

1.	Claimants
2.	Rohan Perinpanayagam
3.	Fourth
4.	RP4
5.	Date: 13 August 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS  
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

**B E T W E E N:**

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE ORDER OF MR DAVID HOLLAND QC DATED 22 JUNE 2020

(36) 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

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**FOURTH WITNESS STATEMENT OF ROHAN PERINPANAYAGAM**

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I, Rohan Perinpanayagam, of High Speed Two (HS2) Ltd, 2 Snowhill, Queensway, Birmingham, B4 6GA WILL SAY as follows:

1. I am the Second Claimant's Project Client Align IPT (Project Director) of Phase One of the High Speed 2 railway scheme ("the **Scheme**"). This is my fourth statement in these proceedings and, as mentioned in my earlier witness statements, I am known as Rohan Perin. I shall refer to my first witness statement, dated 9 June 2020 as "Perin 1", my second statement dated 15 June 2020 as "Perin 2" and my third statement dated 27 July 2020 as "Perin 3".

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2. I make this statement, in support of the Claimants’ application dated 15 June 2020 known as the “**Substantive Amendment Application**”. The purpose of this Statement is to:
- (i) Describe more land that has been brought into the Scheme since 31 May, so as to provide the Court with an up-to-date picture of the totality of the site over which the Claimants seek to continue an injunction.
  - (ii) Update the Court on the Claimants’ position in respect of an allegation made by D4, Mr Keir relating to an incident in an area known as Steeple Claydon and which I previously referred to at paragraph 22 of Perin 3.
  - (iii) Set out the details of further specific incidents of trespass and obstruction that have occurred since 31 May 2020.
3. The contents of this statement are from matters that are within my own knowledge, knowledge gained from my review of the Claimants’ documents in relation to this matter and incident reports logged on the Second Claimant’s HORACE system, reports by the Second Claimant’s security team and that of the Second Claimant’s contractors and reports from specialist agents instructed on behalf of the Second Claimant. Where I state matters within my own knowledge, they are true to the best of my knowledge and belief. Where I state matters from other sources, I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as RP4. Page numbers without qualification refer to that exhibit.
4. In this statement, where I refer to:
- (i) “the **Land**”, that is a reference to the land which is the subject of “the **Current Injunction**” being the order of Mr Holland dated 22 June 2020, and which is shown edged in red and coloured green, pink and blue on the plan to the Current Injunction (at **p. 2**).
  - (ii) “the **Additional Land**”, that is a reference to the additional parts of land which the Claimants ask the Court for the injunction to be extended to cover and which is shown coloured green on the plan at **p. 3**.
  - (iii) “the **Harvil Road Site**”, that is a reference to the Land and the Additional Land together and which is shown coloured green, blue and pink and edged in red on the proposed new injunction plan at **p. 4**.

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*The Additional Land*

5. I explained at paragraphs 23 and 24 of Perin 2 that land continues to be brought into the Scheme and, as such, the Claimants intended on filing a revised ‘Plan A’ (a new injunction plan) prior to the hearing of the Substantive Amendment Application to encompass the Additional Land. The Claimants respectfully ask the Court to continue an injunction which encompasses the whole of the Harvil Road Site at the date of the upcoming hearing, so as to cover the Additional Land also. As land is brought into the Scheme and becomes part of the Harvil Road Site, that land is at risk of unlawful conduct. As I mentioned in Perin 2, if the injunction is not granted to cover the Additional Land (assuming the Substantive Application is successful), the injunction will already be ‘out of date’ and parts of the land at the Harvil Road Site further exposed to risk of unlawful conduct.
6. As mentioned at paragraph 4(ii) above, the Additional Land is shown coloured green on the plan at **p. 3**.
7. The Second Claimant has taken temporary possession of the Additional Land pursuant to section 15 and Schedule 16 of the Act, which gives it an immediate right of possession to the same. I exhibit at **p. 4** a schedule setting out the details of the notices served pursuant to paragraph 4(1) of Schedule 16 of the Act and the dates on which possession was taken by the Second Claimant pursuant to those notices. In relation to plot S232\_068, in addition to the Second Claimant having taken temporary possession of the freehold interest in that plot pursuant to its Schedule 16 powers, the First Claimant had previously taken a transfer of the leasehold title of that plot (and other land), being leasehold land registered at the Land Registry under title number AGL382235. The registration of that transfer is pending at the Land Registry, however, a copy of the transfer and the title plan are at **pp. 5 - 12** for completeness.
8. I am aware that the Claimants’ entitlement to the possession of the Land has been determined at previous hearings before the Court. Notwithstanding this, I understand that some of the defendants have sought to allege that the Claimants have either not shown that they are entitled to possession of the Land or that they are not entitled to possession of it (albeit I don’t believe this has been explained in any detail in the evidence which has been filed by them).
9. Notwithstanding this, I confirm that copies of the notices which have been served in relation to the parts of the Land which were incorporated into the injunction by way of the June 2020 Order (referred to as “the Additional Land” in the documents filed with Court for that occasion) and the Additional Land referred to at paragraph 7 above are available to those who wish to inspect them.

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The volume of documents is such that it is too cumbersome for those documents to be exhibited (and filed and served) with this statement. However, for those who wish to inspect them, they will be made available in advance of the hearing of the Substantive Amendment Application on the Claimants' solicitors document hosting platform. For anyone who would like access to this platform, they should contact the Claimants' solicitors whose details can be found on the Second Claimants' website:

<https://hs2inhillington.commonplace.is/schemes/proposals/harvil-road-injunction/details>.

### *The Steeple Claydon Complaint*

10. At the time of drafting Perin 3, my team was unable to locate any information about the allegation of an unlawful spraying of herbicide at an area known as Steeple Claydon on 3 July 2020. However, following further investigation, I can confirm that there was a telephone call to the HS2 Helpline number from the Parliamentary Assist Mr Kelly on behalf of Greg Smith MP who explained that their office had been receiving complaints from residents that the Second Claimant's contractors were using herbicide. That telephone call was followed up with an email from Greg Smith MP, which is exhibited at **p. 13**. The Second Claimant's response to that communication is exhibited at **p. 14** which explains that the work was undertaken correctly in a controlled way with the works having been appropriately supervised. It also demonstrates that (i) the Second Claimant takes allegations such as this one seriously and (ii) it promptly investigates complaints received.

### *Protester Activity Since 31 May 2020*

11. My colleague Richard Jordan has set out in his witness evidence the detail of some of the unlawful activity which the Claimants have suffered at the Harvil Road Site. I now detail some further incidents which have been recorded by the Second Claimant's contractors since the beginning of June 2020 and recently collated by the Second Claimant and which demonstrates that the risk to the Harvil Road Site has not diminished since the last Court hearing in these proceedings.
12. Where the identity of those involved in the incidents has been established by the Claimants at the time of drafting this statement, their names are provided. For the most part, however, the identity of those involved in these incidents is not known.
13. Where I have referred to a plot number in this statement, those are to plot numbers on the plan at **p. 3** which is the revised (and proposed new) injunction plan.

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14. Additionally, where I describe an officer as ‘HCEO’ in this statement, as was the case in Mr Jordan’s previous statements, that is intended to mean an officer or officers working for the HCE Group and not necessarily an officer working as and in the capacity of an authorised high court enforcement officer under the direction of the High Court in all instances.

15. **On 1 June 2020**

- (i) At 22:14 while security officers were patrolling the fence line at the Gate 3 compound on plot number C111\_165, one of the security officers came across six protestors in the closed area between the post and wire fence and the main block and mesh security fence. Immediately upon seeing these persons he issued a verbal trespass warning, informing them they were trespassing on the Harvil Road Site and informed them that they should vacate.
- (ii) The security officer reported that there were four males and two females within the group whose identities were unknown to him. One of the male protestors started to climb the fence and, as he breached the fence the security officer called for police assistance using the 101 service, in order to report the trespass. This report and request for assistance was subsequently escalated to a 999 status emergency call for assistance as the situation deteriorated (incident reference number: 8815).
- (iii) At 22:40 one unknown male cut one of the block and mesh fence panels with wire-cutters whilst the other trespasser was inside the fenced compound. Simultaneously, many other protestors gained access to the main compound.
- (iv) When breaching the fence the trespassers were reported and recorded throwing objects at the security officers, running around the site area and damaging property of one of the Second Claimant’s contractors. They also irreparably damaged a newly erected fence line.
- (v) At 23:15 the security officers were able to detain a male protester, and shortly after this a team of seven HCEOs arrived.
- (vi) Very quickly a large group of between 30 and 40 protestors gathered along the fence line and then tried to gain access to the compound through the length of fence that was cut earlier in the incident, and using ladders against the fence in a co-ordinated attempt to breach the site boundary. It is reported that instructions and directions being given by the protestors to one another were clearly heard and recorded by the HCEOs.
- (vii) One of the security officers and the site manager tried to block their access point and decided that, due to the apparent violent intent of the protestors, the situation was becoming

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dangerous. The protestors were starting to throw punches and kicking out to try and gain entry. During this period one of the security officers was bitten by a female protester just above the right knee and kicked.

- (viii) Despite the assaults and threats, both verbal and by action, the security officers continued to hold the position: protesters were pinching them and punching their hands and verbally threatening to break their arms and legs. While the security officers were trying to control the access point, several protesters who had got inside the site were able to free their detained fellow protester, and they withdrew with him through the vandalised fences. They also had use of ladders which again at one point were being used as weapons by thrusting them against the security officers and the HCEOs.
- (ix) During this period it is reported that the security manager on site narrowly avoided being struck by a large branch wielded by a protester.
- (x) At 23:50 two members of the mobile security team arrived at the incident point and deployed to record the incident with their cameras, until the arrival of the police at 00:15 on 2nd June 2020 (CAD incident number was issued: 9416).
- (xi) At 00:19 the protesters divided themselves into groups of four to five people and began to disperse in different directions, possibly with the intention of causing confusion on the arrival of the police inside the site boundary.
- (xii) At 00:57 two more police vans arrived at the incident site albeit no arrests were made during the course of the night. The police officers in attendance were advised that there had been criminal damage committed, an assault on a security officer and that other security personnel had been attacked and in one case bitten and had suffered generally serious aggression from the protestors present on the site.
- (xiii) During the incident there were deployed eight security officers, seven HCEOs and six police officers which later left the area at 02:15.

**16. On 9 June 2020**

- (i) At 05:50 in the compound at plot number C111\_008 a group of more than 15 protesters both male and female began to gain access through four to five locations along the compound fence line by cutting the block and mesh fencing panels, kicking over Heras fencing panels. The behaviour and actions were reported to be generally very aggressive

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and caused substantial damage to the compound fence thereafter making it very difficult for the security officers on the ground to properly secure the site.

- (ii) It became apparent to the security officers that the aim of the protesters was most likely to be to stop work taking place on the site during the course of the day. This was achieved by a trespassing protester climbing into the trees on and around the compound which six persons were able to do, with one in a tree within the compound and the others within the adjacent Heras fenced area.
- (iii) The police were notified early in the day, and a fast response was provided by two Thames Valley Police (“TVP”) officers arriving at 06:30. However, the incident was passed to the control of the Metropolitan Police, since the site lay within their force boundary, and the TVP officers left the site at 07:17. No Metropolitan Police officer subsequently attended the site throughout this incident despite requests that they do so.
- (iv) At 09:36 the security officers were unable to secure the main entrance to the compound as the gate was blocked by two unknown protestors sitting causing an obstruction to the gate. Suddenly several protesters started pulling at the gate system and managed to pull it down, allowing two female and one male protester to run into the area where works were taking place.
- (v) HCEOs then arrived on site and moved into the compound to challenge the three individuals who had entered through the gate and had sat down and glued their hands together with “superglue” in order to render their removal difficult. HCEOs used a safe solvent in order to free their hands and then escorted them from the site.
- (vi) The construction management team decided to proceed to install the main gates whilst the individuals were aloft in the trees. The security officers therefore requested that a number of the protesters on the ground move from the area but they refused to do so. The security officers advised them that they had to be moved for their own safety and this was completed without further incident. Cordons were then put in place and work on the gates recommenced.

#### 17. **On 9 June and 10 June 2020**

- (i) At 22:47 on 9 June 2020 in the compound at plot number C111\_008 a security supervisor requested the deployment of further security officers as protesters were starting to break

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into the compound, cutting and generally damaging the fence lines and becoming very aggressive towards the security officers.

- (ii) At 22:48 the security manager arrived at the incident location. Protesters were at this point inside the previously secured compound and it was noted that a number of fence panels had been seriously damaged with large holes being cut through them, allowing fast movement in and out. Two protesters, identified as Jack Charles Oliver (D34) and Charlie Inskip (D35), had made their way into a large tree within the compound. A telephone call was made requesting support from the HCEOs based at the nearby Dews Lane site.
- (iii) Security officers recording the incidents using video cameras reported that the number of protestors was increasing to more than 20, who were extremely aggressive towards all security personnel, who were trying hard to block access through the holes made in the fence. However, with the force of numbers the protesters managed to push through into the compound.
- (iv) At 23:30 four HCEOs arrived at the site and assessed the situation. They formed a clear cordoned area around where Mr Inskip and Mr Oliver and one female protestor were situated in the tree, and engaged with the other protesters who were now beginning to leave the compound and the surrounding area in general.
- (v) At 23:34 one of the security officers informed the security manager that his Radio handset and head torch had been forcibly removed from his person and stolen by one of the protesters.
- (vi) At 23:49 the HCEOs carried out a full check of the fence to ascertain the amount of damage caused. Four mesh fencing panels were cut and damaged, and most of the outer Heras fencing panels were also cut and damaged. Temporary repairs were carried out by security officers with the support of HCEOs using other fence panels in order to re-secure the compound. The damage was reported at this time to the police and to security managers by telephone.
- (vii) At 01:10 on 10 June 2020 the female protestor in the tree elected to descend and was detained by the HCEOs and at 01:16 police officers arrived on site and arrested the detained female for aggravated trespass.
- (viii) At 01:44 a further five police officers arrived and checked the area, then they tried to talk down Mr Inskip and Mr Oliver from the tree, who however refused to come down.

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- (ix) At 02:30 five further HCEOs arrived and at 03:48 the police officers left the compound.
- (x) At 08:00 Mr Inskip and Mr Oliver in the tree were brought down by the HCEOs at height team and detained for aggravated trespass, the police having been called and a further CAD incident number was issued. The police advised that they were unable to despatch officers to site at this time and requested that the HCEOs continue to detain the individuals.
- (xi) At 12:23, whilst awaiting the arrival to site of the police, Mr Oliver managed to free himself from custody of the HCEOs and scrambled up and over the fence, rapidly departing from the area.
- (xii) At 13:45 police officers arrived at the site and made an arrest of the remaining trespasser, a young male known to the HCEOs as Charlie Inskip. Otherwise, it has not yet been possible to establish the identities of the other protestors involved in this incident.
- (xiii) The Claimants' are aware that Mr Conner Nicholls (or possibly Nickols) (D21) was also arrested for aggravated trespass on the Harvil Road Site on 10 June 2020.

**18. On 20 June 2020 and 21 June 2020**

- (i) During the course of the 2 June 2020 there were up to 40 protesters present at the camp established adjacent to the River Colne: they were noisy and were at times abusive to security officers and HCEO's present in the compound at plot C111\_008 .
- (ii) During the afternoon and evening, it was observed by the security officers that copious amounts of alcohol were being consumed. When the protesters decided to create a camp fire, the resultant bonfire was large and not properly controlled, and the officers considered that it could cause a risk of fire spreading to the surrounding wooded area. Due to these perceived risks to public, the protestors and the Second Claimant's personnel a close watch was maintained on area and on the fire itself, which was eventually allowed to burn down to a safer level.
- (iii) At 23:42 a number of protestors swam across the River Colne and made cuts in the fence panels on the opposite (northern) bank, thereby gaining access to the compound on plot C111\_008 where they proceeded to do damage to the lighting towers. The incursion incident happened very quickly, and when Security Officers were able to reach the location and challenge the protesters, they quickly left the compound and moved back to their camp. TVP were called and issued URN Number: 17- 21062020.

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- (iv) A lighting tower which had been damaged in the attack was subsequently found to be working at less than 100% output due to one of the light units having been rendered inoperative.
- (v) Additional security officers were moved to the site to support the team deployed to the lighting tower and three HCEOs were in attendance in case of further attacks, whilst perimeter patrols and checks were conducted, together with a close inspection of the fence for other potential cuts to the panels.
- (vi) At 01:35 on the 21 June 2020 it was noted that two male protesters again jumped the fence, attacking the light towers and grabbing wires in an attempt to further disable the lighting equipment. This second attack was hindered by the security team and formal verbal trespass warnings were given.
- (vii) Temporary repairs were effected to the fence panels and a report made to the Second Claimant's construction project team in order that permanent repairs are undertaken as quickly as possible.
- (viii) The party in the protester camp continued until after 04:00.

19. **On 24 June 2020**

- (i) At approximately 12:10 a male and female protestor gained access to the works area within the compound at Denham Country Park at plot number C111\_008 and climbed one of the trees within the compound. The protestors in the tree were requested to get down by the security team, which they both refused to do.
- (ii) The security officers and HCEOs secured the area against further incursions, then the HCEO professional climbing team removed the male protester from the tree, with the female protester descending of her own volition. Both protesters were escorted from the site, whereupon and they returned to the protest camp.
- (iii) At 13:10 the HCEOs and the security teams were escorting the wood chipping plant to the compound on the north of the river. To reach this compound it is necessary, until the temporary bridge is erected, to use the path across the existing wooden bridge over the River Colne. As they approached the compound wooden bridge together with the members of the Second Claimant's project team, eight protesters formed a group across the pathway to stop them from moving and then targeted the wood chipper plant.

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- (iv) Three female and one male persons were able to reach and to sit upon the machine. The HCEOs team leader stopped all movement in order to prevent the risk of injury to protesters and to members of the security and construction teams. A call to the 101 service was made asking for assistance from the police.
- (v) At 14:00 TVP officers arrived at the incident site but explained that due to the incident being on the south side of the River Colne, which forms the force boundary line, they were not able to deal with the situation. They did however try to explain to the protestors that this was not peaceful protest action, but this was ignored, and the protesters continued to prevent the movement of the machinery.
- (vi) The protesters then complained to the TVP officers that “they had issues with the way they were being treated by members of the HCEO team”. Statements were then taken from the protesters by TVP officers.
- (vii) At 15:45 the protesters finally vacated the machines and made their way back to their encampment, celebrating and singing.

20. **On 29 June 2020**

- (i) At 08:41 at the compound on plot number C111\_008, whilst protestors were attacking the fence line, a protester, who was later identified as a male known as Andrew McMaster, placed his hands through the gates to the compound. Once his hands were placed through the gates he used a substance to bond his hands together thereby creating a human blockade of the gates which were then rendered inoperable.
- (ii) HCEOs and the security team took the decision to await assistance from police due to the health and safety risk from protester interference with any removal operation. The Metropolitan Police were called via a 101 call and a CAD Number was obtained.
- (iii) At 10.13 police officers arrived on site and used a de-bonding agent to free Mr McMaster’s hands and remove him from the gate. He was then arrested by the Metropolitan Police for the offence of aggravated trespass and removed from the area. The incident was closed at approximately 10:25.

21. **On 7 July 2020**

- (i) From 08:00, ground clearance works continued on plot number C111\_008 where an attendance by both the Metropolitan Police and TVP helped ensure that the works

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progressed without disturbance. The Second Claimant's project team felled one tree and were continuing with stump grinding and chipping of residue vegetation.

- (ii) The police support left site at approximately 14.15 because the protestors were not disrupting the works.
- (iii) At 15:03 seven male protestors were observed sitting in and around the path to access the golf course, outside the compound access gates. They refused to move when asked to do so and their presence in this location prevented the Second Claimant's project team and their equipment from leaving the compound.
- (iv) The police were called via the 101 service and a CAD Number was issued: 4650/070720. A further call was also made to the Metropolitan Police who had been on the site earlier in the day and they offered to deploy back to site. Prior to the police arriving the protestors then moved away allowing egress from the site and the Second Claimant's project team and equipment was successfully returned to the main compound.

22. **On 8 July 2020**

- (i) On plot number C111\_008 at 12.35, four protestors blocked the wooden footbridge across the River Colne, preventing the Second Claimant's project team and security officers from returning equipment to the compound on the north side of the River Colne. The police were called and TVP officers attended at 13:29.
- (ii) Protestor numbers increased to seven persons and the police officers spoke with the protestors who subsequently moved off the bridge and allowed access across it. Police officers remained in attendance to prevent further obstruction or breaches of the peace.

23. At approximately 15:05 protestors again blocked the bridge and refused to move when requested to do so. The police officers therefore arrested six protestors for offences under the Trade Union and Labour Relations Act (Consolidation) 1992, who the Claimants' believe were identified as Talia Wodin, Araminta Blythe-Casson, Aimee Lynhan, Lachlan Hall-Sanford, Stella Fass and Berry Smith.**On 9 July 2020**

- (i) On plot number C111\_008 at 14:10 three male protestors crossed the River Colne and managed to gain access to a tree located immediately outside of one of the compounds on the north bank of the river. Whilst the trunk of the tree lay outside the compound, the project team needed to clear the branches which overhung the compound area in order to mitigate risks to health and safety that would arise when the planned temporary bridge is erected

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and utilised for plant crossing. The security officers were unable to prevent access to the tree because there was no gate or other means of safe egress from the river side of the compound.

- (ii) One of the security officers issued a formal trespass warning to the individuals at the tree and the police were called. TVP officers subsequently arrived at 14:25.
- (iii) Seven protesters were arrested for offences under the Trade Union and Labour Relations Act (Consolidation) 1992 who the Claimants' believe were identified as Scott Breen (D13), Sebastian Roblyn Maxey (D23), Jack Oliver (D34), Daniel Castilho Lima, Jamie Goldborne, Toni Marie Bingham and Dominic Gillett. Another protester who had climbed into the tree refused to come down stayed in the tree until the following day, monitored by the night security shift.

**24. On 20 July 2020**

- (i) At 00:01 the Security Operations Centre received a report from the Gate 3 compound at plot number C111\_112 that four male protesters were attempting to force their way on to the site. The security officers at the site were able to prevent them entering, although the protestors remained outside the site in the entrance area.

**25. On 22 July 2020**

- (i) At approximately 06:05, one of the Second Claimant's contractors was travelling in their vehicle along Harvil Road approaching Gate 3 at plot number C111\_112. At this time, three protestors were walking from the direction of Gate 3 uphill along Harvil Road towards the roadside protestor camp. Upon the driver of the vehicle setting his indicators to turn into the entrance to Gate 3, the protestors turned and ran to Gate 3 thereby seeking to prevent the vehicle entering the site.
- (ii) The security team controlling the gate responded quickly and professionally by shepherding the protestors to the side of Harvil Road, and thus allowing the vehicle to enter. During this shepherding operation it is reported that the protestors were attempting to physically assault the security officers.
- (iii) Upon subsequent inspection of the vehicle it was found that the contractor's signage had been partially removed and a scratch was present on passenger side door. This damage was not however reported to the police as there was no video evidence or identification of an individual(s) responsible.

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**26. On 22 July 2020**

- (i) At 15:54 an unknown male stood at the gateway to the Gate 3 compound at plot number C111\_112, talking with the security team inside. He was joined by Mark Keir (D4). The unknown male made a sudden run towards the compound fence but was deterred from climbing over and into the compound by security officers deployed from the gateway “bellmouth” area.

**27. On 22 July 2020**

- (i) At 23:50, at a compound on plot number C111\_008, three male protesters crossed the River Colne from the area of the protest camp on the south bank of the river, and climbed into a tree located on the river bank outside the compound but which lies on the Harvil Road Site. Here they rigged a hammock in the upper branches of the tree and attached further ropes connecting across the River Colne to a tree on the far bank, which lay outside of another compound, in the public area next to the protester camp.

**28. On 23 July 2020**

- (i) At 11:27 two male protesters at the Harvil Road/Dews Lane Junction gateway, on plot number C111\_164 attempted to enter the Dews Lane secure compound area.
- (ii) Two males were observed trying to push past the guards. One male protester was known to the security officers as Jacob Harwood (D29). They were joined by a further male and a female protester, thought to be his partner, who began to dance around the guards who were trying to reach the gate to prevent their forcing entry.
- (iii) The security adviser asked the Security Operations Centre to arrange for police attendance. At 11:54 Metropolitan Police officers attended: CAD number 3143 2372020 was issued. At this point the group left the site and the police officers departed.
- (iv) At 13:30 three male protesters, two of whom were known to security officers as Jacob Harwood and Iain Oliver (D9), attended at the compound entrance at the Harvil Road/Dews Lane Junction.
- (v) Jacob Harwood continued in his attempts to reach the gate but was again prevented. At 13:39 all three protesters departed the site.

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29. **On 23 July 2020**

- (i) At 07:00 the Authorised HCEO together with a tree cutting climbing team attended the compound at Denham Country Park on plot number C111\_008. The Authorised HCEO had been asked by the Second Claimant's security team to attend site to advise on enforcement matters while a tree (located on land subject to the injunction) was being cut to make way for a temporary bridge to be placed over the River Colne.
- (ii) Upon the HCEO's initial inspection it was ascertained that the protesters had rigged an aerial walkway using several lines between a tree on land which they occupy next to the compound on the opposite bank (which is land not subject to the injunction). There was also a protester in the tree that was due to be taken down in a hammock at the very top of the tree. One of the lines was made from a steel cable, with the others being made from blue polypropylene rope.
- (iii) At 08.00 the Authorised HCEO crossed the river into the compound to speak to the security officer and the climbing team who were cutting the trees.
- (iv) After discussions with the various teams on the ground, a diversionary tactic was employed intending to focus the protesters actions away from the aerial walkway. This was achieved by opening the compound fence and thereby temporarily blocking off an unofficial pathway which was in use to reach the protester encampment and which allowed the tree climbing team to ascend and cut the walkway lines, with the exception of the steel wire line.
- (v) As a result of this action. the protesters went out onto the steel cable and sat upon it, above the centre-line of the River Colne.
- (vi) The police were then called via the 101 service and subsequently Inspector Chris Simpson of TVP arrived at the site, accompanied by several police officers. Discussions then took place between the Second Claimant's security team, Inspector Simpson and the Authorised HCEO in order to establish how effectively and safely to remove the protesters from the work area and from the walkway above the river.
- (vii) The police officers on site called in the TVP climbing team, which took several hours to arrange. The TVP climbing team attended the site and reported that they were unable to respond as the tree that was occupied was not on the Harvil Road Site. However, the occupation was effectively preventing the planned project works from being carried out, in felling the tree adjacent to the north bank of the River Colne that was scheduled to be felled.

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- (viii) The Authorised HCEO was then advised by the TVP officers that Mark Keir (D4) had called the 999 emergency service and stated that the protesters were in danger at height over a river. Inspector Simpson stated that by making this call this situation had now been classified as a major incident and that the ambulance and fire service would now attend with their respective incident units, and a police incident commander would attend to take control of all services. All services subsequently arrived at the site.
- (ix) The decision was taken by the combined emergency rescue services to take control of the steel cable and then to cut the cable and lower the protesters in a controlled manner.
- (x) Police officers from several county forces, were present in large numbers on the north bank of the River Colne, which the protesters occupied.
- (xi) The cable was cut and a young male on the tree platform, later identified as Lachlan Hall-Sanford, then stood on the wire as its was being lowered, whilst holding onto a branch that was next to the platform. This branch was unable to support his weight: it subsequently broke and he fell into the river from a height of approximately ten feet, where he was immediately taken control of by the police specialist officers stationed in the river. The other two protesters then slid down the wire cable into the river, un-hooked themselves from the wire and swam off upstream with the police in pursuit.
- (xii) Mr Sanford was then taken to the riverbank by the police and handed to the care of the ambulance service for checks to be made. It is reported that he was later arrested after being released from the hospital Accident and Emergency unit.
- (xiii) Following discussions with the Second Claimant's security team, a further team of HCEOs was deployed overnight and the current team of HCEOs stood down. The protester in the tree was left over night with the HCEOs and security teams occupying the compounds on each side of the river. The daytime team of HCEOs left the site at 19.00 and the police also left the site.

**30. On 24 July 2020**

- (i) At 05.45 the Authorised HCEO received a telephone call from the Second Claimant's security advising that the site on plot C111\_008 had again been overrun with protesters during the night and that they had managed to get the protester climber out of the tree and taken back into the protest camp. The HCEO team was also advised that the protesters had re-established the aerial ropeway lines across the river.

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- (ii) At 06:10 the Authorised HCEO attended the site and ascertained that new lines had indeed been placed across the river including a new steel cable
- (iii) At 07.00 the police were again called to the site, which they attended over the next four hours in the same numbers as on 23 July 2020, on this occasion deploying their own specialist climbing team and other specialist response teams, together with the ambulance service and their aquatic rescue teams.
- (iv) The protesters started to gather under the tree which was scheduled to be cut down on the north side of the river, on plot number C111\_008. The HCEOs were able to successfully defend the tree whilst the HCEO professional climbing team started to fell some of the limbs.
- (v) The police climbing team spent several hours trying to establish another line across the river (in order to bring the protesters lines under control) but were unable to operate the system they had designed and installed.
- (vi) The HCEO professional climbing team were asked by the police commander to provide help and advice: it was decided that the same method as used on the previous day would be implemented.
- (vii) The HCEO professional climbing team leader, accompanied the police climbing team members accessing the tree using the HCEO professional climbing team's aerial platform ("cherry picker") and were then able to take control of the lines that the protesters had rigged.
- (viii) The line was again cut and the female protester in the tree protester (later identified as Samantha Smithson (D32) was lowered down into the water. The police aquatic rescue team then removed Ms Smithson immediately from the river after which she was arrested for offences under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (ix) The duty police superintendent then asked the HCEO professional climbing team to proceed to remove the final protester from the platform (which was on plot C111\_008). The HCEO professional climbers then crossed the river in order to set up the removal of the occupant at height in the tree, who had been identified as Dr. Ian "Larch" Maxey (D22), a protester well known to the HCEO team from many eviction and removal events over the past months.

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- (x) However, the Authorised HCEO then received a telephone call from Inspector Simpson of TVP asking that they stop work on the removal of Dr. Maxey, since the hour was late and the light was failing.
- (xi) The HCEO professional climbing team there went back to cutting the remaining limbs from the tree that was to be felled, so that further lines could not be rigged to it. This work was completed by approximately 22:30 and the day team of HCEOs left the site at 23.00.
- (xii) Five other protesters were arrested as a result of incidents taking place during the day. In addition to the arrest of Ms Smithson, others arrested are known to be (and what the Claimants' understand them to have been arrested for) are:
  - (a) Wiktoria Zieniuk (D18) for aggravated trespass;
  - (b) Sebastian Roblyn Maxey (D23) for aggravated trespass and obstruction and assault of a police officer;
  - (c) a male protester identified as Daniel Winterton, for aggravated trespass and common assault;
  - (d) a male protester identified as James Taylor, for aggravated trespass and obstruction of a police officer; and
  - (e) a female protester identified as Maria Nolan, for aggravated trespass and obstruction of a police officer;

**31. On 26 July 2020**

- (i) At 00:00 six male protesters at the entrance of the compound at the junction of Harvil Road and Dews Lane on plot number C111\_164 were reported to be acting in an aggressive manner.
- (ii) At 00:15 these protesters were observed pushing hard at both the barriers and the security guards as they continued with their repeated attempts to enter the Dews Lane secure compound. A call was therefore made to the police. At 00:39 the six protesters ceased their assault and were seen walking away from the area.

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32. **On 31 July 2020**

- (i) At 11:50, on the west end of the Harvil Road Gate 4 compound at plot number C111\_165 a male protester known to the security officers as Vajda Robert Mordechaj (D8) climbed and breached the security compound fence at the U34 PRow closure point. The police were informed via the 101 service. At 12:20 the Metropolitan Police advised that they were unable to attend the site.
- (ii) At 12:55 reports were received at the Security Operations Centre that there were six protesters at the attempted breach point on the fence line; one of the protesters was known to the security officers as Nick Grant aka "Potts" (D16).
- (iii) At 14:14 the security officers reported to the Security Operations Centre that Mr Mordechaj had been successfully removed from inside the compound via the gate adjacent to the lake at the western end of the site by security officers and HCEO's.
- (iv) At 14:20 the remaining protesters along the fence began to depart.

33. Whilst the incidents set out above are those more significant incidents which have been reported in detail to the Second Claimant at the time of drafting this statement, incidents continue at or in the vicinity of the Harvil Road Site daily such that the risk of unlawful conduct at the site remains significant. There also remains a significant and continued protester presence at the Harvil Road Site. More recently a protester camp known as the Denham Wildlife Protection Camp in the vicinity of Plot C111\_008 has been the focus of protester activity.

34. Where the conduct of known individuals outlined above amounts to breaches of the injunction that were in force at the time, consideration is being given to whether contempt of court proceedings would be appropriate. I do not understand those considerations to be relevant for the purposes of this hearing, however, and so I do not say anything more about them here.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Signed:

Rohan Perinpanayagam

Dated: 13 August 2020