

On behalf of: Applicants/Claimants
By: Robert Shaw
No: 3
Exhibit: RS3
Date: 12 January 2020

PT-2020-BHM-000017

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
PROPERTY TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY**

BETWEEN:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LIMITED

Applicants/Claimants

- and -

**(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANTS ON LAND AT SOUTH CUBBINGTON WOOD,
SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN A
ANNEXED TO THE PARTICULARS OF CLAIM**

**(2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANTS ON LAND AT CRACKLEY WOOD, BIRCHES
WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE
SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON
PLAN B ANNEXED TO THE PARTICULARS OF CLAIM**

(5) ELLIOTT CUCIUREAN

Respondents/Defendants

**THIRD WITNESS STATEMENT OF
ROBERT SHAW**

I, ROBERT SHAW, of DLA Piper UK LLP, 1 St. Paul's Place, Sheffield S1 2JX **WILL SAY** as follows:

1. I am a solicitor of the Senior Courts of England and Wales and a Legal Director at DLA Piper UK LLP with day-to-day conduct of this matter under the

supervision of my partners. I am authorised to make this Third Witness Statement on behalf of the Claimants in this claim.

2. I make this statement in support of the Claimants' application dated 10 December 2020 (“**Application**”) for an extension of the injunction granted by Mrs. Justice Andrews on 17 March 2020 (the “**March Injunction**”) and in order to update the Court on the steps taken by the Claimants to:

2.1 serve the Application;

2.2 serve the Order of the Court dated 17 December 2020 (the “**Case Management Order**”); and

2.3 provide copies of the Notice of Hearing.

Copies of the Case Management Order and Notice of Hearing are at pp 1 - 13.

3. The matters I set out in this statement are within my own knowledge, unless stated otherwise. The contents of this statement are true to the best of my knowledge and belief.

4. There is now shown to me a paginated clip of documents which I exhibit hereto as RS3. Page numbers without qualification refer to that exhibit.

Notification of Application

5. As detailed at paragraphs 13.2 – 13.4 of my second witness statement, a process server employed by Arkline Legal Agents attended at the Cubbington Land and Crackley Land and served the documents detailed therein on 15 and 16 December 2020.

6. I am now in receipt of the process server’s signed Certificates of Service, together with: (i) a plan and photographs showing the locations that documents were served; and (ii) copies of the documents served. Copies of the Certificates of Service are at pp 14 - 242.

7. On 16 December 2020, the process server was also able to hand three sets of the documents to three adult male protestors (as is confirmed by paragraph 1 of the Certificate of Service at p 130).

Service of Case Management Order and Notification of Hearing

8. On 17 December 2020, the Court made the Case Management Order extending the long stop date in the March Injunction to 31 January 2021 or further order.
9. On the same day, the Court listed the Application to be heard remotely on Thursday 14 January 2021 with a time estimate of 1 day and provided a Notice of Hearing.
10. Upon receipt of the Case Management Order and Notice of Hearing the Claimants took the following steps to serve the Case Management Order and bring the time and date of the Hearing to the Defendants' attention:

10.1 In accordance with paragraph 6.1 and 6.2 of the Case Management Order, on 18 and 19 December 2020, Mr. Andy Jones, Security Operations Manager at LM-JV (the Second Claimant's contractor at the Cubbington Land and Crackley Land) and on 21 December 2020, members of a security unit instructed by Mr. Jones, placed copies of the following documents (the "**Documents**") at conspicuous locations around the Cubbington Land and Crackley Land:

10.1.1 the Case Management Order;

10.1.2 a sealed copy of the Application Notice; and

10.1.3 A3 size signs advertising the existence of the Case Management Order and providing the Claimants' solicitors contact details.

On 19 December 2020 Mr Jones also placed copies of the documents and Injunction Warning Notices on the ground next to the protest camp known as "Camp 2" that is based on land immediately adjacent to the Crackley Land.

10.2 I have had sight of the witness statement made by Mr. Jones in these proceedings confirming the steps taken to serve the Documents.

10.3 In accordance with paragraph 6.3 of the Case Management Order, on 17 December 2020, a copy of the Case Management Order was emailed to: (i) helpstophs2@gmail.com; (ii) crackleyresidents@hotmail.co.uk; (iii) peter.delow@ntlworld.com; and (iv) wendyhoulston@hotmail.com.

Copies of the emails sent on 17 December 2020 are at pp 243 - 246. I can confirm that as at the date of this witness statement no response has been received.

10.4 In accordance with paragraph 6.4 of the Case Management Order, on 17 December 2020, a copy of the Case Management Order was placed on the following websites:

10.4.1 <https://hs2inwarwicks.commonplace.is/proposals/possession-orders-in-warwickshire>

10.4.2 <https://www.gov.uk/government/organisations/high-speed-two-limited>

10.4.3 <https://www.hs2.org.uk/documents/collections/cubbington-and-crackley-high-court-proceedings/>

Screen shots of these websites, which contain links to download a copy of the Case Management Order (and also the Application and supporting documents) are at pages 247 - 261.

10.5 In accordance with paragraph 7 of the Case Management Order, on 17 December 2020, a copy of the Order was sent by email to the Fifth Defendant's solicitors and counsel at the following email addresses: (i) nhall@robertlizar.com; (ii) lfrazer@robertlizar.com; and (iii) a.wagner@doughtystreet.co.uk.

A copy of the emails sent on 17 December 2020 is at pp 262 - 263. I can confirm that as at the date of this witness statement no response has been received.

10.6 Certificates of Service, filed with the court today, confirming the steps taken by the Claimants to serve the Case Management Order are at pp 264-273.

10.7 In accordance with paragraph 12 of the Case Management Order, the Notice of Hearing was placed on the following websites:

10.7.1 <https://hs2inwarwicks.commonplace.is/proposals/possession-orders-in-warwickshire>

10.7.2 <https://www.gov.uk/government/organisations/high-speed-twolimited>

10.7.3 <https://www.hs2.org.uk/documents/collections/cubbington-and-crackley-high-court-proceedings/>

Additional Parties

11. I can confirm in relation to paragraph 13 of the Case Management Order that as of 4 pm on 7 January 2021 (and to date) no individual had contacted the Claimants' solicitors regarding the Application nor had we received a witness statement from any individual outlining their interest in this matter and the nature of grounds for contesting the Application or arguments they wish to raise.

Named Defendants

12. The Claimants are continuing to evaluate which individuals known to them should be joined as parties to the proceedings. The Christmas period and further national lockdown imposed due to increasing coronavirus infections has delayed the Claimants progress in this regard, but I can confirm that it remains the Claimants intention to write to those individuals it is concludes should be joined to these proceedings.

Further Incidents

13. Mr. Richard Jordan, Chief Security and Resilience Officer for the Second Claimant, has confirmed to me that since my second witness statement, a further incident occurred on the Crackley Land on 3 January 2021. On this occasion, persons unknown entered on to the Crackley Land and graffitied anti-HS2 slogans and caused criminal damage to 2 tower lights, an electricity generator and a water bowser. No injuries were sustained by the Claimants' personnel or contractors.

14. Mr. Andy Jones, Security Operations Manager at LM-JV, the Second Claimant's contractor at the Cubbington Land and Crackley Land, has also confirmed to me that:

14.1 On the weekend of 9/10 January 2021, a group of protestors entered onto the Claimants' Broadwells Wood compound and graffitied anti-HS2 slogans. They also sprayed paint on the windows and mirrors of HS2's

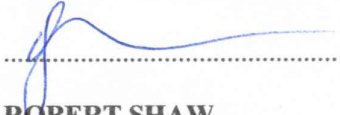
contractor's vehicles, which put such vehicles out of action until the vehicles could be cleaned.

- 14.2 On the morning of 12 January 2021, 4 protestors scaled the perimeter fence at the Crackley Land and climbed onto heavy machinery being operated by one of the Second Claimant's contractors (Five Rivers), which prevented works continuing. This resulted in Warwickshire Police being called and attending the Crackley Land.

Statement of Truth

15. 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.

Dated 12 January 2021


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ROBERT SHAW

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(5) ELLIOTT CUCIUREAN

Respondents/Defendants

**EXHIBIT OF
ROBERT SHAW**

This is the exhibit marked RS3 referred to in the third witness statement of ROBERT SHAW dated this 12th day of January 2021

Signed



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