

On behalf of: Applicants/Claimants

J.Groves

1st statement of witness

Exhibits: JG1

Date: 27 March 2023

Claim No. QB-2022-BHM-000044

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

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 ORDER DATED 11 APRIL 2022 ("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, AND GREEN ON THE HS2 LAND PLANS AT <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> ("THE HS2 LAND") WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES 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 JOHN GROVES

I, **JOHN GROVES**, 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 Chief Security and Resilience Officer. I am 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 includes incident response, business continuity, cyber security, information assurance, physical security, personal security, personnel security and security of the future railway. I am 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 have been in this role since March 2022. Prior to this I have extensive experience of security and resilience operations, with over 20 years' experience leading the security and resilience functions of the Bank of England, UK Parliament and Government departments including Defra, No.10 Downing Street and the Home Office.
2. I am authorised to make this statement in support of the Claimants' application to vary and extend the injunction imposed by the Order of Mr Justice Knowles dated 20.09.2022 (the "**Injunction**").
3. This statement has been prepared with the Claimants' legal representatives.
4. 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 (these systems are explained in Dobson 1), 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.

5. There are now shown and produced to me marked **JG1** true copies of documents to which I shall refer in this statement and which can be found at <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings> .
Page numbers without qualification refer to that exhibit.
6. In preparing this statement I have read the following witness statements filed previously in these proceedings:
 - (a) Witness Statement of Richard Jordan (“**Jordan 1**”)
 - (b) First to tenth witness statements of Julie Dilcock (“**Dilcock 1**” to “**Dilcock 10**”)I have also reviewed the Eleventh witness Statement of Julie Dilcock (“**Dilcock 11**”) and Witness Statement of James Dobson (“**Dobson 1**”) in draft.

Defined terms used in this statement are the same as those defined in the Particulars of Claim and the above listed statements, unless separately defined in this statement.

Purpose and scope of this statement

7. In this statement I will:
 - 7.1. Update the court on the reduced impact of unlawful direct action by activists upon the HS2 Scheme since the clearance of the encampments in Staffordshire and the granting of the Injunction.
 - 7.2. Explain how the level and type of direct action against the HS2 Scheme is typically affected by the works activity being undertaken or planned and how that works activity is often season dependant.
 - 7.3. Set out the modelling that the First Claimant’s security team has carried out to forecast the expected level and impact of unlawful direct action by activists against the HS2 Scheme were the Injunction not to be continued.
 - 7.4. Explain the pattern of unlawful direct action by activists that has emerged since the granting of the Injunction as activists seek to continue to cause loss and damage to the HS2 Scheme via means not currently prohibited by the Injunction.

Reduced Impact on the HS2 Scheme

8. At Jordan 1 my predecessor, Richard Jordan, outlined to the court that the Claimants had incurred costs totalling **£121.62m** up to the end of December 2021 in dealing with unlawful direct action protest across Phase One of the HS2 Scheme (Jordan 1, para 14).
9. This cost continued to escalate until Q3 2022, when there was a notable change in the number and severity of incidents and the costs associated with dealing with those incidents. At **page 1** is a graph showing the change in direct action protest related incidents over time, from which the following can be seen:
 - 9.1. Q2 2022. There were 49 recorded direct action protest-related incidents. This period included the lead up to the bulk of the enforcement at Cash's Pit and Closepit Plantation, which commenced on 10.05.22. The costs incurred in Q2 were **£13.02million**.
 - 9.2. Q3 2022. The number of incidents reduced to 28, reflective of the fact that the enforcement at Cash's Pit was ongoing until 12.07.2022. Q3 saw a change in tone and severity of incidents. This is attributed to the adoption of a more cautious approach by activists whilst awaiting the Injunction judgment and the trial and subsequent committal of the defendants who breached the Cotter Order. The costs incurred by the Claimants reduced significantly to **£3.08million**.
 - 9.3. Q4 2022. A paradigm shift in the severity and cost of unlawful direct action against the HS2 Scheme occurred following the making of the Injunction order on 20.09.22 and the committal to prison of D33 for 268 days on 23.09.22. Whilst 28 incidents were still recorded, the cost attributable to those incidents reduced to **£0.76million**.
 - 9.4. Q1 2023. Only 9 incidents have been recorded in this quarter, and the cost to HS2 Ltd is recorded at **£0.2million**.
10. The costs incurred in dealing with activism-related incidents from 01.10.22 (the beginning of the quarter following the imposition of the Injunction) to the time of writing is **£0.96million**. The cumulative cost to the HS2 Scheme of dealing with direct action to date is plotted as a green line on the graphs presented at **pages 1 and 3** and the change in cost is correlated to gradient. When the line is steeper, spend in that period is higher, if the gradient levels off spend is reducing. The graphs clearly show

that since 01.10.22 the total cost has plateaued and that the Injunction has had a significant impact in reducing the amount of taxpayer money being spent on dealing with unlawful direct action against the HS2 Scheme.

11. A further impact of the Injunction that is not captured by the financial figures is the change in the working environment for staff and contractors. In Jordan 1, the hostile, intimidating and often violent and dangerous work environment created by unlawful direct action for the Claimants' staff and contractors was described. The feedback from our staff and contractors is that the significant reduction in unlawful direct action activity has changed the perception of those working across the HS2 Scheme, who feel safer and no longer face the previous extraordinary levels of abuse whilst doing their jobs.

Factors Impacting Upon Direct Action (When and Where)

12. Spikes in unlawful direct action against the HS2 Scheme have often coincided with those stages of the project that involve carrying out activities that activists consider to be the most contentious. This is most often de-vegetation works and specifically the felling of trees.
13. The graphs at **page 2** show how unlawful direct action has typically peaked during Q4 each year as actions have been deliberately coordinated to disrupt de-vegetation works that need to take place outside of bird nesting season. The year 2022 on the graph is an anomaly, with a spike in incidents in Q2 due to the clearance of the Swynnerton camps and by Q4 unlawful direct action was being deterred by the Injunction and so the usual spike in that quarter is not seen in this year.
14. The removal or planned removal of trees on the HS2 Scheme has often precipitated the establishment of protest camps. Establishing camps within woodlands presents a number of advantages to activists intent upon delaying and disrupting the HS2 Scheme as set out in Dobson 1. Woodland encampments are particularly problematic for the security teams and significantly increase the costs and risks associated with eviction. For example the 4 most costly, dangerous and enduring enforcements on the HS2

Scheme to date were the following, all of which were in woodland and/or camps established to protect specific trees:

Land	Enforcement commencement date	Cost of enforcement
Cash's Pit Land	10.05.2022	£8.5million (Dilcock 7)
Small Dean (W.A.R. Camp)	10.10.2021	£5million (Jordan 1, para 71)
Euston Square Gardens	27.01.2021	£3.4million (Jordan 1, para 50)
Jones Hill Wood	01.10.2020	£1.5million (Jordan 1, para 48)

Furthermore, the construction of camps and activists' proficiency in doing so in such a way as to cause as much disruption and cost to the Claimants as possible has developed with time, with the resulting costs of enforcement generally increasing from camp to camp.

15. Encampments have provided a base from which transient activists could conduct sustained unlawful direct action against the HS2 Scheme and have allowed the campaign to draw activists from other causes to bolster numbers. In almost all cases, encampments were established upon land required at a future date by the HS2 Scheme, but not yet in possession, with activists scoping ahead and moving ahead of the programme. Therefore, unlawfully possessing land or conducting direct action activity intended to delay, disrupt or damage the HS2 Scheme on land within the LLAU, but ahead of the Claimants' taking possession for the purposes of the HS2 Scheme has proven to be the most impactful (in terms of cost and delay) form of direct action encountered thus far. The First Claimant's security team consider that this remains a significant threat to the HS2 Scheme.

Forecasted Future Activity

16. The graph at **page 3** shows the security team's forecast as to the expected trajectory of direct action incidents and associated costs should the Injunction not continue. This is based on the security team's assessment that the levels would be analogous to the experience in late 2019 going into 2020. It is projected that the Claimants could incur

costs of **£6.03m** in Q3 2023 and **£16.2m** in Q4 2023. In producing this forecast the following factors were considered:

- 16.1. The proficiency of the activists taking direct action against the projects has increased with time (see paragraph 14 above).
- 16.2. Many of the activists opposed to the HS2 Scheme have not abandoned direct action altogether. Instead, they are currently campaigning against other causes (as explained in Dobson 1), and it is considered that there is a significant likelihood that these individuals may return if the deterrent effect of the Injunction were removed.
- 16.3. The time required by activists to regain momentum would be less than the time it took to first build momentum in the earlier years of the project. The campaign would be able to cross recruit and grow from other groups such as JSO and Insulate Britain, where many of the leaders who were so instrumental in the anti-HS2 campaign through 2020 and 2021 are currently actively campaigning.
- 16.4. The recent media coverage around the Government's decision to delay construction on parts of the HS2 Scheme in order to try to defray the rising costs caused by inflationary pressures will undoubtedly encourage activists to believe that their unlawful direct action may yet succeed in having the HS2 Scheme "cancelled" (despite clear Government statements to the contrary) and may increase potential support for activists from some quarters (posts around this have already started appearing on social media – an example from D16 is at **page 4**). This could create fertile ground for the re-establishment of camps. In this sense 2023-24 may be considered analogous to 2020 when the Oakervee Review and delays around the issuing of notice to proceed coincided with significant camp establishment on Phase One.


Unlawful Activity Since the granting of the Injunction

17. As set out in detail in Dobson 1, there have been 37 protest-related incidents recorded against the HS2 Scheme since the grant of the Injunction. The incidents at Eversheds and HMP Full Sutton described in Dobson 1 are not included in this figure as they were secondary, rather than primary targeting of the project. Critically the cost and disruption associated to these incidents has been significantly reduced, totalling **£0.96million**.

18. The incidents that have been experienced can be summarised as follows:
- 18.1. Vandalism and criminal damage committed during the hours of darkness, for example graffiti sprayed on plant and machinery or banners placed in trees (by trespassing).
 - 18.2. Direct action where activists seek to disrupt and delay works on land within the LLAU but beyond the scope of the Injunction, for example by placing themselves in harm's way and causing delays to works, which have to stop for reasons of health and safety. A summary of an example of this type of activity committed by D66 and D67 in Aylesbury on 05.02.23 is set out in Dobson 1.
19. Whilst unwelcome, the types of activity set out at paragraph 18.1 are anticipated on a project of this size and nature and are in large part low level and opportunistic and likely to remain that way so long as the Injunction remains in place.
20. The category described at paragraph 18.2 represents an evolution of tactics by activists seeking to continue to cause delay, damage and loss to the project notwithstanding the imposition of the Injunction, by adopting tactics intended to thwart the purpose of the Injunction. This category of incident is concerning to the Claimants and the security team consider that these types of incidents are likely to increase in number and severity unless the Injunction is extended to cover conspiracy to harm the Claimants by unlawful means.

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: 

JOHN GROVES

Dated: 27 March 2023