sub-contractors and employees. It remains the case that the Defendants do not have the consent or permission of the Claimants to enter onto the HS2 Land and the Claimants do not want the Defendants on the HS2 Land.
82. Given the large number of incidents of trespass, obstruction and damage experienced by the Claimants on the HS2 Land over the course of the last four and a half years and the stated commitment (often expressed in violent language) of the Defendants to continue with the unlawful activity, the Claimants reasonably fear that the HS2 Land remains at significant risk of trespass by the Defendants and that incidents of damage to fences, gates, vehicles and equipment and obstruction access will continue. In fact, the Claimants consider it likely that unlawful activity by the Defendants will only continue to escalate (as it has done since October 2017) if unchecked by the Court as works on the HS2 Land progress. The acts of trespass and obstruction are often accompanied by incidents of verbal harassment and physical intimidation of staff and contractors, including some violent acts. The Defendants' activities place both themselves and the

Claimants' contractors, sub-contractors and employees at significant risk of injury or even death and that is an overriding concern that has led to the Claimants' decision to seek the assistance of the Court in preventing further incidents.

83. The Claimants are therefore asking the Court to make an injunction in the form attached to the Application Notice.

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.



Signed:.....

RICHARD JOSEPH JORDAN

Dated:.....23 March 2022....

On behalf of: Applicants/Claimants
R.Jordan
1st statement of witness
Exhibits: RJ1 and RJ2
Date:23 March 2022

**IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

Claim No. QB-2022-BHM-000044

BETWEEN:

**(1) HIGH SPEED TWO (HS2) LIMITED
(2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

- and -

**(1) PERSONS UNKNOWN ENTERING OR REMAINING
WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR
UNDER LAND KNOWN AS LAND AT CASH'S PIT,
STAFFORDSHIRE SHOWN COLOURED ORANGE ON PLAN
A ANNEXED TO THE PARTICULARS OF CLAIM ("THE
CASH'S PIT LAND")**

AND OTHERS

Defendants

**EXHIBIT RJ1
TO THE WITNESS STATEMENT OF RICHARD JOSEPH JORDAN**

The documents in this Exhibit are at:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>

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On behalf of: Applicants/Claimants
R.Jordan
1st statement of witness
Exhibits: RJ1 and RJ2
Date:23 March 2022

**IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

Claim No.QB-2022-BHM-000044

BETWEEN:

**(3) HIGH SPEED TWO (HS2) LIMITED
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Claimants

- and -

**(2) PERSONS UNKNOWN ENTERING OR REMAINING
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STAFFORDSHIRE SHOWN COLOURED ORANGE ON PLAN
A ANNEXED TO THE PARTICULARS OF CLAIM ("THE
CASH'S PIT LAND")**

AND OTHERS

Defendants

**EXHIBIT RJ2
TO THE WITNESS STATEMENT OF RICHARD JOSEPH JORDAN**

All videos are at: <https://vimeo.com/showcase/exhibit-rj2>

INDEX TO EXHIBIT RJ2

All videos are at: <https://vimeo.com/showcase/exhibit-rj2>

Video Number	Date	Description	Source URL
Video 1	19.05.2020	BBC – Small Dean	https://www.facebook.com/STOP.HS2/videos/2332590110375892
Video 2	24.03.2021	D32 - Twitter	https://www.twitter.com/bearwitness2019/status/1374751791456391171
Video 3	23.02.2022	D6 Facebook – help us buy a minibus	https://www.facebook.com/661665316/videos/473075977700088
Video 4	24.02.2022	D6 Facebook – notices being served	https://www.facebook.com/661665316/videos/286622000246464
Video 5	10.03.2022	D17 Facebook – Swynnerton update	https://www.facebook.com/100035849292228/videos/3199408426940673
Video 6	24.02.2022	D5 Facebook – over-ground, underground	https://www.facebook.com/ross.monaghan.35/videos/483736580013085
Video 7	16.03.2022	Trespass at Capper’s Lane, Lichfield	https://www.facebook.com/HS2rebellion/videos/672767173847829
Video 8	30.04.2021	JHW fence attack by activists in white coveralls	N/A
Video 9	25.02.2021	Poor’s Piece eviction	https://www.facebook.com/simone.h.lister/videos/10158208020547972
Video 10	05.03.2021	Security patrol at Leather Lane	N/A
Video 11	30.12.2021	D6 M42 Lorry surf	https://www.facebook.com/102443345283393/videos/250211620550722
Video 12	05.09.2020	Euston crane climb	https://www.facebook.com/watch/?v=1419889114873599
Video 13	20.11.2020	Vehicle climb Edgcott Rd, Quainton	https://www.facebook.com/HS2rebellion/videos/397455331667046
Video 14	30.10.2020	Gawcott Road, Calvert “Red Rebel” access obstruction	https://www.facebook.com/watch/live/?ref=search&v=2745028369099011

Video Number	Date	Description	Source URL
Video 15	06.05.2021	D32 and D60 spraying The Podium with pink paint	https://www.facebook.com/HS2rebellion/videos/366715554773859/
Video 16	06.05.2021	D32 trespassing on The Podium	https://www.youtube.com/watch?v=mztZ2CKtWRg
Video 17	11.02.2021	D26 tethered in Euston Square Gardens tunnels	N/A
Video 18	24.02.2021	D24 and D30 chained to acrow prop in Euston tunnels	N/A
Video 19	January 2021	Euston Square Gardens tree eviction	https://metro.co.uk/video/hs2-protesters-evicted-euston-square-gardens-2342418/?ito=vjs-link
Video 20	12.05.2021	D17 digger climb at Jones Hill Wood	https://www.facebook.com/100035849292228/videos/483138009557838
Video 21	08.08.2020	Harvil Rd digger climb	https://www.facebook.com/100035849292228/videos/305151457356495
Video 22	10.10.2021	Small Dean Tower and “Trippy hell room”	https://www.facebook.com/WendoverActiveResistanceCamp/videos/915519819067262
Video 23	18.02.2021	Small Dean – abuse of female security guard	N/A – security footage
Video 24	18.02.2021	Small Dean – abuse of male security guard	N/A – security footage
Video 25	26.03.2021	Small Dean assault on security	N/A – security footage
Video 26	03.10.2020	Activist grappling with enforcement officer on cherry picker	https://www.facebook.com/FengHoEthicalFashion/videos/10158334810835932
Video 27	01.10.2020	Opening section of a Vice Mini Documentary	https://www.youtube.com/watch?v=s6MAxf9yv14

Video Number	Date	Description	Source URL
		covering Jones Hill Wood eviction	
Video 28	05.03.2021	Trespass and attempts to prevent fencing at Jones Hill Wood	https://www.facebook.com/ken.lumsden.75/videos/782150446041981
Video 29	07.04.2021	Lock-on obstructing access to Jones Hill Wood	https://www.facebook.com/val.saunders.35/videos/10225537561695409
Video 30	26.01.2021	BBC inside tunnels under Euston Square Gardens	https://www.bbc.co.uk/news/uk-england-london-55796445
Video 31	30.01.2021	ESG XR First few days	https://www.youtube.com/watch?v=29THGe0V8PE
Video 32	19.02.2021	21:02hrs – D30 pushing spoil with feet	N/A security footage
Video 33	14.02.2021	ESG PS Hirst speaking to D32 - at 17.02hrs	N/A security footage
Video 34	14.02.2021	ESG PS Hirst speaking to D32 - at 17.15hrs	N/A security footage
Video 35	16.02.2021	ESG D32 interfering with works	N/A security footage
Video 36	18.02.2021	ESG D26 guided tour of tunnels part 1	https://www.youtube.com/watch?v=MLCMX7WLcyI
Video 37	19.02.2021	ESG D26 guided tour of tunnels part 2	https://www.youtube.com/watch?v=ermx7wBy8Co
Video 38	19.02.2021	ESG video taken by D32 at 11:49	N/A
Video 39	19.02.2021	ESG second video taken by D32	N/A

Video Number	Date	Description	Source URL
Video 40	16.02.2021	Small Dean D24 – activists about to retreat underground	https://www.facebook.com/WendoverActiveResistanceCamp/videos/972864376776586
Video 41	16.10.2021	Small Dean D24 – activists retreat to the tunnel	https://www.facebook.com/WendoverActiveResistanceCamp/videos/945507006034883
Video 42	25.10.2021	Small Dean video taken by removal team in tunnels	N/A
Video 43	20.10.2021	Small Dean D19 and D21 in tunnels	https://www.facebook.com/WendoverActiveResistanceCamp/videos/3052604451733497
Video 44	October 2021	Small Dean 3D map of tunnels	N/A
Video 45	09.03.2022	Swynnerton obstruction of access to HS2 Land where Cadent gas works taking place	https://www.facebook.com/100035849292228/videos/1423046118110584
Video 46	10.03.2022	Swynnerton trespass and attempted digger climb	https://www.facebook.com/100035849292228/videos/3199408426940673
Video 47	14.03.2022	Swynnerton – mass trespass filmed by D17	https://www.facebook.com/100035849292228/videos/708622600135509