

On behalf of: Applicants/Claimants
J.Dobson
1st statement of witness
Exhibits: JD5 and JD6
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 JAMES DOBSON

I, **JAMES DOBSON**, Specialist Security Consultant and Advisor to the First Claimant, High Speed Two (HS2) Limited, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA, **WILL SAY** as follows:

1. I am a Specialist Security Consultant and Advisor to the First Claimant. I advise the First Claimant on security matters, particularly matters involving activists. I have c.7 years of experience in advising clients on dealing with large scale evictions of activists and supporting infrastructure and other projects subjected to environmental activism, including the HS2 Scheme.
2. I make this statement in support of the Claimants' application to 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, reports by the First Claimant's security and legal teams and those of the First Claimant's contractors and 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 and Trak Tik systems are online incident reporting systems 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 they are both online systems and contain information filled in by specialist security professionals, they are not resources which can be easily printed out or otherwise presented in a way that is easily understandable by a lay person. 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.

5. Whilst this is my first witness statement in these proceedings, I gave two affidavits in support of the applications dated 08.06.2022 for committal brought by the Claimants in these proceedings (“**Cash’s Pit Contempt**”), to which there were exhibits numbered JD1 to JD4 and accordingly I have not re-used those exhibit numbers. There are now shown and produced to me marked **JD5** 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. In this statement I also refer to video evidence which has been collated as numbered videos and marked **JD6**. The videos can be viewed at: <https://vimeo.com/showcase/exhibit-JD6> and references in this statement to video numbers in bold are references 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) The first to tenth witness statements of Julie Dilcock (“**Dilcock 1**” to “**Dilcock 10**”)
- I have also reviewed the Witness Statement of John Groves (“**Groves 1**”) and the Eleventh Witness Statement of Julie Dilcock (“**Dilcock 11**”) 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. Explain how the Claimants have reached the decision to remove some of the Defendants to these proceedings and to add new Defendants.
 - 7.2. Describe the effect of the Injunction on unlawful activity directed against the HS2 Scheme.

- 7.3. Describe specific incidents of unlawful activity against the HS2 Scheme by activists from 16.03.2022 (being the end point for the narrative provided in Jordan 1) until 16.03.2023. I will make particular reference to events which have occurred following the making of the Injunction on 20.09.2022.
- 7.4. Explain the continued risk of unlawful activity against the HS2 Scheme by activists and the need for extension and variation of the Injunction.
8. As indicated, I have described unlawful activity against the HS2 Scheme by activists up to 16.03.2023. I have had to draw the line at that date because it has proved very difficult to finalise a statement which tries to be precisely up to date as there continue to be incidents and developments.

Defendants to these proceedings

9. The rationale for who the Claimants originally named as Defendants to the proceedings was set out in Dilcock 1 (paragraphs 42 to 43). Several individuals were removed as named Defendants in the Injunction by agreement with the Claimants. The numbers originally used for those removed Defendants are now shown as “not used”. Those individuals remain bound by the terms of the Injunction that apply to persons unknown. As explained in Dilcock 11, further individuals were added as named Defendants to these proceedings as part of the Cash’s Pit Contempt proceedings.
10. The Claimants take seriously their obligation to review whether individuals ought to remain named as Defendants to these proceedings and whether any further individuals ought to be added as named Defendants.
11. The Claimants propose removing the following individuals as named Defendants to these proceedings for the reasons set out in the table below. Those removed will remain bound by any further Injunction made by the court in these proceedings against persons unknown.

Defendant Number	Name	Reason for removal
11	Mr Tony Carne	No evidence of continued involvement in unlawful direct action
12	Ms Amy Lei	No evidence of continued involvement in unlawful direct action
13	Mr Tom Holmes	No evidence of continued involvement in unlawful direct action
18	Mr William Harewood (aka Satchel / Satchel Baggins)	No evidence of continued involvement in unlawful direct action. Currently under a suspended sentence imposed in the Cash's Pit Contempt proceedings
19	Mr Harrison Radcliffe (aka Log / Bir_Ch / Sasha James)	No evidence of continued involvement in unlawful direct action
21	Mr William French (aka Will French / Took	No evidence of continued involvement in unlawful direct action
23	Mx Scarlett Rien (aka Leggs)	No evidence of continued involvement in unlawful direct action
31	Mr Rory Hooper	No evidence of continued involvement in unlawful direct action. Under an undertaking (copy at pages 1 to 3) given to the court about future behaviour following the Cash's Pit Contempt proceedings.
34	Mr Paul Sandison	No evidence of continued involvement in unlawful direct action
37	Mr Thorn Ramsey (aka Virgo Ramsay)	No evidence of continued involvement in unlawful direct action
38	Mr Vajda Robert Mordechaj	No evidence of continued involvement in unlawful direct action
40	Ms Jess Walker	No evidence of continued involvement in unlawful direct action

Defendant Number	Name	Reason for removal
41	Mr Matt Atkinson	No evidence of continued involvement in unlawful direct action
42	Ms Hannah Bennett	No evidence of continued involvement in unlawful direct action
43	Mr James Ruggles (aka Jimmy Ruggles)	No evidence of continued involvement in unlawful direct action
44	Mr Nick Grant (aka Potts)	No evidence of continued involvement in unlawful direct action
45	Mr Stuart Ackroyd	No evidence of continued involvement in unlawful direct action
46	Ms Wiktoria Paulina Zieniuk	No evidence of continued involvement in unlawful direct action
49	Mr Sebastian Roblyn Maxey	No evidence of continued involvement in unlawful direct action
50	Ms Jessica Heathland-Smith	No evidence of continued involvement in unlawful direct action
51	Ms Ella Dorton	No evidence of continued involvement in unlawful direct action
52	Mr Karl Collins	No evidence of continued involvement in unlawful direct action
53	Mr Sam Coggin	No evidence of continued involvement in unlawful direct action
60	Mr Xavier Gonzalez-Trimmer	Deceased
61	Mr David Buchan (aka David Holliday)	No evidence of continued involvement in unlawful direct action. Served a custodial sentence imposed in the Cash's Pit contempt proceedings and gave undertakings (copy at pages 4 to 5) about future behaviour when purging his contempt

Defendant Number	Name	Reason for removal
62	Ms Leanne Swateridge (aka Leayn / Flowery Zebra)	No evidence of continued involvement in unlawful direct action. Under an undertaking (copy at pages 6 to 8) given to the court about future behaviour following the Cash's Pit Contempt proceedings.
65	Mr Liam Walters	No evidence of continued involvement in unlawful direct action. Currently under a suspended sentence imposed in the Cash's Pit Contempt proceedings

12. It remains open to these individuals to object to the Claimants' proposal to remove them as named Defendants, in which case the Claimants will agree to them remaining as named Defendants.
13. The remaining named Defendants are all considered to still present a threat of unlawful action against the HS2 Scheme. They have continued to participate in anti-HS2 activity, or to issue threats against the HS2 Scheme or to participate in unlawful direction action against other targets. In the latter cases, it is clear that these individuals are still prepared to engage in unlawful behaviour, and it is considered that were it not for the Injunction, they would engage in that behaviour targeting the HS2 Scheme. Further information around this is set out in the following paragraphs.
- 13.1. D5 – Mr Ross Monaghan (aka Squirrel / Ash Tree). This individual has also more recently started to use the pseudonym: "Lock Pick". D5 has been engaged in environmental activism since at least 2017. Prior to campaigning against the HS2 Scheme, he was actively campaigning against fracking, targeting Cuadrilla Resources at Preston New Road, Europa Oil and Gas at Leith Hill, Third Energy at Kirby Misperton, IGas Energy at Misson Springs and Tinker Lane and various suppliers to the onshore oil and gas sector including RTH Lubbers, Grampian Continental and Lyons transport. During the course of these campaigns D5 was convicted of assaulting a Police officer at Tinker Lane on 06.05.18 (see **pages 9 to**

11). During the course of his campaigning against the HS2 Scheme, D5 was found guilty of assaulting 2 security guards and 4 counts of criminal damage on 26.07.2021 (see **pages 12 to 13**). D5 established the encampment on the Cash's Pit Land and participated in its fortification to hold out against eviction but left before the enforcement operation commenced. In December 2022 he attended the Stonehenge Heritage Action Group camp in Wiltshire (see **page 14**). Historically, D5 has left and returned to activism on multiple occasions and as one of the founders of the anti-HS2 camps at Small Dean, Jones' Hill Wood and the Cash's Pit Land and having actively scouted land yet to be possessed on Phase 2a and Phase 2b (Western Leg), the Claimants consider that he remains a threat and should remain as a named Defendant.

13.2. D6 – Mr James Andrew Taylor (aka Jim Knaggs / Run Away Jim). This individual has also used the pseudonym “Tim Blaggs”. D6 has engaged in direct action against the HS2 Scheme repeatedly over the last few years in multiple locations. D6 defended the Claimants' possession claim in relation to the Cash's Pit Land and the Claimants' application for the Injunction. He applied for permission to appeal the Injunction, which was refused by the Court of Appeal. He was present in the vicinity of the Cash's Pit Land during the eviction operation and assisted in setting up the camp on neighbouring land known as “**Closepit Plantation**” and another satellite camp under a large tree near to the Cash's Pit Land, trespassing on third party land. He remained in the Swynnerton area until D18, D33, D64 and D65 left the Cash's Pit Land. In view of D6's participation in these proceedings to date and the level of his involvement in direct action against the HS2 Scheme, the Claimants consider it appropriate that he remains as a named Defendant.

13.3. D7 – Ms Leah Oldfield. This individual also goes by the pseudonym “Lou Pole”. D7 is in a long-term relationship with D6. She has been residing in a converted horsebox with D6 and is a former resident of the unauthorised encampment on the Cash's Pit Land. In view of D7's links to D6 and her level of involvement in direct action against the HS2 Scheme, the Claimants consider it appropriate that she remains as a named Defendant.

- 13.4. D16 - Ms Karen Wildin. D16 has been actively engaged in direct action campaigning against the HS2 Scheme for a number of years. More recently she has been involved in direct action campaigning with Palestine Action, Insulate Britain and Just Stop Oil (“JSO”) (see **pages 15 to 16** by way of example). The Claimants consider that she remains a threat and should remain as a named Defendant.
- 13.5. D17 – Mr Andrew McMaster (aka Drew Robson). D17 was a resident at the unauthorised encampment on the Cash’s Pit Land and instrumental in leading a series of direct actions targeting the HS2 Scheme from that encampment. He then relocated and founded the encampment at Closepit Plantation. D17 is a multi-cause activist and has been involved in direct action activism against the HS2 Scheme for a number of years. He has also been involved in direct action activism with the group Palestine Action (to which he has returned following the imposition of the Injunction) and also recently in the Kier Ends Here direct action against one of the First Claimant’s contractors that is constructing a prison at HMP Full Sutton. D17 has also made clear his intention to return to direct action campaigning against the HS2 Scheme on social media (screenshot at **page 17**) where he posted a memory of the action to block the access to the BBV compound at Swynnerton with the comment: “*Good Times, good people. What was it Arnold Schwarzenegger said? Well, we will*” which appears to be a reference to the catchphrase: “I’ll be back”. The Claimants consider that it is appropriate that he remains a named Defendant to these proceedings.
- 13.6. D20 – Mr George Keeler (aka C Russ T Chav / Flem). D20 has been engaged in direct action campaigning against the HS2 Scheme and with Palestine Action since 2021. D20 was one of the activists present in the tunnels at the HS2 Land at Small Dean (see Jordan 1). D20 was also present with D17 and D63 and 2 other former residents of the Closepit Plantation camp in a protest outside the Crown Court in Manchester on 17.01.23. On 31.01.23 D20 was pictured on top of a tripod during the Kier Ends Here protest outside of HMP Full Sutton (an image of this is at **page 18**). D20 therefore remains actively engaged in direct action campaigning and there remains a risk that he will return to engaging in such activity against the HS2

Scheme. The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.

- 13.7. D22 - Mr Tristan Dixon (aka Tristan Dyson). D22 was a resident at the unauthorised encampment at Small Dean. During the eviction of this camp (which is described in Jordan 1) he actively engaged in resisting eviction and placed himself in a lock-on device in the tower structure over the tunnels. Prior to that, in September 2021, D22 (along with D17) took part in a lock-on obstructing access to the HS2 Scheme site at Small Dean (also described in Jordan 1). Since the making of the Injunction D22 has most recently been engaged in direct action campaigning with Palestine Action (see paragraphs 65 to 68 of this statement). The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.
- 13.8. D27 - Mr Lachlan Sandford (Laser / Lazer). D27 occupied the tunnels dug under Euston Square Gardens by activists opposed to the HS2 Scheme (this was described in Jordan 1). D27 left the tunnels prior to an injunction being imposed and was not therefore subject to contempt proceedings in respect of his activity at Euston and is not therefore under an undertaking in the terms given by his sister (D26) and others who were involved in that action. He remains to be tried on criminal charges for his part in the Euston Square Gardens action. D27 has also been seen in attendance at the Stonehenge Heritage Action Group Camp in February 2022 (see **page 19**) and appears to still be involved in direct action campaigning. The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.
- 13.9. D28 - Mr Scott Breen (aka Digger Down). D28 has been engaged in direct action campaigning since at least 2016. He started campaigning against the HS2 Scheme following the government moratorium on fracking (against which he had previously been campaigning along with conventional onshore oil and gas exploration) in 2019. He has been resident at a number of anti-HS2 camps including Jones' Hill Wood and the camp at Small Dean and he participated in digging and occupying the tunnels under Euston Square Gardens. D28 established the Fast Action Response Team (FART) which takes part in direct action

campaigns, the group describe themselves as (see screenshot from the group's Facebook page at **page 20**):

"F.A.R.T fast action response Team is available via private Request. This team comes with a huge Wealth of Experience and Diversity among our Skilled Personnel. we are basically a self contained mobile encampment , with a vast range of equipment and services supplied. From gathering evidence of environmental crimes to Full DA [sic. Direct Action] support and welfare. Every Request Format is Given Consideration"

Since the imposition of the Injunction D28 has been campaigning as part of JSO. He was committed to prison for contempt for breaching an injunction protecting the operations of Exxon Mobil in construction of an aviation fuel pipeline (see paragraph 70 of this statement). The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.

13.10. D33 - Mr Elliot Cuciurean (aka Jellytot). D33 has been involved in direct action campaigning against the HS2 Scheme for a number of years and has received criminal convictions and been found to be in contempt for breaching injunctions in relation to the HS2 Scheme. Most recently, he was committed to prison for 268 days on 23.09.2022 for breaching the Cotter Order by occupying the tunnels located beneath the Cash's Pit Land for 46 days. D33 was released from prison on 03.02.2023. Prior to engaging in direct action campaigning against the HS2 Scheme, D33 was arrested and convicted in relation to direct action with Extinction Rebellion ("XR") and blocking the M32 in Bristol (see **pages 21 to 23**). Criminal convictions and previous findings of contempt have not deterred D33 from continuing to engage in direct action campaigning and the Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.

13.11. D36 - Mr Mark Keir. D36 is a long standing direct action campaigner against the HS2 Scheme and numerous incidents of direct action involving him and threats made by him are set out in Jordan 1. He continues to participate in direct action campaigning against the HS2 Scheme and to encourage others to do so. Most recently, he was present during the direct action targeting of Eversheds Sutherland on 22.11.2022 (see paragraphs 85 to 97 below). The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.

- 13.12. D39 - Mr Iain Oliver (aka Pirate). D39 is a long standing direct action campaigner against the HS2 Scheme. Most recently he participated in the direct action targeting of Eversheds Sutherland on 22.11.2022 (see paragraphs 85 to 97 below). The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.
- 13.13. D48 - Mr Conner Nichols. This individual also uses the pseudonym “Goldi Locks”. D48 was a long-standing direct action campaigner against the HS2 Scheme and a former resident at Poor’s Piece and Jones’ Hill Wood (see Jordan 1 for descriptions of the incidents at these locations). He is currently occupying the Stonehenge Heritage Action Group Camp (see **page 24**). The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.
- 13.14. D57 - Ms Samantha Smithson. This individual also uses the pseudonyms “Swan Lake” and “Swan”. D57 who describes herself as a founder of the group HS2 Rebellion, is a former full time activist with XR and Insulate Britain who has taken part in direct action including shackling herself to the rails at Royal Ascot on 19.06.2021 as part of an Insulate Britain direct action campaign (see **page 25**) and in JSO action on the M25 (see paragraph 71 below). The Claimants therefore consider it appropriate that she remains a named Defendant to these proceedings.
- 13.15. D63 - Mr Dino Misina (aka Hedge Hog). This individual also uses the pseudonyms “Sascha James”, “Sasha James”, “Sascha the Hedgehog” and “Log”. D63 was an occupant of the tunnels under HS2 Land at Small Dean and he was a resident at Closepit Plantation in May 2022. D63 was also present with D17, D20 and other former residents of the Closepit Plantation camp in a protest outside the Crown Court in Manchester on 17.01.23. D63 has also been resident in the Stonehenge Heritage Action Group Camp (see **page 26** and paragraph 76 below). On 31.01.2023 D63 was pictured on top of a tripod during the Kier Ends Here direct action campaign outside of HMP Full Sutton (images of this are at **pages 27 to 28**). The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.

- 13.16. D64 - Mr Stefan Wright (aka Albert Urtubia). D64 was found in contempt on 27.07.2022 in his absence for breaching the Cotter Order by occupying tunnels under the Cash's Pit Land for 46 days. D64 was committed to prison for 336 days and a warrant issued for his arrest. His current location remains unknown. The Claimants consider it appropriate that he remains a named Defendant to these proceedings.
14. The Claimants are also seeking to add two individuals as named Defendants to the proceedings: Ms Caroline Thomson-Smith (aka Carl Woods) as D66 (“**D66**”) and Mr Christopher Paul Butcher (aka Rob) as D67 (“**D67**”). As set out later in this statement, both of these individuals have breached the Injunction and have also engaged in unlawful action designed to disrupt and stop works on the HS2 Scheme and cause loss and damage to the Claimants and which is not currently prohibited by the Injunction.
15. Finally, the Claimants are proposing to:
- (a) remove D1- a category of persons unknown relating to the Cash's Pit Land and which has become obsolete as the land in question is now HS2 Land (as defined in the Injunction); and
 - (b) add D68 – a further category of persons unknown, the rationale for which is set out in Dilcock 11.

Incidents and events since the making of the Injunction

16. As explained in Dilcock 11, the application that resulted in the making of the Injunction took approximately 6 months to proceed through the court process, from the issuing of the application to the making of the Injunction. During that time, three other injunctions already imposed over smaller areas of the HS2 Land remained in force, including one made in these proceedings over the Cash's Pit Land.

17. For completeness, I am providing a summary here of the events on the Cash's Pit Land and the neighbouring land known as Closepit Plantation and also a smaller satellite encampment under a large tree near to the Cash's Pit Land (together: the "Swynnerton Camps") following the substantive hearing in these proceedings in May 2022. In particular, it is notable that the events at and in the vicinity of the Swynnerton Camps were the last large scale unlawful direct action campaigns directly targeting the HS2 Scheme experienced by the Claimants. Matters as they stood in relation to the Swynnerton Camps as at 26.04.2022 are set out in Dilcock 3 and as at 19.05.2022 in Dilcock 4.
18. On 24.02.2022 the encampment on the Cash's Pit Land (referred to by the activists that occupied it as: "Bluebell Wood" or "Bluebell Camp") was served with notice to vacate. As described in Dilcock 2, in the knowledge that the First Claimant would seek to enforce upon the Cash's Pit Land, (see **page 29**) the residents, led by D17, established a second camp on 29.03.2022. This "support" camp was located approximately 800m to the east along the A51 on land known as Closepit Plantation, the location of which is shown on the plan at page 26 of Exhibit JAD 4 to Dilcock 2. Part of the land on which this camp was established is land within the LLAU and will be required to enable construction of the railway line as part of the main works. At the time that it was occupied by activists, the Claimants had not served any notices to obtain possession. Subsequently, the First Claimant reached an agreement with the landowner regarding removal of the trespassers and also exercised powers under Schedule 4 of the Phase 2a Act (the operation of which is explained in Dilcock 11) to temporarily stop up the road in front of Closepit Plantation to facilitate a safe removal operation. The occupation and subsequent clearance of this camp is discussed at paragraphs 23 to 26 below.
19. As described in Dilcock 4, 4 activists (now known to be: D18, D33, D63 and D64) entered tunnels that had been dug under the structure in the northeast corner of the Cash's Pit Land. D18, D33, D63 and D64 remained in the tunnels and refused to come out despite repeated warnings that they were in breach of a court order and the issuing of the Cash's Pit Contempt proceedings against them. Entry into the tunnels by the CST was deemed to present an unacceptable risk to the safety of members of the CST. The tunnels were dangerous and there was a significant risk

of collapse. The tunnel occupants were not trapped or in need of rescue and could have left at any time they chose.

20. On 18.06.2022 D65 voluntarily left the tunnels, having spent 39 days underground. D33, D64 and D18 remained in the tunnels until the early hours of the morning of 25.06.2022 before leaving the tunnels via an escape hole located on third party land. Later that day posts appeared on Facebook proclaiming the “Great Escape” but also referring to one more tunnel occupant (screenshots at **pages 30 to 31**). In addition, that day D65 took part in an interview on the Today Programme on Radio 4 where once again it was claimed one person remained in the tunnels. Considering these comments and with no response from the tunnels, the HCE and Mines Rescue teams were forced into conducting a search and rescue operation, placing the individuals involved at risk. The extended clearance and making safe of the tunnels extended the enforcement operation until 12.07.2022.
21. Had D18, D33, D64 and D65 not entered and remained in the tunnels on the Cash’s Pit Land, the enforcement of the writ of possession would have been completed on 10.05.2022 and the site secured and made safe significantly sooner. This would have vastly reduced the cost to the First Claimant and the taxpayer. In total the operation to recover possession of the Cash’s Pit Land ended up costing the taxpayer in the region of £8.5million.
22. At a hearing in July 2022, D18, D31, D33, D61, D62, D63 and D64 were found to be in contempt of court for breaching the Cotter Order. D33, D61 and D64 were committed to prison. D18 and D65 received significant suspended custodial sentences. D31 and D62, whose breaches were less severe, gave undertakings to the court as to their future behaviour with the agreement of the Claimants.
23. Like the Cash’s Pit Land, Closepit Plantation is a former quarry/sand pit located in Swynnerton, Staffordshire. It is now approximately a 5 acre block of deciduous woodland with a large pond at its centre. Whilst the majority of the land at Closepit Plantation is not directly required for work on the HS2 Scheme, it is bounded on all sides by land which falls within the LLAU. This land is required to enable the First Claimant to construct the HS2 Scheme. A map showing the location of the

camp established by activists on the Closepit Plantation land overlaid on the relevant part of the Parliamentary Plans for this area is at **page 32**.

24. As described in Dilcock 2, a camp was established by activists at Closepit Plantation without the consent of the landowner on or around 23.03.2022. It was constructed in anticipation of the repossession of the Cash's Pit Land by the First Claimant. The Closepit Plantation camp was intended by the activists as a fall back - or continuity - position for after the repossession of the Cash's Pit Land. On 23.03.2022, D17 posted a livestream to Facebook (a copy of which is at **Video 1** and a screenshot of the post is at **page 33**) to introduce and explain the purpose of the Closepit Plantation camp. In it he said:

“Good afternoon everyone - it still morning? I'm not sure. It's still morning technically. So exciting, exciting, exciting we are at, we are at the new, er, location of HS2 camp. So, erm, er, about two hours ago some activists came into this beautiful woodland, erm, which is part threatened by HS2. Erm, we've been here, for - yeah, we came with a few activists came before, erm, we've been down here for the last two days, kind of, just, er, making preparations and staying in the camp and making sure what's what. Erm, but yeah this is new camp people. So everything you can see now is the new HS2 camp. Er, we got people to me right, erm, digging the vitals, the old, er, toilet an that, erm, and then look at this place its absolutely gorgeous as well. Erm, it's full of bluebells, so we are gonna continue with our Bluebell name. Erm, Bluebell lives on. Obviously, erm, we've got an eviction coming at our Bluebell camp, the original camp just up the road, erm, so we thought it was wise to start looking for new pastures, erm, affected by HS2, and we came across this. Erm and the exciting thing about this camp, erm is that it is directly on the edge of a woodland, er, sorry, of a compound. It's a huge, huge compound, HS2 compound, and its right through these trees at the back line there, I'm gonna go over an have a look in a sec. Erm, so we were served an eviction notice, erm, just under 4 weeks ago, er, 4 weeks ago at 12 o'clock tonight actually, erm to say that we must vacate Bluebell woods erm and we face prosecution and all the rest of it if we don't. Er, so people are hunkering down, we need activists to go to Bluebell, er, today, now, tonight, erm, we need butts in that camp, erm, there's lots of defences that people can go in and as I've said a million times, you don't

have to technically do an arrestable role or a role that you don't feel comfortable with, erm, even just being here, on the outside of the perimeter, erm, and between the two camps and stuff is a massive help. Erm, so yeah, we've got stuff going up [points camera at a tree house with a Palestinian flag flying] bet you can't guess who lives in this one? Erm and we've got a few friends up this tree at the back there, just getting some lines and stuff up and then as we go through here, erm, we're getting more things set up over here, erm carrying on carrying on, so we've got a structure going up in the back just on me left here, erm as you can see all the bits and pieces are out, er" [pointing the camera at an assortment of ropes and netting].

Later, at 00:3:00 in the video, D17 said *"I need to, er, I need to be really, erm, clear about this, we have not abandoned Bluebell Woods protection camp. Bluebell Woods protection camp is still up for eviction, still needs lots of bums in there. Erm, this is a camp so that we continue, can continue doing what we are doing, erm, and also offer support and somewhere to stay for people wanting to get involved with what might come during the eviction".*

Later, at 00:5:11, D17 showed the proximity of Closepit Plantation to active HS2 Scheme works and at 00:06:45 he said: *"we've got people now in the trees and putting platforms up and things like that, so we are gonna keep this, erm, this site, this is gonna be the new, er, HS2 site in Swynnerton, if Bluebell goes or if and when Bluebell does go. Er, so this is gonna be our new home, erm, it is under threat, there's a massive compound on the other side, erm, and yeah we can really, er, we can really do something here people. If you wanna disrupt HS2 this is gonna be a perfect spot to do that from. Erm, obviously, I'm not inciting any, er, any public nuisance or anything like that, because I wouldn't do that. Erm, and then lower down here it goes down, look how nice it is. So yeah, there gonna take a big snippet off the sides and we are gonna be here to hold them accountable when they start doing what they do."*

25. The activists dug tunnels and constructed treehouses on the Closepit Plantation land, many of which were on land within the LLAU and adjacent to areas where substantial groundworks will be undertaken and immediately adjacent to land on

which utility diversion works for the HS2 Scheme were being undertaken. The presence of the activists on the Closepit Plantation land presented a significant risk to the safe completion of works. As can be seen from D17's livestream, activity undertaken on the land by the activists was deliberately designed and intended to try to disrupt the HS2 Scheme. Some of the activity undertaken by the activists using the Closepit Plantation land as a base is described in Dilcock 2 and video footage exhibited.

26. Accordingly, the First Claimant exercised its powers under Schedule 4 of the Phase 2a Act and temporarily stopped up the roadside verge along the boundary of the Closepit Plantation land and prevented occupation of the land by additional activists and subsequently cleared the remaining trespassing activists from the land by agreement with the landowner.
27. Aside from the very significant issues experienced at the Cash's Pit Land and Closepit Plantation, the application for the Injunction and the fact that it was under consideration by the Court appears to have had a deterrent effect even before the Injunction was made. As set out in Groves 1, unlawful direct action activity by activists reduced dramatically across the rest of the HS2 Scheme. The Claimants and their specialist advisers, including myself, also consider that the sentences imposed on the Cash's Pit contemnors will have had a significant deterrent effect of themselves.
28. The deterrent effect continued following the making of the Injunction on 20.09.2022. There has been a significant reduction in the number of incidents of disruptive, unlawful direct action against the HS2 Scheme. It is difficult to be certain, because the activists involved do not often openly advertise the rationale for their shifting behaviour, but the Claimants and their specialist advisers, including myself, are of the opinion that the imposing of the Injunction has been a significant factor. However, there are other factors of which it is important to take note when considering the overall level of activity and assessing the threat of future activity. Those factors are discussed in more detail in Groves 1.

29. There have been 37 activist-related incidents targeting the HS2 Scheme or incidents that have breached the terms of the Injunction recorded by the Claimants since the Injunction was imposed. Brief details of the more notable incidents are set out in the following table. The location type of each incident is given using the following key:

Cat A = HS2 Land

Cat B = Land to which the Claimants are entitled to possession, but which is not currently included in the Injunction

Cat C = Non-possessed land within the LLAU

Location plans for each incident are at **pages 34 to 46**.

Incident Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss caused
06.10.2022	Trespass upon HS2 Land	D66 and D67 trespassing at Aylesbury ecological mitigation area. The area has extensive HS2 signage. The trespassers were asked to leave and escorted from the site. Body Worn Video footage recorded Incident described in detail at paragraphs 31 to 45 below.	Cat A land. Aylesbury Ecological mitigation area	Mobile patrol diverted from route. Mobile patrol has a dual role to provide urgent medical response and therefore 1 patrol providing medical response was unavailable for approximately 45 minutes whilst dealing with this incident.
06.10.2022	Graffiti/signage	Stop HS2 posters bearing the threat “expect us” found in the area	Cat C land. Clifford’s Wood	Posters were removed by Specialist Safety and

Incident Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss caused
		of Clifford's Wood, Swynnerton Images recorded (copies at pages 47 to 48)		Security Vehicle Patrol which had to be specially tasked at cost to the First Claimant.
07.11.2022	Interference with fencing or gates	At around 22:40hrs security reported hearing loud noises from Schedule 4 verge at Closepit Plantation opposite Long Compton Farm. They identified a grey VW transporter driving away north bound on the A51 towards Bottom Lane. 6 Heras fencing panels had been pulled over	Cat C Verge at northern limit of Closepit Plantation	IRT were called out to deal with the incident at cost to the First Claimant.
13.11.2022	Anti-Social Behaviour	Eggs thrown at security staff at Long Compton Farm	Cat C land Long Compton Farm, Swynnerton	Disruption to security staff doing their jobs. Enhanced patrolling of the location undertaken by the Specialist Safety and Security Vehicle patrols.
13.11.2022	Trespass on HS2 Land, Assault,	UID male trespassed upon the HS2 site at Old Oak	Cat A land Old Oak Common London	Police attended the site, access to the site was temporarily

Incident Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss caused
	Criminal Damage	<p>Common, he then proceeded to assault a security officer by ripping his body worn camera from his chest and throwing it to the ground. Male was also threatening towards security staff and used sexually obscene language and gestures.</p> <p>Male has previously trespassed upon the site and assaulted staff.</p> <p>CCTV footage recorded</p> <p>Incident described in detail at paragraphs 47 to 49 below.</p>		suspended due to altercation in bell mouth. Hostile working environment created for staff.
15.11.2022	Interfering with fences and gates	At around 01:20hrs a male was recorded on the site CCTV attaching a padlock and chain to the front gates of the Balfour Beatty compound in Swynnerton Staffordshire.	Cat A land Verge at BB Swynnerton Compound	Specialist security tasked to attend site at 03:50 to cut the padlock and chain from the gates at cost to the First Claimant.

Incident Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss caused
		<p>CCTV and still images recorded.</p> <p>Incident described in detail at paragraph 50.</p>		
20.11.2022	Trespass	<p>Persons unknown entered HS2 Land and climbed trees attaching a Stop HS2 banner at a height of approximately 4m</p> <p>Images of banner in trees recorded (copies at pages 49 to 51)</p>	Cat A land Junction of Stab Lane and A51 north of the Village of Swynnerton	IRT team was tasked to attend the incident at cost to the First Claimant.
20.11.2022	Criminal Damage	<p>Several road signs including permanent highways and temporary contractor signage on the A51, A519 and local area were found graffitied and turned over</p> <p>Images recorded (copies at page 52 to 54)</p>	Cat A land A51 and Cat C Land A519 and Bottom Lane	Signs had to be removed and replaced by traffic management contractors at cost to the First Claimant.
22.11.2022	Trespass	Riders and hounds from the Bicester Hunt entered HS2 Land to the South of the	Cat A land The Heave worksite just south of Oxford Canal	As a result of the incursion site operations were paused for approximately 40mins for a

Incident Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss caused
		<p>Oxford Canal. Riders were recorded riding along the site access road and across the work site requiring the cessation of works for between 30 and 45 minutes. At least two riders and at least 20 hounds were filmed in the works area</p> <p>Video footage of incident recorded</p>		<p>safety stand down. Perimeters and fencing were then checked. The following day the area security manager and mobile patrols were tasked with identifying the access points and route taken across the site.</p>
04.12.2022	Assault/anti-social behaviour	<p>At approximately 19:50hrs a black pick-up truck driving past the Cash's Pit Land shone a red laser towards the security staff deployed along the fence line. The incident was reported to the Police</p>	Cat A land Cash's Pit Land Swynnerton	<p>Necessitated increased security mobile patrolling in the area at cost to the First Claimant.</p>
05.12.2022	Interference with fences, Assault	<p>An agricultural contractor working upon the behalf of a neighbouring landowner rammed the site gates with their</p>	Cat A land EKFB A421 (S) site	<p>The site access was blocked for approximately 5 minutes duration. The barriers and fencing required</p>

Incident Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss caused
		<p>tractor, flipped safety barriers and then assaulted a security officer, knocking his mobile phone from his hands.</p> <p>CCTV and mobile phone footage recorded (stills at pages 55 to 56)</p>		<p>repositioning and replacement. Hostile working environment for staff.</p>
05.02.2023	Direct action at A418 - activists seeking to disrupt works by placing themselves in harm's way	<p>D66 and D67 repeatedly tried to place themselves in positions that prevented EKFB de-vegetation teams from removing trees</p> <p>Incident described in detail at paragraphs 111 to 142 below.</p>	Cat C land A418 site in Aylesbury	<p>Substantial delay prevented through the deployment of the IRT at cost to the First Claimant. Without intervention at least 1 day's delay to the works would have been encountered causing financial loss to the Claimants.</p>
13.03.2023	Interference with fencing	<p>On 13.03.2023 when arriving at worksite 328, it was discovered that a stretch of post and wire perimeter fencing had been removed from its original location. The timber posts and sheep netting</p>	Cat B land – near Madeley Staffordshire	<p>The re-installation or replacement of the fencing will take a dedicated fencing team one day to replace at cost to the First Claimant. Whilst posts may be</p>

Incident Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss caused
		had been dumped next to a gate leading to a neighbouring landowner's field (photograph at page 57). The worksite is located upon land in temporary possession which was possessed in June 2022 and was not therefore covered within the Injunction.		salvaged sheep netting will likely need replacement.

30. In addition to the summaries in the table above, I have provided some further detail about four of the incidents in the section below. The incident on 05.02.2023 is described in detail at paragraphs 111 to 142 later in this statement.
31. On 06.10.2022 at around 14:04hrs D66 and D67 were identified walking in the area of the ecological mitigation ponds on HS2 Land at an EKFB site on the HS2 Scheme in Aylesbury. The mitigation ponds were constructed by another HS2 Scheme contractor, Fusion, around July 2018 and images of these works from Google Earth are at **page 58**. The ponds were developed as part of a program of ecological mitigation works establishing new wetland habitats to compensate for those which may be lost as part of the HS2 Scheme.
32. A security mobile response vehicle was dispatched to the location to engage with and remove D66 and D67, who were standing adjacent to one of the ecological mitigation ponds, trespassing. The interaction between the security patrol and D66 and D67 was captured on the body worn camera of one of the security operatives. A copy of the video is at **Video 2**.

33. Upon approaching D66 and D67 the security operative's familiarity with D66 and D67 is apparent. He can be heard on the video saying: "*and it's him as well, what a surprise*". D66 and D67 have been actively campaigning against the HS2 Scheme in the Aylesbury area for a number of years, including taking part in a slow walking direct action campaign on 09.09.2021 at the HS2 Scheme site on the A418, just 800m away.
34. In the foreground of the officer's ("**Security Operative 1**") body worn camera footage, pedestrian barriers and a life ring which had been installed by the First Claimant's contractor EKFB by the pond are clearly visible. These are immediately behind D66. I estimate they are less than 5 meters away and they are unmissable. The boundary of the HS2 Land is also clear in the distance as a hedge line. A screenshot from this point in the video is at **page 59**).
35. As Security Operative 1 greets D66 and D67 he says: "*excuse me you're on HS2 land*". D66's response is inaudible.
Security Operative 1: "*yes I'm sure, this is their ecology area*"
D66 is difficult to hear, so Security Operative 1 says "*pardon*". D66 is difficult to hear again but Security Operative 1 responds "*no, we're on HS2 land*".
D66 responds: "*well how do you know?*"
Security Operative 1: "*because, because of the signs, this isn't part of the footpath*".
D66 is inaudible in the wind at this point. D66 then asks the second security operative ("**Security Operative 2**") "*have you crossed a fence to get to me?*"
Security Operative 2: "*no*"
D66: "*have you gone through a gate? Yeah yeah*".
Security Operative 1: "*this is HS2 ecology land*".
D66: "*you have gone through a gate, therefore ergo you're the one that's on public land, because you've crossed from the HS2 site through the gate onto this side*" at this point Security Operative 1 attempts to interject but D66 says: "*I'm sorry, can I just finish what I'm saying. You've crossed from the HS2 site through a gate.*"

36. For context, there are thousands of gates within the HS2 Scheme trace. Passing through any such gates does not mean passing out of HS2 Land. Ecological areas, for obvious reasons around preserving their integrity, are gated separately from works compounds and plant storage areas etc.
37. D67 is seen approaching the security operatives and D66. To his left is the grey safety barrier and to his rear, some distance away is the site perimeter hedge, which gives a good visual impression of just how far into HS2 Land D66 and D67 were (a screenshot from this point in the video is at **page 60**). It is very obvious that they are not on a footpath of any description. Security Operative 1 (to D67): *“Sir, you’re on HS2 Land*
D66 then says: *“no no, no, but, no they can’t be true”*.
38. The group are speaking over each other but then Security Operative 2 quite clearly says: *“footpath is closed”* and Security Operative 2 says: *“there’s no footpath along here”*.
D66: *“no, I came to the footpath closed sign”*
Security Operative 1: *“the footpath is the other side of those bushes”*
D66: *“but we came through a public footpath through the bushes”*
Security Operative 1: *“no, it’s the other side of those bushes”*
D67: *“no, the footpath that goes across there is closed, because we went [inaudible]”*
Security Operative 1: *“the footpath is the other side of those bushes. It doesn’t come down here”*.
D67: *“well it’s certainly implied as a footpath, coz there’s a footpath there”*
Security Operative 1: *“unfortunately you’re on HS2 Land and I need you to go back the way you came.”*
D66: *“I think they must be wrong, mistaken because they’ve come through a gate onto this land. I haven’t gone through a gate or a fence”*
D67: *“we haven’t come through a gate, we’ve come down a footpath, a well-used footpath that’s...”*
Security Operative 1: *“you came through the hedge. I watched you do it”*
D66: *“yeah there’s a footpath going through it”*
Security Operative 1: *“that’s not a footpath”*

D66: *"well it's a well-worn path"*

Security Operative 1 (who lives locally) responds: *"it's in that field and down towards Fairford leys"*

D66: *"there's dog walkers that use all of that area that come through here"*

Security Operative 1: *"not down here"*

D67 (pointing near the pond): *"if you go over there there's a dog's ball over there"*

Security Operative 1: *"well there shouldn't be"*

D66: *"well there is"*.

Security Operative 1: *"there shouldn't be"*

Security Operative 1: *"you need to go back the way you came"*.

D66: *"there was a cyclist who came back through here as well"*

D67: *"I saw him over there and then he went back"*.

D66: *"have a little chat with him, coz we were both confused us"*

Security Operative 2 (on an unrelated issue): *"he's gonna ring back"*.

D67: *"weird"*

D66: *"this is very strange"*

39. Rather than leaving and ending their trespass and the disruption they were causing, D66 and D67 continued to argue with the security operatives:

D66: *"I think you must be wrong guys because you came through a gate and crossed a barrier, I haven't crossed a barrier"*.

Security Operative 1: *"yeah it's an HS2 gate, for the ecology area"*.

D67 and D66: *"we've not come through an HS2 gate"*

Security Operative 1: *"no you came through the hedge down further over there, the fact is, this is an HS2 ecology area so I don't go any further than that [referring to the point he drives to], I walk the rest"*.

Security Operative 2: *"that's why we can't drive because all the animals have been released and the insects and the newts"*

D66: *"oh god we know that HS2 are very considerate about wildlife aren't they"*

D67 *"I could show you probably twenty badger setts that have been filled in, even the ecologist has admitted he's left HS2 because HS2 will not listen to him"*

Security Operative 1: *"I have no idea about that"*

D67: *"I have been looking at those badger setts for about 5 years"*

D66: *"well I think is then [inaudible]"*

D67: *“so yeah it’s pretty dreadful”*

Security Operative 1: *“all I know is this area”*

D66: *“you’re the ones that have come through a gate from the HS2 site [points to the distance] coz clearly there is a fence there”.*

Security Operative 1: *“yes, but this is their ecology area”*

D66: *“so we haven’t crossed a fence”.*

Security Operative 1: *“well that’s why we were called here because you’re on the ecology area for HS2 so I need you to leave unfortunately”*

D66: *“ok”*

Security Operative 2: *“Ok, so we’re now informing you that you shouldn’t be here and we have to ask you to leave”*

D67: *“yeah that’s fine yeah”*

Security Operative 2: *“thank you very much”*

D66 then says *“I just want to emphasise to you, that at no point have I crossed a barrier or a gate”*

D67: *“we haven’t done anything wrong whatsoever, we’ve just continued down a footpath”*

Security Operative 1: *“ok, but you’re on HS2 land now so”*

D67: *“nice kestrel up there by the way”*

Security operative 1: *“there’s a lot of nice birds of prey round here”*

D67: *“I know. I’ve been watchin em, well intriguing”*

D66: *“very intriguing”.*

40. D66, D67 and the two security operatives start walking to the boundary. There is a conversation in which the security operatives explain to D66 and D67 that they are first responder officers (which means they carry a dual security and medical role and are medically trained).

41. The conversation then turns to previous encounters between the security operatives and D66 and D67:

Security Operative 2 (to D67): *“We’ve crossed paths before aint we, out there”*

D67: *“sorry?”*

Security Operative 1: *“we’ve crossed paths a few times before”*

Security Operative 2: *“at the A418. You had your arm in a sling and you was trespassing then”*

D67: *“yeah, that’s because I couldn’t get out, so I had me lunch on the fence”*.

The next section of the video is inaudible due to the wind. Security Operative 1 then says: *“I wouldn’t say that, we’ve met him a few times at different occasions.”*

Part of D66’s response is then lost in the wind until she can be heard saying *“I’ve not come across an HS2 fence today”*

Security Operative 2: *“we’ve met before”*

D66: *“I’ve met you before?”*

Security Operative 2: *“when you were dancing outside the 418 in your outfit”* [418 is a reference to the HS2 Scheme site on the A418).

D67: *“that’s not, that’s not crossing an HS2 fence”*

Security Operative 1: *“exactly, that’s what, blocking traffic?”*

D67: *“that’s protest on a, on a public right of way”*

D66: *“well I wouldn’t know”*

D67: *“you all look the same to us, because you all look like carrots, it’s the uniform you see”*

Security Operative 1: *“that I do not disagree with”*

D66: *“I mean obviously you’d remember me”*

Security Operative 1: *“obviously, and this gentleman”* [gestures to D67].

D67: *“[partly inaudible] recognise me?”*

Security Operative 1: *“yeah Hartwell Wall, going over the wall to take more pictures”* [the Hartwell Wall is adjacent to the A418 HS2 Scheme site].

Security Operative 1: *“I don’t mean it as a bad thing,”*

D67: *“I was protecting a Red Kite”*

Security Operative 1: *“but I had to talk to you, to step away just in case one of the trees went through the fence”*.

42. The group then reach the boundary hedge and Security Operative 1 says: *“back the way you came”*

D67: *“we go back the way we came yeah”*

Security Operative 1: *“through the hedge”*

D66: *“it’s a footpath”*

Security Operative 1: *“through the hedge”*

D67: *“through the footpath”*

Security Operative 1: *“through the hedge”*

D66: *“it’s a footpath - wanna come and see?”*

Security Operative 2: *“no thank you“*

D66: *“I’m not exaggerating”*

D67: *“you don’t believe us do you?”*

Security Operative 1: *“we’re just making sure you go”* then D66 cuts in: *“why don’t you wanna come and see, you can’t accuse me of something and then refuse to look at the evidence”*

Security Operative 2: *“we haven’t accused you of anything, we’re just telling you that you’re trespassing”*.

D66: *“that’s it, you’re accusing me of trespass”*

D67: *“actually we are not trespassing, we are only trespassing if you accuse, if you ask us to leave and we don’t, that’s trespassing. But we’re not doing that, so we’re not trespassing”*.

Security Operative 1: *“you’re leaving”*

Security Operative 1: *“I don’t know whereabouts you came through”*

D66: *“It’s quite clear”*

Security Operative 1: *“looks like bushes to me”*

D67: *“you can come and see where we came through if you want, it’s up to you”*

Security Operative 1: *“well we’re coming this way to make sure you do go, coz we have to do that”*.

D67: *“where does HS2 land start then, round here then, coz how do dog walkers and everybody else know where it starts”*

D66: *“That chap on his bicycle”*

Security Operative 1: *“to my knowledge, it ends at this hedge line”* [this information was correct, as shown on the annotated Injunction mapping at **page 61**
D66 then interjects and talks over D67: *“hang on, to your knowledge, it ends at this hedge line”*

D67: *“so you don’t know where the HS2 land starts?”*

D66: *“but you’re happy to accuse people of trespass?”*

Security Operative 1: *“this is HS2 land, I know that for a fact, that side is public”*.

D67: *“we didn’t come through there”*

Security Operative 1: *“well how did you get across?”*

D67: *"on a footpath"*

Security Operative 1: *"no"*

D67: *"on a public footpath"*

43. The camera shows a gap in an established hedge approximately 10m from where the footpath is closed ahead with steel gates (a screenshot from this point in the video is at **page 62**). Security Operative 1 then remarks: *"I don't know why it's so open"*

D66: *"public footpath and you cannot say we've forced our way through there"*

Security Operative 1: *"I never said you'd forced your way through, I just said you was on HS2 land"*.

D66: *"you implied that we'd forced our way through a hedge"*

Security Operative 1: *"I said you came through the hedge. You came through the hedge"*

D66: *"you said there was no footpath, you said there was no footpath"*.

Security Operative 1: *"I said you came through the hedge"*

D66: *"and you said there was no footpath"*

Security Operative 1: *"I didn't realise -"* before he can finish his sentence D66 interjects with: *"and clearly there is a footpath"*

D67: *"I think you can clearly see it's an implied footpath, legally that's a footpath"*

Security Operative 1: *"then it needs fencing"*

Security Operative 2: *"enjoy the rest of your afternoon"*

Security Operative 1: *"thank you very much"*

D67 says: *"we'll pester you buggers down the other end now"* and laughs.

D66: *"Do you know what, I'll enjoy it all the more having met you lovely gentleman"*

Security Operative 1: *"Thank you very much"*

D67: *"it's been a lovely day"*

Security Operative 1: *"bye bye"*

D67: *"at least it's not pissing with rain"*

Security Operative 1: *"yes, yes we don't need any more of that"*.

D67: *"we certainly don't"*

D66 as she is moving through the hole in the hedge says: *"we don't need the fellas spraying water on the temporary road either"*

D67: *“and whatever you can do to stop this big fuck up happening would be brilliant”*

Security Operative 2: *“that’s out of our hands I’m afraid”*

Security Operative 1: *“somebody else decided this one”*. The part of the conversation that follows is difficult to hear due to the wind and the distance that D66 and D67 are from the microphone, but it appears that D67 is trying to entrap the operatives in to disapproving of the HS2 Scheme,. Security Operative 2 corrects D67 at one point saying: *“no I didn’t say that at all”*. Security Operative 1 tells D66 and D67 to *“take care of yourself”* and Security Operative 2 says *“thank you”*, followed by Security Operative 1 saying *“thank you very much”*.

44. Throughout the exchanges D66 and D67 seem to treat the interaction as a game - D67 confirms as much when he says: *“we’ll go and pester your buggers down the other end now then”* and laughs. It is clear that the security operatives have encountered D66 and D67 on multiple occasions and that on those occasions D66 and D67 have allegedly been trespassing or blocking access and egress. Neither D66 nor D67 challenge this - they seem to almost revel in it. Their claimed ignorance of the fact that they were in the ecological area on HS2 Land is not credible. D66 admits they passed a footpath closed sign. D66 and D67 have been observing the scheme for up to 5 years according to D67 himself and D66 attended and made representations to the Judge at the Injunction hearing in May 2022. Finally, the presence of site apparatus, gates, pedestrian barriers, life rings etc. on the land makes it obvious that it is not public land. Nonetheless D66 and D67 throughout the interaction constantly challenged the security operatives who were unfailingly polite from start to finish. D66 and D67’s trespass disrupted the security operatives in carrying out their first responder duties on site as they had to go out to the ecological area and deal with removal of the trespassing D66 and D67.
45. I was informed of this trespass at the time by the area security manager for this area. He also reported that after this interaction (and following through on D67’s threat to *“pester you buggers down the other end now”*), around fifteen minutes later, staff at the A418N public right of way crossing point (where a haul road crosses a public right of way) around 500m away reported that D66 and D67 had blocked the crossing point and plant machinery was unable to proceed through the

crossing point. The mobile unit who had previously escorted D66 and D67 from the HS2 Land at the ecology mitigation ponds were then re-tasked to the crossing point. However, by the time they arrived D66 and D67 had left. That incident was not video recorded.

46. D66 was served with a copy of the Injunction on 20.09.2022 (the day that the Injunction was made) by email. Following the incidents on 06.10.2022 described above, the Claimants' solicitors wrote to D66 by email setting out what had happened, attaching a further copy of the Injunction and warning her that breaching an injunction was a serious matter. A copy of that email and D66's response denying the breaches are at **pages 63 to 65**. At that time, D67 had not been identified by the Claimants (he was identified following the incidents on 05.02.2023 described in paragraphs 111 to 142 below) and could not therefore be written to.
47. On 13.11.2022 there was an incident involving breaches of the terms of the Injunction at the HS2 Scheme construction site at Old Oak Common, West London. An unidentified male who had previously assaulted security staff at the site in May 2022 (an incident that was allocated crime reference number CAD1615 by the police), returned to the site and assaulted security officers, damaged equipment and trespassed upon HS2 Land at the entrance to the site.
48. The individual attempted to gain entry to the site and when challenged by members of the site security team, he assaulted a security officer, ripping his body worn camera from his chest. A still image of this is at **page 66**. The individual then picked up the security officer's body worn camera and threw it hard onto the ground. Following this, the individual, who appeared to be in a fit of rage, proceeded to pick up a traffic cone and throw it across the site entrance. A still image of this is at **page 66**. Then he taunted the security officers for around a minute, standing on HS2 Land shouting at them: "*suck my cock*", all while making masturbation gestures (still images from the site CCTV and another officer's body worn camera are at **page 67**). The second still image from body worn camera footage at **page 67** records the time as 08:10hrs, but this camera had not been adjusted for daylight saving time and I can confirm all the images at **pages 66 to**

67 relate to the same event as I reviewed them with the First Claimant's contractor at Old Oak Common on 30.11.2022.

49. The individual entered the HS2 Land on 4 occasions in total between 07:08hrs and 07:10hrs. The police were called and attended the site shortly after and police crime reference number CHS27008 was issued. We have been unable to identify the individual involved and so no further action has been taken in respect of the Injunction breaches.
50. On 15.11.2022 at 01:20hrs, CCTV at the First Claimant's contractor BBV's compound in Swynnerton Staffordshire detected an individual dressed in black clothing attaching a motorcycle chain to the front gate of the site. The security team that attended the incident reported that the chain had "STOP HS2" written on it, albeit that the writing is not visible in the photo taken by the security team (copy at **page 68**) as it was taken in the hours of darkness. Locking the gate in this manner meant the on-site security team were in effect prevented from leaving the site. This gate and the adjacent verge are located on HS2 Land and subject to the Injunction (annotated location map at **page 69**). A BBV mobile security patrol attended the site but were unsuccessful in their attempts to cut the chain. The First Claimant's Security & Safety Support Vehicle Patrol later attended at 03:50hrs. The chain was finally cut from the gate by Police at 03:52hrs, re-establishing access to the compound.
51. On 24.11.2022 staff discovered upon arrival at the First Claimant's contractor BBV's compound in Swynnerton Staffordshire that two pieces of plant machinery had been spray painted with "FUK HS2" (sic) (images at **pages 70 to 71**). This required the removal of the graffiti and inspection of the vehicles to check that they had not been further tampered with before the day's work could be undertaken. Upon checking the perimeter of the site a fencing panel was found damaged (image at **page 72**).
52. It is clear from the incidents that have taken place since the Injunction was imposed and the threats that have continued to be made against the HS2 Scheme (see further

paragraphs 144 to 169 below) that the rationale of activists remains to cause harm, delay and cost to the project, as Mr Justice Julian Knowles found in his Judgment issued on 20 September 2022 (the “**September 2022 Judgment**”) (paragraph 162):

“much of the direct action seems to have been less about expressing the activists’ views about the HS2 Scheme, and more about trying to cause as much nuisance as possible, with the overall aim of delaying, stopping or cancelling it via, in effect, a war of attrition.”

There is a significant likelihood that incidents of unlawful activity directed at causing such harm will escalate in the event that the Injunction is allowed to lapse.

Correlation between works activities and direct-action campaigning

53. Historically, those projects that have been the target of direct action campaigning have tended to be targeted most prolifically during what are perceived by activists to be the most environmentally contentious works activities. During the road protests in the 1990s for example, the clearance of woodland at Newbury bypass saw the most significant direct action by activists, including tunnelling. During the ‘anti-fracking’ protests between 2014 and 2019, arrests for criminal offences committed in the course of direct action campaigning peaked during the site establishment and drilling phases.
 54. Looking back at the works so far on Phase One of the HS2 Scheme (which is the furthest advanced of the phases, as discussed in Dilcock 11), unlawful direct action activity was most prolific and disruptive during de-vegetation works (these works include the felling of trees). This is discussed in more detail in Groves 1.
 55. By way of a direct example of this principle being a modus operandi for activists, the following was posted on Facebook by veteran environmental activist Christopher Wilson (aka Jag Wag), on 18.12.2022 in response to a comment that activists should have been fighting the project at the planning stage (screenshot at **page 73**)
- “It’s OK to say that people should have been doing stuff twelve years ago, but they were. Protest is always driven by the stage the project is at. When it was in the planning stage there was no infrastructure to disrupt. That stuff only happens once*

they break ground. To each stage of the project there's an appropriate response. Rolling over and saying "fuck it, I wish they'd put a station near my house" isn't one of them."

56. Wilson was one of the founders of the unauthorised encampments at Small Dean and Jones' Hill Wood and was instrumental in the establishment of the camps at Cubbington & Crackley and the Cash's Pit Land (all of which are described in Jordan 1). Furthermore, Wilson was involved in significant 'anti-fracking' direct action against Cuadrilla, including being found in contempt for breaching a High Court injunction (Cuadrilla Bowland Ltd & Ors v Cornelia Ellis & Ors [2019] 6 WLUK 888).
57. A good example of the kind of unlawful direct action activity that was triggered by the de-vegetation stage of works on Phase One was what happened in the Leather Lane area. On 22.02.2021 D5 and another activist Ella Russell (aka "Pigeon") occupied a large oak tree located approximately 200m to the South of Leather Lane near Great Missenden in Buckinghamshire. D5 and Pigeon had been residents of the Jones' Hill Wood camp, which was positioned approximately 1km to the north. The occupation of that camp was described in Jordan 1 at paragraph 29.1.3. The camp occupation was prompted by an application by the First Claimant's contractor to close the road for de-vegetation works on 15.03.2021. Shortly after the application was made and publicised, the first tree was occupied by D6 and Pigeon, which was then followed by a post on the Jones' Hill Wood Facebook page calling for the rapid establishment of a camp. A post made on 22.02.2021 on the Jones' Hill Wood Facebook page perfectly illustrates the rationale behind the camp establishment (screenshot at **page 74**):
- "New resistance camp!! (And banner drop)*
- We are currently occupying a Grandmaster Oak that stands amongst around twenty others that are due to be felled by HS2. We invite you to come and join us in resisting the pointless and needless murder of these trees.*
- This site in Leather Lane, between Great Missendon and Wendover, we believe will be felled on the 15th March, unless we act. This is the third camp in a line of camps, that include Wendover Active Resistance Camp and Jones' Hill Wood. These camps occupy the planned route of the viaduct through Wendover Valley.*

We have approximately three weeks to climb, build, dig and resist!! This site is directly in the firing line and has already had incursions by HS2 over the last week. There is plenty of space to camp, or even better a selection of incredible oaks to occupy! Come and join us, bring yourself, supplies and prepare for another battle with HS2.”

58. The camp was subsequently cleared by the First Claimant’s security team in an urgent clearance operation on 10.03.2021 during a period of bad weather before the camp could be properly established and defences finished. However, had this camp been able to become properly established and de-vegetation delayed by just 6-8 weeks then works at this critical crossing could have been delayed by up to 12 months as explained at paragraph 151 below.
59. Given that the same de-vegetation stage of the project is yet to come on Phase 2a, all the evidence from Phase One suggests that the threat of significant, disruptive and costly direct action campaigning against the HS2 Scheme remains high.

Displacement of activists and unlawful direct action

60. The Injunction has provided welcome relief to the Claimants from the sustained unlawful activity targeting the HS2 Scheme that they were previously experiencing. However, the Claimants are very aware that the activists who were engaged in unlawful direct action against the HS2 Scheme have not necessarily moved away from this type of activity (but have instead displaced to target other “causes”) and as a result, the Claimants adjudge that the risk of them returning to target the HS2 Scheme again remains high in the event that injunctive relief is not continued. At paragraph 13 above, I have given details of the specific position with regard to each of the named Defendants to these proceedings that the Claimants are intending to retain.
61. In addition, anti-HS2 activists have continued to try to find ways to target the HS2 Scheme that do not breach the Injunction, and this has resulted in secondary targeting of the Claimants’ supply chain and direct action interfering with works and intimidating staff and contractors that has been carefully planned to avoid

breaching the terms of the Injunction, but to still cause as much disruption as possible. It is therefore clear that the threat of unlawful activity targeting the HS2 Scheme remains real and imminent and that there is a need both to continue the Injunction in its current terms and to extend it to prohibit the unlawful activity that has been occurring and which is not currently prohibited under the terms of the Injunction. Injunctive relief is necessary to protect the Claimants' rights, the health, safety and wellbeing of both activists and the Claimants' staff and contractors and to prevent the cost to the public purse of dealing with unlawful activity escalating again.

62. In this section of my statement, I have provided information about the unlawful direct action in which some of the named Defendants to these proceedings have been involved. I have also described in detail specific incidents of both secondary targeting and disruption of works on the HS2 Scheme since the Injunction was imposed.
63. In Jordan 1, it was identified that direct action against the HS2 Scheme was typically undertaken predominantly by two types of activists. Set-piece large scale events tend to be undertaken by large, organised groups such as XR whilst smaller disruptive actions are organised, and camps occupied, by groups of transient multi-cause activists. These smaller, more anarchic groups of "autonomous individuals" are often engaged in multiple campaigns and on occasion will associate themselves with the larger umbrella groups such as XR. Many of these activists were formerly engaged in direct action activism against onshore oil and gas projects (fracking) or animal rights campaigns.
64. Following the imposition of the Injunction and the clearance of the Swynnerton Camps, several of these transient multi-cause activists moved across to and are currently engaged in other campaigns. Critically, where actions have been conducted against the HS2 Scheme care has been taken not to breach the terms of the Injunction, whereas actions against other targets have seen a more "gloves off" approach, with the activists conducting disruptive, destructive and occasionally violent direct action, which in some cases is more akin to domestic extremism. I

have set out some examples of campaigns against other targets in which anti-HS2 activists have been involved in the paragraphs that follow.

Palestine Action

65. Palestine Action are a direct action group who have targeted arms manufacturers and latterly businesses with commercial interests in Israel. Actions against arms producers have been destructive, violent and damaging.
66. Since the grant of the Injunction, it appears that D22 has been most recently campaigning with Palestine Action. On 09.12.2022 D22 took part in a violent and damaging direct action campaign at Teledyne Systems in Presteigne, Powys. Allegedly £500k worth of damage was caused by D22 and 3 others who used hammers, angle grinders and smoke bombs during the action. D22 is currently being held on remand at HMP Berwyn awaiting trial for this incident. Articles about the incident are at **pages 75 to 78**.
67. After leaving the unauthorised anti-HS2 camp at Closepit Plantation, D17 became resident at a Palestine Action camp in Shenstone, Staffordshire. This camp was located close to a UAV engines factory that activists claim supplies engines for drones used in Israel. The camp was used as a base for a series of disruptive direct actions targeting UAV Engines (for example, see the articles at **pages 79 to 85**). On 10.09.2022 D17 was arrested at the camp alongside 11 others for conspiracy to cause criminal damage and received bail conditions not to return to that camp. D17 had also previously been engaged in Palestine Action related direct action against Elbit Industries and has participated in action against Sports Direct (Puma - kit sponsors to the Israeli football team) on 21.01.23 and Pret a Manger (who are opening outlets in Israel) on 24.02.23 (see **pages 86 to 87**).
68. On 17.01.2023 a hearing took place at Manchester Crown Court relating to alleged criminal damage at Elbit Systems in Oldham involving D17. A protest was organised outside that court and was attended by D20, D64 and 2 other former residents of the anti-HS2 camps in Staffordshire, Rosie Willow Gunter (aka Mung Bean) and an individual known as Amazon. An annotated image of the protest

attendees outside the Crown Court on 17.01.2023 posted by D17 is at **page 88**. Many of this group also engaged in direct action as part of an HS2 Rebellion / Kier Ends Here direct action campaign at HMP Full Sutton on 31.01.2023. This incident is covered in detail at paragraphs 78 to 80 below.

JSO

69. JSO have been the most active direct action environmental protest group in the UK in the last 12 months. The group are seeking to achieve a radical flank effect, whereby their cause is amplified through radical dramatic and disruptive direct action. Significantly, the group's funding, profile and momentum has drawn activists who had previously been active against the HS2 Scheme, some of whom are Defendants in this case or are subject to undertakings given to the court not to engage in unlawful direct action against the HS2 Scheme. I have set out in the following paragraphs the details of some known anti-HS2 activists who have been involved in, arrested or committed for actions under the JSO banner.
70. D28 Scott Breen (aka Digger Down) engaged in a direct action campaign as part of JSO in Chertsey, Surrey between 01.08.2022 and 06.09.2022. D28 established a small unauthorised camp on land required for the construction a new fuel pipeline linking Southampton and Heathrow airport. On 01.08.2022 D28 dug an excavation approximately 2.5m deep and at the bottom placed a lock on device into the wall of the shaft. The lock on device was designed to allow him to place his hand into it should specialist protestor removal officers try to remove him from the hole. Exxon Mobil sought relief from the courts and an order was granted on 16.08.2022 which ordered D27 to leave the land within 72 hours. D28 then constructed a small pallet tower structure over the excavation where he remained until 02.09.2022, only leaving when an arrest warrant was issued by the High Court. On 06.09.2022 D28 was found in contempt and committed to prison for 112 days. 2 articles summarising this action are at **pages 89 to 94**.
71. D57 Samantha Smithson (aka Swan / Swan Lake), a joint founder (with Larch Maxey) of the anti-HS2 wing of XR known as HS2 Rebellion (see **page 95**), was arrested on 07.11.2022 for her part in a JSO direct action campaign on the M25,

where activists were engaged in climbing gantries in 12 different locations on the motorway. The incident on 7.11.2022 forms part of the amended particulars of claim in KB-2022-004333, a copy of which is at: https://nationalhighways.co.uk/media/giodg0c5/amended-particulars-of-claim-23_11_2022-123754941-1.pdf. A video of D57 discussing her arrest on 7.11.2022 was posted to her Facebook profile on 13.11.2022 and a screenshot of that post is at **page 96**.

72. Larch Maxey was formerly D32 to these proceedings and a joint founder (with Samantha Smithson) of the anti-HS2 wing of XR known as HS2 Rebellion (see **page 95**). As detailed in Jordan 1, he dug and occupied tunnels under HS2 Land at Euston in January 2021 and scaled and spray painted the First Claimant's offices at 1 Eversholt Street on 06.05.2021 (and has since been convicted of criminal damage). Maxey had also been involved in a large number of other disruptive direct action campaigns against the HS2 Scheme prior to the imposition of the Injunction. On 26.08.2022 Maxey took part in a JSO direct action tunnel campaign beneath Stoneness Road in Essex, which is an access road to Grays Oil terminal. The direct action closed the road and the access to the terminal. Screenshots of social media posts and stills from videos posted on social media about this incident are at **page 97**.
73. D60, Xavier Gonzalez-Trimmer, was convicted alongside Maxey of criminal damage to the First Claimant's office at 1 Eversholt Street on 06.05.2021. In August 2022 Gonzalez-Trimmer was also engaged in the JSO direct action tunnel campaign beneath Stoness Road in Essex. An Facebook post referring to Gonzalez-Trimmer and his tunnel occupation at Grays Oil Terminal is at **page 98**. D60 died earlier this year and is on the Claimants' list of named Defendants to be removed.

Stonehenge

74. Many of the activists who have been actively campaigning against the HS2 Scheme have also been resident at the Stonehenge Heritage Action Group camp. The Stonehenge camp has been established (by trespass) on land associated with the

A303 works around Stonehenge and the campaign by the activists is targeted at disrupting or stopping works on that road project (screenshots of the camp's Facebook page are at **pages 99 to 100**). This campaign has been running in parallel with the campaign against the HS2 Scheme and activists regularly move between the two campaigns. By way of example, on 15.06.2021, 4 campaigners against the HS2 Scheme, including D17 and D48, undertook a 71 mile trip including hiking, hitch hiking and bunking trains to travel from the anti-HS2 camp at Small Dean to Stonehenge for the Summer Solstice. During this trip the group stopped at the Stonehenge Heritage Action Group camp. D48 is now a permanent resident of that camp. At **page 101** is an image of D17 and D48 participating in this.

75. The close links between the campaigns were articulated by D48 in a post on Facebook dated 03.12.2021 (a copy of which is at **page 102**):
- “A lot of the folks passing through stonehenge camp have been up and down the hs2 line and we wouldn't be able to keep the cogs turning at camp if it wasn't for the base building that's been done on the hs2 camps (and by extension all other protest camps) over the last few years. These two campaigns are closely linked in their concerns and their goals. We all want an end to violence against mother nature from the state, and from the patriarchy. Big love to everyone from the anti-hs2 community who has supported us, dropped off materials and stopped by for a cuppa ♡♡”.*
76. Such is the closeness of the two campaigns that the mother of D63 commented on that post as follows: *“I can send kombucha and scoby when my WAR tunneller joins you”*. WAR refers to the Wendover Active Resistance camp on HS2 Land at Small Dean, the clearance of which was covered in detail in paragraphs 56 to 71 of Jordan 1. The “WAR tunneller” reference is to D63, who had been one of the occupants in the tunnels dug under the HS2 Land at Small Dean. I take this opportunity to correct the identity of the Defendants who occupied the tunnels at Small Dean. The Claimants had previously identified one of the tunnellers as D19, Harrison Radcliffe, but have subsequently confirmed that the Small Dean tunneller referred to in Jordan 1 as D19 was in fact D63, Dino Misina (aka Hedge Hog / Sasha James).

Kier Ends Here

77. The Kier Ends Here campaign is a spin off from the anti-HS2 campaign, conducting secondary targeting of the HS2 Scheme supply chain. Kier is a tier one contractor forming part of the EKFB joint venture, which is carrying out the main works construction along an 80km stretch of Phase One of the HS2 Scheme. Kier is also undertaking early enabling works on Phase 2a of the HS2 Scheme. Kier is also engaged in the construction of prisons. So-called “Kier Ends Here” direct action activism has been undertaken at both HS2 Scheme sites - for example the A41 site in Aylesbury (see Jordan 1 para 29.2.2) - and at mega prison construction sites such as at Full Sutton and Wellingborough.
78. On 31.01.2023, D17, D20, D63 and 2 former residents of the Cash’s Pit and Closepit plantation camps, Rosie Willow Gunter (aka Mung Bean/Moss Quito) and Josie Argyle (aka Gin Ger), blocked 2 access points to HMP Full Sutton with 4 bamboo tripods. Images of D20, D63, Argyle and Gunter in tripods are at **pages 103 to 104**. HS2 Rebellion claimed responsibility for the action. At **pages 105 to 112** is a press release shared on Facebook by D17 where he stated:
*“Our friend [D33] is in prison for their opposition to High Speed 2, for which Kier - the company we are targeting today - have been awarded a £1.4billion contract to build.
HS2 is in shambles! At this point, it may never even be built!”*
Further screenshots of Facebook posts about the action and an article in Construction News are at **pages 113 to 124**.
79. The action at Full Sutton prevented access and egress from around 05:30hrs and prevented works being undertaken at the site for around 10 hours. Later in the above-mentioned press release, D17 gave another insight into why Full Sutton was targeted and the HS2 Scheme was not:
“Despite the huge amount of destruction it will cause, we are now no longer allowed to protest against it without being threatened by an injunction. This is a draconian, privately bought law which threatens anyone who steps foot on HS2

land - or causes disruption in any way - with a 2 year prison sentence, an unlimited fine, and seizure of assets.”

80. An article in the Daily Mail about the action (copy at **pages 125 to 130**), where HS2 Rebellion are quoting as stating:

“Solidarity with: Palestinian action, Kill the Bill, Black Lives Matter, Just Stop Oil and all other activists in prison.”

further reinforces the multi-cause nature of UK direct action campaigning at the current time.

The article continues with: *“‘Kier ends here,’ the HS2 Rebellion spokesperson said. ‘HS2 is a £200 billion mega-project destroying 108 ancient woodlands. Kier profits from building the HS2 and prisons among other things.’”*

XR

81. XR started as a campaign by an organisation called Rising Up. Rising Up’s website has long since been removed from the internet but a screen shot from 2019 explaining the background and origins of the group is at **page 131**. It says: *“Rising Up was formed by activists who have also been part of Compassionate Revolution, Earth First!, Occupy, Plan Stupid (SIC), Radical Think Tank and Reclaim The Power. Rising Up is linked to Compassionate Revolution which was birthed in the Occupy movement.”* Compassionate Revolution Ltd is a company registered in the UK, Company No 09622618.

82. In their “about us” description on their website (screenshot at **page 132**), XR describe themselves as an *“international movement that uses non-violent civil disobedience in an attempt to halt mass extinction and minimise the risk of social collapse”*. In reality, XR is an environmental campaign which is trying to enact political change through direct action. The group uses civil disobedience, disruption and delay to heighten awareness of their cause. HS2 Rebellion, JSO and Insulate Britain may all be considered affiliated groups as they share members and founders and on occasion engage in cooperative actions.

83. HS2 Rebellion may be considered an affiliate group to or “wing” of XR. An insight into the key role played by XR in the evolution of HS2 Rebellion can be seen in comments made on a post on the Stop HS2 Facebook group from 02.01.2023 (copy at **page 133**), where Scarah Snooks comments *“how do you think we got so many people into the campaign! Where were u 4 years ago when the first camp was a year old and totally empty. XR gave us loads of people and even more publicity”*.
84. One campaign by environmental activists that is ongoing as at the date of this statement is an XR campaign known as “Cut the Ties”. This campaign is primarily a secondary targeting direct action campaign, targeting businesses and government departments that are associated with the fossil fuels industry. It also targets businesses associated with the HS2 Scheme. Latterly, the actions being conducted under this banner have been described by XR as being part of 100 days of action counting down to “The Big One - Unite To Survive” starting on 21.4.2023, when XR claim that 100,000 people will gather at the Houses of Parliament (screenshot at **page 134**).
85. On 22.11.2022 a large number of activists operating under the XR umbrella and including activists from HS2 Rebellion (including D36, D39 and D66) executed a series of direct actions under the banner of the “Cut the Ties” campaign at 13 different locations. This included targeting the London office of the law firm Eversheds Sutherland (International) LLP (“**Eversheds**”). The action was livestreamed on Facebook by XR in a video spanning over 3 hours and which cut between the different locations of the action.
86. Eversheds is one of a number of law firms that advise and represent the Claimants in relation to the HS2 Scheme. In particular, Eversheds advised the Second Claimant in relation to the drafting and passing through Parliament of the HS2 Acts and the Phase 2b (Western Leg) Bill and represented the Second Claimant in relation to the committee phases of the HS2 Acts and is currently representing the Second Claimant in relation to the committee phase of the Phase 2b (Western Leg) Bill. Access to legal representation for the Government in dealing with these matters is clearly an important part of the democratic process. As can be seen from the details below, Eversheds’ role in this was cited as a specific reason for them

being targeted with disruptive unlawful direct action activity, seemingly in an attempt to intimidate them into ceasing to act for the Claimants.

87. Eversheds has also previously represented the Claimants in relation to the Harvil Road Injunction and the Cubbington & Crackley Injunction but has not represented the Claimants in relation to these proceedings or the contempt proceedings brought against those Defendants who breached the Cotter Order. Despite this latter point, as can be seen from the details below, the imposition of this Injunction and the imprisonment of D33 following his breaches of the Cotter Order are also cited as specific reasons for the unlawful direct action activity.
88. On 21.11.2022 activists from XR and HS2 Rebellion conducted a direct action outside the London office of Eversheds. The action featured 5 times in the livestream referred to above and copies of the 5 relevant clips are **Videos 3 to 7**. The sections of the livestream from the Eversheds office were narrated by D36 and D66.
89. Upon arrival of the activists outside the office, two unidentified females sprayed the front of the building in black paint, seemingly intended to be “fake oil”, using black fire extinguishers with white writing on the side saying “Cut the ties to the fossil fuels industry”. A still image from **Video 3** showing this is at **page 135**. In addition to the 2 female activists who sprayed the building there was a steel band present and a 2 person white elephant puppet bearing the slogan “Stop HS2” and which has been used by activists at previous protests. D39 was one of the people inside the puppet and he can be seen assembling the puppet in the first 15 seconds of the video montage described at paragraph 97 below, a still of which is at **page 136** activists proceeded to obstruct the entrance to the Eversheds office.
90. The first section of the livestream featuring the action against Eversheds (**Video 3**) ran at approximately 11:30hrs and was narrated by D66 as follows:
“Good morning again we are back here outside Eversheds Sutherland. Going to switch you around so I can talk to you [turns camera to show her face]. Hi everyone, so why are we here outside Eversheds Sutherland you might ask? Well, we are here to cut the ties to fossil fuels and we’re asking these companies that are [inaudible]. You might think what are we doing here? Well, Eversheds

Sutherland is responsible for, er, the insurance and the, well not the insurance, but the legal [inaudible] battles when it comes to all things HS2. So, Eversheds Sutherland – I’m going to switch you around [turns camera back to show the Eversheds office]- who are playing a remarkably, a remarkably green washed, erm, VT in their, er, foyer, which is a bit sickening to watch, are the legal company who pride themselves on their website in creative, er, cutting edge legal works. I read that as, erm, maybe pushing the envelope a bit, when it comes to legal work, creative legal work that is defending HS2 but not only defending HS2, but also bringing prosecutions against peaceful protestors. So Eversheds Sutherland – even before the HS2 enabling Act of 2017, was already being paid £45,000 a week by HS2 to [inaudible] Euston residents who were seeking to, er, find justice for the demolition work that was going on around there, seeking to find justice for the pollution to the aquifer that supplied 22% of London’s clean water. Eversheds Sutherland were the legal company that defended HS2 in the courts when it came to Affinity Water, who tried to, erm, get, er, the courts to recognise that HS2 was going to pollute the chalk aquifer that supplies fresh drinking water to 22% of London.”

91. In **Video 4** D66 interviewed one of two females obstructing the entrance to the Eversheds office, who informed D66 that she was there because:
- “Eversheds, who were the law firm that enabled these contracts and work for these companies and now bring, er, injunctions to the court so that peaceful protests cannot go ahead at these sites anymore. So the whole of HS2 and the whole of the Exon pipeline site is now fully injunctioned, which was brought to the courts by this company here [points behind her to the door of the Eversheds office] erm, and granted by one person, one Judge, through money and power, erm, to stop us having any sort of voice. And we’re now seeing peaceful protestors imprisoned, not for committing any crime whatsoever, but breaking an injunction and that is just absolutely disgusting abuse of wealth, power and that’s why I’m here today.”*
92. D66 then goes on to say:
- “These injunctions, they are against peaceful protest, although they would claim that not to be the case, erm, currently we have a peaceful protestor who is in prison, er, for protesting against HS2. That person was, or is, a named defendant. But we*

also know of at least one person unknown who already has been warned by HS2 lawyers, by Eversheds Sutherland, erm, for apparently or allegedly breaching the injunction, although we have irrefutable evidence that that is not the case. That is not the case. And yet this peaceful protestor, who is a person unknown, has already received a warning, erm, so, despite Eversheds Sutherland in the legal paperwork that they drew up and despite their lawyer claiming that these injunctions would not be to prohibit peaceful protest, it would seem that peaceful protestors are being targeted, to significantly inhibit, their right to peaceful protest, but also any named defendants, are, have prosecutions brought against them and risk imprisonment and indeed have been imprisoned.”

and

“here to raise awareness of how Eversheds Sutherland is facilitating HS2, but also Exxon, in the pipeline from Southampton and they brought the injunction to restrict peaceful protest against Exxon and against HS2.”

93. As set out above and as is evident from the documents relating to the Injunction, including the Injunction itself (a copy of which was sent direct to D66 as described elsewhere in this statement) Eversheds did not and do not act for the Claimants in relation to these proceedings and have not sent any correspondence to anyone on behalf of the Claimants in relation to the Injunction. Eversheds did not act for the Claimants in relation to the Cash’s Pit Contempt and had no involvement in that case, which resulted in the imprisonment of D33 for the contempt referred to by D66. I believe the reference to a warning having been issued to a person unknown is a reference to correspondence issued to D66 by the solicitors (not Eversheds) that did act of the Claimants in relation to the Injunction, following a breach of the Injunction committed by her and D67 on 06.10.2022 and which is described at paragraph 46 of this statement.

94. In **Video 5**, a screenshot of which is at **page 137**, an activist called Dorothea Hackman is interviewed by D36. She says:

“It’s very exciting to be here, as for an incredibly long time, Eversheds has persecuted us when we’re exercising our legitimate right to peaceful protest against High Speed Two and I was horrified to find that not only did they pay Eversheds £5000 a day to trash our petitions back in 2015, before Parliament went

right ahead to pass the hybrid bill that enabled High Speed Two to destroy ancient forests, ruin, absolute devastation a Trafalgar square sized area around Euston station, cutting down our trees, cutting down our trees when we have a climate emergency and we need every tree and green space we can get. So you can imagine how horrified I was to find out that Exxon Mobil are building a pipeline from Southampton to Heathrow in order to increase the amount of jet fuel they can get there for the third runway. I mean, again this is an appalling thing to do when we have an impending catastrophe that threatens the lives of all of our grandchildren, and they too are taking injunctions out against people who protest about the pipeline. I can't begin to tell you how good it is to see people gathering here to protest against Eversheds Sutherland who are clearly major evil doers in the gloomy background of fossil fuel giants. Thank you."

95. In **Video 6**, a screenshot from which is at **page 138**, D36 does a piece to camera, the tone of which is more sinister and which focuses on the individual people who work in the Eversheds London office (again, who had no involvement in the Injunction proceedings or the Cash's Pit Contempt):

"So behind me is Eversheds Sutherland, Eversheds Sutherland is one of the biggest legal companies in the world. They actually specialise in property, but in specialising in property they also specialise in all the companies that are on the wrong side of history: oil, that's HS2, that's the Nuclear fuel companies, that's life sciences. All backed by these people, all their trading is done through these people and all the legal attempts to stop protest are done through these people. People are going to prison because of the actions the people in that office take. People who have not broken a law, who have not committed a crime are going to prison because of those people over there. The biggest thing that we can do, all of us is stand up and be a part of the protest, this [points at Eversheds office] is anti-democracy, that [points at Eversheds office] is anti-democracy, down here [points at activists] that is democracy, that is real democracy, people speaking truthfully and honestly from the heart. Come out and join us it's the biggest piece of power mongering that you will ever have."

96. In **Video 7** there is a round-up of the day's action in which it is confirmed that the HS2 Rebellion group conducted the action against Eversheds.
97. On 25.11.2022 a shortened video montage narrated by D36 of the action against Eversheds (including footage of the preparations for it) and encouraging others to participate in similar action, was shared on the HS2 Rebellion Facebook page. That post has since been removed, but I took a copy of the video and a screenshot of the post before it was removed and the video is **Video 8** and the screenshot is at **page 139**. D36's narration over the video is as follows:

"As long as we consider profit as our only metric for a successful society, we are gonna carry on destroying the world that we live in, and that is exactly what HS2 is.

For the last 2,3,4 weeks there was genuine hope that sense was going to prevail at long last, but it looks like the construction industry have pushed Hunt into going ahead with it. Even if we get rid of the Conservatives we will have exactly the same problem with Labour. Which is why we have to have protest such as we are about to embark upon here today [video shows 2 women with black fire extinguishers spraying a black substance across the windows of Eversheds' London office]

The only way to buck that trend is to be out here and stand against the system yourselves. This is your power"

At 00:01:06 the audio shifts to an unknown female activist, who says:

"We are at Eversheds Sutherland, erm, they are complicit with ecocidal companies like Exxon Mobil and HS2, they support as a law firm with contracts for both those firms and then further down the line also the injunctions that are now imposed. So we are here today to call out Eversheds Sutherland and say cut the ties and move away from these companies."

At 00:01:42 the audio shifts to another female activist, who says:

"When we were petitioning Parliament not to have High Speed 2 back in 2015, Eversheds - Eversheds Sutherland as they now are - have been paid £5000 a day to trash our petition and they are colluding to criminalise peaceful protest. I

mean look at what has happened to Jellytot [D33], he's been in prison for 280 whatever days merely for breaking an injunction. Eversheds' injunction did that. Eversheds' Injunction against the pipeline that put Digger in jail for a month".

98. On 28.02.2023 around 60 activists operating under the XR umbrella and including activists from HS2 Rebellion executed another series of direct actions under the banner of the "Cut the Ties" campaign. They again targeted Eversheds – this time disrupting Eversheds' offices in London, Birmingham, Cardiff and Nottingham. Access to the offices was obstructed, criminal damage committed to the buildings with slogans spray painted across them and attempts made to intimidate those working in or visiting the offices.
99. The action was livestreamed to Facebook and a copy of the video is at **Video 9** and stills from the video are at **pages 140 to 144**, along with a photograph of the damage done to the Cardiff Office, which did not feature in the video. In this section of my statement, I have described the action shown in the video and provided transcripts of some of the commentary over it. The information banner running along the bottom of the video and the accompanying summary on Facebook (a copy of which is at **page 145**) makes it clear that this action was related to Eversheds' work on the HS2 Scheme and designed to intimidate Eversheds into ceasing to act on behalf of the Claimants. The banner running along the bottom of the video reads:
- "LIVE: ACTIVISTS TELL MULTINATIONAL LAW FIRM EVERSHERDS SUTHERLAND TO STOP AIDING PLANETARY DESTRUCTION. ACTIVISTS FROM EXTINCTION REBELLION ARE TAKING PART IN NON VIOLENT DIRECT ACTIONS IN BIRMINGHAM, CARDIFF, LONDON AND NOTTINGHAM TO DEMAND THE LAW FIRM CUT THE TIES WITH COMPANIES SUCH AS ESSO (EXXONMOBIL) AND HIGH SPEED 2 (HS2). THESE COMPANIES ARE ACTIVELY TAKING PART IN THE DESTRUCTION OF NATURE AND ENABLING FURTHER BURNING OF FOSSIL FUELS AND EVERSHERDS SUTHERLAND ARE AIDING THEM TO CONTINUE THIS WORK UNINTERRUPTED. THE PROTESTORS, AS PART OF THE CUT THE TIES CAMPAIGN ARE DEMANDING EVERSHERDS CUT THE TIES WITH THESE*

*COMPANIES. THE ACTION IS PART OF THE 100 DAYS COUNTDOWN TO
“UNITE TO SURVIVE”*

100. The video opens with footage of activists preparing spraying a black substance (evidently intended to represent oil) across Eversheds’ Nottingham office. The video then cuts to feature an activist outside the front of Eversheds’ London office, who introduces the livestream. At 0:01:20 of the video, 7 members of the “red rebel brigade” of XR are shown outside Eversheds’ London office. The activist narrating the video says:

“We are here in London, we are outside the Eversheds Sutherland, multinational law firm’s headquarters right here slap bang in the City of London”

“Hi, so you were just watching the Notting Hill, Nottingham streams, we are back here now. So you’re here in Central London in the city of London in fact with the Red Rebels as you can see we are outside the Eversheds Sutherland Headquarters erm they are a multinational law firm who are the lawyers for lovely companies such as High Speed 2, HS2 you may of heard of them and also Esso which was Exxon Mobil. Erm they are erm some the solicitors who have been very helpful in getting some of our amazing rebels some very strict erm injunctions against the actions that they are taking.”

101. Later in the video at 00:04:15 the narrator explains in some detail why Eversheds have been the subject of the day’s action:

“We are telling Eversheds Sutherland to stop working on these injunctions. Why are they helping companies like HS2 and Esso to erm be able to continue their devastation of the planet. We could even suggest that they should be our lawyers [laughs] and help us, the climate activists. Why are they on the wrong side of history? So that is what we are saying here today. Don’t help these companies. So, the really well-known injunctions, er first came out in Harvil Road area in West London for the HS2 protestors. The HS2 protestors were setting up camps and trying to obstruct the work that was being done in the area, for the HS2 project”

102. The narrator then goes on at 00:05:32 to talk about how activists campaigning against HS2 are drawn from a broad church of groups:

“So our brave rebels from Extinction Rebellion, but also Stop HS2, HS2 Rebellion and lots of other groups have been working very hard to try and obstruct the destruction of the woodlands and the forests, the trees, erm, and instead of there being the recognition from, erm, from, er, these kinds of companies like these big multinationals, they’re thinking: we know, we’ll take HS2 on as a client and erm go to court and get lots of injunctions to put on these brave, brave rebels who are trying to stop the destruction of nature and erm if you have ever been to the site the notes are all, er, sort of, erm, pasted all over the fences where it says no one is allowed to come here, erm, you’re not allowed to protest here erm so that is basically the job of Eversheds Sutherland, erm, so very unpleasant, erm, bunch”

103. Following this the livestream returns to Nottingham where an activist in white coveralls explains at 00:07:20 that they have sprayed the office in fake oil: *“because they’ve represented the government in doing a injunction against HS2 peaceful protestors, and also against the protestors against the Esso pipeline, and so we are calling them out, they have been hidden so far, this is our chance to let the world know that these people are facilitating climate crisis by their involvement with the government. What we have done today is proportionate and necessary. There’s a trivial amount of damage that we’re causing”*.
104. The livestream then cuts to Birmingham, showing the outside of the building where graffiti can be seen sprayed on the ground and on the windows and doors at the entrance to Eversheds’ offices. The narrator in Birmingham introduces the livestream and action at 00:08:30 with: *“Hi we are live from Birmingham where we have also targeted the offices of Eversheds Sutherland, and spray painted the message onto the doors of their building. We are asking them to cut the ties to fossil fuels, to stop defending fossil fuel companies and HS2. To stop bringing injunctions to court that are imprisoning activists who are trying to save our planet. So we are here from Birmingham as well, this is our third site today and we are spray painting our message on to the floor, on to the windows, on to the doors and the people inside do not look very happy”*

105. At 00:17:00 the livestream returns to London, where a person can be heard shouting “Eversheds Sutherland your silence is violence” the footage then shows the individual (who was formerly D55 to these proceedings) Jacob Harwood, holding a large banner blocking the access to the building. The banner reads Eversheds Sutherland = Unjust Injunctions. Shouting can be heard in the background: *“cut the ties to fossil fuels and HS2, Eversheds Sutherland your silence is violence”*. Harwood requested that he be removed as a Defendant at the hearing in May 2022 and in writing to the Claimants’ solicitors and the court.
106. Later in the livestream at 00:19:37 the narrator describes the activists’ outfits as: *“faceless lawyers that have blood on their hands”* and *“we are saying Eversheds cut the ties to these companies that you should not be representing. Why are you representing these kinds of companies? And we see here the faceless lawyers.”* Somewhat ironically, the narrator goes on to describe injunctions against protestors as *“intimidation”* that Eversheds are using to *“try and stop us from disrupting the works of things like HS2”*.
107. One of the most disturbing aspects of the unlawful activity taken against Eversheds is that it represents a deliberate attempt by activists opposed to the HS2 Scheme to use threats, intimidation and criminal damage to try to force a law firm to stop representing its clients, including acting for Government in a vital part of the democratic process of the passing of Acts of Parliament. This strikes at the heart of rights of access to justice and legal representation and the democratic process. It is also striking how little attention is paid by these individuals and groups to the details of the “justification” for their actions. It is very clear from the documents relating to the Injunction and the Cash’s Pit Contempt that Eversheds did not act for the Claimants in relation to those cases and yet these groups are still seeking to justify the unlawful action by alleging Eversheds’ involvement.
108. The Claimants consider that the action clearly demonstrates that activists opposed to the HS2 Scheme remain intent on using unlawful means to try to disrupt the project and cause loss and damage to the Claimants. These individuals and groups are actively seeking and exploiting means of achieving that whilst

avoiding breaching the Injunction in its current terms. It is highly likely that were the Injunction not to be continued and the current prohibitions under the Injunction removed, these individuals and groups would return to the direct targeting of the HS2 Scheme in which they were engaged prior to the imposition of the Injunction.

109. Since the imposition of the Injunction, tier 1 contractors working on the HS2 Scheme have also been the subject of secondary targeting. The BBV compound at Swynnerton has been targeted twice by activists opposed to the scheme (see paragraphs 50 to 51 above).
110. Activists opposed to the HS2 Scheme have also evolved their tactics to conduct direct action interfering with works and intimidating staff and contractors that has been carefully planned to avoid breaching the terms of the Injunction, but to still cause as much disruption, loss and damage to the Claimants as possible. I have described in detail an instance of this by way of example in the paragraphs that follow.
111. From 23.01.2023 the First Claimant's contractor, EKFB, was scheduled to undertake de-vegetation works (including the removal of trees) along an 800m stretch of HS2 Land adjacent to the A418 to the west of the town of Aylesbury. These works were required in order to prepare for the realignment of the A418 that is to take place in this location as part of the HS2 Scheme.
112. To enable EKFB to safely conduct the works, the First Claimant exercised its powers under paragraph 6 of Schedule 4 of the Phase One Act to temporarily stop up the highway for the duration of the works.
113. The works involved the closure of a single lane on the A418 between 09:30 to 15:00 on weekdays. The road was then fully closed only on Sundays from 08:00 to 18:00.
114. The operation of Schedule 4 of the Phase One Act is described in detail in Dilcock 11. The effect of the temporary stopping up under Schedule 4 in this area was to remove the rights of the public to enter onto the parts of the highway that had

been temporarily stopped up and to make the land an HS2 Scheme work site. Each period of temporary stopping up was the subject of a separate Schedule 4 submission. These submissions are made through the Government portal for managing roadworks, which is known as Street Manager (<https://www.gov.uk/guidance/plan-and-manage-roadworks>). Information about roadworks submitted through the Street Manager portal is publicly available. The incidents of disruption to the works described in this section of my statement occurred on 05.02.2023 and a copy of the Schedule 4 submission for the temporary stopping up of the A418 on that date is at **pages 145 to 149**. To assist with orientation a plan showing the location of the works and the incidents that occurred during the works is at **page 150**.

115. The southern edge of the road was lined by mature trees which required removal to enable the realignment. A single lane closure was in place from Monday to Friday to allow the removal of the smaller trees. However, Sundays were reserved for the removal of the largest trees and the clearance of a drainage ditch beside the road. The largest trees were over 15m tall requiring the larger branches to be dropped by arborists onto the carriageway below. In addition, forestry equipment like logging machines which can lift whole trunks were being used, these machines are noisy and due to the risk of debris safety areas are required. In order to establish safe working areas red and white pedestrian barriers were used with pedestrian routes clearly defined around the works area. Furthermore, security personnel were deployed to ensure a safe working environment throughout. A plan showing the works area, pedestrian routes overlaid on the relevant section of the Parliamentary Plans for this area is at **page 150**.
116. Advanced notice of the works, the lane/road closure and the diversion that was to be in place during the closure were posted in local media and on social media and were shared by local businesses from 10.01.2023. These posts were shared extensively with one post on the Aylesbury and Wendover news Facebook pages being shared 74 times.
117. On 15.01.2023 EKFB CCTV cameras identified D66 and D67 outside the HS2 Scheme site entrance on the A418. Then on 22.01.23 D66 uploaded a livestream

to Facebook whilst walking along the A418. During this she met with D67. This livestream was posted on the HS2 Rebellion Facebook page on 22.01.2023. A screenshot of the post is at **page 151** and a copy is at **Video 10**.

118. D66 opened the livestream with an introduction to what she was doing and a misrepresentation of the works as a complete road closure for a week (it was not, as set out above). She then speculated on the potential consequences for that incorrectly characterised road closure.

119. The livestream showed a conversation between D66 and D67, with their conversation initially focussed upon the road closure and an incorrect belief that it would apply to emergency vehicles (the works were planned to allow for emergency vehicles to use the section of the A418 that was temporarily closed, should that be required and that is reflected in the Schedule 4 submission). Their conversation then turned to the Injunction as follows:

D66: *“last week when we were here we picked up on the fact that along here there were no notices of the injunction”*

D67: *“Yep”*

D66: *“Now you, and, I wonder, I think, I think HS2 are a bit sneakier than we give them credit for, because we were, we were actually discussing this at the gate, and then what did you find the next day? Was it the next day?”*

D67: *“2 days later I walked down here and there was a copy of the injunction taped to the fence”*

D66: *“well lo and behold just in case we should be in any doubt”*

120. Copies of the Injunction had been placed in this location in line with the principles set out in paragraphs 10 and 11 of the Injunction as the location had been identified by myself, in conjunction with the EKFB security manager, as HS2 Land considered likely to be targeted by objectors to the HS2 Scheme.

121. The conversation in the livestream continued as follows:

D67: *“which is funnily enough is what they did, a couple of other walks we’ve done in other parts of this they’ve suddenly, the injunction notices have appeared on a fence”*

D66: *“I know. Bit late then though, wasn’t it?”*

D67: *“It is”*

D66: *“Bit late by then”*

122. I am quite certain that this reference to other locations where they have been walking relates to their trespass and removal from HS2 Land on 06.10.22 (see paragraphs 31 to 45 above). Following that incident, I advised the local security manager that copies of the Injunction should be placed at that location. A copy of the Injunction was also served on D66 by the Claimants’ solicitors (see paragraph 46 above). D67 had not been identified at that time and so a copy could not be served on him.

123. D66 went on in the livestream to reference the incident on 06.10.2022 and to deny that she breached the Injunction, directly addressing Julie Dilcock, whom she incorrectly identified as working for “DL Piper” and incorrectly identified as having written to her about breaching the Injunction:

D66: *“oh by the way big shout out to Julie Dilcock at DL Piper HS2 solicitors. Hello darlin’ – you having a nice day? Erm, Julie Dilcock, for those who don’t know, she’s the lead counsel, she’s lead counsel, Julie – well, did I say lead counsel? She’s not lead counsel, but she’s, she’s the woman that drew up the, that has her name, er, assigned to the Injunction.*

D67: *“Oh right”*

D66: *“Yeah”*

D67: *“Interesting”*

D66: *“She’s not that interesting. Erm, anyway, just so you know, Julie my love, erm, not only have I never had any intention of breaking the injunction, I’ve not broken the injunction, erm, this is all livestreamed, so, erm don’t just take my word for it, don’t just listen to your new security, er, that’s here. They’re kinda the ones, the guys with the green hats, er – Romeo – as well. Ryan, hi Ryan, if you’re watching as well. He’s head of security round here, I haven’t seen him in ages.*

D67: *“Who’s that sorry?”*

D66: *“Ryan!”*

D67: *“Oh, right, yeah, yeah”*

D66: *“Romeo, you know him. Anyway, erm, he’s got, he’s been promoted and he’s now heading up, you know those two guys with the green lids. Erm , and then and then they went telling tales out of school and said that I breached the injunction. Julie my darlin’, don’t exercise yourself anymore and have to go writing off silly emails, cos this, this is obviously being livestreamed and everyone will see very clearly that I’ve not breached any injunction today, not did I last Sunday and I certainly didn’t on the 6th of October when you accused me of doing so. Erm, and I have still, I have still got the video. I did actually offer to send that to you but I have not heard back from you. I don’t know why you’re being shy Julie”*

124. D66 also showed one of the copies of the Injunction displayed outside the HS2 Scheme site entrance in the video.
125. From 08:00hrs on 05.02.2023 the A418 was temporarily stopped up and closed between the Bugle Horn Pub at the west and the A418 roundabout to the east to allow for the safe removal of larger trees which could not be conducted under a single lane closure. Sunday 05.02.2023 was the second full road closure that had been implemented. The previous closure on 29.01.2023 had been largely uneventful. D67 had attended and took photographs of the works but no attempts of note were made to disrupt works and I personally witnessed D67 move position whenever asked by security officers.
126. As set out in the Schedule 4 submission, despite the removal of the rights of the public to pass and repass over the temporarily stopped up section of the A418 (whether by vehicle or on foot), the First Claimant’s contractors intended nonetheless to facilitate pedestrian access through the works area by directing pedestrians along a safe route, albeit that it was envisaged that at some points pedestrian access would need to be closed entirely for safety reasons.

127. On the morning of 05.02.2023, setting up for the complete road closure involved the establishment of a perimeter by the contractor's staff with the assistance of the security team and then segregating the areas where works were to take place with barriers to create safe working spaces into which members of the public were not permitted. The setting up of the works area took a period of time at the beginning of the day, before the road was then physically closed (the legal effect of the stopping up to remove the rights of the public to pass along the road were already in effect pursuant to the exercise of Schedule 4 powers).
128. D66 arrived in the works area just after 9am and began livestreaming to Facebook (she uploaded livestreamed videos totalling almost 3 hours in length that day) as she approached from the roundabout located to the east of the works area. Relevant extracts of D66's livestreams are at **Video 11**. At around 9 minutes into her first livestream (at around 09:39hrs) she met with and spoke to D67. From their initial conversation and subsequent engagement with EKFB staff it became clear that D66 and D67 had a solid understanding of the terms and boundaries of the Injunction and land possessions in the immediate area and were knowledgeable about what actions would constitute a breach of the Injunction. D67 even remarked that he had "*taken legal advice*". In this footage D67 could be seen carrying a copy of the Injunction and also some of the laminated diagrams which showed the boundary lines as they appear on the ground. Unfortunately, the advice that D67 claimed to have obtained did not appear to have correctly informed him about the right to and effect of the stopping up of the road under Schedule 4. In the video D67 remonstrates with the security personnel claiming that they cannot stop pedestrians and cyclists "*going anywhere they want on the footpath and the road.*", which was obviously not the case.
129. Through their conversation with the EKFB foreman shown in the livestream, D66 and D67 make their intentions and modus operandi for the day quite obvious:
D67: "*Coz when I look at this it goes up to the edge of the footpath, if you look at that closely that goes up to the edge of the footpath, it doesn't include the footpath.*"

EKFB foreman: *“This is something you’re going to have to take up with HS2, I am only responsible for the machine and my employees, I am not responsible for any road closures or anything or anything to do with that.”*

D67: *“So if we stand here you can’t work.”*

The EKFB foreman gestures with his arms by his sides in acknowledgement

D67: *“but we are not doing anything wrong are we?”*

EKFB foreman: *“That’s down to you and HS2, if you stand here, I can’t work”*

D67 *“yeah yeah”*

EKFB Foreman: *“and that’s the bottom line”*

D67: *“But we are not doing anything illegal”*

D66: *“We are not doing anything illegal”*

EKFB foreman: *“I’m just making sure that I’m not causing any harm. So any time you stand in front of my machine, then I just have to stop my work. All I’ve got to do is make sure you guys are safe.”*

D67: *“The best way of doing your health and safety is to not create the issue in the first place. You ought to tell your bosses to get their act together.”*

D66: *“You are a free man, you don’t have to do as you’re told.”*

EKFB foreman: *“Well, are you gonna go and pay my mortgage?”*

D66: *“Ah, no,no,no,no,I didn’t say you, I didn’t say you had to give up your job, I didn’t say you had to give up your job my love. Yeah, I know, it’s alright, if you don’t do it we won’t tell anybody.”*

130. It was clear from the exchange that D66 and D67 intended to position themselves in such a manner that works would not be able to continue safely, but without breaching the terms of the Injunction and that was exactly what then happened. For the next c. 4 hours – throughout the duration of the works – D66 and D67 repeatedly entered onto the stopped up highway outside of the safe areas that had been designated by the First Claimants’ contractors for the use of pedestrians. Such entries onto a highway stopped-up under Schedule 4 of the HS2 Acts without the consent of the First Claimant are unlawful. They entered into a number of altercations with the First Claimant’s security incident response team (“IRT”) and contractors and disrupted works by placing themselves in areas which would have then made continuing the works a hazard to their health and safety. They refused to leave when asked by the IRT and by the contractors and

had to be physically ushered away. D67 engaged in pushing and shoving members of the IRT and physically overpowered a female member of the IRT. He dragged a pedestrian barrier approximately 3m across the carriageway. A number of these incidents were captured on D66's livestream and others on footage taken by a drone belonging to a member of the public that was flying in the area that day. I have described some of the incidents in more detail below and sections of relevant video are at **Video 11**.

131. D66's second livestream of the day was taken commencing at 10:43hrs and shows an incident in which she was on the carriageway of the stopped-up highway. A member of the security team asked her very politely to leave the carriageway and she refused. The security team member then ushered her from the highway to allow a works vehicle to pass. D66 remonstrated with the security team member, who calmly and repeatedly advised her that she could not be on the road that day. D66's responses quickly deteriorated to a tirade of abuse.

D66: *"I'm using my phone at the moment, I'm using my phone at the moment."*

IRT member: *"You've already said that my face offends you, so you keep walking and I won't offend you anymore."*

D66: *"It does, your attitude offends me, your job offends me, your life offends me, the way you earn your money offends me, because you are an absolute scum on society. You are contributing to destroying this world, to destroying the future of our children. Do you know that? Do you know that? Do you know that?"*

132. D66 and another activist then took issue with the fact that they were not allowed into an area that had been segregated with barriers to allow the works to take place safely. A member of the IRT explained the position to them:

IRT member: *"There are works taking place on various parts of the road, they are just trying to keep people safe that is all, that simple."*

and

IRT member: *"there's a gigantic machine over there cutting trees, it's not very safe, you will have to go around."*

133. At 11:06hrs and despite the clear warnings issued to her by the IRT, D66 opened the barriers and walked into working area, which there was no public right to

enter, in full knowledge (having been told by the EKFB foreman earlier, as set out at paragraph 129 above) that works could not be conducted if there was a potential threat to safety. Over the course of the next 53 minutes D66 then attempted to move closer to works on a number of occasions. D66 was repeatedly warned that she should not move any closer for her own safety. D66 then proceeded to sit down in the works area.

134. Shortly afterwards, D67 entered into a physical altercation with members of the IRT. As can be seen in the drone footage, D67 pushed and shoved members of the IRT and dragged a pedestrian barrier approximately 3m across the carriageway. D67 overpowered a female IRT team member and then barged into her. He then attempted to run into the works area and had to be physically restrained by two other IRT members. All of these activities by D67 were unlawful (constituting, for example, trespass, nuisance and battery). The IRT team members then proceed to remove D67 from the area.

135. At around 11:50hrs D66 again attempted to stop the works by putting herself in danger and was prevented from getting closer to the equipment by a security officer who told her that it was not safe. This interaction was captured in her third livestream. The passage of conversation was as follows:

Security Guard: *"it is not safe for you to be here."*

D66: *"That's why he [referring the machine removing trees] needs to stop what he is doing."*

136. D66 had to be physically prevented from getting any closer by security officers. Then at around 12:00hrs D66 was removed from the area by the IRT, having spent approximately 53 minutes attempting to delay and disrupt works by placing herself in harm's way.

137. D66 continued to livestream following her removal, and at 12:07hrs again addressed the First Claimant's legal representatives:

"So HS2 Lawyers before you bother sending me an email to say that I have breached the injunction, I haven't, this isn't in injuncted land, erm..."

138. D66 kept her livestream running and at 12:18 engaged with another member of the public, when she again outlined that they should adopt a tactic of positioning themselves where works were being carried out, thereby forcing the works to stop for safety reasons:

“We need them to stop, erm we need to position wherever they are working.”

and

“that man really should, [D66 Shouts to IRT and EKFB staff] Excuse me! There’s a member of the public down there shouldn’t he stop what he is doing, because there’s a member of the public there”

and

“We should go and stop what he’s doing there’s a member of the public there”

“We better go and tell him to stop.”

139. By around 12:39 D66, clearly frustrated by her lack of success in stopping work, became aggravated and increasingly offensive towards the IRT and the First Claimant’s contractor’s security staff. This culminated in the following abusive diatribe directed by D66 at the security officers:

“How do you sleep at night; how do you sleep at night. No answer, maybe he doesn’t sleep at night, maybe he has no soul.”

“The only reason he is that cross is coz he’s not getting off at 2 o’clock like he thought he might.”

“Doesn’t give a shit about the environment, and you, and you, and you, and you, more interested in earning some money than what’s happening to the environment. You’re disgusting, you’re disgusting. Absolutely disgusting examples of humanity. I suppose you’re the same kind of people who complain about people sitting down in the road. Are you the same kind of people that complain about Insulate Britain and Just Stop Oil sitting down in the road because they’re stopping blue light vehicles, and look what you’re doing, you absolute hypocrites, you disgusting hypocrites. I bet you phone into Nick Ferrari don’t you complaining about protestors blocking roads for blue light ambulances and look what -”

“Yeah, walk away, walk away Jay. Walk away, pathetic, hypocrites blocking the road for blue light vehicles, that might come down here, that have come down here this morning, and had to proceed at about 10 mph. These are the same people

that complain about protestors sitting in the road. They're doing it themselves on a route that we've seen, we've seen blue light ambulances."

"I hope it isn't your mother, or your mother, or your mother, or his mother, that might get stuck in a blue light vehicle wanting to go to Stoke Mandeville Hospital down there. I hope it's not, you know, a fire engine that might be up there going to the thatched cottages down there that are burning down. Cause it will be on your head, and your head, and your head.

So congratulations, good day's work, I hope the money's worth it, I hope the money is worth it and I hope every single penny that you spend makes you sick, and makes your children sick. And I hope that food the you put on the table from the money you earn makes them sick and I hope that you can look them in the eye and you've got the nerve to look them in the eye and explain where that money's come from, and I hope they vomit all over you.

You've got kids that feel proud of you? I doubt it, I doubt it. Got nieces and nephews, you go home and tell them what you've done? How you earned some money to buy them their Christmas presents and their birthday presents and take 'em on little outings.

What holiday did you go on this year with all the thousands and thousands that you've earned, when you're sunning yourself in Tenerife or wherever it was. Absolute hypocrites, absolute hypocrites."

140. During this incident, D66 and D67 showed they had a clear and unambiguous understanding of the Injunction. On 05.02.2023 D67 was in possession of a copy of the Injunction, and several references had been made to the Injunction on the livestream on 22.01.2023. The objective of D66 and D67 on 05.02.2023 was clear: they intentionally conspired to delay and disrupt the works. Their method, however, was cognisant of the Injunction and they were careful not to breach it. But for the proactive deployment of specialist security by (and at cost to) the First Claimant, the actions of D66 and D67 would have resulted in significant delays to works.
141. The presence of D66 and D67 and their prior reconnaissance and the subsequent actions of 05.02.2023 had necessitated the deployment of considerable additional

security resource at a cost to the First Claimant and that resource was then able to prevent serious disruption occurring to the works. However, had this resource not been deployed, then the traffic management, project management and de-vegetation teams would have had to return to complete their works the following Sunday at an estimated cost of c. £20,000 and with further disruption to the public's use of the road.

142. Once it became apparent to D66 and D67 that their tactics had been anticipated and rendered ineffective, the tone of the interactions changed. D66 was offensive and aggressive towards staff and D67 became physically aggressive and violent towards staff. D66's interactions with the First Claimant's IRT and contractors during these works were highly reminiscent of the examples of extreme verbal abuse described in Jordan 1 as creating an unreasonably difficult and stressful working environment for those working on the HS2 Scheme. Her actions and those of D67 placed themselves at risk and hampered and disrupted works authorised by Parliament for the construction of the HS2 Scheme.

143. As can be seen from the foregoing, whilst the Injunction has provided welcome relief to the Claimants from the sustained unlawful activity targeting the HS2 Scheme that they were previously experiencing, activists who had previously targeted the HS2 Scheme have not moved away from unlawful direct action, they have merely displaced to other "causes". Anti-HS2 activists have also continued to try to find ways to target the HS2 Scheme that do not breach the Injunction, but still cause as much delay, disruption and loss as possible. It is therefore clear that the threat of unlawful activity targeting the HS2 Scheme remains real and imminent and that there is a need both to continue the Injunction in its current terms and to extend it to prohibit the unlawful activity that has been occurring and which is not currently prohibited under the terms of the Injunction.

Ongoing risk of unlawful conduct and need for continued injunctive relief

144. By reason of the foregoing, the Claimants consider that there is a real and imminent risk of further unlawful conduct and a need for injunctive relief to continue in order to protect the Claimants' rights.

145. As discussed above, key leaders and veteran environmental activists who had been campaigning against the HS2 Scheme are not currently doing so because they are either bound by undertakings or deterred by the Injunction. A combination of the making of the Injunction and committal to prison of D33 has dispersed multi-cause activists to other groups, but crucially, they have not moved away from direct action campaigning altogether and there is a real threat that they will return if the Injunction is not continued.
146. When actions have been undertaken against the HS2 Scheme, they have by and large been deliberately cognisant of the terms of the Injunction, as articulated by D17 in his press release regarding the Full Sutton action (see paragraphs 78 to 79 above). Without the protection of the Injunction, the Claimants will be in a position where key activist leaders who have joined other campaigns, expanded their networks and potentially further refined their tactics are able to return to target the HS2 Scheme.
147. As demonstrated by the example of the incidents on the A418 in Aylesbury on 05.02.23, activists opposed to the HS2 Scheme are constantly adapting their tactics and will look to work around the Injunction to find ways to continue to target the HS2 Scheme with the aim of causing disruption, delay and cost. In Aylesbury, mindful that the First Claimant's contractors will always prioritise health and safety, D66 and D67 specifically sought to place themselves in dangerous positions, thus compelling the First Claimant's contractors to cease work, thereby delaying, disrupting and causing loss and damage to the Claimants. The Claimants are seeking the protection of the court from such tactics.
148. Historically, injunctions to deal with unlawful direct action campaigning which have been tightly geographically bound have been incredibly successful at preventing trespass. For example, Cuadrilla Resources for whom I was formerly the Head of Business Resilience, had an anti-trespass injunction on their Preston New Road site from 28.02.2017 until the end of works at that site and which essentially eradicated trespass on the site. However, the direct action at that location evolved and activists found workarounds to try to continue to disrupt the

work at the site without breaching the injunction. Of the over 400 arrests at the Preston new Road site between January 2017 and September 2019, only one was for actions on the site itself (criminal damage to fencing).

149. The recent Government announcement about delays to the HS2 Scheme and the fact that contentious work has barely begun on Phase 2a make further evolution of tactics such as the nascent tactics observed on 05.02.2023 at Aylesbury or simply beating the Claimants to possession of land increasingly likely.
150. The most contentious works undertaken by the Claimants from the perspective of activists are the removal of trees and hedgerows and this work may only be undertaken outside of bird nesting season. Birds are usually nesting in Q2 and Q3 therefore survey and vegetation removal is undertaken between October and April, and direct action has typically peaked during Q4 and Q1 as a result (see Groves 1).
151. The objective of activists opposed to the scheme remains to raise awareness, delay and disrupt in order to increase costs. The increased costs in turn affect public opinion and political viability. This is one of the primary reasons that activists focus upon delaying de-vegetation work. If the works are not completed in time, then they are delayed to the next season. Only once woodland is cleared can the civils and ground works be conducted and ideally these works are undertaken during the summer months when the ground is drier. Therefore, if activists can delay work scheduled in March by 6 weeks the compound delay to the programme can be as much as 12 months, as the subsequent earth works cannot be undertaken until the following summer.
152. As outlined at Groves 1, activists opposed to the HS2 Scheme have consistently looked to scout ahead and occupy land required for the HS2 Scheme prior to the Claimants exercising their powers under the HS2 Acts and taking possession. For example, the unauthorised encampments at Euston Square Gardens, Small Dean and the Cash's Pit Land (all described in Jordan 1) were all established before the Claimants exercised their powers to acquire or take possession of the land in question. This scouting ahead has even occurred on the Phase 2b (Western Leg) of the HS2 Scheme which is still passing through Parliament (see **pages 152 to**

153 and paragraph 157 below). This tactic by activists has been seen on other campaigns and may be traced all the way back to the direct action campaigning against road projects in the 1990s and more recently to the protection camps set up at proposed onshore oil and gas drilling sites (see **pages 154 to 157**).

153. Typically, activists will often seek to occupy woodland as it provides shelter, exalts their cause and allows the construction of elaborate defences which delay and increase the costs of removal. Within these woodland camps activists can construct large structures or tree houses and excavate deep tunnels beneath the ground. This was aptly demonstrated at the unauthorised encampments at Small Dean (Jordan 1 paragraphs 56 to 71) and the Cash's Pit Land (see Jordan 1 paragraphs 72 to 79 and paragraphs 17 to 22 above). Combined, the enforcement operations to remove activists and take possession of just those two sites cost the taxpayer over £13.5m. In both cases, activists had established camps on land which at the time of first occupation, was not possessed by the Claimants.
154. The technique by activists of establishing camps and delaying the Claimants in taking possession is well established. The activists, mindful that the Claimants are limited as to the time of year that certain works can be carried out by factors such as bird nesting and bat hibernation seasons, will look to play for time. If they can delay long enough, they can achieve a compound effect, forcing works on the HS2 Scheme back by a season, causing programme delay and increasing the costs of the project.
155. Activists opposed to the HS2 Scheme have established approximately 50 encampments along the route of the HS2 Scheme so far. A map showing the geographical distribution of these encampments is at **page 158**. Approximately half of these camps have been cleared by the First Claimant and around half have been abandoned. Notably, these camps have been located across Phase One and into Phase 2a from Euston in London to Swynnerton in Staffordshire. Most were established before works on the HS2 Scheme started in the area in which they were located and many (including those that cost the Claimants the most to evict) were established before the Claimants' right to possession had arisen (whether by compulsory acquisition or exercise of temporary possession powers). As Mr

Justice Julian Knowles observed in the September 2022 Judgment at paragraph 176:

“To my mind, it is not an attractive argument for the protesters to say: ‘Because you have not started work on a particular piece of land, and even though when you do we will commit trespass and nuisance, as we have said we will, you are not entitled to a precautionary injunction to prevent us from doing so until you start work and we actually start doing so.’ As the authorities make clear, the terms ‘real’ and ‘imminent’ are to be judged in context and the court’s overall task is to do justice between the parties and to guard against prematurity. I consider therefore that the relevant point to consider is not now, as I write this judgment, but at the point something occurs which would trigger unlawful protests. That may be now, or it may be later. Furthermore, protesters do not always wait for the diggers to arrive before they begin to trespass. The fact that the route of HS2 is now publicly available means that protesters have the means and ability to decide where they are going to interfere next, even in advance of work starting.”

156. Not only is the route of the HS2 Scheme publicly available, but activists are also clearly very familiar with it. For example, as set out in Jordan 1:

156.1. On 28.07.2021, D33 shared with other activists on Facebook maps of the HS2 Scheme route that he had transcribed onto OS maps saying: *“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 159**).

156.2. 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, barracading + more”
- “HS2 map study”
- “Climbing workshop”

Most of the activities appeared to be designed to teach people techniques for resisting eviction. “HS2 map study” likely involved planning to target further

land designated under the HS2 Acts for use for the HS2 Scheme. A copy of the post is at **pages 160 to 162**.

157. Land which is due to be possessed by Claimants over the course of the next 12 to 18 months for the purposes of the HS2 Scheme has already been the subject of scouting by the Defendants. For example, D5 posted (screenshots of the posts are at **page 163**) two videos on Facebook on 07.07.2021 and 31.12.2021 showing him in Whitmore Woods on Phase 2a, which is the largest single block of woodland due to be possessed on the route of the HS2 Scheme (copies at **Video 12** and **Video 13** respectively). During **Video 12** D5 confirms that not only has he been scouting ahead on the Phase 2a route, but he has also visited the Phase 2b route:

“I’ve been exploring the north of England, er, Staffordshire, er, and Warwickshire and Cheshire and even further north actually, I’ve been over the east coast. I’ve been over near Sheffield and places and up near Leeds and I’ve been looking at all the different places that HS2 and due to go on Phase 2a, Phase 2b”

158. In **Video 13** D5 acknowledges that being in Whitmore Woods (which is privately owned) is trespass. At the time that these videos were taken and as matters stand at the date of this statement, Whitmore Woods has not been taken into possession by the Claimants, but the land is due to be possessed for the purposes of the HS2 Scheme under the Phase 2a Act. At the time that the videos were taken, the First Claimant was carrying out survey work pursuant to its powers under the Phase 2a Act.

159. D5 concludes **Video 13** by saying:

“It’s not too late to cancel HS2. Please help. Please apply the pressure. Please follow Bluebell [a reference to the unauthorised encampment on the Cash’s Pit Land, which was founded by D5]. Please support other camps as they emerge up and down the line”.

160. Mr Justice Julian Knowles also found that the activists intended to continue to try to disrupt the HS2 Scheme without limit and that an extensive injunction was justified by that clearly stated intention and necessary to allow the unhindered

completion of the HS2 Scheme. Paragraphs 212 to 215 of the September 2022 Judgment are as follows:

[212] Firstly, by committing trespass and nuisance, the Defendants are obstructing a large strategic infrastructure project which is important both for very many individuals and for the economy of the UK, and are causing the unnecessary expenditure of large sums of public money. In that context, I conclude that the aim pursued by the Claimants in making this application is sufficiently important to justify interference with the Defendants' rights under Articles 10 and 11, especially as that interference will be limited to what occurs on public land, where lawful protest will still be permitted. Even if the interference were more extensive, I would still reach the same conclusion. I base that conclusion primarily on the considerable disruption caused by protests to date and the repeated need for injunctive relief for specific pockets of land.

[213] Second, I also accept that there is a rational connection between the means chosen by the claimant and the aim in view. The aim is to allow for the unhindered completion of HS2 by the Claimants over land which they are in possession of by law (or have the right to be). Prohibiting activities which interfere with that work is directly connected to that aim.

[214] Third, there are no less restrictive alternative means available to achieve that aim. As to this, an action for damages would not prevent the disruption caused by the protests. The protesters are unlikely to have the means to pay damages for losses caused by further years of disruption, given the sums which the Claimants have had to pay to date. Criminal prosecutions are unlikely to be a deterrent, and all the more so since many defendants are unknown. By contrast, there is some evidence that injunctions and allied committal proceedings have had some effect: see APOC, [7].

[215] I have anxiously considered the geographical extent of the injunction along the whole of the HS2 route, and whether it should be more limited. I have concluded, however, given the plain evidence of the protesters' intentions to continue to protest and disrupt without limit – 'let's keep fucking up HS2's day and causing as much disruption and cost as possible. Coming to land near you' – such an extensive injunction is appropriate. The risks are real and imminent for the reasons I have already given. I accept that the Claimants have shown that the direct action protests are ongoing and simply move from one location to another,

and that the protesters have been and will continue to cause maximum disruption across a large geographical extent. As the Claimants put it, once a particular protest 'hub' on one part of HS2 Land is moved on, the same individuals will invariably seek to set up a new hub from which to launch their protests elsewhere on HS2 Land. The HS2 Land is an area of sufficient size that it is not practicable to police the whole area with security personnel or to fence it, or make it otherwise inaccessible.

161. The Injunction has proved exceptionally successful thus far reducing the significant hinderance previously caused to works on the HS2 Scheme by unlawful direct action campaigning. However as identified at paragraph 148 above, activism is evolutionary, the nascent attempts to adopt tactics intended to thwart the purpose of the Injunction and continue to cause disruption to the HS2 Scheme (see for example paragraphs 111 to 142) will almost certainly spread in time if not restrained by the court.

162. The objectives of many of the activists opposed to the HS2 Scheme remain unchanged, though many are likely to be more guarded online following the heavy use of social media evidence in Jordan 1. However, individuals threatening to trespass or encouraging guerrilla tactics do still occur.

163. For example:

163.1. D36 Whilst filming the Red Rebel protest at Euston said at 00:01:50 of the video (a screenshot of the Facebook post for the livestream (which I have watched) is at **page 164**):

“This planet is finite, this planet is falling apart and it's because we just keep allowing the likes of HS2 to just keep going and going, we've got to stop it.”

163.2. On 02.01.2023 a post (copy at **page 165 to 166**) added to the Stop HS2 Group on Facebook was commented on by Lewis Edwards as follows:

“The architects of this crime are like Russia and we are Ukraine – it's a bloody fight but ultimately the costs of opposition will undo the invading force, it's just not sustainable. Never give up, never surrender and tell the world about it whenever the opportunity arises as the state media are gagging everyone, but

again they can't stop the web and how this can facilitate the necessary guerrilla tactics."

163.3. Another comment read: *"Well take ya own dame tools and cut up any section ya at. And stop anouncing it so you can argue with fools for the day.. there gonna carry on regardless. The government has given it another go ahead so I suggest you go ahead before it's actually Done and to late.... Delay and distroy" (sic).*

163.4. When the Aylesbury and District News Facebook page published (screenshot at **page 167**) that the Claimants had been granted a route wide injunction on 21.09.22, one poster commented with an ominous quote from John F Kennedy: *"Those who make peaceful revolution impossible will make violent revolution inevitable."*

163.5. On 10.12.2022 D17 posted a memory of the direct action conducted at an HS2 Scheme site in Swynnerton, Staffordshire. The original post showed the daily gate blocking being undertaken by D6, D17 and other residents of the camp on the Cash's Pit Land. On the Facebook memory D17 posted: *"Good times, good people. What was it Arnold Schwarzenegger said? Well we will"*.

D17 was clearly referring to Schwarzenegger's most famous quote from the film Terminator 2 "I'll be back". A screenshot of the post is at **page 17**.

163.6. On 29.01.2023 images of the tree felling conducted on the A418 were posted on the HS2 Save our Countryside Facebook page, one comment on that post (a screenshot of which is at **page 168**) – a reference to the activist tactic of tree-spiking - stands out:

"Put nails in the trees, chainsaws don't like it."

Tree-spiking is the act of deliberately putting screws and nails into trees. It 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.

- 163.7. In addition, a new threat of ‘stealth camping’ has recently emerged. Stealth camping is the act of concealing oneself away and camping in a location where you should not be, for example on an HS2 Scheme site or beside a motorway. Stealth camping is defined by www.stealth-camping.co.uk as “a thrilling experience similar to wild, bush craft camping. The difference with stealth camping is there’s an element of stealth from remaining undetected”. On 26.02.2023 a video recorded in Wendover by a stealth camper was posted on YouTube (copy at **Video 14**) which shows him attempting to stealth camp on an HS2 Scheme construction site. The video shows the scale and progression of the project. The HS2 Scheme sites in this area are typically in operation 6 days per week, therefore the idea of somebody stealth camping, or walking around a site which includes trenches, excavations (which are referred to in the video) and heavy machinery poses a considerable health and safety concern. As the video progresses it shows the clear demarcation of boundaries of HS2 Land through fencing and signage adopted by the First Claimant and its contractors and the host, unsure if he can successfully camp, states:

00:09:30 “bit of a conundrum guys, don’t know where to spend the night, really don’t know, maybe where we are now, maybe elsewhere we’ll see. So many people I’m gonna have to pack this is in really really quick, coz there’s people, people coming right now. But yeah there’s so many people guys”

164. Later the host admits defeat “*on this occasion*” and at 00:10:01 the clip shows one of the First Claimants’ mobile safety and security vehicles parked up, with the host adding:

“these bad vibes mixed with the fact I was clearly failing to find a stealth camping spot led me to decide this, I think I am probably not gonna stay here tonight, just because I don’t want the heat guys, I don’t want the heat, and with the lack of good spots I think it’s best to call it a day before I run into trouble or get kicked out or whatever in the middle of the night.”

165. The host makes it clear that he will come back, within the video where he says:

“But let me finish with this, HS2 this is definitely not the last time you have seen me. I will come back and I will find a place that I can sleep along you, I’m sure at some point”

166. The host then reiterated his intention to camp on HS2 Land in the comments section of his YouTube post (screenshot at **page 169**) when he responded to another comment which stated: *“You will succeed there Dave I’m pretty sure of it, still a great video as always what a shame all that landscape destroyed for another train”*. To which he responded: *“We shall see Chris! I’ve already got a few spots in mind, maybe I’ll revisit in a new area in a few months’ time [strong arm emoji] Cheers for the support I’m glad you enjoyed”*.
167. It goes without saying that the notion of individuals concealing themselves and camping by stealth on such a dynamic construction site is not only unlawful trespass and nuisance but poses an extreme risk to the safety of themselves and the First Claimant’s workforce.
168. Sometimes the social media posts take on an even more sinister tone and are directed not just at the Claimants and their staff and contractors, but also at their suppliers, legal representatives and the judiciary. Following the committal of activists for contempt for breaching the Cash’s Pit Injunction, one activist re-posted on Facebook an article about the skinning alive of a corrupt judge, with another commenting on the post that: *“We are literally at war with the bar”* (screenshot at **pages 170 to 171**).
169. This trend continued following the making of the Injunction. One user commented on a post on the HS2 Rebellion Instagram page (screenshot at **page 172**) showing a Guardian article about the Injunction as follows:
“These judges have names and addresses, just saying”.
170. 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 Injunction has significantly reduced the cost of delay, disruption and security to the taxpayer of dealing with unlawful direct action campaigning. It has also, in

some respects, changed the way that protest against the HS2 Scheme is conducted.

171. Significantly, individuals and groups who would almost certainly have engaged in unlawful direct action activity to try to delay or disrupt tree felling on the HS2 Scheme prior to the Injunction, staged a lawful vigil for the trees at Euston Square Gardens on 20.02.2023 during tree-felling works (see **page 173**).
172. The vigil consisted of a steel band, the “Red Rebel Brigade” of XR, D36 and D55. They stood by the trees to mark their passing, however, at no point were the First Claimant’s contractors’ works disrupted. Prior actions against the HS2 Scheme involving the Red Rebels have often involved unlawful direct action. For example: at Calvert they staged a “die in” direct action, closing the main access route to the HS2 Scheme site (Jordan 1, paragraph 26.2.4) and in Wendover on 19.07.20 they were part of a group which stormed an HS2 Scheme site (see **page 174**). The significance of this legitimate protest is difficult to overstate. The planned removal of trees at Euston in Q1 of 2021 was the catalyst for the establishment of an anti-HS2 camp and the first major tunnel occupation by activists opposed to the HS2 Scheme. It was that extreme direct action in central London which catapulted direct action campaigning against HS2 into the mainstream media. Therefore, it is remarkable that the removal of trees at such a symbolic site was the stage for a legitimate and lawful protest and no disruption occurred.
173. On 13.03.2023, a demonstration was held at Parliament Square, Westminster London. The event was organised by Sarah Green, a former Defendant to the Harvil Road Injunction proceedings and attended by D36, D39, the Red Rebel Brigade of XR and XR London Drummers. The event took the form of a lawful, peaceful and non-disruptive protest with the agenda for the demonstration described on Facebook (screenshot at **page 175**) as:

“Colne Valley Biteback Monday 13 March 12noon - 2pm Parliament Square Drummers from 12 noon, Short speeches at 12:30 with Blue (or Red) Rebels

Debut 1pm Discobedience Flashmob: Dance to the tune of "Shame shame shame shame shame, on High speed two, and the government too!"

At the time of writing the First Claimant is not aware of any arrests or disruption caused by this event.

174. The Claimants seek the Court's assistance to try to ensure that the Defendants do not again 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 engaged in work on the HS2 Scheme. The activity engaged in by the Defendants historically and to which they threaten to return if the Injunction is not maintained and extended in the manner sought by the Claimants 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 two Acts of Parliament.
175. By way of a reminder, Mr Justice Julian Knowles found in the September 2022 Judgment as follows:
- [171] Other salient points on the same theme include the following (paragraph numbers refer to Jordan 1):*
- a. Interview with The Guardian on 13 February 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.'*
 - b. In March 2021 D32 obstructed the First Claimant's works at Wormwood Scrubs and put a call out on Twitter on 24 March 2021 asking for support to prevent HS2 route-wide. He also suggested targeting the First Claimant's supply chain.*
 - c. On 23 February 2022 D6 stated that if an injunction was granted over one of the gates providing entrance to Balfour Beatty land, they, 'will just hit all the*

other gates' and 'if they do get this injunction then we can carry on this game and we can hit every HS2, every Balfour Beatty gate' ([21.12]).

d. D6 on 24 February 2022 stated if the Cash's Pit camp is evicted, 'we'll just move on. And we'll just do it again and again and again' ([21.13]).

e. As set out in [21.14] on 10 March 2022 D17, D18, D19, D31, D63 and a number of persons unknown spent the morning trespassing on HS2 Land adjacent to Cash's Pit Land, where works were being carried out for a gas diversion by Cadent Gas and land on which archaeological works for the HS2 Scheme were taking place. This incident is described in detail at [78] of Jordan 1. 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."

Hence, comments Mr Jordan, D17 was here making 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.

f. Further detail is given of recent and future likely activities around Cash's Pit and other HS2 Land in the Swynnerton area at Jordan 1, [72]-[79] and Dilcock 4, [33], et seq. 172. These matters and all of the other examples quoted by Mr Jordan and Ms Dilcock, to my mind, evidence an intention to continue committing trespass and nuisance along the whole of the HS2 route."

176. The Claimants reasonably fear a return to the levels of unlawful activity experienced prior to the application for the Injunction if it is allowed to lapse, with the significant health and safety risks, detrimental effects on staff and contractors, drain on police and other emergency service resources, delays to the HS2 Scheme and significant financial losses to the taxpayer that would bring.
177. The incidents that occurred historically 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. The evidence suggests that the Defendants – or some of them – remain intent upon causing loss and damage to the HS2 Scheme and therefore to the Claimants by unlawful means and are actively seeking ways to do so outside of the bounds of the activities that are currently restrained by the Injunction.

178. The Claimants therefore seek the continued assistance of the Court in preventing further incidents, loss and damage.

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.

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal tail.

Signed:.....

JAMES DOBSON

Dated: 27 March 2023

On behalf of: Applicants/Claimants
J.Dobson
1st statement of witness
Exhibits: JD5 and JD6
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

EXHIBIT JD5 TO THE
WITNESS STATEMENT OF JAMES DOBSON

The documents in this Exhibit are at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>

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EXHIBIT JD6 TO THE
WITNESS STATEMENT OF JAMES DOBSON

All videos are at: <https://vimeo.com/showcase/exhibit-JD6>

INDEX TO EXHIBIT JD6

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Video Number	Date	Description	Duration	Source URL
Video 1	23.03.2022	D17 at Closepit Plantation	00:08:17	https://www.facebook.com/100035849292228/videos/332646708928457
Video 2	06.10.2022	D66 and D67 at Aylesbury Ecological Area	00:11:44	Body worn camera footage
Video 3	21.11.2022	Action against Eversheds Clip 1	00:06:09	https://www.facebook.com/XRebellionUK/videos/652476849707618
Video 4	21.11.2022	Action against Eversheds Clip 2	00:06:34	https://www.facebook.com/XRebellionUK/videos/652476849707618
Video 5	21.11.2022	Action against Eversheds Clip 3	00:02:04	https://www.facebook.com/XRebellionUK/videos/652476849707618
Video 6	21.11.2022	Action against Eversheds Clip 4	00:02:04	https://www.facebook.com/XRebellionUK/videos/652476849707618
Video 7	21.11.2022	Action against Eversheds Clip 5	00:01:24	https://www.facebook.com/XRebellionUK/videos/652476849707618
Video 8	25.11.2022	HS2 Rebellion Montage of action against Eversheds	00:03:22	https://www.facebook.com/photo?fbid=237341451948750&set=a.230251385991090 https://www.facebook.com/STOP.HS2/videos/817254309553667
Video 9	28.02.2023	Action against Eversheds	00:44:06	https://www.facebook.com/XRebellionUK/videos/168796375505347
Video 10	22.01.2023	D66 and D67 at A418	00:33:08	URL removed following HS2 Rebellion hack

Video Number	Date	Description	Duration	Source URL
Video 11	05.02.2023	D66 and D67 at A418	00:07:51	https://www.facebook.com/caroline.thomsonsmith/videos/485412460460956/?idovanity=384792308986381 https://www.facebook.com/caroline.thomsonsmith/videos/699724868367001/?idovanity=384792308986381 https://www.facebook.com/caroline.thomsonsmith/videos/1641966312888710/?idovanity=384792308986381 https://www.facebook.com/caroline.thomsonsmith/videos/1589764861471826/?idovanity=384792308986381 https://www.youtube.com/watch?v=zafRKmeXf-M
Video 12	07.07.2021	D5 at Whitmore Woods	00:08:05	https://www.facebook.com/ross.monaghan.35/videos/10161057827499992
Video 13	31.12.2021	D5 at Whitmore Woods	00:05:11	https://www.facebook.com/ross.monaghan.35/videos/465863348539189
Video 14	26.02.2023	Stealth Camping	00:10:50	https://www.youtube.com/watch?v=XGLs95i0nDs