

SCHEDULE OF INCIDENTS

No.	Date	Time	Location	Description of Incident
1	03-Jan-2021		Land near Crackley Lane, Kenilworth W3W: safety.cliff.await	<p>Unidentified person(s) entered onto land near Crackley Lane and used graffiti to display anti-HS2 slogans. The protestors proceeded to commit further acts of criminal damage to two tower lights, a generator, and a water bowser.</p> <p>The security team responded to the incident and reported the damage to Warwickshire Police.</p> <p>The images at p.[] show some of the damage caused by these events.</p>
2	11-Jan-2021		Broadwells Wood, Crackley Lane, Kenilworth W3W: react.stared.desk	<p>Unidentified person(s) gathered at the perimeter of Broadwells Wood and gained access to the works area. Whilst there, they approached various pieces of plant and sprayed graffiti onto the windows and mirrors of the drivers' cabins. The person(s) also cut electronic cables on two excavators, three dumpers, and two rollers. The damage that resulted is shown in the images at p.[].</p> <p>The operatives reported the incident to Warwickshire Police immediately upon discovery of the damage. In light of its severity, Security Guarding and Perimeter Intrusion Detection Systems (“PIDS”) were deployed until completion of the works.</p>
3	12-Jan-2021		Land near Crackley Lane, Kenilworth W3W: covers.shares.kinks	<p>Site operatives became aware that unidentified person(s) had entered onto the Crackley Land overnight.</p> <p>The person(s) had removed two chains and padlocks from the main gates to the site. Once inside, they had caused further damage to the workers' welfare unit. This consisted of damaging the seating area, removing the seat tops, and cutting wiring on the generator unit.</p> <p>The chains and padlocks had to be replaced, and repairs to the welfare unit were needed.</p>

SCHEDULE OF INCIDENTS

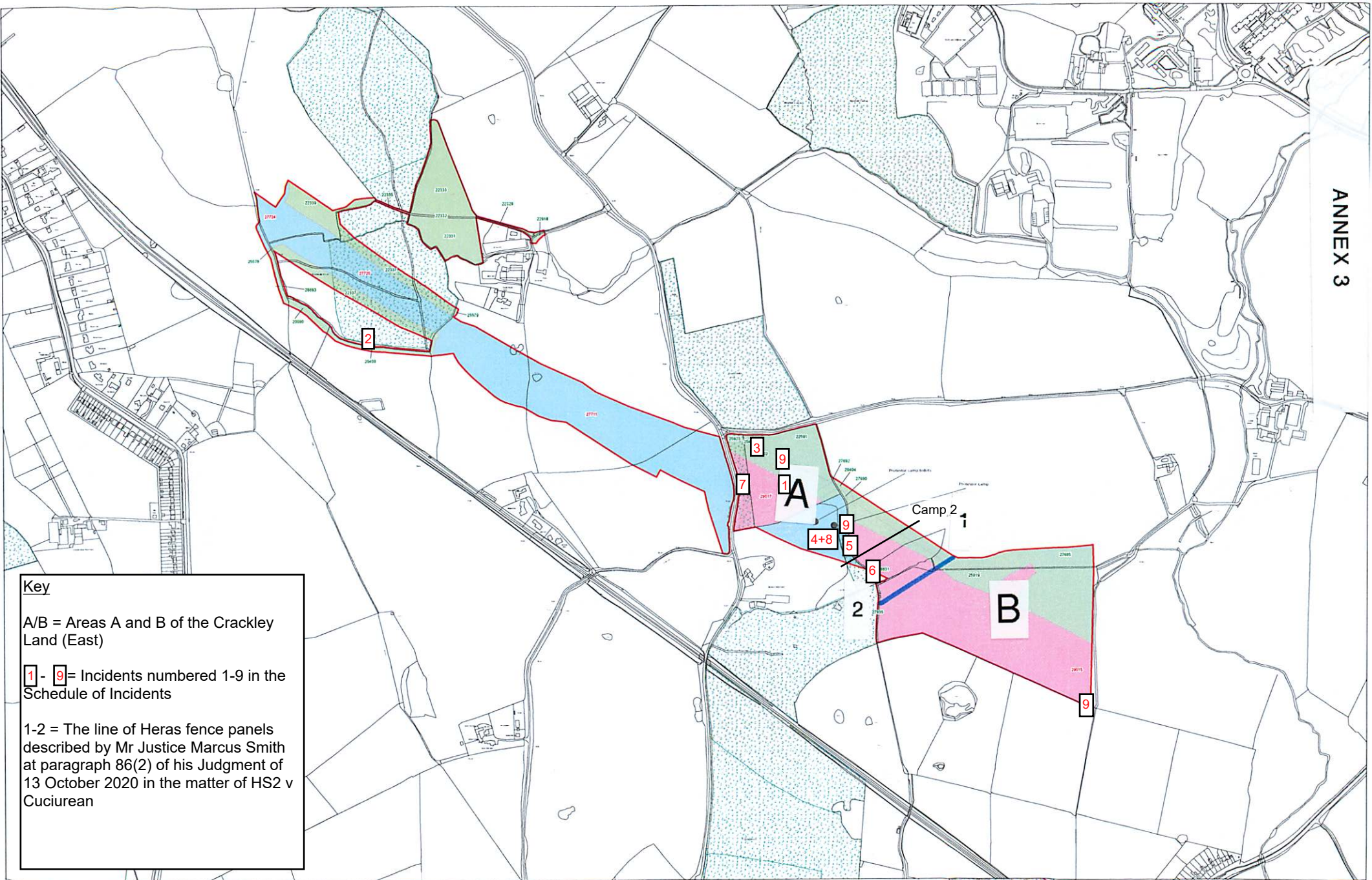
4	12-Jan-2021	16:00	<p>Land near Crackley Lane, Kenilworth</p> <p>W3W: rests.spoken.host</p>	<p>A number of protestors attempted to access the site at Lower Crackley, where reinstatement works were taking place. This part of the site is in close proximity to a protestor camp.</p> <p>Shortly after their arrival, a male protestor forced his way through the Heras security fence and onto the site. He then proceeded to dig up the wooden posts designed to secure the fencing between the site and the protestor camp.</p> <p>Members of the security team approached the male and informed him that he was trespassing onto injuncted land and causing damage to the fence line. The male responded by swinging a shovel at the security officers in an aggressive manner. He refused to leave voluntarily and was ultimately escorted to a set of gates in the centre of the site.</p> <p>As security attempted to close the gates, the male began striking the gates forcefully with his spade. One of these strikes narrowly missed the face of a security officer.</p> <p>The security team directed the male loudly to drop the spade, and leave the site. He refused to do this. As a result, security had no other option than to disarm the individual with minimal force. The male struck out at the security officers several times during this incident, hitting one of them in the eye. Once security had disarmed him, the male continued to hurl abuse at the operatives.</p> <p>Throughout the course of this incident, other protestors were attempting to access the site through the damaged fence line. Site workers prevented them from doing so by holding the fence in place until the security team could take over.</p> <p>Security reported this incident to Warwickshire Police, who are currently investigating it. Body Worn Video (“BWV”) was worn throughout the incident, and is available at [].</p>
---	-------------	-------	--	---

SCHEDULE OF INCIDENTS

5	08-Feb-2021		Lower Crackley, Crackley Lane, Kenilworth W3W: nights.moons.fired	Overnight, unidentified person(s) pulled down over 35 metres of fencing at the lower end of the site. This stretch of fencing is next to a protestor camp and adjacent to a public right of way. All of this fencing needed to be reinstated.
6	09-Feb-2021	14:00	Lower Crackley, Crackley Lane, Kenilworth W3W: warm.smiled.goods	Two protestors, one male and one female, gained access to the site at the Lower Crackley end. They entered via fencing that had been pulled down by person(s) unknown overnight. Both protestors wore dark clothing, hoods and face coverings. Once inside the site, the individuals headed directly towards operatives working on the haul road, who were then forced to suspend work and plant movement. The protestors hurled abusive and anti-HS2 comments at site operatives while walking around the area. After a short period, they returned to the protestor camp voluntarily through the same part of the fence through which they had entered.
7	14-Feb-2021		Land near Crackley Lane, Kenilworth W3W: skip.lawn.stacks	Security became aware that two Heras fence panels next to the site entrance on Crackley Lane had been forced apart and damaged. The security team reported the incident to Warwickshire Police.
8	08-Mar-2021		Crackley Wood PROW, Crackley Lane Kenilworth W3W: face.boot.using	Persons unknown cut the barbed wire topping on newly installed gates for the PROW and damaged the Heras fencing on either side of the gates. Padlocks on both the gates were also removed by means unknown. Criminal damage was reported to Warwickshire Police Service.
9	13-Mar-2021		Connect2Kenilworth PROW W3W: hails.slick.sing	Over the weekend of 13 and 14 March 2021, persons unknown caused criminal damage to approximately 700 metres of post and wire fencing at a number of locations across the sites.

SCHEDULE OF INCIDENTS

			Lower Crackley W3W: films.verse.ducks	Two sets of gates at the Connect2Kenilworth and Crackley PROW haul road crossing points were also damaged.
			Upper Crackley W3W: manual.wounds.spice	Criminal damage was reported to Warwickshire Police Service.



Key

A/B = Areas A and B of the Crackley Land (East)

1 - **9** = Incidents numbered 1-9 in the Schedule of Incidents

1-2 = The line of Heras fence panels described by Mr Justice Marcus Smith at paragraph 86(2) of his Judgment of 13 October 2020 in the matter of HS2 v Cuciurean

© Crown Copyright and the Controller of Her Majesty's Stationery Office. All rights reserved. This document is the property of HS2 Limited. It is to be used for the purposes of the HS2 project only. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of HS2 Limited.

Prisoner Camp	Vested DVO
Land Required	Schedule 16 notice served and processed
	Vested DVO registered to Secretary of State on HLR register
	Ancient woodland



Plan B

HS2

Scale at A3 1:2,500

0 24 48 72 96 120 144 168
5 Miles

Doc. Number: 19M2J0205 Date: 19/02/2015



Claim No: PT-2020-BHM-000017

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

PT-2020-BHM-000017

**Before: Mr Justice Marcus Smith
On: 19 January 2021**

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 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 CLAIMANT(S) 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

Defendants / Respondents

ORDER

**EXTENDING THE DURATION OF THE INJUNCTION MADE BY ANDREWS J.
ON 17 MARCH 2020**

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS
ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

IMPORTANT NOTICE TO THE DEFENDANTS

**This Order prohibits you from doing the acts set out in this Order. You
should read it very carefully. You are advised to consult a solicitor as**

soon as possible. You have the right to ask the Court to vary or discharge this Order.

FURTHER TO the Order made in these proceedings by Andrews J. on 17 March 2020 (“the **March 2020 Order**”)

AND UPON the Claimants’ application by Application Notice dated 10 December 2020, pursuant to the liberty to apply provisions at paragraph 17 of the March 2020 Order, to extend the duration of the injunction contained at paragraphs 4 to 6 of the March 2020 Order (“the **Extension Application**”)

AND UPON the Order made by Marcus Smith J on 17 December 2020 extending the duration of the March 2020 Order to 31 January 2021 (“the **December 2020 Order**”)

AND UPON hearing Mr Michael Fry and Mr Jonathan Welch, counsel for the Claimants

AND UPON reading the Application Notice dated 10 December 2020, the first, second and third witness statements of Mr Robert Shaw (dated 10 December 2020, 17 December 2020 and 12 January 2021 respectively), and the witness statement of Mr Andy Jones dated 12 January 2021)

AND UPON the Claimants indicating that they are content to provide to any named Defendants or persons unknown copies of further evidence or other documents filed in these proceedings from time-to-time at an email address provided to the Claimants, and place all such documents online to be publicly accessible.

AND UPON the Claimants indicating that they intend in due course to bring a further application to amend their claim and vary and extend the form of the March 2020 Order so that it: (i) extends for a longer period; (ii) is directed against particular named defendants; and possibly: (iii) covers additional land; and (iv) prevents interference with access to the land to which the injunction applies via public rights of way/highways (“the **Substantive Amendment Application**”).

AND UPON the Court accepting the Claimants’ renewed undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a

Defendant and the court finds that the Defendant ought to be compensated for that loss.

IT IS ORDERED THAT:

Continuation of March 2020 Order

1. The long-stop date of 17 December 2020 at paragraph 6.1 of the March 2020 Order (as amended by the December 2020 Order) be deleted, and the injunctions at paragraphs 4 to 6 of the March 2020 Order shall continue until 30 April 2021 or further order.
2. The injunction at paragraphs 4 to 6 of the March 2020 Order (as amended by paragraph 1 above) shall, further, apply to the Fifth Defendants as well as the First and Second Defendants. Accordingly, the injunction which continues as against the First, Second and Fifth Defendants is - for the avoidance of doubt - henceforth as set out in paragraphs 3 to 5 of this order.

Injunction in force

3. With immediate effect, and save for the matters set out in paragraph 4 of this Order:
 - 3.1 The First Defendant and Fifth Defendant and each of them are forbidden from entering or remaining upon the Cubbington Land, being the land shaded green, blue and pink and outlined red on Plan A (“the **Cubbington Site**”); and
 - 3.2 The Second Defendant and Fifth Defendant and each of them are forbidden from entering or remaining upon the Crackley Land, being the land shaded green, blue and pink and outlined red on Plan B (“the **Crackley Site**”).
4. Nothing in paragraph 3 of this Order:
 - 4.1 Shall prevent any person from exercising their rights over any open public right of way over the land. Those public rights of way shall, for the purposes of this Order, include the “unofficial footpath” between two points of the public footpath “PROW 130” in the location indicated on

Plan C annexed to the Particulars of Claim and reproduced as an annexe to this Order;

- 4.2 Shall affect any private rights of access over the Land held by any neighbouring landowner.
5. The order at paragraph 3 above shall remain in effect until trial or further order or, if earlier, a long-stop date of 30 April 2021.

Service

6. Pursuant to CPR r. 6.27, the steps taken by the Claimants to serve this Extension Application on the First, Second and Fifth Defendants (as set out in the second and third witness statements of Mr Robert Shaw dated 17 December 2020 and 12 January 2021 respectively, and the Certificates of Service dated 11 January 2021 and witness statement of Mr Andy Jones dated 12 January 2021 (process server) in Support) shall amount to good and proper service of the Extension Application on those defendants. The deemed date of service is 21 December 2020.
7. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows:
 - 7.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Cubbington Land and Crackley Land.
 - 7.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.
 - 7.3 The Claimants shall email a copy of the Order to the following email addresses:
 - (i) crackleyresidents@hotmail.co.uk
 - (ii) peter.delow@ntlworld.com
 - (iii) wendyhoulston@hotmail.com

7.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites:

- (i) <https://hs2inwarwicks.commonplace.is/>; and
- (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>,

together with a link to download an electronic copy of this Order.

7.5 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked "Camp 2" on the Plans.

8. The taking of such steps set out at paragraph 7 shall be good and sufficient service of this Order on the First and Second Defendants and each of them. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
9. The Claimants shall within the first week of each calendar month check that copies of the orders and signs referred to at paragraphs 7.1 and 7.2 and listed in Row 1 of Schedule 1 to this Order remain in place and legible, and, if not, shall replace them as soon as reasonably practicable. The date of confirmation and replacement (if necessary) of any orders and signs shall be recorded by the Claimants in the table at Schedule 1 to this Order.
10. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).

The Substantive Amendment Application / Return Date Hearing

11. The Claimants shall make their Substantive Amendment Application by 4pm on 26 March 2021. If that date is before the Court of Appeal hands down judgment in the Fifth Defendant's appeal (Appeal No. A3/2020/1909I) the Claimants shall have liberty to apply to amend the Substantive Amendment Application as necessary.
12. A hearing of the Substantive Amendment Application ("the **Return Date**") is to be listed on 13 April 2021 with a time estimate of three days.

13. The Court shall provide a notice of hearing to the Claimants' solicitors, which the Claimants are to publicise by posting a copy on the websites at paragraph 7.4 above.
14. Any individual who wishes to contest the Substantive Amendment Application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants' claim shall by 4pm on 7 April 2021:
 - 14.1 file and serve a witness statement on the Claimant's solicitors outlining their interest in this matter and the nature of grounds for that contest or arguments they may wish to raise; and
 - 14.2 provide a postal address for service or email address at which they are prepared to accept electronic service of documents.
15. The Claimants shall have liberty to file evidence in reply, and will post links to electronic copies of that evidence online at the websites listed at paragraph 7.4 above.

Further directions

16. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
17. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
18. The Claimants have liberty to apply to extend or vary this Order or for further directions.
19. Save as provided for above, the Claim be stayed generally with liberty to restore.
20. Costs reserved. If the Claimant intends to seek a costs order against any person in respect of any future applications in these proceedings or any

future hearing, then they shall seek to give reasonable advance notice of that fact to that person.

Communications with the Court

21. All communications to the Court about this Order (which should quote the case number) should be sent to:

Court Manager
Birmingham Civil and Family Justice Centre
High Court of Justice
Chancery Division
Priory Courts
33 Bull Street
Birmingham
B4 6DS

The telephone number is 0121 681 4441. The offices are open weekdays 10.00am to 4.00pm.

22. The Claimants' solicitors and their contact details are:

DLA Piper UK LLP of:

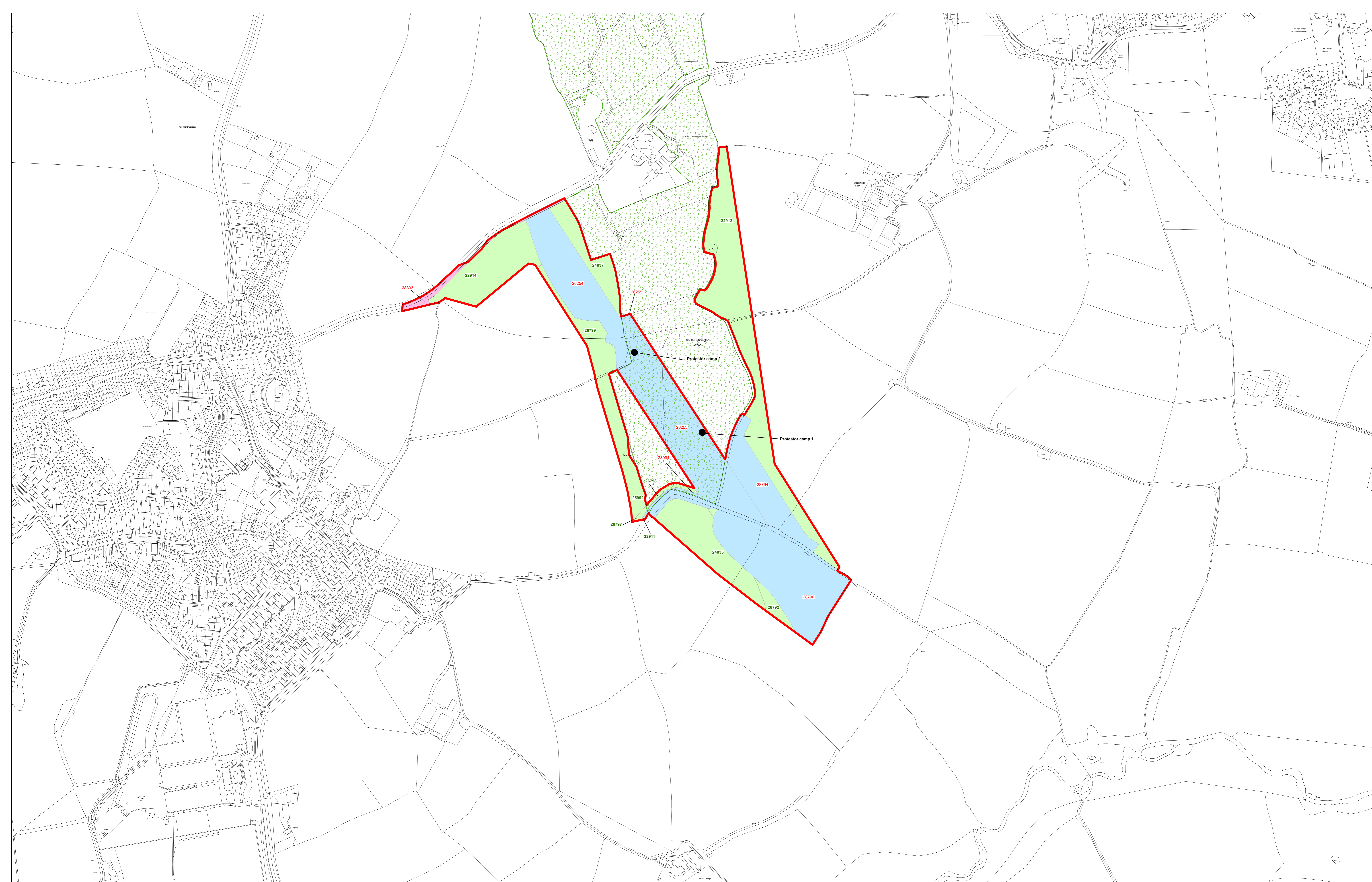
1 St Paul's Place
Sheffield S1 2JX
United Kingdom

Tel: +44 114 283 3312

Email: rob.shaw@dlapiper.com and aryaan.bassi@dlapiper.com

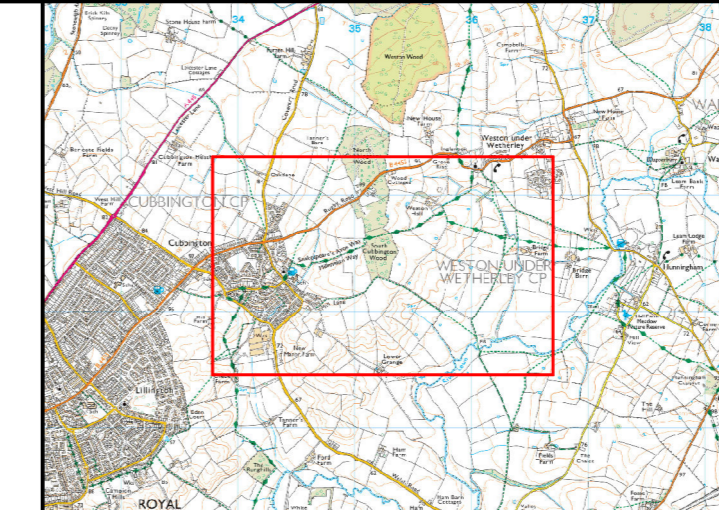
Ref: RXS/380900/346

Dated: 19 January 2021



HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if issued in part or issued incomplete in any way.
 © Crown copyright and database rights 2019 OS 100049190
 © Crown copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO.
 This material may not be copied, distributed, sold or published without the formal permission of Land Registry and Ordnance Survey. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes. © Crown Copyright Ordnance Survey.

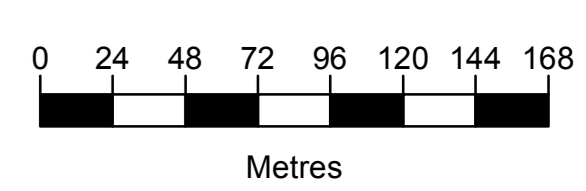
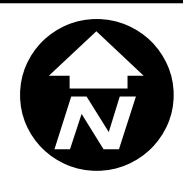
- Protector Camps
- Land Required
- Vested GVD
- Schedule 16 notice served and possessed
- Vested GVD registered to Secretary of State on HMLR register
- Ancient woodland



Plan A

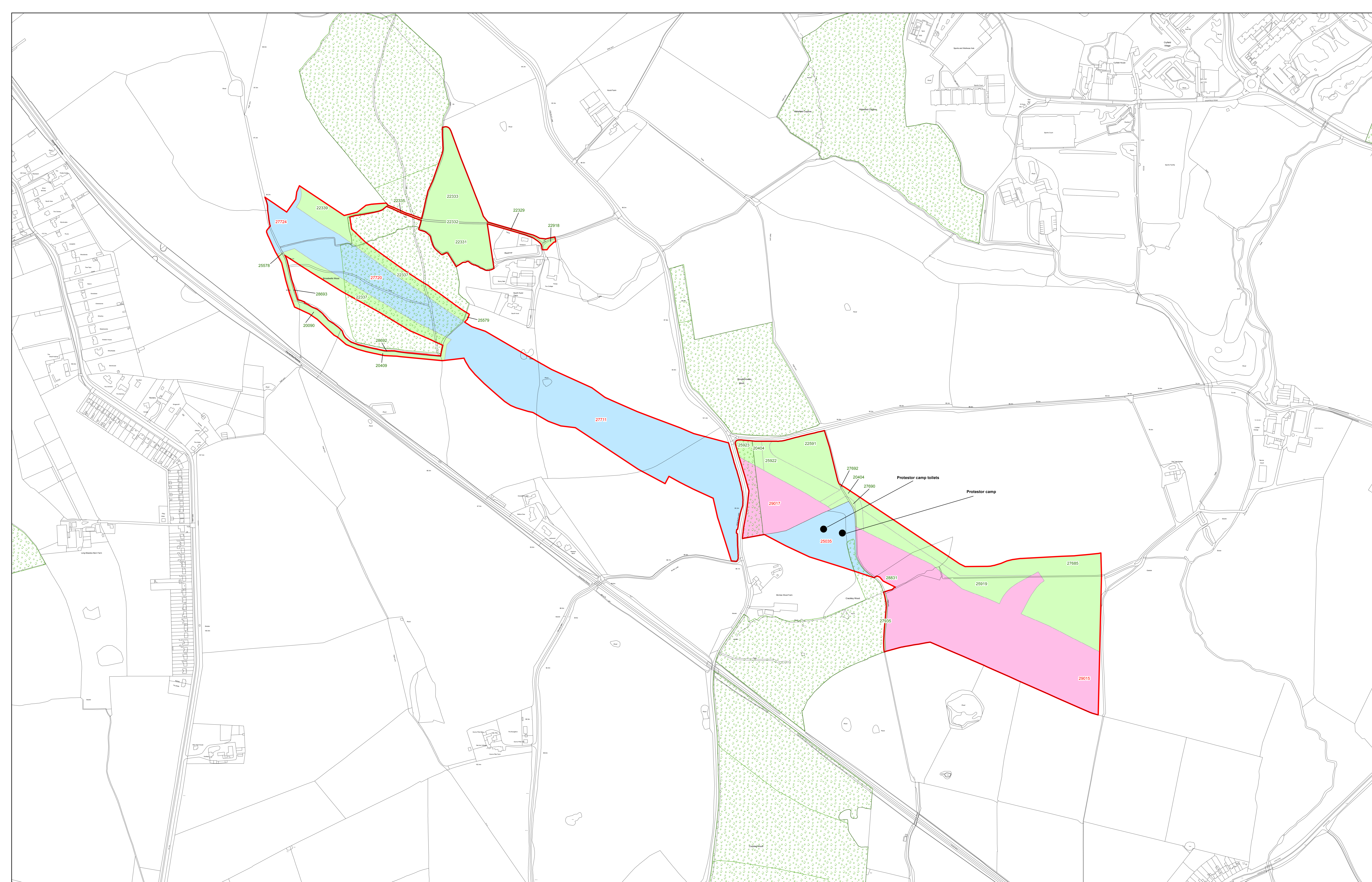


Scale at A0: 1:2,500



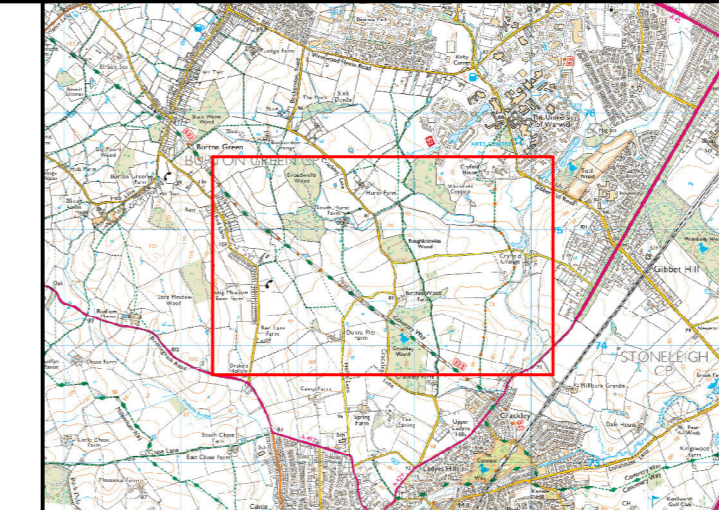
VS Doc Number:

Date: 12/02/2020

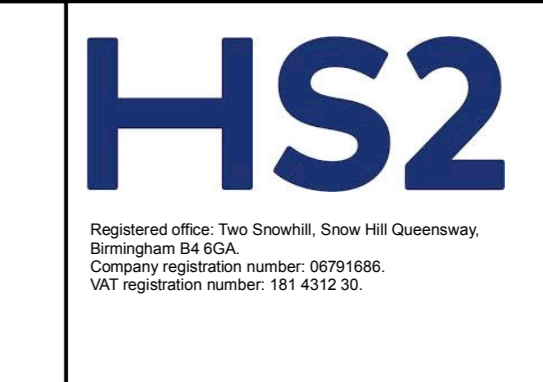


HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if issued in part or issued incomplete in any way.
 © Crown copyright and database rights 2019
 OS 100049190
 © Crown copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO.
 This material may not be copied, distributed, sold or published without the formal permission of Land Registry and Ordnance Survey. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes. © Crown Copyright Ordnance Survey.

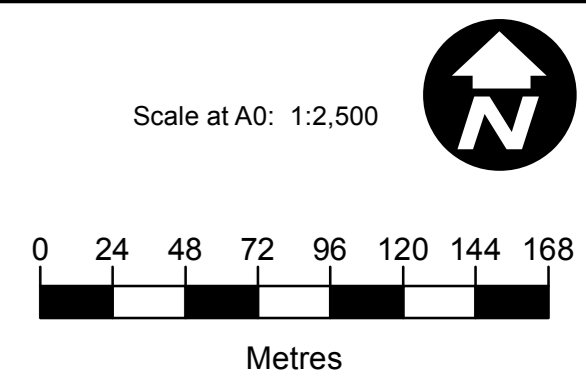
- Protestor Camps
- Land Required
- Vested GVD
- Schedule 16 notice served and possessed
- Vested GVD registered to Secretary of State on HMLR register
- Ancient woodland

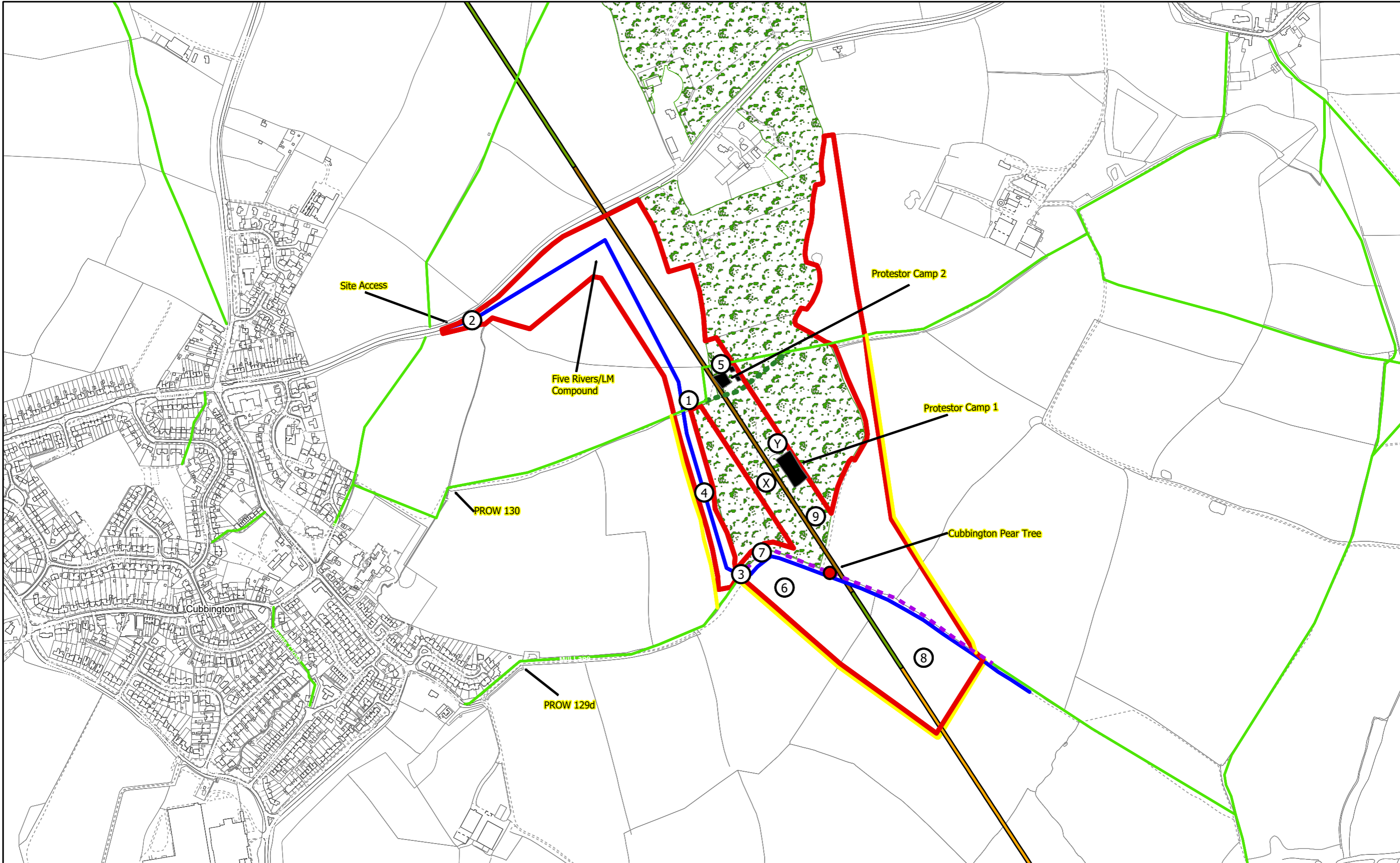


Plan B



Registered Office: The Docks, Ship Hill Quayway, Birmingham B3 3SQ
 Company registration number: 02070666
 VAT registration number: 181 4113 33





HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if it issued in part or issued incomplete in any way.

© Crown copyright and database rights 2020
OS 100049190

Derived from (...cite the scale of the BGS data used...) scale BGS Digital Data under licence 2011/111 BP British Geological Survey, © NERC.

Contains Environment Agency information © Environment Agency and database right.

© Crown copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO.

This material was last updated on [date] and may not be copied, distributed, sold or published without the formal permission of Land Registry and Ordnance Survey. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes. © Crown Copyright Ordnance Survey.

Incidents	Ancient Woodland	Unofficial Footpath	Embankment
Cubbington Pear Tree	Closed Public Right of Way	Haul Road	Retaining Wall
Land Required	Existing Public Right of Way	HS2 Trace Design Type	Viaduct
Protestor Camp Locations	Diverted Public Right of Way	Cutting	

Plan C

Working on behalf of **HS2**

LM-JV, 6th Floor,
The Cornerblock,
2 Cornwall Street,
Birmingham, B3 2DX

0 55 110 220
Metres

15 12/02/20

HS2 Orders and Signs Inspection Record

Example

Document Location (what3words geolocation)

example.form.completion

dolls.curable.sensual

Type of Document

Order and IWN

30 and 31 January 2021

Date of Erection
Initials

30/01/2021
RS

1st Week of February 2021

Date of Inspection
Initials
Replacement Required (Y/N)
Date of Replacement

02/02/2021
MF
N
N/A

1st Week of March 2021

Date of Inspection
Initials
Replacement Required (Y/N)
Date of Replacement

04/03/2021
BH
Y
05/03/2021

1st Week of April 2021

Date of Inspection
Initials
Replacement Required (Y/N)
Date of Replacement

03/04/2021
XY
N
N/A

Key

IWN - Injunction Warning Notice

Order - Order of Marcus Smith J dated 19 January 2021

Cubbington Checks

HS2 Orders and Signs Inspection Record

Example

1

Document Location (what3words geolocation)

example.form.completion

tripling.booth.tricky

Type of Document

Order and IWN

Order and IWN

30 and 31 January 2021

**Date of Erection
Initials**

30/01/2021
RS

30/01/2021
MJ

1st Week of February 2021

**Date of Inspection
Initials
Replacement Required (Y/N)
Date of Replacement**

02/02/2021
MF
N
N/A

09/02/2021
SS
N
N/A

1st Week of March 2021

**Date of Inspection
Initials
Replacement Required (Y/N)
Date of Replacement**

04/03/2021
BH
Y
05/03/2021

04/03/2021
EG
N
N/A

1st Week of April 2021

**Date of Inspection
Initials
Replacement Required (Y/N)
Date of Replacement**

03/04/2021
XY
N
N/A

Key

IWN - Injunction Warning Notice

Order - Order of Marcus Smith J dated 19 January 2021

2	3	4	5	6
strikers.urban.silly	disengage.beans.airbags	aimless.folks.clings	bend.building.acoustics	Snore.commit.flood
Order	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

7	8	9	10	11
frog.liquid.bunkers	Comedians.groom.printouts	loopholes.bliss.everybody	carpeted.advancing.classic	outreach.following.arch
Order and IWN	Order	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

12	13	14	15	16
schooling.brains.education	putter.arranges.wildfires	writings.passively.putty	owned.beam.saves	prime.craftsman.gilding
Order	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

17	18	19	20	21
drooling.tennis.mildest	computers.work.depravity	cookies.backtrack.leaves	foods.chucked.baffle	outfitter.pumps.sometime
Order and IWN	Order	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

22	23	24	25	26
gravitate.yoga.dated	hunches.crackling.efficient	conceals.amaze.twinkled	masses.emailed.beak.	cheerily.mammoths.combining
Order	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	Location not found	04/03/2021
EG	EG	EG		EG
N	N	N		N
N/A	N/A	N/A		N/A

27	28	29	30	31
sues.tent.eyeliner	silver.sharpened.tarred	defectors.campus.hissing	brief.stitching.nibbles	explain.flask.tweezers
Order and IWN	Order	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

32	33	34	35	36
jeep.proper.goofy	pickle.invents.described	outreach.templates.fault	iceberg.putts.mavericks	rezoning.fortunate.blanks
Order	Order and IWN	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

37	38	39	40	41
registry.rebirth.bloomers.	conclude.shelters.novelists	requiring.pebble.buffoon	rephrase.plates.relaxing.	affords.alleyway.ownership
Order	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

42	43	44	45	46
stint.swept.richest	typist.dislikes.hook	testy.tornado.cake	notebook.twee.rugs	presuming.miracle.plan
Order and IWN	Order	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

47	48	49	50	51
cubed.pebble.migrants	dazzling.overlooks.blessing	blanked.candidate.pictured	hiked.display.importing	sailed.bathtubs.trickle
Order	Order and IWN	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

52	53	54	55	56
hello.gloves.sweetened	vent.mission.piglets	magnum.intersect.acrobatic	paintings.chew.suffix	owned.beam.saves
Order	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
04/03/2021	04/03/2021	04/03/2021	04/03/2021	04/03/2021
EG	EG	EG	EG	EG
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A

57

confined.limit.loosed

Order and IWN

30/01/2021

MJ

09/02/2021

SS

N

N/A

04/03/2021

EG

N

N/A

58

laser.shields.easygoing

Order

30/01/2021

MJ

09/02/2021

SS

N

N/A

04/03/2021

EG

N

N/A

Crackley Checks

HS2 Orders and Signs Inspection Record	Entry Number	Example	
Document Location (what3words geolocation)		example.form.completion	1 Ranch.study.slices
Type of Document		Order and IWN	Order and IWN
30 and 31 January 2021	Date of Erection Initials	30/01/2021 RS	30/01/2021 MJ
1st Week of February 2021	Date of Inspection Initials Replacement Required (Y/N) Date of Replacement	02/02/2021 MF N N/A	09/02/2021 SS N N/A
1st Week of March 2021	Date of Inspection Initials Replacement Required (Y/N) Date of Replacement	04/03/2021 BH Y 05/03/2021	10/03/2021 SS
1st Week of April 2021	Date of Inspection Initials Replacement Required (Y/N) Date of Replacement	03/04/2021 XY N N/A	

Key

IWN - Injunction Warning Notice

Order - Order of Marcus Smith J dated 19 January 2021

2	3	4	5	6	7
secure.belong.pose	finest.holly.teams	hope.range.serves	safe.index.urban	mutual.pepper.system	lock.only.slope
Order	Order and IWN	Order	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS	SS
N	N	N	N	N	N
N/A	N/A	N/A	N/A	N/A	N/A
10/03/2021	10/03/2021	17/03/2021	17/03/2021	17/03/2021	10/03/2021
SS	SS	SS	SS	SS	SS

8	9	10	11	12
vocab.economies.allow	supper.such.pipe	comb.work.tent	waters.ruins.blast	vine.likely.school
Order	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
17/03/2021	10/03/2021	10/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS

13	14	15	16	17	18
chats.resist.award	sushi.wash.dive.	times.crisis.maybe	swift.lots.risk	detect.stand.proof	elbow.castle.final
Order and IWN	Order	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS	SS
N	N	N	N	N	N
N/A	N/A	N/A	N/A	N/A	N/A
10/03/2021	17/03/2021	17/03/2021	17/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS	SS

19	20	21	22	23
wooden.cargo.danger	ranch,chefs.award	dare.having.ideas	inch.lined.crisp	regime.kinks.closer
Order and IWN	Order and IWN	Order	Order and IWN	Order
30/01/2021	30/01/2021	30/01/2021	30/01/2021	30/01/2021
MJ	MJ	MJ	MJ	MJ
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
10/03/2021	10/03/2021	10/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS

24	25	26	27	28
suffer.quiet.branded	giving.deeply.this	sands.fuels.calms	tinsel.leader.youth	client.beams.damage
Order and IWN	Order	Order and IWN	Order	Order and IWN
30/01/2021	30/01/2021	30/01/2021	30/01/2021	09/02/2021
MJ	MJ	MJ	MJ	SS
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N
17/03/2021	10/03/2021	17/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS

29	30	31	32	33
pepper.email.month	banks.bride.years	cheek.poems.logo	images.busy.modern	frost.soccer.united.
Order and IWN	Order	Order and IWN	Order	Order and IWN
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
09/02/2021	09/02/2021	09/02/2021	09/02/2021	09/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
17/03/2021	10/03/2021	10/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS

34 exchanges.fakes.traded	35 shelf.occurs.slam	36 sticks.marker.wonderfully	37 duck.rating.normal	38 ankle.react.pies
Order	Order and IWN	Order	Order and IWN	Order
09/02/2021 SS	09/02/2021 SS	09/02/2021 SS	09/02/2021 SS	09/02/2021 SS
09/02/2021 SS N N/A	09/02/2021 SS N N/A	09/02/2021 SS N N/A	09/02/2021 SS N N/A	09/02/2021 SS N N/A
10/03/2021 SS	10/03/2021 SS	10/03/2021 SS	10/03/2021 SS	17/03/2021 SS

39 useful.smashes.powder	40 movies.shades.theme	41 youth.kite.case	42 donor.door.rather
Order and IWN	Order and IWN	IWN	IWN
11/02/2021 SS	11/02/2021 SS	11/02/2021 SS	11/02/2021 SS
11/02/2021 SS N N/A	11/02/2021 SS N N/A	11/02/2021 SS N N/A	11/02/2021 SS N N/A
10/03/2021 SS	10/03/2021 SS	10/03/2021 SS	10/03/2021 SS

43 alert.dining.feed	44 bonds.noses.chase	45 retire.skilll.copy	45 empty.wiring.noted	46 active.foal.pose	47 groom.pencil.slimy
Order and IWN	Order and IWN	IWN	Order and IWN	IWN	Order and IWN
11/02/2021 SS	11/02/2021 SS	11/02/2021 SS	11/02/2021 SS	11/02/2021 SS	11/02/2021 SS
11/02/2021 SS N N/A	11/02/2021 SS N N/A	11/02/2021 SS N N/A	11/02/2021 SS N N/A	11/02/2021 SS N N/A	11/02/2021 SS N N/A
17/03/2021 SS	10/03/2021 SS	10/03/2021 SS	10/03/2021 SS	10/03/2021 SS	10/03/2021 SS

48	49	50	51	52	53
drew.crops.toys	broken.stress.cracks	jumps.origin.league	alone.pass.tribe	doctor.belts.beats	desks.moods.sports
IWN	Order and IWN	IWN	Order and IWN	IWN	Order and IWN
11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021
SS	SS	SS	SS	SS	SS
11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021
SS	SS	SS	SS	SS	SS
N	N	N	N	N	N
N/A	N/A	N/A	N/A	N/A	N/A
10/03/2021	10/03/2021	17/03/2021	10/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS	SS

54	55	56	57	58
chain.doll.letter	leaned.dome.spell	quiz.stir.cliff	forms.banana.cheeks	soap.pass.edit
IWN	Order and IWN	IWN	Order and IWN	IWN
11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021
SS	SS	SS	SS	SS
11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
10/03/2021	10/03/2021	10/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS

59	60	61	62	63
tricks.detect.powers	shield.potato.goes	dine.format.bills	email.lower.glow	chops.cases.covers
Order and IWN	IWN	Order and IWN	IWN	Order and IWN
11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021
SS	SS	SS	SS	SS
11/02/2021	11/02/2021	11/02/2021	11/02/2021	11/02/2021
SS	SS	SS	SS	SS
N	N	N	N	N
N/A	N/A	N/A	N/A	N/A
17/03/2021	10/03/2021	10/03/2021	10/03/2021	10/03/2021
SS	SS	SS	SS	SS

64
rising.richer.cattle

IWN

11/02/2021

SS

11/02/2021

SS

N

N/A

10/03/2021

SS

65
issued.badly.luck

Order and IWN

11/02/2021

SS

11/02/2021

SS

N

N/A

10/03/2021

SS

66
grow.payer.bumps

IWN

11/02/2021

SS

11/02/2021

SS

N

N/A

10/03/2021

SS

Crackley





///yappy.enable



///secure.pardon.cowboy













burn.seat.visits

Trespassers keep out
Private property
This land is in possession of
This is a personal protective equipment zone
Risk of injury from construction activities
Trespassers may be subject to
civil / criminal proceedings
24/7 Freephone Community Helpline 08081 434 434



///eggs.caged.talent

Trespassers keep out
Private property
This land is in possession of HS2
This is a personal protective equipment zone
Risk of injury from construction activities
Trespassers may be subject to
civil / criminal proceedings
24/7 Freephone Community Helpline 0800 434 434

Cubbington





///storm.intent.shifts





///mailing.overlaid.chopper



/// lobster.glider.aliennated

HIGH COURT INJUNCTION IN FORCE
NOTICE OF HIGH COURT ORDERS DATED 17 MARCH 2017, 17 DECEMBER 2009 and 19 JANUARY 2021
ALL COPIES OF THE ORDERS CAN BE FOUND AT THE WEBLINK LISTED BELOW

1. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

2. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

3. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

4. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

5. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

6. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

7. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

8. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

9. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

10. THE INJUNCTIONS RESTRICT THE USE OF THE LANDS IDENTIFIED ON THE MAP ATTACHED TO THE ORDERS AND ANY OTHER LANDS WHICH MAY BE IDENTIFIED IN THE FUTURE.

NOTICE OF HIGH COURT ORDERS DATED 17 MARCH 2017, 17 DECEMBER 2009 and 19 JANUARY 2021
ALL COPIES OF THE ORDERS CAN BE FOUND AT THE WEBLINK LISTED BELOW



///dizziness.unrated.commented





/// [foresight.unlucky.formation](https://www.foresight.unlucky.formation.com)



///guests.costumes.shower

Trespassers keep out
Private property
This land is in possession of H&S2
This is a personal protective equipment zone
Risk of injury from construction activities
Trespassers may be subject to
civil/criminal proceedings
24/7 Telephone Community Helpline 05081 434 134

NOTICE OF HIGH COURT ORDER DATED 17 MARCH 2023, 17 DEC
FULL COPIES OF THE ORDERS CAN BE FOUND VIA WEBSITE
HIGH COURT INJUNCTION



///redouble.denim.weeknight





Wrench, Anna

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:00
To: crackleyresidents@hotmail.co.uk
Subject: Court Order dated 19 January 2021 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Claim No: PT-2020-BHM-000017

Claimants: (1) The Secretary of State for Transport & (2) High Speed Two (HS2) Ltd

Defendants: (1) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Cubbington Wood
(2) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Crackley Wood
(5) Elliott Cuciurean

Dear Sirs / Madams

Please see the attached court order.

This order has been emailed to you by way of formal service as directed at paragraph 7.3(i) of the order.

Yours faithfully

DLA Piper UK LLP

www.dlapiper.com



Wrench, Anna

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:01
To: peter.delow@ntlworld.com
Subject: Court Order dated 19 January 2021 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Claim No: PT-2020-BHM-000017

Claimants: (1) The Secretary of State for Transport & (2) High Speed Two (HS2) Ltd

Defendants: (1) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Cubbington Wood
(2) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Crackley Wood
(5) Elliott Cuciurean

Dear Sirs / Madams

Please see the attached court order.

This order has been emailed to you by way of formal service as directed at paragraph 7.3(ii) of the order.

Yours faithfully

DLA Piper UK LLP

www.dlapiper.com



Wrench, Anna

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:00
To: wendyhoulston@hotmail.com
Subject: Court Order dated 19 January 2021 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Claim No: PT-2020-BHM-000017

Claimants: (1) The Secretary of State for Transport & (2) High Speed Two (HS2) Ltd

Defendants: (1) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Cubbington Wood
(2) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Crackley Wood
(5) Elliott Cuciurean

Dear Sirs / Madams

Please see the attached court order.

This order has been emailed to you by way of formal service as directed at paragraph 7.3(iii) of the order.

Yours faithfully

DLA Piper UK LLP

www.dlapiper.com



In response to the Covid-19 pandemic, we have made the decision to postpone all of our public face-to-face engagement events and meetings for the safety of our staff, stakeholders and communities. We have also put in place alternative ways of communicating and engaging regularly with communities to ensure that we can continue to inform, listen and respond. The HS2 Helpdesk remains operational all day, every day, and is your first point of contact: Freephone 08081 434 434; Minicom 08081 456 472; Email: HS2enquiries@hs2.org.uk. If you contact us by post there will be an extended delay in us responding to you.



Collection

Cubbington and Crackley High Court Proceedings

Information regarding Cubbington and Crackley High Court Proceedings

12 March 2021 update: Cubbington and Crackley High Court Proceedings

Following the January 2021 Order, the Claimants intend to apply to extend the injunction awarded beyond the longstop date of 30 April 2021. The court has given formal notice (the “**Notice of Hearing**”) that the hearing of the application will take place on Tuesday 13 April 2021 at 10.30am. It has given a time estimate of 3 days for this hearing.

An electronic copy of the Notice of Hearing can be found below.

Any person who is unable to obtain electronic copies of documents, or who wishes to obtain hard copies of documents, should contact HS2's solicitors (DLA Piper UK LLP) on 0114 283 3312 or by email to rob.shaw@dlapiper.com.

28 January 2021 update: Cubbington and Crackley High Court Proceedings

On 19 January 2021, the High Court made a further order (the "**January 2021 Order**") extending the injunction it granted on 17 March 2020 to prevent protesters trespassing on HS2's sites at Cubbington Wood and Crackley, Birches and Broadwells Woods. The injunction will now remain in effect until trial or further order or, if earlier, a long-stop date of 30 April 2021.

The specific terms of the injunction are set out in the January 2021 Order and an electronic copy of the January 2021 Order together with Plan A, Plan B, Plan C and Schedule 1 which are annexed to the January 2021 Order can be found below.

The January 2021 Order was made by the court following the Claimants' application dated 10 December 2020 to extend the injunction.

The Claimants' intend to bring a further application to vary and extend the injunction beyond 30 April 2021. The January 2021 Order sets out directions for the bringing of this further application by the Claimants. Any person who wishes to contest this further application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court should review the terms of the January 2021 Order carefully, comply with any relevant directions and monitor this website for further information.

The court has directed that this further application should be listed for a hearing on 13 April 2021. A copy of the formal Notice of Hearing will be placed on this website once provided by the court.

Any person who is unable to obtain electronic copies of documents, or who wishes to obtain hard copies of documents, should contact HS2's solicitors (DLA Piper UK LLP) on 0114 283 3312 or by email to rob.shaw@dlapiper.com.

The court injunction is necessary to help us keep the public and our staff safe at our work sites. There have been numerous incidents of trespass and obstruction, including incidents where protesters have climbed onto vehicles. All of which have the potential to cause serious injury and health and safety is HS2's highest concern.

Please note that this injunction does not restrict activity on land that is not covered by the injunction. The land subject to the injunction is the land described in the January 2021 Order and set out on the plans annexed to the January 2021 Order.

17 December 2020 update: Cubbington and Crackley High Court Proceedings

On 17 December 2020, the High Court made an order (the "**Case Management Order**") extending the injunction it granted on 17 March 2020 to prevent protesters trespassing on HS2's sites at Cubbington Wood and Crackley, Birches and Broadwells Wood. The injunction will now remain in effect until trial or further order or, if earlier, a long-stop date of 31 January 2021.

The specific terms of the injunction are set out in the Case Management Order and an electronic copy of the Case Management Order (dated 17 December

2020) together with Plan A, Plan B and Plan C which are annexed to the Case Management Order can be found below.

The Case Management Order was made by the court following the Claimants' application dated 10 December 2020 to extend the injunction (the "**Extension Application**"). The court has scheduled a formal hearing of the Extension Application for Thursday 14 January 2021 at 10:30 am.

A copy of the Extension Application and evidence in support can also be found below, together with the Notice of Hearing from the court.

Any person who wishes to contest the Extension Application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court should review the terms of the Case Management Order carefully, comply with any relevant directions and monitor this website for further information.

Any person who is unable to obtain electronic copies of documents, or who wishes to obtain hard copies of documents, should contact HS2's solicitors (DLA Piper UK LLP) on 0114 283 3312 or by email to rob.shaw@dlapiper.com.

The court injunction is necessary to help us keep the public and our staff safe at our work sites. There have been numerous incidents of trespass and obstruction, including incidents where protesters have climbed onto vehicles. All of which have the potential to cause serious injury and health and safety is HS2's highest concern.

Please note that this injunction does not restrict activity on land that is not covered by the injunction. The land subject to the injunction is the land

described in the Case Management Order and set out on the plans annexed to the Case Management Order.

Details

On 17 March 2020, the High Court granted a possession order, a declaration and an injunction to prevent protesters trespassing on HS2's sites at Cubbington Wood and Crackley, Birches and Broadwells Wood. An electronic copy of the Court Order dated 17 March 2020 together with Plan A, Plan B and Plan C which are annexed to the Order can be found above

The injunction granted by the Court took effect from 4pm on 24 March 2020 and prohibits the Defendants from:

Entering or remaining upon the land coloured green, pink and blue and edged in red on Plan A ("the Cubbington Land") and from entering or remaining on the land coloured green, pink and blue and edged in red on Plan B ("the Crackley Land") save that the injunction does not:

- prevent any person from exercising their rights over any open public right of way over the Cubbington Land or the Crackley Land. Those public rights of way, for the purposes of the order, include the "unofficial footpath" between the two points of the public footpath "PROW 130" in the location indicated on Plan C attached to the order; and
- affect any private rights of access over the Cubbington Land and Crackley Land held by any neighbouring landowner.

Published: 02/03/2020

Last updated: 12/03/2021

[View updates](#)

Cubbington and Crackley court order documents

January 2021 Order

PDF, 100.17 KB,

Annexe 1 – Plan A

PDF, 2.14 MB,

Annexe 2 – Plan B

PDF, 2.36 MB,

Annexe 3 – Plan C

PDF, 2.21 MB,

Schedule 1 Spreadsheet

PDF, 88.55 KB,

Case Management Order 17th December 2020 - 107132960

PDF, 100.48 KB, 7 PAGES

Annex 1 – Plan A 17th December 2020

PDF, 2.14 MB, 1 PAGE

Annex 2 – Plan B 17th December 2020

PDF, 2.36 MB,

Annex 3 – Plan C 17th December 2020

PDF, 2.21 MB,

Application Notice and Draft Order

PDF, 887.71 KB,

First Witness Statement of Robert Shaw

PDF, 26.62 MB,

Second Witness Statement of Robert Shaw

PDF, 4.38 MB,

Notice of Hearing

PDF, 126.43 KB,

Third Witness Statement of Robert Shaw

PDF, 650.44 KB, 8 PAGES

Witness Statement of Andy Jones

PDF, 14.05 MB, 78 PAGES

Certificates of Service

PDF, 9.30 MB, 15 PAGES

Claimants Skeleton Argument

PDF, 247.05 KB, 11 PAGES

Birmingham Orders - Basic order: Cubbington and Crackley.

PDF, 87.81 KB,

Annex 1 - Plan A: Cubbington and Crackley.

PDF, 2.14 MB,

Annex 2 - Plan B: Cubbington and Crackley.

PDF, 2.36 MB,

Annex 3 - Plan C: Cubbington and Crackley.

PDF, 2.21 MB,

Notice of Hearing

PDF, 68.27 KB,

→ [Coronavirus \(COVID-19\)](#) | National lockdown: stay at home

→ [Brexit](#) | Check what you need to do

[Home](#) > [Transport](#) > [Rail](#) > [HS2](#)

Notice

Cubbington and Crackley High Court Proceedings

Information regarding Cubbington and Crackley High Court Proceedings

From: [High Speed Two \(HS2\) Limited](#)
 Published: 3 March 2020
 Last updated: 12 March 2021, [see all updates](#)

Documents



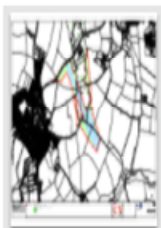
[Notice of Hearing on 13th April 2021](#)

PDF, 68.3KB, 2 pages



[January 2021 Order](#)

PDF, 100KB, 7 pages



[January 2021 Order Annex 1 – Plan A](#)

PDF, 2.14MB, 1 page

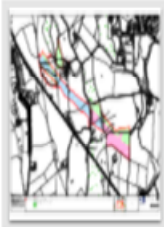
This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)

Brexit

Check Change Go

[Check what you need to do](#)

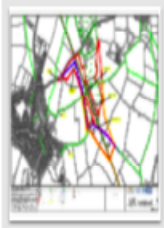


[January 2021 Order Annexe 2 – Plan B](#)

PDF, 2.36MB, 1 page

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[January 2021 Order Annexe 3 – Plan C](#)

PDF, 2.21MB, 1 page

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[January 2021 Order Schedule 1 Spreadsheet](#)

PDF, 88.6KB, 1 page

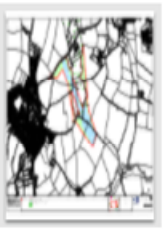
This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Case Management Order 17th December 2020 – 107132960](#)

PDF, 100KB, 7 pages



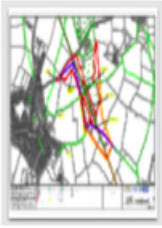
[Annex 1 – Plan A 17th December 2020](#)

PDF, 2.14MB, 1 page



[Annex 2 – Plan B 17th December 2020](#)

PDF, 2.36MB, 1 page



[Annex 3 – Plan C 17th December 2020](#)

PDF, 2.21MB, 1 page



[Application Notice and Draft Order](#)

PDF, 888KB, 8 pages



[First Witness Statement of Robert Shaw](#)

PDF, 26.6MB, 76 pages



[Second Witness Statement of Robert Shaw](#)

PDF, 4.38MB, 14 pages



[Notice of Hearing](#)

PDF, 126KB, 6 pages



[Third Witness Statement of Robert Shaw](#)

PDF, 650KB, 8 pages

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Witness Statement of Andy Jones](#)

PDF, 14MB, 78 pages

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Certificates of Service](#)

PDF, 9.3MB, 15 pages

This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Claimants Skeleton Argument](#)

PDF, 247KB, 11 pages

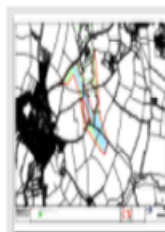
This file may not be suitable for users of assistive technology.

▶ [Request an accessible format.](#)



[Birmingham Orders - Basic order: Cubbington and Crackley.](#)

PDF, 87.8KB, 7 pages



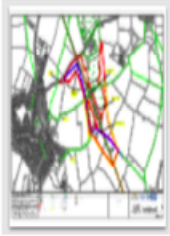
[Annex 1 - Plan A: Cubbington and Crackley.](#)

PDF, 2.14MB, 1 page



[Annex 2 - Plan B: Cubbington and Crackley.](#)

PDF, 2.36MB, 1 page



[Annex 3 - Plan C: Cubbington and Crackley](#)

PDF, 2.21MB, 1 page



[Cubbington and Crackley High Court Proceedings](#)

PDF, 77.5KB, 1 page

Details

12 March 2021 update: Cubbington and Crackley High Court Proceedings

Following the January 2021 Order, the Claimants intend to apply to extend the injunction awarded beyond the longstop date of 30 April 2021. The court has given formal notice (the "Notice of Hearing") that the hearing of the application will take place on Tuesday 13 April 2021 at 10.30am. It has given a time estimate of 3 days for this hearing.

An electronic copy of the Notice of Hearing can be found below.

Any person who is unable to obtain electronic copies of documents, or who wishes to obtain hard copies of documents, should contact HS2's solicitors (DLA Piper UK LLP) on 0114 283 3312 or by email to rob.shaw@dlapiper.com.

28 January 2021 update: Cubbington and Crackley High Court Proceedings

On 19 January 2021, the High Court made a further order (the "January 2021 Order") extending the injunction it granted on 17 March 2020 to prevent protesters trespassing on HS2's sites at Cubbington Wood and Crackley, Birches and Broadwells Woods. The injunction will now remain in effect until trial or further order or, if earlier, a long-stop date of 30 April 2021.

The specific terms of the injunction are set out in the January 2021 Order and an electronic copy of the January 2021 Order together with Plan A, Plan B, Plan C and Schedule 1 which are annexed to the January 2021 Order can be found below.

The January 2021 Order was made by the court following the Claimants' application dated 10 December 2020 to extend the injunction.

The Claimants' intend to bring a further application to vary and extend the injunction beyond 30 April 2021. The January 2021 Order sets out directions for the bringing of this further application by the Claimants. Any person who wishes to contest this further application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court should review the terms of the January 2021 Order carefully, comply with any relevant directions and monitor this website for further information.

The court has directed that this further application should be listed for a hearing on 13 April 2021. A copy of the formal Notice of Hearing will be placed on this website once provided by the court.

Any person who is unable to obtain electronic copies of documents, or who wishes to obtain hard copies of documents, should contact HS2's solicitors (DLA Piper UK LLP) on 0114 283 3312 or by email to rob.shaw@dlapiper.com.

The court injunction is necessary to help us keep the public and our staff safe at our work sites. There have been numerous incidents of trespass and obstruction, including incidents where protesters have climbed onto vehicles. All of which have the potential to cause serious injury and health and safety is HS2's highest concern. Please note that this injunction does not restrict activity on land that is not covered by the injunction. The land subject to the injunction is the land described in the January 2021 Order and set out on the plans annexed to the January 2021 Order.

17 December 2020 update: Cubbington and Crackley High Court Proceedings

On 17 December 2020, the High Court made an order (the "Case Management Order") extending the injunction it granted on 17 March 2020 to prevent protesters trespassing on HS2's sites at Cubbington Wood and Crackley, Birches and Broadwells Woods, until 31 January 2021.

The specific terms of the injunction are set out in the Case Management Order and an electronic copy of the Case Management Order (dated 17 December 2020) together with Plan A, Plan B and Plan C which are annexed to the Case Management Order can be found above.

The Case Management Order was made by the court following the Claimants' application dated 10 December 2020 to extend the injunction (the "Extension Application"). A copy of the Extension Application and evidence in support can also be found above, together with the Notice of Hearing from the court.

Details

On 17 March 2020, the High Court granted a possession order, a declaration and an injunction to prevent protesters trespassing on HS2's sites at Cubbington Wood and Crackley, Birches and Broadwells Wood. An electronic copy of the Court Order dated 17 March 2020 together with Plan A, Plan B and Plan C which are annexed to the Order can be found above.

The injunction granted by the Court took effect from 4pm on 24 March 2020 and prohibits the Defendants from:

Entering or remaining upon the land coloured green, pink and blue and edged in red on Plan A (“the Cubbington Land”) and from entering or remaining on the land coloured green, pink and blue and edged in red on Plan B (“the Crackley Land”) save that the injunction does not:

- prevent any person from exercising their rights over any open public right of way over the Cubbington Land or the Crackley Land. Those public rights of way, for the purposes of the order, include the “unofficial footpath” between the two points of the public footpath “PROW 130” in the location indicated on Plan C attached to the order; and
- affect any private rights of access over the Cubbington Land and Crackley Land held by any neighbouring landowner.

Published 3 March 2020

Last updated 12 March 2021 [+ show all updates](#)

Explore the topic

[HS2](#)

Page 14 of 14

Possession orders in Warwickshire

The safety and security of our sites is a key priority for HS2. The land we are currently working on along the route of HS2 is either in our ownership or lawful possession, and the works are being undertaken in accordance with relevant consents and the HS2 Phase One Act. Anyone entering these sites without our permission is effectively trespassing.

We appreciate the concerns of the local community and understand that people feel strongly about the project, which is why we have numerous channels through which people can engage with us.

There have been numerous incidents of trespass and obstruction, all of which have the potential to cause serious injury and health and safety is HS2's highest concern.

Information about HS2 Ltd's claim for possession and injunction to prevent protestors trespassing on HS2's sites in Warwickshire

On 17 March 2020, the High Court granted a possession order, a declaration and an injunction to prevent protesters trespassing on HS2's sites at Cubbington Wood and Crackley, Birches and Broadwells Wood.

- [Click to view or download an electronic copy of the Court Order dated 17 March 2020](#)
- [Click to view or download Plan A, Plan B and Plan C which are annexed to the Order.](#)

The injunction granted by the Court took effect from 4pm on 24 March 2020 and prohibits the Defendants from:

Entering or remaining upon the land coloured green, pink and blue and edged in red on Plan A ("the Cubbington Land") and from entering or remaining on the land coloured green, pink and blue and edged in red on Plan B ("the Crackley Land") save that the injunction does not:

- prevent any person from exercising their rights over any open public right of way over the Cubbington Land or the Crackley Land. Those public rights of way, for the purposes of the order, include the "unofficial footpath" between the two points of the public footpath "PROW 130" in the location indicated on Plan C attached to the order; and
- affect any private rights of access over the Cubbington Land and Crackley Land held by any neighbouring landowner.

On 17 December 2020, the High Court made a further order (the "Case Management

Order”) extending the injunction until 31 January 2021.

- Click to view or download an **electronic copy of the Case Management Order dated 17 December 2020**
- Click to view or download **Plan A, Plan B and Plan C** which are annexed to the Order.

On 19 January 2021, the High Court made a further order (the “January 2021 Order”) extending the injunction until trial or further order or, if earlier, a long-stop date of 30 April 2021.

- Click to view or download an **electronic copy of the January 2021 Order**
- Click to view or download **Plan A, Plan B, Plan C and Schedule 1** which are annexed to the Order.

The court injunction is necessary to help us keep the public and our staff safe at our work sites. There have been numerous incidents of trespass and obstruction, which have the potential to cause serious injury and health and safety is HS2’s highest concern.

On 10 March 2021, the High Court gave notice (the “Notice of Hearing”) that a hearing to extend the injunction will take place on Tuesday 13 April 2021 at 10.30am. The court has given a time estimate of 3 days for this hearing.

- Click to view or download an **electronic copy of the Notice of Hearing**

Subscribe to news updates for HS2 in Warwickshire

Your email

Get project news

View more pages

Browse pages

View next page

Video Evidence

Date: 30 January 2021

File Name: *Service of January Order at Camp 2*

Wrench, Anna

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:05
To: Lorna Frazer; Adam Wagner; Nicola Hall
Cc: Bassi, Aryaan; 'Michael Fry'; Jonathan Welch
Subject: The Secretary of State for Transport and another v Unknown and others PT-2020-BHM-000017 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Dear Sirs / Madams

Please find attached, by way of service on the Fifth Defendant, the Order of Mr. Justice Marcus Smith dated 19 January 2021 (together with the plans and Schedule thereto).

We should be grateful if you would acknowledge safe receipt.

Yours faithfully

DLA Piper UK LLP

www.dlapiper.com



Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2020-BHM-000017
Name of Claimant The Secretary of State for Transport (1) and another (2)	
Name of Defendant Persons Unknown (1 & 2) and Elliott Cuciurean	

On what day did you serve? 3 0 / 0 1 / 2 0 2 1

The date of service is 3 0 / 0 1 / 2 0 2 1

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Order dated 19 January 2021

On whom did you serve?
(If appropriate include their position e.g. partner, director).

The First Defendants – Persons Unknown

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with
(.....time left, where document is other than a claim form) (please specify)

by other means permitted by the court
(please specify)

By Document Exchange

by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Land at South Cubbington Wood, South of Rugby Road, Cubbington, Leamington Spa

Being the claimant's defendant's
 solicitor's litigation friend

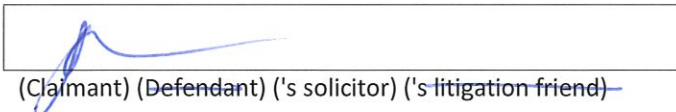
- usual residence
 last known residence
 place of business
 principal place of business
 last known place of business
 last known principal place of business
 principal office of the partnership
 principal office of the corporation
 principal office of the company
 place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

other (please specify)
being locations for service as directed by the order dated 19 January 2021.

I believe that the facts stated in this certificate of service 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.

Full name ROBERT SMAN

Signed 
(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held Solicitor
(If signing on behalf of firm or company)

Date

25 03 2027

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2020-BHM-000017
Name of Claimant The Secretary of State for Transport (1) and another (2)	
Name of Defendant Persons Unknown (1 & 2) and Elliott Cuciurean	

On what day did you serve? 1 1 / 0 2 / 2 0 2 1

The date of service is 1 1 / 0 2 / 2 0 2 1

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 19 January 2021

On whom did you serve?

(If appropriate include their position e.g. partner, director).

The Second Defendants – Persons Unknown

How did you serve the documents?

(please tick the appropriate box)

by first class post or other service which provides for delivery on the next business day

by delivering to or leaving at a permitted place

by personally handing it to or leaving it with
(.....time left, where document is other than a claim form) (please specify)

by other means permitted by the court
(please specify)

By Document Exchange

by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Land at Crackley Wood, Birches Wood and Broadwells Wood, Kenilworth

Being the claimant's defendant's
 solicitor's litigation friend

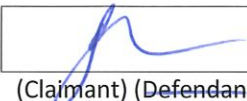
- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

other (please specify)
being locations for service as directed by the order dated 19 January 2021.

I believe that the facts stated in this certificate of service 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.

Full name ROBERT SICKAW

Signed 
(Claimant) (Defendant) ('s solicitor) ('s litigation friend).

Position or office held Solicitor
(If signing on behalf of firm or company)

Date

25 03 2021

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2020-BHM-000017
Name of Claimant The Secretary of State for Transport (1) and another (2)	
Name of Defendant Persons Unknown (1 & 2) and Elliott Cuciurean	

On what day did you serve? 2 8 / 0 1 / 2 0 2 1

The date of service is 2 9 / 0 1 / 2 0 2 1

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Order dated 19 January 2021

On whom did you serve?
(If appropriate include their position e.g. partner, director).

The First and Second Defendants – Persons Unknown

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....time left, where document is other than a claim form) *(please specify)*

- by other means permitted by the court *(please specify)*

- By Document Exchange

- by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*

- by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*

Please see the attached emails for further details.

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

crackleyresidents@hotmail.co.uk;
peter.delow@ntlworld.com; and
wendyhoulston@hotmail.com

Being the claimant's defendant's
 solicitor's litigation friend


- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

being email addresses for service as directed by the Order dated 19 January 2021.

I believe that the facts stated in this certificate of service 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.

Full name ROBERT SWAN

Signed 
(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held Solicitor
(If signing on behalf of firm or company)

Date

25 03 2021

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Shaw, Robert

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:00
To: crackleyresidents@hotmail.co.uk
Subject: Court Order dated 19 January 2021 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Claim No: PT-2020-BHM-000017

Claimants: (1) The Secretary of State for Transport & (2) High Speed Two (HS2) Ltd

Defendants: (1) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Cubbington Wood
(2) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Crackley Wood
(5) Elliott Cuciurean

Dear Sirs / Madams

Please see the attached court order.

This order has been emailed to you by way of formal service as directed at paragraph 7.3(i) of the order.

Yours faithfully

DLA Piper UK LLP
www.dlapiper.com



Shaw, Robert

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:01
To: peter.delow@ntlworld.com
Subject: Court Order dated 19 January 2021 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Claim No: PT-2020-BHM-000017

Claimants: (1) The Secretary of State for Transport & (2) High Speed Two (HS2) Ltd

Defendants: (1) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Cubbington Wood
(2) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Crackley Wood
(5) Elliott Cuciurean

Dear Sirs / Madams

Please see the attached court order.

This order has been emailed to you by way of formal service as directed at paragraph 7.3(ii) of the order.

Yours faithfully

DLA Piper UK LLP
www.dlapiper.com



Shaw, Robert

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:00
To: wendyhoulston@hotmail.com
Subject: Court Order dated 19 January 2021 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Claim No: PT-2020-BHM-000017

Claimants: (1) The Secretary of State for Transport & (2) High Speed Two (HS2) Ltd

Defendants: (1) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Cubbington Wood
(2) Persons Unknown entering or remaining without the consent of the Claimant(s) on land at Crackley Wood
(5) Elliott Cuciurean

Dear Sirs / Madams

Please see the attached court order.

This order has been emailed to you by way of formal service as directed at paragraph 7.3(iii) of the order.

Yours faithfully

DLA Piper UK LLP
www.dlapiper.com



Certificate of service

On what day did you serve? / /

The date of service is / /

Name of court In the High Court of Justice	Claim No. PT-2020-BHM-000017
Name of Claimant The Secretary of State for Transport (1) and another (2)	
Name of Defendant Persons Unknown (1 & 2) and Elliott Cuciurean	

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Order dated 19 January 2021

On whom did you serve?
(If appropriate include their position e.g. partner, director).

The First and Second Defendants – Persons Unknown

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....time left, where document is other than a claim form) *(please specify)*

by other means permitted by the court
(please specify)

By advertising the existence of the Order dated 19 January 2021 on the websites directed by the same order.

By Document Exchange

by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*

by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

<https://hs2inwarwicks.commonplace.is/>
<https://www.gov.uk/government/organisations/high-speed-twolimited>

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

being websites for service as directed by the Order dated 19 January 2021

I believe that the facts stated in this certificate of service 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.

Full name

Signed
(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held
(If signing on behalf of firm or company)

Date

25 03 2021

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2020-BHM-000017
Name of Claimant The Secretary of State for Transport (1) and another (2)	
Name of Defendant Persons Unknown (1 & 2) and Elliott Cuciurean	

On what day did you serve? 3 0 / 0 1 / 2 0 2 1

The date of service is 3 0 / 0 1 / 2 0 2 1

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 19 January 2021

On whom did you serve?

(If appropriate include their position e.g. partner, director).

The First and Second Defendants – Persons Unknown

How did you serve the documents?

(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place

- by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

by leaving it on a table in the centre of "Camp 2".

- by other means permitted by the court (please specify)

- By Document Exchange

- by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

- by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

"Camp 2" at Crackley Wood, as directed by paragraph 7.5 of the Order dated 19 January 2021.

- Being the claimant's defendant's
- solicitor's litigation friend


- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other (please specify)

being the protestor camp at Crackley Woods

I believe that the facts stated in this certificate of service 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.

Full name ROBERT SHAW

Signed 
(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held Solicitor
(If signing on behalf of firm or company)

Date 25 03 2021

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2020-BHM-000017
Name of Claimant The Secretary of State for Transport (1) and another (2)	
Name of Defendant Persons Unknown (1 & 2) and Elliott Cuciurean	

On what day did you serve? 2 8 / 0 1 / 2 0 2 1

The date of service is 2 9 / 0 1 / 2 0 2 1

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Order dated 19 January 2021

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Fifth Defendant – Elliott Cuciurean

How did you serve the documents?
(please tick the appropriate box)

by first class post or other service which provides for delivery on the next business day

by delivering to or leaving at a permitted place

by personally handing it to or leaving it with
(.....time left, where document is other than a claim form) *(please specify)*

by other means permitted by the court
(please specify)

By Document Exchange

by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*

by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*

Please see the attached email

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

nhall@robertlizar.com
a.wagner@doughtystreet.co.uk
lfrazer@robertlizar.com

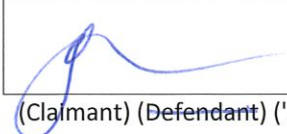
Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

solicitors and counsel

I believe that the facts stated in this certificate of service 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.

Full name ROBERT SWAN

Signed 
(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held Solicitor
(If signing on behalf of firm or company)

Date 25 03 2021

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Shaw, Robert

From: Shaw, Robert <Rob.Shaw@dlapiper.com>
Sent: 28 January 2021 20:05
To: Lorna Frazer; Adam Wagner; Nicola Hall
Cc: Bassi, Aryaan; 'Michael Fry'; Jonathan Welch
Subject: The Secretary of State for Transport and another v Unknown and others PT-2020-BHM-000017 [DLAP-UKMATTERS.FID5480216]
Attachments: January 2021 Order(107888470.1).pdf; Annexe 1.pdf; Annexe 2.pdf; Annexe 3.pdf; Schedule 1 Spreadsheet.pdf

Dear Sirs / Madams

Please find attached, by way of service on the Fifth Defendant, the Order of Mr. Justice Marcus Smith dated 19 January 2021 (together with the plans and Schedule thereto).

We should be grateful if you would acknowledge safe receipt.

Yours faithfully

DLA Piper UK LLP
www.dlapiper.com



Video Evidence

Date: 15 March 2021

File Name: *Perimeter video*

On behalf of: Applicants/Claimants
By: Robert Shaw
No: 1
Exhibit: RS1
Date: 10 December 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

**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 LLP with day-to-day conduct of this matter under the supervision of my partners.
2. I am authorised to make this Witness Statement on behalf of the Claimants in this claim in support of the Claimants' application for an extension of the injunction granted by Mrs. Justice Andrews on 17 March 2020 (the "**March Injunction**"), which is otherwise due to expire on 17 December 2020.
3. The March Injunction was imposed by the Court on 17 March 2020 by the Order of Mrs. Justice Andrews ("**Order**"), in respect of the Cubbington Land and Crackley Land (which together I refer to as "**the Land**"). A copy of the Order is at pp. 1-10.
4. As I explain below, the reason that this temporary extension is sought is that the Claimants are intending to make an application to vary the March Injunction more substantively:
 - 4.1 for a longer period;
 - 4.2 against a number of proposed named respondents; and
 - 4.3 potentially, in respect of additional land brought within the relevant HS2 development sites and to address interference with the access to and egress from the Claimants' land,but a combination of factors and recent developments which I explain further below have meant that it is neither practicable nor convenient for this substantive application to be made at this juncture.
5. This application is therefore intended to maintain the status quo for a reasonably short period until that substantive application can be brought, and arrangements made for a full hearing of that application. The purpose of this statement is to:
 - 5.1 provide a brief background to these proceedings and to update the Court on relevant proceedings and matters that have taken place since these proceedings were last before the Court;
 - 5.2 explain why the Claimants' consider that there is a continuing and ongoing risk of trespass and obstruction of access to the Land which is the subject

of the March Injunction so as to justify a temporary extension to that relief; and

- 5.3 set out the Claimants' intention to make a substantive application on notice and to explain why that application is not being made at this juncture.
6. The matters I set out in this statement are within my own knowledge, unless stated otherwise, gained from reviewing incident reports, photographic and video footage made by the Second Claimants' contractors and its own specialist security team, my discussions with several members of the Second Claimant's team - including individuals from the legal, security and land and property teams. The contents of this statement are true to the best of my knowledge and belief.
7. There is now shown to me a paginated clip of documents which I exhibit hereto as RS1. Page numbers without qualification refer to that exhibit.

Earlier Proceedings

8. These proceedings concern two development sites for the HS2 railway project at the Land.
9. The Land is being developed by the Claimants and their contractors as part of the scheme of works ("**Scheme**") authorised by the High Speed Rail (London - West Midlands) Act 2017 (the "**Act**"). The Second Claimant ("**HS2 Ltd**") is the statutory undertaker for the HS2 project. The whole of the Land is within the Act limits, and the works being carried out on the Land are either works for the construction of Phase One of the HS2 railway, or works consequent on, or incidental, to those works.
10. The Scheme is a controversial one, and works at the Land have attracted (and continue to attract) extensive protest action on environmental and other grounds. Some of that protest activity has been lawful but the Land is impacted by regular and persistent unlawful direct action severely disrupting the works at these sites.
11. These actions have been considered previously by the High Court. As can be seen from its terms, the March Injunction was granted by Mrs. Justice Andrews in order to seek to prevent that unlawful conduct.

The March Injunction

12. The Claimants commenced these proceedings on 19 February 2020. The Claim was brought against two categories of persons unknown (the First and Second Defendants) and two named defendants (the Third and Fourth Defendants).
13. The Claimants also applied for interim injunctive relief to prevent trespass to the Land, in circumstances where there had been a lengthy history of such conduct going back to September 2019. A full-day hearing took place before Mrs Justice Andrews on 17 March 2020:
 - 13.1 The Third and Fourth Defendants, Mr. Rukin and Mr. Bishop, were represented by counsel (Mr. Wagner of Doughty Street Chambers and Mr. Powlesland of Garden Court Chambers, respectively). The First and Second Defendants did not appear and were not represented.
 - 13.2 The Defendants raised numerous arguments about their opposition to the Scheme, which were considered by Mrs Justice Andrews in her judgment of that date ([2020] EWHC 671 (Ch)). I exhibit that judgment at pp. 11-20.
 - 13.3 At paragraph 2 of her judgment, Mrs Justice Andrews noted that *“Mr. Wagner also assisted the Court by drawing attention to points that he considered might have been made by the “persons unknown” trespassing on the Cubbington land and Crackley Land”*.
 - 13.4 Mrs Justice Andrews granted the March Injunction on that day, albeit it did not commence until 4pm on 24 March 2020. It is subject to a longstop date of 17 December 2020.
 - 13.5 As can be seen from the detailed directions at paragraphs 13 to 18 of the Order:
 - 13.5.1 the Third and Fourth Defendants were removed as defendants to these proceedings;
 - 13.5.2 the proceedings were effectively stayed unless and until any named person sought substantively to challenge the Claimants' entitlement to injunctive relief or the form of the order. I can

confirm that no person has sought to do so since the March Injunction was made; and

13.5.3 the Claimants also had liberty to apply to extend or vary this Order, and that is the basis for this application.

Protestor Activity since the March Injunction

14. Following the grant of the Order, a High Court Writ of Possession was issued on the 24 March 2020 (“Writ”) in this Court under which Mr. Gary Bovan, a High Court Enforcement Officer (employed by High Court Enforcement Group Limited (“HCE”)) was commanded to enter the Land and cause the Claimants to have possession of it (a copy of the Writ can be found at pp.21-22).

15. I am informed by Mr. Bovan that:

15.1 in respect of the Cubbington Land, on 23 March 2020, the day before the March Injunction became effective, the First and Third Defendants voluntarily vacated the Cubbington Land. However, they left behind items of camping equipment such as tents and there remained three tree house platforms at height in trees on the Cubbington Land.

15.2 in respect of the Crackley Land:

15.2.1 on 26 March 2020, Mr. Bovan and a team of enforcement officers from HCE attended the Crackley Land and commenced the eviction of the Second Defendants in these Proceedings pursuant to the Writ. On the same day, the land was cleared of 18 persons on the ground, leaving 5 protesters at height (i.e. in trees). Mr. Bovan informs me that the people occupying the Crackley Land were situated at Camp 1 (marked on the plan at p.24) and that so far as he is aware, most of those people relocated to Camp 2 (as also marked on the plan at p.24).

15.2.2 Steps were then taken to arrange the removal of the persons at height (which proved additionally difficult under Covid-19 Government guidelines as enforcement officers from HCE were instructed by the Second Claimant to keep a distance of 2m between themselves and any protestors where at all possible) and

it was not until 3 April 2020 that all protestors were removed from the trees and the Crackley Land.

- 15.3 After 3 April 2020, Mr. Bovan and enforcement officers from HCE were involved, with the Claimants' permanent security contractors, in a continuous 24/7 security operation in order to prevent protestors entering on to or to remove protestors from both the Crackley Land and Cubbington Land. It was not until 5 July 2020 that Mr. Bovan felt confident that, as incursions by protestors onto the Land had reduced sufficiently, the Writ could be closed.
16. Whilst possession of the Land was ultimately returned to the Claimants by Mr. Bovan and HCE, since the imposition of the March Injunction protestor activity in opposition to the Claimants' works at the Land has continued.
17. The focus of that activity has shifted to Camp 2. This is a protest camp situated on third-party land (which is not land covered by the March Injunction) adjacent to the Crackley Land.
18. Camp 2 is directly adjacent to the perimeter fence of the Crackley Land and was established prior to the original protest camp being evicted and dismantled by Mr. Bovan and enforcement officers from HCE. A picture of Camp 2 is at p.25.
19. On the whole, this protest camp is generally peaceful, but it is used by protestors as a base from which to launch incursions on to the Land and carry out other protests in the vicinity of the Land.
20. There have at other times been other ad hoc protest camps which have been set up in the vicinity of the Land, although not on the Land itself. These camps often form the base for temporary incursions on to the Land.
21. The numbers of persons occupying Camp 2 is fluid with the position on the ground changing on a day to day basis such that:
- 21.1 persons unknown come and go from, with new persons joining, Camp 2 regularly;
- 21.2 the total number of persons and their identity appears to change on a daily / weekly basis; and

- 21.3 due to the transient nature of protesters between HS2 development sites, Camp 2 has been occupied by as few as 10 people, and at the date of this witness statement, 16 people are present, all of adult age.
22. On average, the number of protesters on or in the vicinity of the Land who are visibly opposed to the HS2 Scheme range between about five and 30 a day. These persons, when not engaged in protest activities elsewhere on the Land, are often found in occupation of Camp 2.
23. Between April 2020 and November 2020 the Claimants have experienced continuing incidents of trespass on to the Land, and other unlawful conduct:
- 23.1 there have been approximately 21 incidents involving trespassing to or obstruction of access to / egress from the Land (of which the Claimants are aware and/or which were significant enough to be formally reported by their security contractors) since the March Injunction was made. Such acts reinforce the Claimants belief that there continues to be an ongoing risk of unlawful conduct (and, for the reasons given at paragraphs 47 - 53 below, such a risk is increasing and not decreasing).
- 23.2 there have also been several incidents where protesters have sought to interfere with / block access to the Land, which I also explain further below.
24. Whilst (as these incidents show) the March Injunction has not been wholly successful in stopping trespass, the Claimants believe that the amount of trespass would have been much greater but for the March Injunction.
25. It is not realistic to attempt to give an account of each and every incident that has been recorded at the Land. This statement therefore sets out a number of the more significant incidents, and a range of examples of the sort of protest activity that the Claimants continue to be subject to.
26. There has also been an increasing number of incidents of trespass on land within the Claimants' possession, but which is not 'protected' by the March Injunction. It is convenient to describe this land at this time as "the Additional Land". No part of this application is intended to extend the March Injunction to the Additional Land, but as I indicated in the introduction to this statement, the Claimants are

considering whether to seek injunctive relief over the Additional Land in due course.

27. The Claimants continue to recognise that the HS2 Scheme is a controversial one, and that those engaged in protest or demonstrations against it may have genuine and sincere concerns. The Claimants have tried to engage with those concerns and HS2 community engagement continues to engage with and address the concerns of protestors via similar initiatives.
28. The Claimants do not seek to stifle anti-HS2 views, but seek the Court's assistance to try to ensure that the protestors do not resort to unlawful direct action protest. Not only is that conduct unlawful, but it is extremely disruptive (and therefore expensive), dangerous and – in many instances – unpleasant and difficult for those engaged in work at the site. In outline:
 - 28.1 the Land is an active construction works site. The works timetable requires coordination between numerous different contractors and subcontractors of different specialisations. The mere presence of unauthorised protestors on the Land is unsafe when heavy works are planned, and usually requires those works to be paused. Where, as is often the case, protestors actively interfere with works, the problem is even more acute. The knock-on effect and cumulative effect of these delays is severe. They serve to increase costs, and require increased security and legal costs. All of these costs are ultimately borne by the public purse;
 - 28.2 the acts of trespass and obstruction are often accompanied by incidents of verbal harassment and physical intimidation of contractors including some violent acts;
 - 28.3 very considerable police resources have been required to assist with incidents on the Land, again at considerable public expense;
 - 28.4 attempts to maintain order at the Land are further hindered by the fact that temporary metal Heras-style security fencing is regularly moved, damaged or tampered with – and the Court-mandated notices warning of the existence of the March Injunction are regularly defaced or torn down;
 - 28.5 the Covid-19 pandemic has not noticeably reduced the level of protest at the Land. It has, however, made it difficult for the Claimants' security

contractors to seek to engage constructively with trespassers and ask them to leave – as protestors are often complaining about the lack of "social distancing" by the security personnel in those circumstances.

29. I have been provided with a written statement from two members of the Second Claimant's security contractor's Incident Response Team, Mr. Danny Barnard and Mr. Adam Smith, following observation of Camp 2 on 22 November 2020. A copy of the statement is at p.26. As can be seen, Mr. Barnard and Mr. Smith were informed by a Mr. Terry Sandison, that the protestors intend to use Camp 2 as "*their wintertime camp*" and that they are "*looking at the possibility of expanding the camp to house a larger number of protestors*".

Contempt of Court Proceedings

30. The Claimants have brought two separate applications in these proceedings for contempt of court against (i) the Fifth Defendant (Mr. Elliott Cuciurean); and (ii) Dr. Ian "Larch" Maxey in respect of some of those incidents of trespass mentioned at paragraph 23.1 above.
31. On 16 October 2020, the court found Mr. Cuciurean to be in contempt of the Order on 12 separate occasions between 4 April 2020 and 14 April 2020. The order of the court in this regard can be found at pp.27-33. Mr. Cuciurean has appealed and an expedited appeal hearing is listed for either 16 or 17 February 2021 with a time estimate of 1.5 days.
32. The application regarding Dr. Maxey is currently being amended by the Claimants in light of the judgment against Mr. Cuciurean and a hearing date is not yet scheduled.
33. For the purposes of this statement, I mention these separate applications as evidence that the Claimants will seek to enforce the Order should the Defendants act in defiance of the Order and to explain why the Claimants perceive there to be an ongoing risk of unlawful conduct.

Obstacles to substantive application

34. In the circumstances, the Claimants' intention is to make a substantive application to:
- 34.1 further extend the injunction in time;

- 34.2 add a number of named defendants to the proceedings, who have been involved in such direct action protest and whom the Claimants believe they are now able to identify; and
- 34.3 potentially, include additional parcels of land which have been brought into the Scheme since these proceedings were last before the Court and to address interference with the access to and egress from the Claimants' land.
35. However, whilst the preparation of the substantive application and evidence is well progressed, the Claimants are not at present in a position to finalise and make the substantive application, nor do they consider that it would be practicable. The reasons for that are as follows.
36. First, until the incidents on 31 October 2020 and 20 November 2020 (explained in more detail in the Schedule exhibited at pp. 34-42)), the Claimants did not consider that it would necessary to seek an extension to the March Injunction. This was because:
- 36.1 Whilst protestors remained at Camp 2 and in the general vicinity of the Land, it appeared to the Claimants that the March Injunction (and the contempt of court proceedings related to that injunction) had reduced considerably the nuisance it was intended to prevent (that being trespass onto the Land in opposition to the felling of trees in ancient woodlands).
- 36.2 It appeared in recent months that the protest activity at the Land was reducing (such that it could be managed solely through the Claimants' own security contractors and arrangements (such as fencing, CCTV and perimeter detection sensors)).
- 36.3 Moreover, the works to fell trees, which the Claimants understood to be the focus of the unlawful direct action protest, had largely been completed by July 2020. As the works on the Land no longer involved tree clearance or ancient woodland, the Claimants assumed (wrongly it now appears) that the protest activity would move to other locations.
- 36.4 The nature of the incidents on 31 October and 20 November 2020 (and in consideration of the incidents since March 2020), together with the indication from Mr. Sandison that there is likely to be an increase in

numbers at Camp 2, has meant that the Claimants resolved recently to seek further injunctive relief in order to maintain protection to the Land.

37. Second, the question of which named persons should properly be added as named defendants is being kept under review by the Claimants. The Claimants intend to take a proportionate approach, though a difficult judgment call is sometimes required as to whether an individual's involvement in unlawful action was a 'one off' occurrence, or is evidence of a continued risk of future unlawful conduct. At present the Claimants have compiled a provisional list of named defendants which runs to 31 individuals, but are working to reduce this provisional list so far as reasonable before bringing the substantive application. In this regard, the actions of individuals taking part in the "wintertime camp" I identify at paragraph 29 above will be critical.
38. Third, the Claimants fully recognise and respect that persons who they name as defendants to these proceedings on the intended substantive application will likely wish to be heard in response. Some of those persons are likely to be litigants in person. It is also anticipated (from the Claimants' own experience) that there may be others who wish to apply to be joined as named defendants or otherwise make representations, and that there may be significant local or press interest with such persons also wishing to attend the hearing. Given the Covid-19 situation there are obvious constraints associated with arranging a physical hearing, and arrangements for a remote hearing will require planning as between the Claimants' representatives and the Court so as to facilitate access by all those who may wish to be heard. It is intended that the four month extension being sought by the Claimants should give sufficient time for a listing of a hearing of the substantive application to be arranged, and for arrangements to be put in place to facilitate remote access to that hearing from anyone who may wish to be heard on it.
39. Fourth, due to the Covid-19 pandemic and recent national lockdown between 5 November 2020 and 2 December 2020, the practicalities of collating and putting together the necessary evidence and paperwork have been inherently more difficult:
- 39.1 The representatives from the Claimants who are able to give relevant instructions and evidence are, largely, working from home and / or their available time has been impacted by practical changes which have been required on the ground.

- 39.2 It has been particularly difficult more recently to obtain full factual evidence from the Second Claimant and its agents because of the logistical constraints which we are now working within as well as other pressures on the available time of those who are involved in this process (which involves obtaining up to date evidence from a number of different contractors and sub-contractors of different specialisations).
40. Fifth, it is anticipated that the outcome of the Fifth Defendant's appeal of his committal for contempt of court may have an impact on the terms of the order sought by the Claimants. The appeal hearing has now been listed for 16/17/18 February 2021. The Claimants therefore seek an extension which will allow time for the Court of Appeal to hand down judgment and for that judgment to be considered by the court seized of the substantive amendment application, hence the choice of four months for this extension such that there is at least a month in between the appeal hearing and the substantive application hearing.
41. In particular, the grounds of appeal advanced by the Fifth Defendant include allegations that the site boundaries of the Land are unclear; complaints as to whether alternative service had been effected; and a complaint that paragraph 10 of the Order was part of the service requirements.
42. As such, there have been a number of complex 'moving' parts and practical difficulties - including matters outside of the Claimants' control - which have prevented the Claimants from realistically being in a position to file the substantive application before the expiry of the existing relief on 17 December 2020.

Need for and approach to an interim temporary extension of the March Injunction

43. In the circumstances, given the continued threat to the Land and recent increase in violent incidents, the Claimants urgently seek a temporary extension of the 17 December 2020 longstop date in order to maintain the existing protection which they have been afforded by the Court, pending the Claimants' intention to file and serve the substantive application.
44. The current application seeks to obtain the minimum protection that is necessary to protect the Claimants' interests; the Claimants do not seek an injunction over any additional land at this stage, nor do they seek to extend the injunction in time

beyond that they consider reasonably necessary to put in place arrangements for and have determined a substantive application.

45. As things stand, there are no named defendants to these proceedings who need to be served with this application other than the Fifth Defendant (who has solicitors on the record as acting). As I noted above, no person has ever sought to challenge the March Injunction (or the Order as a whole).
46. Nevertheless, it is the Claimants' intention to try to take steps to draw this extension application to the attention of interested parties. This application is urgent, but not - the Claimants accept - secret. The Claimants intend to file updated evidence at the hearing of this application to update the Court on those steps, and any response received.

Continued threat to the Land and Summary of Incidents since making of March Injunction

47. Since the making of the March Injunction there have been a number of incidents of trespass that the Claimants consider amount to a breach of the terms of the Order. Whilst the March Injunction has not wholly prevented unlawful disruption, it has been broadly successful and remains of great assistance to the Claimants' activities.
48. I exhibit to this statement a Schedule (which can be found at pp.34-42), which records a number of the more significant incidents and a range of examples of the sort of protest activity that the Claimants continue to be subject to, which have occurred since the March injunction was imposed. The source of this information is from my own experience having dealt with the applications for contempt of court brought against the Fifth Defendant and Dr. Maxey, reviewing the incident log reports, reviewing material received from the Second Claimant's agents, and discussions with and taking instructions from individuals from the Second Claimant's legal, security and land and property teams. On some occasions the incident logs provided to me recorded the location of the incidents using the What3Words geocode system – these co-ordinates (where available) are shown on the Schedule.
49. Some of the incidents in the Schedule are not breaches of the March Injunction, but as set out above, the Claimants' intention is to seek the Court's assistance in

preventing those activities from occurring on additional land which is under the control of the Claimants.

50. The Court is asked particularly to note two incidents in the Schedule, which have crystallised the Claimants' need for both a short extension to the March Injunction, and the need for the substantive application. The Claimants concern is that violent incidents are increasing in both number and the violence used, and such incidents will increase yet further if the Land is not protected by an injunction:

50.1 on 31 October 2020 (Incident 15 in the Schedule) between 30 and 40 protestors trespassed on the Land, in breach of the March Injunction, gaining access by use of chainsaw. Two security guards were injured, 8 were subjected to abuse, equipment was stolen and there were incidents of arson and criminal damage; and

50.2 on 20 November 2020 (Incident 17 in the Schedule) there was further criminal damage to the Claimants' equipment, on investigation security staff were threatened with an axe and with a dog, a security officer was punched and assaulted, and two security staff sustained minor injuries.

51. It will be apparent from the Schedule that the government guidelines and regulations concerning 'lockdown' during the Covid-19 pandemic have not materially (if at all) discouraged or prevented unlawful protest activity at the site. This conduct is therefore exposing the Claimants' contractors and sub-contractors working on the site to further unnecessary risk. The reports from security contractors at the site, in particular, are that - whilst protestors remonstrate with them about not keeping adequate 'social distance' - the same courtesy is not extended in return.

52. I also exhibit (at p.57) to this witness statement a video of the Fifth Defendant, taken on 16 October 2020 immediately after the conclusion of the sentencing hearing in respect of the Claimants' contempt of court application, wherein the Fifth Defendant can be seen:

52.1 at 20 minutes 56 seconds – saying that he does not consider his suspended sentence “*will make much difference*”.

52.2 at 21 minutes 8 seconds – explaining his intentions “*go to all the others sites that are not injuncted*” and then explaining that he has no remorse or regrets for his actions.

52.3 at 21 minutes 55 seconds – saying that there are other people “*waiting to go back and run around the woods and stop their work*”.

53. The Claimants believe that the Schedule and video of the Fifth Defendant show that, should the March Injunction not be continued, there is likely to be an increase in incidents of this type which would adversely impact the works required at site in order to implement a scheme which has been mandated by Parliament.

HS2 Programme Delays and Costs

54. The Claimants substantive application will explain in greater detail the Claimants’ current programme of works at the Land, but in summary, works are planned up until approximately November 2029, which is the current forecast “delivery into service” (ie. when trains will start running) date for the HS2 Scheme.

55. If the Claimants’ works are restricted or not possible as a result of interference by protest action, it could have the potential ultimately to delay the date upon which the HS2 Scheme is delivered into service, which would increase the costs to the public purse, and delay the realisation of the significant benefits of the HS2 railway.

56. It is imperative that the Claimants and their contractors have uninterrupted use of the Land without obstruction in order that they can work in accordance with and maintain their programme in order to meet the HS2 Scheme timetable.

57. To date, protestor action has caused considerable impact (and cost) to the HS2 Scheme. The Claimants have sought to put together a broad estimate of the additional cost of the development of the Land by reason of the delays and additional expenses caused by protestor activity at the site (not including legal costs). In this regard, I am informed by Christina Wallace, a senior project manager for the Second Claimant, that protestor related costs at the Land (covering matters such as enhanced security and fencing, delay and disruption to works, damage (up to the insurance excess) and management time) is estimated to be approximately £5,500,000. These are costs that have had to be borne by the public purse.

58. Without an extension of the March Injunction, the anticipated costs caused by protestor activity at the Land are likely to be considerably higher after 17 December 2020.

Conclusion

59. As has always been the Claimants' position - they have no desire to prevent, and they continue to respect, the Defendants' rights to peaceful protest. However, it is not necessary or lawful for the Defendants to trespass on the Land or to interfere with the rights of the Claimants to access the Land in order to express their views. The Defendants have other means of expression and lawful protest. Unlawful activities by the protestors put themselves, the police and the Claimants' contractors and employees at serious risk of physical harm. The Claimants are concerned particularly by the evidence of increasingly violent unlawful direct action protest.
60. It remains the case that the Defendants do not have the consent or permission of the Claimants to enter onto the Land and their presence continues to significantly impact Scheme works causing disproportionate delay and expense which is ultimately borne by the public purse.
61. The Claimants reasonably fear that the Land remains at continuing risk of trespass should the March Injunction be allowed to lapse without the continuation of the injunction, given the number of incidents that have recently been experienced by the Claimants on or in the vicinity of the Land and the expressed commitment of the Defendants to continue with protest activity at the Land.
62. I confirm that the Claimants remain prepared to continue to offer the cross-undertaking in damages contained in the March Injunction.

Statement of Truth

63. 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 10th December 2020

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line that tapers to the right.

ROBERT SHAW

On behalf of: Applicants/Claimants
By: Robert Shaw
No: 1
Exhibit: RS1
Date: 10 December 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**

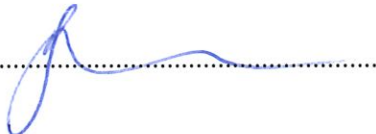
(5) ELLIOTT CUCIUREAN

Respondents/Defendants

**EXHIBIT OF
ROBERT SHAW**

This is the exhibit marked RS1 referred to in the witness statement of ROBERT SHAW
dated this *10th* day of *December 2020*

Signed



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



**Before: Mrs Justice Andrews
On: 17 March 2020**

PT-2020-BHM-000017

B E T W E E N:

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

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

(3) MATTHEW BISHOP

[Henceforth being removed as a Defendant pursuant to paragraph 13 of this Order]

(4) JOE RUKIN

[Henceforth being removed as a Defendant pursuant to paragraph 13 of this Order]

Defendants

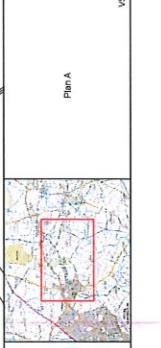
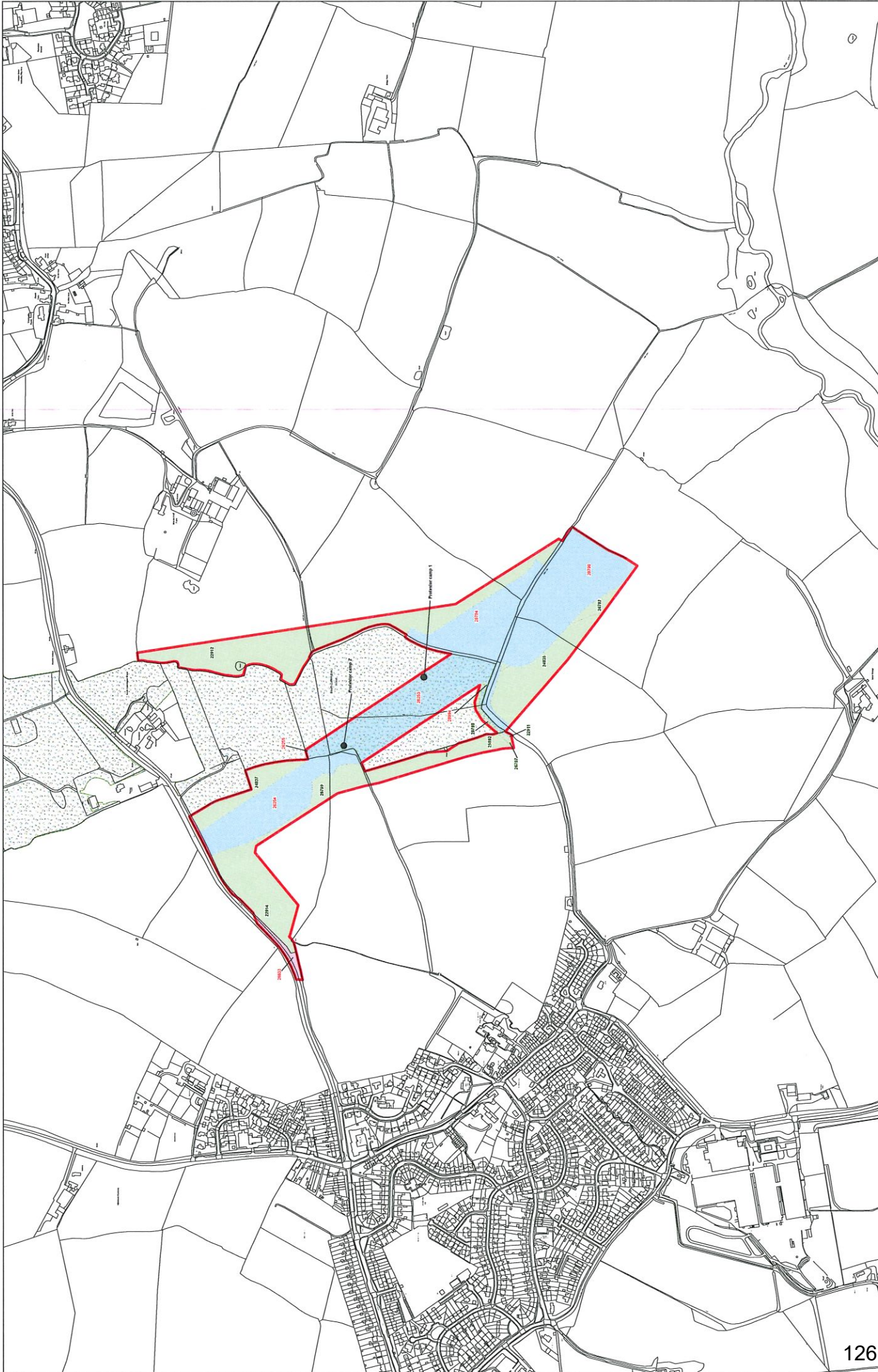
ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as



Plan A

VC Dev Number

Legend

- Preston Camps
- Land Proposed
- Vires GVD
- Schedule 10 sites served and processed
- Vires GVD registered to Secretary of State on IMLEF register
- Ancient woodland

© Crown Copyright and Database Right 2023. All Rights Reserved.
This map is a reproduction of the original map. It is not to be used for any other purpose without the permission of the Secretary of State for Transport.

soon as possible. You have the right to ask the Court to vary or discharge this Order.

UPON the Claimants' claim by Claim Form dated 19 February 2020 ("the **Claim**"), and the Claimants' accompanying application by Application Notice dated 19 February 2020 ("the **Application**")

AND UPON READING the Claim Form, Particulars of Claim, First Witness Statements of Alan Robert Payne, Jeremy Tadeusz Corvin-Czarnodolski and Shona Jenkins, the evidence of service in the Second Witness Statement of Shona Jenkins, the First Witness Statement of Raymond Finch, the Witness Statement of Mark Seymour and the accompanying certificates of service, and the witness statements of the Third Defendant and the Fourth Defendant.

AND UPON hearing Tom Roscoe, Counsel for the Claimants, Adam Wagner, Counsel for the Third Defendant, and Paul Powlesland, Counsel for the Fourth Defendant.

AND UPON the Third Defendant, Matthew Bishop and the Fourth Defendant, Joe Rukin being present upon the making of this order

AND UPON the Court accepting the Claimants' undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the court finds that the Defendant ought to be compensated for that loss.

AND UPON the Court indicating that it would expect the Claimants to inform the Court in writing (marked for the attention of a High Court Judge) if the HS2 project is postponed, suspended or cancelled, or there was such other change in circumstances which may affect the appropriateness of interim injunctive relief, so that the Court may give such further directions as appropriate.

AND UPON the Third and Fourth Defendants indicating to the Court via their witness statements and counsel that they: (i) intend to leave the land subject to these proceedings upon the making of the following orders for possession; and (ii) have no intention of returning to any part of that land save as is required to dismantle the protest camps within the time limits set out in this Order, such that there is no need for the Court to impose an injunction upon them or require any formal undertaking from them.

IT IS ORDERED THAT:

Service by Alternative Method

1. Pursuant to CPR r. 6.15 and r.6.27, the steps that the Claimants have taken to serve the Claim, the Application and the evidence in support on the Defendants shall amount to good and proper service of the proceedings on the Defendants and each of them. The proceedings shall be deemed served on 4 March 2020.

Possession Order

2. The First and Third Defendants shall forthwith give the Claimants vacant possession of all of the land at South Cubbington Wood, South of Rugby Road, Cubbington, Leamington Spa as shown coloured green, blue and pink and edged in red on Plan A annexed to the Particulars of Claim and reproduced as an annexe to this Order ("**Plan A**") ("**the Cubbington Land**").
3. The Second and Fourth Defendants shall forthwith give the Claimants vacant possession of all of the land at Crackley Wood, Birches Wood and Broadwells Wood, Kenilworth, Warwickshire, as shown coloured green, blue and pink and edged in red on Plan B annexed to the Particulars of Claim and reproduced as an annexe to this Order ("**Plan B**") ("**the Crackley Land**")

(together referred to as "**the Land**").

Injunction

4. From 4pm on 24 March 2020, and save for the matters set out in paragraph 5 of this Order:
 - 4.1 The First Defendant and each of them are forbidden from entering or remaining upon the Cubbington Land; and
 - 4.2 The Second Defendant and each of them are forbidden from entering or remaining upon the Crackley Land.
5. Nothing in paragraph 4 of this Order:
 - 5.1 Shall prevent any person from exercising their rights over any open public right of way over the Land. Those public rights of way shall, for

the purposes of this Order, include the “unofficial footpath” between two points of the public footpath “PROW 130” in the location indicated on Plan C annexed to the Particulars of claim and reproduced as an annexe to this Order;

5.2 Shall affect any private rights of access over the Land held by any neighbouring landowner.

6. The order at paragraph 4 above shall

6.1 remain in effect until trial or further order or, if earlier, a long-stop date of 17 December 2020.

Declarations

7. The Court makes declarations in the following terms:

7.1 The Claimants are entitled to possession of the Cubbington Land and the Defendants have no right to dispossess them and where the Defendants or any of them enter the said land the Claimants shall be entitled to possession of the same.

7.2 The Claimants are entitled to possession of the Crackley Land and the Defendants have no right to dispossess them and where the Defendants or any of them enter the said land the Claimants shall be entitled to possession of the same.

Service of the Order

8. Pursuant to CPR r. 6.27 and r. 81.8, service of this Order on the First and Second Defendants shall be dealt with as follows:

8.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Cubbington Land and the Crackley Land.

- 8.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this order and providing the Claimants' solicitors contact details in case of requests for a copy of the order or further information in relation to it.
- 8.3 The Claimants shall email a copy of the Order to the email address "helpstophs2@gmail.com"
- 8.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites: (i) <https://hs2inwarwicks.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>, together with a link to download an electronic copy of this Order.
9. The taking of the steps set out at paragraph 8 shall be good and sufficient service of this Order on the First and Second Defendants and each of them. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
10. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 7.1 and 7.2 remain in place and legible, and, if not, shall replace them as soon as reasonably practicable.
11. Pursuant to CPR r. 6.27 and r. 81.8, service of this Order on the Third and Fourth Defendants shall be dealt with as follows:
- 11.1 The Claimants shall post a copy of the Order to the Third Defendant at his normal place of residence being: 51 St Nicholas Road, Radford Semele, Leamington Spa CV31 1UN;
- 11.2 The Claimants shall post a copy of the Order to the Fourth Defendant at his address for service, being: 2 Ceasar Road, Kenliworth, CV8 1DL.
12. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).

Further directions

13. The Third and Fourth Defendants be removed as defendants to these proceedings.
14. No Defendant shall be required to file an acknowledgment of service.
15. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
16. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
17. The Claimants have liberty to apply to extend or vary this Order or for further directions.
18. Save as provided for above, the Claim be stayed generally with liberty to restore.

Costs

19. The Claimants shall pay the costs of attendance at the hearing by Counsel for the Third and Fourth Defendants on the standard basis to be subject to summary assessment on the papers if not agreed by 12.00pm on 20 March 2020. If no such agreement is reached, brief written submissions are to be provided to the Judge's clerk by midday on 20 March 2020.
20. Save as aforesaid, there shall be no order as to the costs of the Claim or the Application as between the Claimants and the Third and Fourth Defendants.
21. The Claimants' entitlement to recover costs against any further named defendants in the future shall be reserved to any further hearing.

AND UPON the Claimants' oral application for permission to appeal from the order at paragraph 19 above.

22. Permission to appeal refused on the basis that the decision as to costs was within the scope of the Court's discretion.

Communications with the Court

23. All communications to the Court about this Order (which should quote the case number) should be sent to:

Court Manager
Birmingham Civil and Family Justice Centre
High Court of Justice
Chancery Division
Priory Courts
33 Bull Street
Birmingham
B4 6DS

The telephone number is 0121 681 4441. The offices are open weekdays 10.00am to 4.00pm.

24. The Claimant's solicitors and their contact details are:

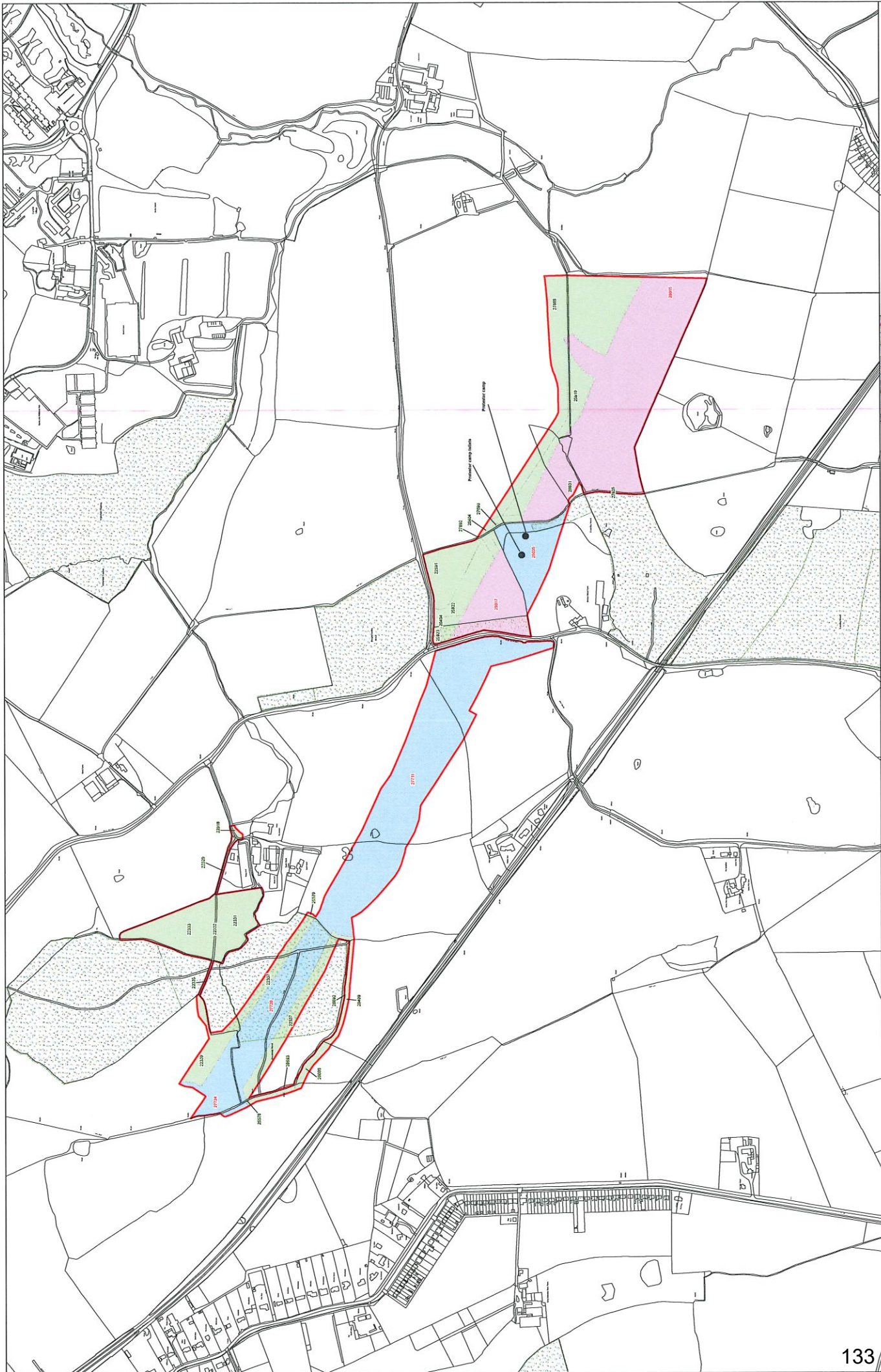
Eversheds Sutherland (International) LLP of:
1 Callaghan Square
Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Ref: JENKINSW/335547-000130

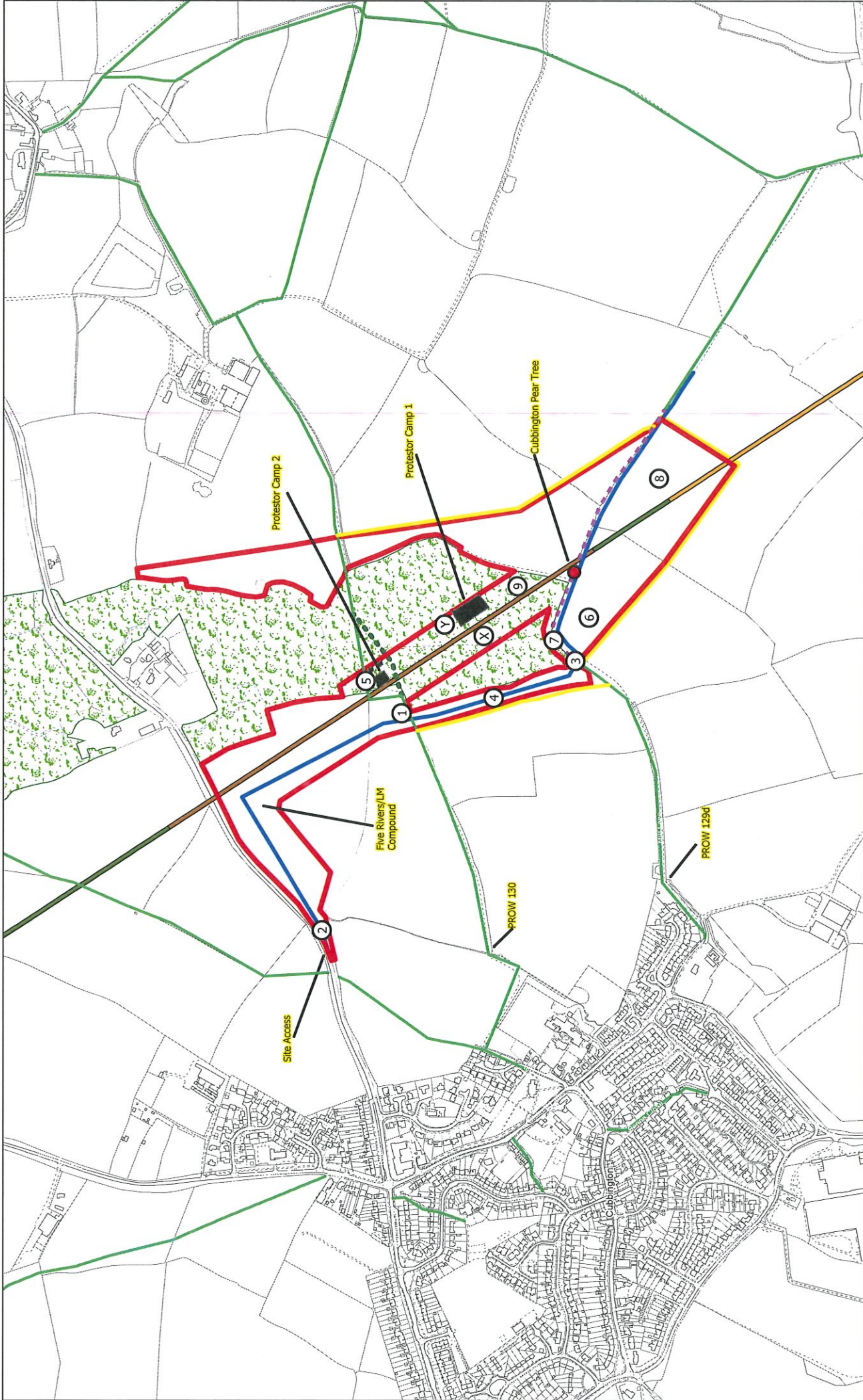
Dated: 17 March 2020



Prehistoric Camps
 Level Required

-  Wetland GVD
-  Schedule II sites surveyed and possessed
-  Wetland GVD registered to Secretary of State on NADLR register
-  Ancient woodland

Wetland GVD
 Schedule II sites surveyed and possessed
 Wetland GVD registered to Secretary of State on NADLR register
 Ancient woodland



HS2 Ltd accept no responsibility for any inaccuracies, which arise from reproduction of this map after alteration, amendment or revision or if based in part or based inaccurately in any way.
 2020/09/10
 Derived from (scale the scale of the BGS data used.) scale BGS Digital Data
 under license 2017/111 BP British Geological Survey, © NERC.
 Contains Environment Agency information © Environment Agency and database right.
 © Crown copyright material is reproduced with the permission of Land Registry under delegation authority from the Controller of HMSO.
 This material was last updated on (date) and may not be copied, distributed, sold or otherwise made available to the public without the prior written permission of HS2 Ltd. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes. © Crown Copyright, Ordnance Survey.

- Incidents
- Cubbington Pear Tree
- Land Required
- Protestor Camp Locations
- Ancient Woodland
- Closed Public Right of Way
- Existing Public Right of Way
- Diverted Public Right of Way
- Unofficial Footpath
- Haul Road
- HS2 Trace
- Design Type
- Cutting
- Embankment
- Retaining Wall
- Viaduct

Plan C

LM Working on behalf of **HS2**

LM-JV, 6th Floor,
The Cornerblock,
2 Cornwall Street,
Birmingham, B3 2DX

0 55 110 220 Metres

N

12/02/20



Neutral Citation Number: [2020] EWHC 671 (Ch)

Case No: 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

Priory Courts, 33 Bull Street
Birmingham
Date: 20/03/2020

Before :

THE HONOURABLE MRS JUSTICE ANDREWS DBE

Between :

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

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

- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON LAND AT CRACKLEY WOOD, BIRCHES WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE
- (3) MATTHEW BISHOP
- (4) JOE RUKIN

Defendants

Tom Roscoe (instructed by **Eversheds Sutherland (International) LLP**) for the **Claimants**
Adam Wagner (instructed by **Harrison Grant**) for the **Third Defendant**
Paul Powlesland (instructed on direct access) for the **Fourth Defendant**
The First and Second Defendants did not appear and were not represented.

Hearing date: 17 March 2020

Approved Judgment

Mrs Justice Andrews:

INTRODUCTION

1. This is a claim brought by the Secretary of State for Transport and High Speed Two (HS2) Limited for relief in respect of unlawful protest camps and related activities on two parcels of land referred to in these proceedings as “the Cubbington Land” (which is shown on Plan A annexed to the Particulars of Claim), and “the Crackley Land” (which is shown on Plan B). The two parcels of land are geographically close to each other. Ancient woodlands form a part of each parcel of land and are also nearby. The evidence indicates that there appears to be a connection between the two sites, with occupants moving from one to the other, though the camps have not been continuously occupied.
2. The claim is brought against “persons unknown” entering or remaining without the consent of the Claimants on the Cubbington Land and the Crackley Land respectively. However, there are also two named individual defendants, Mr Matthew Bishop and Mr Joe Rukin. They have each served witness statements and appeared at the hearing represented by counsel, Mr Wagner on behalf of Mr Bishop and Mr Powlesland on behalf of Mr Rukin. Mr Wagner also assisted the Court by drawing attention to points that he considered might have been made by the “persons unknown” trespassing on the Cubbington Land and Crackley Land respectively, who are named as the First and Second Defendants and who were not represented at the hearing. I am grateful to both defence counsel and to Mr Roscoe, who appeared on behalf of the Claimants, for their lucid and focused arguments.
3. The relief that is sought falls under three heads: first, a claim for possession of the land, secondly, declaratory relief, and thirdly an interim injunction to restrain future trespasses upon the land. Having heard submissions on 17 March 2020, I stated that I would grant the Claimants relief in substantially the terms in which it was sought, subject to certain amendments discussed with counsel, but I refused to grant an injunction against Mr Bishop or Mr Rukin and awarded each of them the costs of their counsel’s attendance at the hearing. I also stated that I would set out my reasons in a reserved judgment which would be handed down in due course. This is that judgment.

BACKGROUND

4. I am satisfied on the evidence adduced by the Claimants that they have the status to pursue a claim for trespass on the land; the means by which they became entitled to possession is immaterial for those purposes. Indeed, the contrary was not argued by Mr Wagner or Mr Powlesland. There was no dispute before me that the Claimants are either the owners of the land or, in the case of HS2, they have taken temporary possession of the land pursuant to their statutory powers under the High Speed Rail (London-West Midlands) Act 2017 (“the 2017 Act”) for the purpose of carrying out “Phase One” works authorised by the Act in respect of the High Speed Two (“HS2”) railway project.
5. This is a controversial and high-profile project that is specifically authorised by the 2017 Act. It has raised genuine concerns and deep-rooted opposition in many quarters, particularly on environmental and ecological grounds.

6. As in an earlier case involving a claim in respect of trespass by protesters against the HS2 project, *Secretary of State for Transport and High Speed Two (HS2) Limited v Persons Unknown* [2019] EWHC 1437 (Ch), on each of the two affected parcels of land there are three categories of land shaded blue, pink and green on the plans. The blue land is land of which the Secretary of State is the freehold owner. The pink land is land that has been acquired by the Secretary of State pursuant to his powers of compulsory purchase under the 2017 Act. The green land is land in the possession of HS2 by reason of the exercise of its powers under section 15 and Schedule 16 of the 2017 Act. The outer boundary of the whole of the land on each of the two affected areas is edged in red on the plans.
7. The plans indicate that on the Cubbington site there are two protest camps which have been set up in a blue area. The site of the upper camp is close to an unofficial footpath through the ancient woodland which is the continuation of an existing public right of way. The Claimants have power under the 2017 Act to close and divert public highways, but they have not yet exercised it in respect of that footpath. A public footpath closer to the site of the lower camp has been closed, and the Claimants believe that the protesters initially entered the site from this path by moving the Heras fencing that closed it off on or about 29 September 2019.
8. The protest camp on the Crackley site is on a much smaller parcel of blue land that is roughly the shape of an isosceles triangle on Plan B. At the time when the camp was erected on 12 October 2019, Mr Rukin believed that land belonged to a Mrs Shanks. He has asserted in his evidence that the freehold was not acquired by the Secretary of State until 26 November 2019. In fact it would appear that Mr Rukin is mistaken in that regard, because although Mrs Shanks was the registered owner of land with the title number EX42259, a portion of that land (edged in green on the title plan) was removed in November 2018 and registered as part of title No WK501441. The Secretary of State has been the registered freehold owner of the latter, including the area on which the camp was erected, since November 2018. In any event, even if Mrs Shanks had owned the land at the time when the camp was initially set up, it does not affect the Secretary of State's present right to possession of the land, about which there can be no dispute. The protesters have had plenty of time since 27 November 2019 in which to dismantle their tents and leave, but they have not yet done so.
9. The court was told by Mr Bishop, the spokesman for the protestors on the Cubbington land, that the protesters with whom he is associated are local residents, normally law-abiding citizens, whose main concern is to ensure that the contractors working on the project adhere to the promises and assurances that they have given in respect of the preservation of the ancient woodland, and in particular that they do not act unlawfully by, for example, felling trees that are outside the published construction zones, or disregarding protected species of wildlife.
10. The Cubbington protestors say that their sole purpose in trespassing on the land is to monitor and take photographs or film the activities of the contractors in order to preserve evidence of alleged wrongdoing. They have no intention of disrupting the contractors going about their lawful business and were committed to ensuring that their protest was peaceful. To that end, Mr Bishop drew up a Camp Code of Conduct to which all the protestors who stayed in the two camps on the Cubbington Land subscribed.

11. The Claimants accepted, as do I, that Mr Bishop's activities as a concerned local resident have been genuine and sincere, and that at all times he has acted responsibly and peacefully. He is seen as a very important moderating influence, who has forged a good relationship with the HS2 representatives.
12. Mr Rukin has a wider agenda, in that he is the Campaign Manager of "Stop HS2" which as its name suggests, is opposed to the project in principle. However, so far as the occupation of the Cubbington Land and Crackley Land is concerned, Mr Rukin supports Mr Bishop's evidence that this is aimed at protecting the ancient woodland and observing and recording HS2 Ltd and their contractors' operations with a view to reporting any illegal activities to the relevant authorities. He denies that he or anyone associated with him or the camps has been responsible for litter or any anti-social behaviour on the land.
13. Unfortunately, the evidence of Ms Jenkins and Mr Corvin-Czarnodolski ("Mr Corvin") on behalf of the Claimants indicates that not all trespassers on the Cubbington Land and Crackley Land are so well-behaved. People have carried out damage to the Heras fencing which is used to demarcate the land, in some areas pulling it down and abusing workmen who have taken in panels to repair it; nails and glass have been placed on roads used by construction traffic, and some people have actively blocked access to the sites or erected structures on them which have impeded the work.
14. Moreover, as Mr Roscoe rightly pointed out, and as Mr David Holland QC held in the previous HS2 case to which I have referred, however laudable the motives of a trespasser may appear to be, it is no defence to a claim in trespass for the trespasser to say they are only on the land to prevent or obtain evidence of unlawful activities which might otherwise go undetected.

Service of the proceedings

15. There is a bespoke procedure for serving trespassers who are "persons unknown" with a claim for possession of the land under CPR 55.6. That procedure was followed by the Claimants' solicitors and the process servers, Mr Finch and Mr Seymour, but additional steps were also taken to bring these proceedings to the attention of anyone likely to have an interest in defending them. I am satisfied that the further steps that were taken, described in the evidence of Ms Jenkins, were both reasonable and sufficient, as evidenced by the fact that Mr Bishop and Mr Rukin were able to respond to the claim and instruct counsel to represent them.
16. The Claimants have made an application, to the extent that the elements of the claim go beyond a claim for possession, for an order that the steps taken to bring the claim form to the attention of the defendants (including the "persons unknown" defendants) were good alternative service methods pursuant to CPR 6.15 and 6.27. I am satisfied that they were. Quite apart from the fact that these service methods sufficed to bring the proceedings to the attention of the two named defendants, Ms Jenkins' second witness statement confirms that a number of interested parties have sought and obtained copies of the proceedings since the notice was published on the websites to which she refers.

17. I am also satisfied that this is a case in which it was appropriate to bring the proceedings in the High Court.

The law

18. I was referred to three recent cases in the Court of Appeal which concerned claims for injunctive and other relief against protesters whose identities were unknown, namely, *Boyd and Corré v Ineos Upstream Ltd and others* (“Ineos”) [2019] EWCA Civ 515; *Cuadrilla Bowland Ltd and others v Persons Unknown* (“Cuadrilla”) [2020] EWCA (Civ) 9 and *Canada Goose UK Retail Limited and another v Persons Unknown* (“Canada Goose”) [2020] EWCA Civ 303. I need only refer in this judgment to *Canada Goose*, as the Court of Appeal in that case addressed and confirmed the principles set out in *Ineos* and *Cuadrilla* and laid down, at [82], a set of procedural guidelines applicable to proceedings for interim relief against “persons unknown” in protester cases.
19. Importantly, the Court of Appeal concluded that a final injunction cannot be granted in a protester case against “persons unknown” who are not parties at the date of the final order – for example, protesters who join the protest group after the hearing for interim relief. An interim injunction, however, may be granted against “persons unknown” for such a period as will enable the claimant to identify wrongdoers either by name, or as anonymous but identifiable persons who have been served with the proceedings (thereby falling within Category 1 of the categories of unknown defendants referred to by Lord Sumption in *Cameron v Liverpool Insurance Co Ltd* [2019] UKSC 6, [2019] 1 WLR 147). Such an injunction must be subject to reasonable temporal and geographic limits and contain sufficient provision for anyone adversely affected by it to apply to the court to vary or discharge it.
20. The only other authority to which I need refer is *Secretary of State for the Environment v Meier* [2009] UKSC 11, in which the Supreme Court considered the extent to which an order for possession can be made in favour of a claimant in respect of land not actually occupied by a defendant. That is relevant in the present case because, particularly as regards the Crackley site, the protest camp has been set up in one distinct area, and much of the Crackley Land is currently unaffected. Lord Neuberger said at [64] that:
- “the notion that an order for possession may be sought by a claimant and made against defendants in respect of land which is wholly detached and separated, possibly by many miles, from that occupied by the defendants, accordingly seems to me to be difficult, indeed impossible, to justify. The defendants do not occupy or possess such land in any conceivable way, and the claimant enjoys uninterrupted possession of it. Equally, the defendants have not ejected the claimant from such land. For the same reasons, it does not make sense to talk about the claimant recovering possession of such land, or to order the defendant to deliver up possession of such land.”*
21. However, he went on to say at [65] that this did not mean that, where trespassers are encamped in part of a wood, an order for possession cannot be made against them in respect of the whole of the wood, just as much as an order for possession may extend to a whole house where the defendant is only trespassing in one room (at least if the rest of the house is empty). An order for possession may be made in respect of the

whole of a piece of land when the defendant is only in occupation of part of it and the remainder is empty.

22. The present case is different from the situation in *Meier* in that both plots are contiguous open countryside and woodland to which the Claimants have an entitlement to possession as part of one scheme of works. In *Meier* there were disparate plots of land situated some distance away from the land which was currently under occupation. Mr Corvin's evidence and Ms Jenkin's second witness statement establishes that there have been trespassers on the land in areas other than where the camps are situated or their immediate vicinity. The Claimants' possession of the land is not undisturbed so long as persons are wandering on it at will without permission. I am satisfied on the evidence that the Claimants need possession of the whole of each site to enable the works to be carried out in a practical and safe manner, and there is a degree of urgency because some of the essential preparatory work needs to be carried out before the bat mating season in April.
23. With the principles in those authorities in mind, I turn to consider the three heads of relief that were sought in the present case.

THE CLAIM FOR POSSESSION

24. The Claimants are undoubtedly entitled to possession of the land identified on the two plans. The Defendants (including anyone presently in occupation) are not entitled to be there. Realistically neither Mr Wagner nor Mr Powlesland sought to offer any defence to this aspect of the claim.

THE CLAIM FOR A DECLARATION

25. Mr Roscoe drew my attention to *Meier* at [93] and [94] where Lord Neuberger suggested that a declaration of entitlement to possession of the relevant parcel of land might facilitate the speedy removal of future trespassers by means of a writ of restitution, without the need for the landowner (or other person entitled to possession) to start fresh proceedings. He submitted that declaratory relief was therefore potentially of greater practical utility to his clients than an injunction, as the only recourse if an injunction were breached would be to bring proceedings for contempt of court against the individual(s) concerned.
26. Mr Powlesland and Mr Wagner cautioned against granting ancillary relief in a form that might cast the net too wide and potentially have an adverse effect on the legitimate interests of persons who were not served with the proceedings and who were not represented in court. They pointed out that the areas currently occupied by the protesters fell squarely within blue areas, denoting land belonging to the Secretary of State and within a relatively narrow corridor through the woodland, quite some distance from the green areas occupied by HS2.
27. Mr Powlesland submitted that if, for example, private landowners whose land had been completely surrounded by land requisitioned for the HS2 project might be affected by an order in favour of the Claimant, they should be served with the proceedings and have the right to be heard. He raised the prospect that there might be some issue, for example, as to whether the section 15 and Schedule 16 powers to take possession of land belonging to third parties had been properly exercised in the first

place and therefore whether the owners of that land might contest that HS2 were entitled to a declaration that they were entitled to possession of it for the purposes of the works. Those points of course merit serious consideration, but I would have thought that if any local landowner was going to protest about the exercise by HS2 of its powers under the 2017 Act they would have done so by now. The Claimants have not come rushing to court to seek this relief.

28. Nevertheless, it is important that any injunctive or declaratory relief is framed in such a way as to make it plain that any existing rights of third parties or the general public – such as rights of way, or private rights such as easements over the land that have not been removed by the 2017 Act (or powers exercised under the 2017 Act) are preserved. Matters of that type should be capable of being addressed in the drafting of any court order, and of course there should also be a general permission to any person adversely affected by the order to apply to the court to vary or discharge it.
29. Whilst there may be cases in which it would be appropriate to do so, I could see no principled reason in the present case for granting declaratory relief that was narrower in scope than the order for possession, for example by confining the declaration to the freehold land owned by the Secretary of State. Both types of relief arise in consequence of the Claimants collectively being entitled to possession of the whole of the two parcels of land. Given that Mr Roscoe has persuaded me that granting a declaration would serve a useful purpose in preventing future trespasses on land needed for the Phase One works, that purpose will only be served if I grant a declaration in the terms sought by the Claimants to the effect that they are entitled to possession of the whole of the Cubbington Land and the Crackley Land.

THE CLAIM FOR AN INTERIM INJUNCTION

30. This proved to be the most controversial aspect of the claim, and at one point I was minded to refuse such relief on the basis that the declaration would suffice to protect the Claimants' interests. However, Mr Roscoe made the valid point that an injunction may have a deterrent effect, at least so far as otherwise law-abiding protesters are concerned, and that the difficulties of enforcement which he acknowledged when pressing for declaratory relief have not prevented such relief from being granted by the courts in the past.
31. To the extent that injunctive relief was pursued against Mr Bishop and Mr Rukin personally, there was no evidence that either of these gentlemen was likely to trespass on the land in future if they were required by the Court to give possession back to the Claimants. Mr Wagner assured me that this was so in the case of his client, and that if I granted an order for possession the only purpose for which Mr Bishop would return would be to assist in the dismantling of the camps and the removal of any structures erected by the protesters. Mr Powlesland, in echoing those assurances, pointed out that Mr Rukin had gone to the trouble of seeking out land that he believed did not belong to the Secretary of State on which to set up the protest site at Crackley, which was a clear indication that he would not deliberately set out to trespass on land to which the Claimants had rights of possession.
32. I made it very clear to both Mr Bishop and Mr Rukin, who were present in court, that if they were found trespassing on the land in future contrary to those assurances, it would not bode well for them in any contempt proceedings. I did not require any

express undertakings to be given in lieu of an injunction because in order to obtain relief of either sort the Claimants must first establish a real and imminent risk of further torts being committed by the relevant defendant. The Claimants have failed to do so. That being the case, there is no need for either Mr Bishop or Mr Rukin to continue to be named defendants to these proceedings.

33. So far as the claim for injunctive relief against “persons unknown” (including new protesters) is concerned, there is no dispute that, apart from Mr Bishop and Mr Rukin, the previous and current occupiers of the Cubbington Land and Crackley Land have not been identified by the Claimants. Both Mr Wagner and Mr Powlesland raised the question whether sufficient steps had been taken by the Claimants to attempt to identify those other persons. There was no evidence, for example, that any of the “persons unknown” referred to in the evidence of Mr Corvin who were encountered by contractors, were asked the simple question “who are you?” That is fair comment, although it may be unrealistic to expect that a protester would answer that question. The group of protesters at the Crackley site comprised a handful of people, and the posts on social media could have been used in an effort to trace them, but it seems that apart from Mr Bishop and Mr Rukin no such effort was made. Indeed, no-one appears to have taken the fairly obvious step of asking Mr Bishop and Mr Rukin to identify them.
34. In the light of this, I accept that perhaps the Claimants could have done more to identify the protesters who were in occupation of the protest camps on the two sites; but bearing in mind the evidence of Mr Bishop, in particular, it seems unlikely that any of the existing protesters associated with the camps will engage in any future trespasses. The problem lies with those who did not abide by the Code of Conduct.
35. If an injunction is granted in the short-term the Claimants know that they will have to do better in terms of identifying those responsible if they are to convert it into a final order. In a case such as this, the test for interim relief is a higher one than the standard *American Cyanamid* test for an injunction, because it must be shown that the Claimants are likely to obtain final relief. I consider that they are. In this regard, the simple fact remains that, other than when exercising the legal rights that attach to public or private rights of way, no member of the public has any right at all to come onto these two parcels of land, even if their motives are simply to engage in peaceful protest or monitor the activities of the contractors to ensure that they behave properly. If persons are found trespassing in the future, and those people are identified or are sufficiently capable of being identified by the time of the hearing, then the conditions for final relief will be established.
36. The next thing that the Claimants must establish is that there is a sufficiently real and imminent risk of a tort being committed (in this case, a future trespass or trespasses) to justify *quia timet* relief. Mr Wagner submitted that much of the evidence of past behaviour relied on by the Claimants was contested. So far as the uncontested evidence was concerned – the nails and glass on the roadway, for example – these were isolated incidents for which the protesters at the camp were not responsible. Unlike *Cuadrilla* this was not a case where committed and experienced protesters were using direct action to disrupt the works every day, by standing in front of trucks and so forth. This was a case where peaceful protest camps had attracted one or two unfortunate incidents from outsiders, and going forward, such matters may well

resolve. If they did not, it would be open to the Claimants to come back with better evidence.

37. Mr Powlesland likewise submitted that so far as the Crackley land was concerned, the incidents logged on Plan D and referred to in Mr Corvin's evidence were all in the immediate vicinity of the camp. Some were well in the past, and had not been repeated, whilst others were apparently committed on the public highway. Once the camp has gone, he submitted there was unlikely to be any risk of repetition.
38. However, as Mr Roscoe pointed out, such control of the land as there was by the responsible element of the protesters will cease with the dismantling of the camps. The problem potentially lies with those of a more militant persuasion who are prepared to do the type of things that Mr Bishop and those associated with him would not do, and have vehemently denied doing in the past, such as the breaking down of fencing or cutting the ties and padlocks on it; the digging up of closed badger setts; and the placing of nails and glass on the access roads. People who are prepared to engage in that sort of behaviour are less likely than the current protesters to make themselves known and less likely to desist in the face of orders for possession and declarations of landowners' rights.
39. I am satisfied that there is enough evidence to demonstrate a real risk of further trespasses on the land in future by persons who are opposed to the HS2 project and that such persons are unlikely to confine their activities in the way in which the peaceful protesters allied to Mr Bishop and Mr Rukin have done in the past.
40. I was initially inclined to take the view that it might be possible to formulate any interim injunction in a more focused way that would specifically address the type of objectionable (and tortious) behaviour which is a particular cause for concern – breaking down fencing, for example. However, leaving aside the difficulties of proving individual responsibility for such acts, there is a wide variety of conduct that could disrupt the project – someone wandering into an area where soil has been excavated from the woodland for the purposes of replanting, for example. The concept of interference with the work of contractors is far more nebulous than trespass and there is a need to define with clarity precisely what someone is and is not entitled to do. Trespass is a binary and simple tort which is easily defined as entering on another person's land without permission, and therefore it is simple enough to formulate an injunction preventing future trespasses in terms that are clear and unambiguous.
41. Both Mr Wagner and Mr Powlesland raised consideration of whether HS2 had come to equity with clean hands. Reference was made to the evidence that their contractors had felled woodland that was outside the construction boundaries, and to Mr Rukin's evidence of incidents on other sites on the HS2 corridor where, for example, the habitats of nesting birds had been disturbed. Mr Roscoe's response was that the concerns that the Defendants have may well be legitimate concerns shared by the general public, but they have no private rights to protect the trees or the wildlife. There are bodies that do have such rights and they are the appropriate bodies to be policing the matter. There are ecologists who are actively involved in supervising the works, and it would be unrealistic to suggest that a largescale project of this type would not cause some ecological damage. Nevertheless, steps are being taken to mitigate that damage.

42. Like it or not, Mr Roscoe submitted, secure access is needed to the whole of the site in order for the works to be carried out safely. You cannot have people roaming around freely on the site in order to carry out monitoring. As Mr Holland QC observed in the previous HS2 case at [136], *“there is no warrant for the court contemplating the commission of torts even if this could be described as “peaceful and non-violent civil disobedience” or “direct-action.”* I respectfully agree.
43. At the end of the day, there is no material distinction to be drawn between the situation in that case and in this, so far as justification exists for granting an interim injunction. That said, I am not prepared to grant the injunction for a period of 2 years as Mr Roscoe initially sought. 9 months should suffice to cover the two key periods of the year within the ecological cycle referred to by Mr Corvin, namely April-May and September-October, and give the Claimants sufficient time to identify the “persons unknown” against whom they would seek final injunctive relief. These proceedings should not be allowed to remain unresolved for longer than is necessary.
44. The Claimants can always seek an extension of time, but at the present time of economic uncertainty, there are many factors which could have an impact on the future of this project. That is yet another reason why I am not prepared to grant an injunction for more than 9 months. Mr Roscoe offered to include in the order a provision requiring the Claimants to inform the Court if something that materially affects the future of the HS2 project arises during the period of the injunction and I consider it would be sensible to do so.

COSTS

45. Finally, there is the matter of costs. Mr Roscoe told the court that his clients did not seek their costs against either of the named defendants. Mr Wagner and Mr Powlesland sought orders for costs on the basis that the Claimants persisted in seeking injunctive relief against their clients, despite the evidence in their witness statements, and they failed to obtain it. Whilst they had admittedly trespassed on the land in the past, neither of these defendants resisted the claim for possession of the land or for declaratory relief. However, the Claimants still had to come to court to obtain that relief against the First and Second Defendants.
46. Mr Bishop and Mr Rukin only needed to attend the hearing in order to resist the claims for future injunctive relief made against them personally, which they did. It would not be fair to the Claimants to make them bear all the costs incurred by Mr Bishop and Mr Rukin, who had to put in evidence come what may; but in the light of the fact that the Claimants could and should have appreciated when they received their witness statements that there was insufficient evidence to justify seeking future injunctive relief against them, I consider that they should be awarded the reasonable costs of their counsel’s attendance at the hearing. Mr Rukin instructed counsel on direct access; Mr Bishop instructed counsel and solicitors. Whilst it was reasonable to instruct both, it is not necessarily appropriate to make the unsuccessful party pay for the costs of both attending. In this case there was nothing special about the claim for injunctive relief that required a solicitor as well as counsel to be present in court. That is why I have restricted the recoverable costs to counsel’s fees for attending the hearing.

No. 66 - Combined Writ of possession and control



IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
PROPERTY, TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY
High Court Claim No. PT-2020-BHM-000017

PT-2020-BHM-000017

Claimants:

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

Defendants:

(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

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith.

TO: GARY BOVAN, an enforcement officer authorised to enforce writs of possession and control issued from the High Court.

IN THIS CLAIM a Judgment or Order was made that the defendants give the claimants, THE SECRETARY OF STATE FOR TRANSPORT and HIGH SPEED TWO (HS2) LIMITED, forthwith possession of the land detailed in Schedule 1 below.

YOU ARE NOW COMMANDED:

(1) to enter the land detailed in Schedule 1 and cause the claimants, THE SECRETARY OF STATE FOR TRANSPORT and HIGH SPEED TWO (HS2) LIMITED, to have possession of it,

YOU ARE ALSO COMMANDED to indorse on this writ immediately after you have done so a statement of the manner in which you have enforced it and send a copy of the statement to the claimants THE SECRETARY OF STATE FOR TRANSPORT and HIGH SPEED TWO (HS2) LIMITED.

THIS WRIT WAS ISSUED by the Central Office, in the Birmingham District Registry of the High Court on (date) 24/3/2020 on the application of EVERSHEDES SUTHERLAND (INTL) LLP of 1 Callaghan Square, Cardiff, CF10 5BT, legal representative of the claimants.

WITNESS Robert Buckland QC Lord High Chancellor of Great Britain, the (date) 24/3/2020

The address for enforcement are (give address[es] including county and postcode).

All of the land at South Cubbington Wood, South of Rugby Road, Cubbington, Leamington Spa and all of the land at Crackley Wood, Birches Wood and Broadwells Wood, Kenilworth, Warwickshire

SCHEDULE 1

1. Date of Order: 17 March 2020

2. Details of land :

- (i) all of the land at South Cubbington Wood, South of Rugby Road, Cubbington, Leamington Spa as shown coloured green, blue and pink and edged in red on Plan A reproduced as an annexe to the Order; and
- (ii) all of the land at Crackley Wood, Birches Wood and Broadwells Wood, Kenilworth, Warwickshire as shown coloured green, blue and pink and edged in red on Plan B reproduced as an annexe to the Order

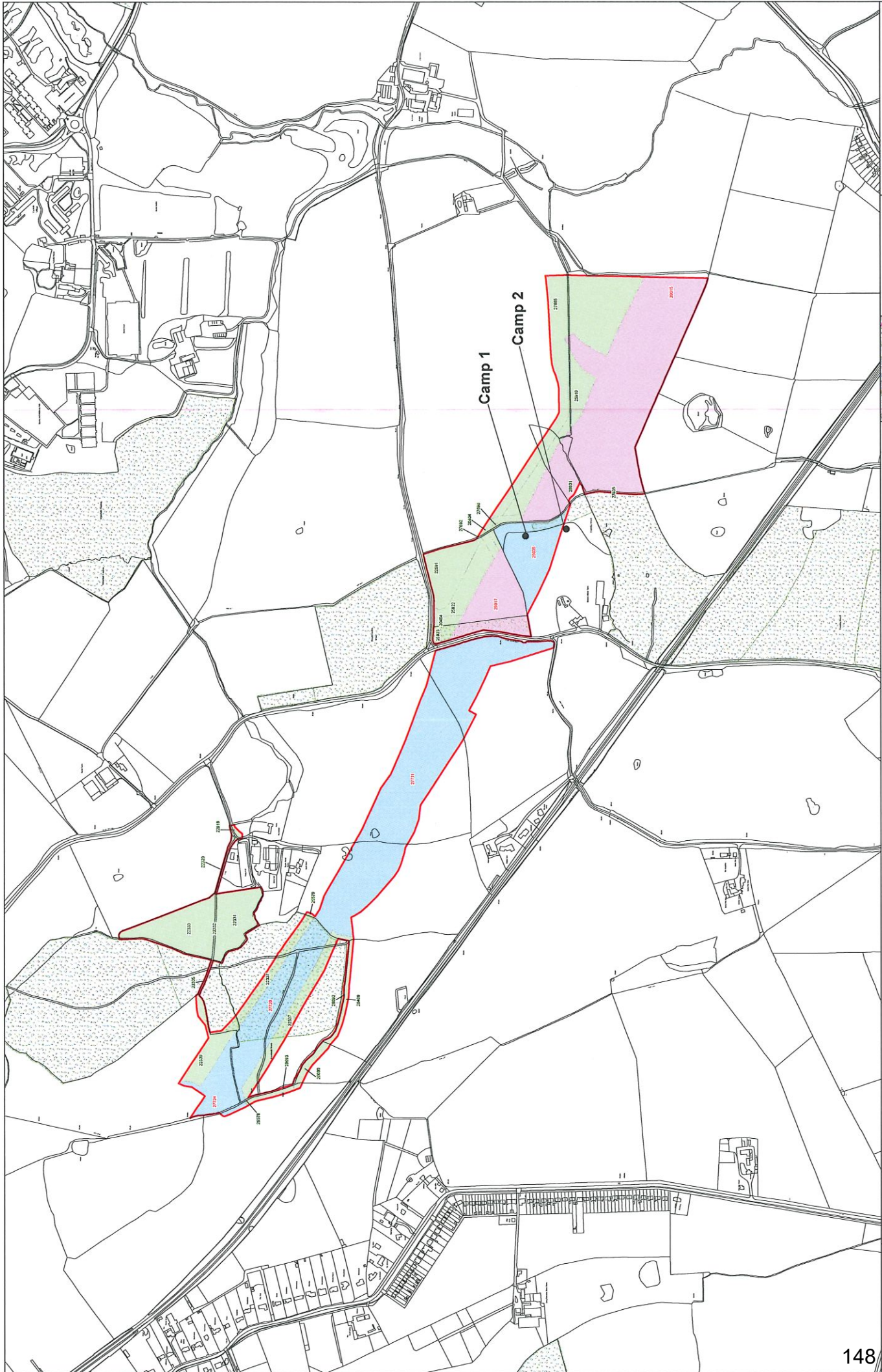
SCHEDULE 2

1. Fixed costs on Judgment or Order	£	
2. Assessed costs (if any) [by costs certificate dated (date)]		£
3. LESS credits or payments received since Judgment or Order		£
	Sub Total £	_____
4. Fixed costs on issue		£
	Total £	_____

Together with: -

- A. Judgment interest¹ at [8]% from; _____ 20__ on sub-total above
- B. Fees and Charges to which you are entitled

¹ S.17 Judgments Act 1838



Date: 1/22/2022
V5

Plan B

HS2
High-Speed Rail Authority
200 North West 21st Street, Suite 1200
Fort Lauderdale, FL 33311
Phone: (954) 500-5000
www.hsrail.com

Date of File: 12/20/2021
Scale: 1" = 200'

Project Camps

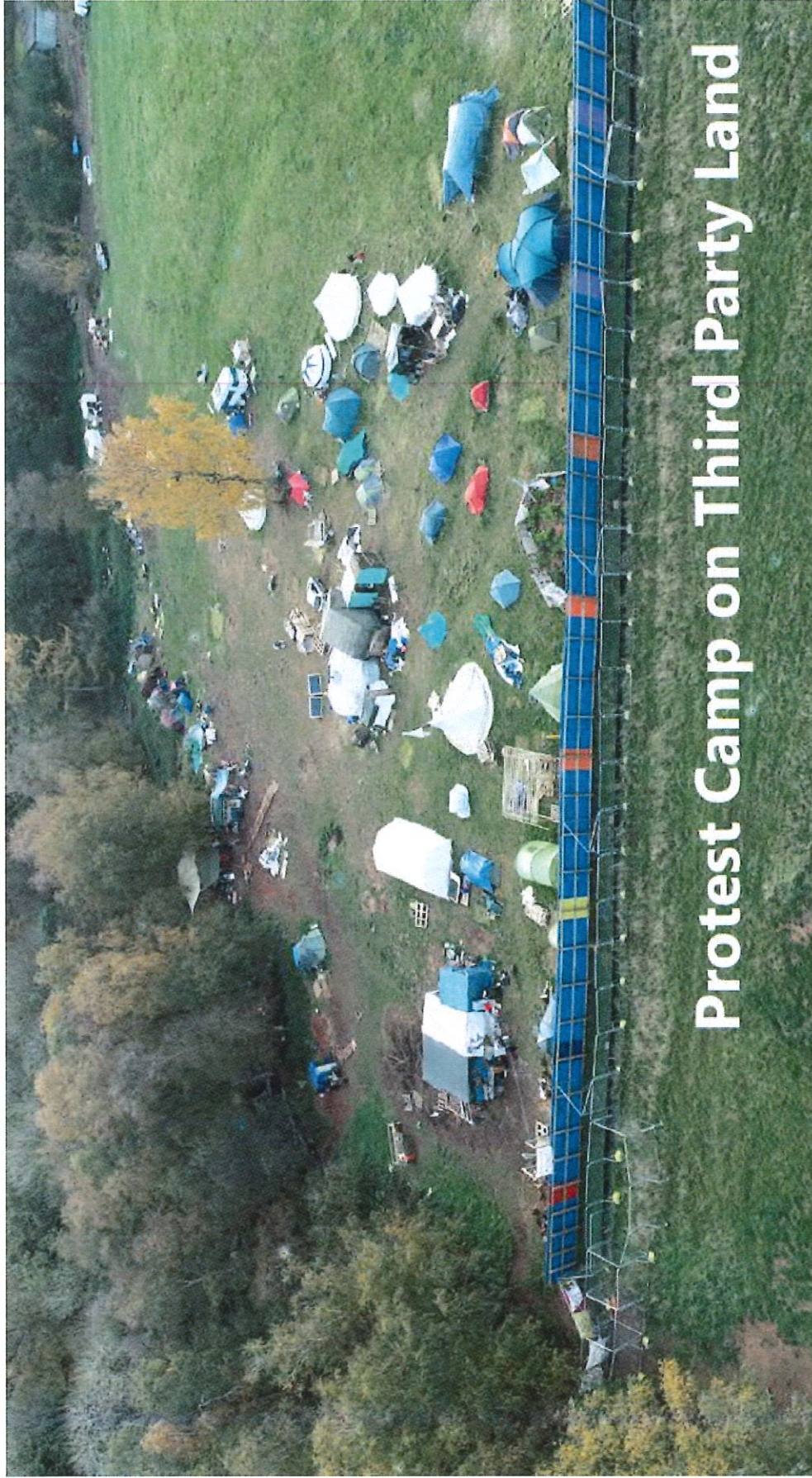
- Project Camp
- Land Required

Vegetation

- Wetland
- Standstill in trees removed and possessed
- Wetland CVD Registered in Secretary of State on NALR register
- Ancient woodland

148

CAMP 2 PICTURE (taken on 5 November 2020)



Protest Camp on Third Party Land

Witness Statement of Danny Barnard and Adam Smith

Incident regarding Crackly Wood threatening behaviour and a liquid thrown over the fence.

Date: 23/11/2020 Time of Incident: 12:30

At approx 12:30 I, Danny Barnard approached the fence at the Crackly Wood protestor Camp. Along with the full IRT team, we were tasked with gathering intelligence, show of force and to photograph the camp for the possibility of an increase in protestor numbers.

As we were taking pictures of the camp, approx 6 protestors approached the fence and climbed up on ladders and onto a small 'sentry' position.

Whilst we were engaging them in conversation in regards to the weather and a past incident that had happened, a bucket of water/urine was thrown over the fence. The initial bucket missed all of the IRT team.

We asked the protestors not to do this as we were engaging in a civil manner and were being polite to them.

As various members of the IRT started to talk to individual protestors, another bucket of water/urine was thrown over the fence which hit myself.

As we were disengaging from the fence and the conversation we were threatened with pick axe/handles if we returned.

It was during this time that a protestor named Terry Sanderson divulged information that there were about 30 protestors stationed at the camp. He also stated that they will be using Crackly Wood as their wintertime camp as they had the infrastructure (winter tents/log burners and resupply strategies along with money to get a large gathering of people through the winter months. The protestors are also looking at the possibility of expanding the camp to house a larger number of protestors during the winter.

Adam Smith was part of this conversation in regards to protestor numbers and the wintering of their camp.

The incident was reported to Police 101. The following details are from the police:

- 1, Incident Number 185
- 2, PC Steve Jones 1134
- 3, Warwickshire Police.

The full police incident report to follow:

Nothing Further to Report
Signed on original by
Danny Barnard and Adam Smith

IN THE HIGH COURT OF JUSTICE

Case No. PT-2020-BHM-



**BUSINESS AND PROPERTY COURTS IN
BIRMINGHAM
PROPERTY, TRUSTS AND PROBATE
LIST**

PT-2020-BHM-000017

Before the Honourable Mr Justice Marcus Smith

16 October 2020

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LIMITED

Claimants/Applicants

-and-

ELLIOTT CUCIUREAN

Defendant/Respondent

ORDER

UPON the Claimants' committal application dated 9 June 2020 to commit the Defendant for breaches of the order of Andrews J made on 23 March 2020, which enjoined persons unknown from entering or remaining on the Claimants' land at, inter alia, Crackley Wood without the consent of the Claimants (the **Committal Application**, the **Andrews Order**, and the **Crackley Land** respectively);

AND UPON the Judge hearing the Committal Application on 30 and 31 July 2020 and 17 September 2020;

AND UPON hearing Michael Fry, Counsel for the Claimants/Applicants, and Adam Wagner, Counsel for the Defendant/Respondent

AND UPON the Judge handing down judgment on the Committal Application on 13 October 2020 (Neutral Citation [2020] EWHC 2614 (Ch))

AND UPON dismissing in the aforementioned judgment the applications to commit the Defendant for breaches of Andrews Order in relation to the incidents alleged to have taken place at 11:25pm on 4 April 2020, 15 April 2020, 17 April 2020, 21 April 2020 and on 26 April 2020 respectively as they were not made out to the required standard

AND UPON finding in the aforementioned judgment that the Defendant, Mr Elliott Cuciurean, had failed to comply with the Andrews Order and was therefore in contempt of court as set out below (the **Contempts**)

Contempt 1	At 2030 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 2	At 2135 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 3	At 2245 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 4	At 0025 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 5	At 1052 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 6	At 1055 on April 5 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 7	At 1125 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.

Contempt 8	At 1224 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 9	At 1332 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 10	At 1339 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 11	At 1358 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 12	At 1433 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.

AND UPON hearing Mr Michael Fry of counsel for the Claimants and Mr Adam Wagner of counsel for the Defendant on 16 October 2020 at a hybrid hearing taking place at the Birmingham Civil Justice Centre regarding the appropriate sentence to be imposed for the Contempts,

IT IS ORDERED THAT

1. For his Contempts, the Defendant, Mr Elliott Cuciurean, shall be committed to HM Prison Birmingham or such other of Her Majesty's Prisons as may be selected for a period of six months from the date of his apprehension (the **Sentence**). The Sentence is suspended for a period of one year on the following condition (the **Condition**):

That for a period of 12 months commencing from 16 October 2020, Mr Cuciurean must not breach any order of a court in England and Wales which:

- (1) has been made in proceedings concerning the development of the High Speed Two railway in which High Speed Two (HS2) Limited are a party or are interested;
- (2) is endorsed with a penal notice;
- (3) is properly served on Mr Cuciurean whether in person or by an alternative method ordered by the court; and

(4)prohibits (however phrased) entry upon any land by Mr Cuciurean (whether named as a defendant or as a “person unknown”).

2. The question of costs shall be resolved by Mr Justice Marcus Smith on the papers after further submissions from the parties.
3. Permission to appeal this order is not required. The time for appealing this order, whether on questions of liability or sentence, shall run from the date that this order is sealed, that is 23 October 2020.
4. The contemnor, Mr Elliott Cuciurean, has permission to apply to the Court to purge his contempt and to ask for the sentences imposed to be reduced.

Service of this Order

This Order shall be served on the Defendant by the Claimants.

SCHEDULE 1

Contempt 1	At 2030 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 2	At 2135 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 3	At 2245 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 4	At 0025 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 5	At 1052 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 6	At 1055 on April 5 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with

		the sentences for the other Contempts.
Contempt 7	At 1125 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 8	At 1224 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 9	At 1332 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 10	At 1339 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 11	At 1358 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 12	At 1433 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with

		the sentences for the other Contempts.
--	--	--

SCHEDULE OF INCIDENTS

No.	Date	Time	Location	Description of Incident
1	05-Apr-2020	11:25	Hoarding Fence at South Crackley Wood Compound.	<p>The Fifth Defendant (and other protesters) entered on to the Crackley Land by removing metal Heras security fence panels at the end of a wooden Hoarding Fence erected by the Claimants.</p> <p>Mr Bovan, the HCEO and six enforcement officers from HCE entered the occupied area and drove the protesters off the Crackley Land back towards Camp 2. Attempts were then made to reinstate the removed Heras fence sections to secure the land. This was met by resistance from approximately fifteen protesters, who removed the new fence panels into Camp 2.</p> <p>Protesters on the Hoarding Fence poured liquids onto the HCEO, to prevent the Heras fence being erected. As a result, three protesters were arrested, by Mr Bovan under section 10 of the Criminal Law Act 1977 and handed to Warwickshire Police and detained in police custody. The Respondent then tried to re-enter the Crackley Land using force on two of the enforcement officers. The Fifth Defendant was repelled but not detained and he then dispersed from the main crowd into Camp 2.</p> <p>The video at p.55, taken by an enforcement officer from HCE, records this incident.</p>
2	15-Apr-2020	11:50	Land at South East Crackley Wood	<p>The Fifth Defendant forced his way onto the Crackley Land by lifting metal Heras security fence at south east Crackley Woods. The Respondent then approached a working machine from the operator's blind side. As a result, the Second Claimant was forced to stop all works within the working zone.</p> <p>The Fifth Defendant then climbed onto a 360 degree tracked machine before the Claimants' security team and/or enforcement officers from HCE were able to prevent him from doing so. The Fifth Defendant climbed up the extending arm approximately 20 meters off the ground and locked himself onto the boom using a thumb lock.</p> <p>Four specialist HCE climbing officers were deployed, and with the aid of two hydraulic cherry pickers, released the Fifth Defendant. Despite requests from</p>

SCHEDULE OF INCIDENTS

				<p>the enforcement officer to release himself, the Fifth Defendant refused to disengage the lock-on device which had to be cut off. This caused a regrettable injury to the Fifth Defendant.</p> <p>The Fifth Defendant was arrested by Mr Bovan under section 10 of the Criminal Law Act 1977. The Fifth Defendant was then handed to Warwickshire Police and detained in police custody.</p> <p>More than 22 people were laid idle awaiting the Fifth Defendant's removal from the working zone for a period of an hour at significant cost to the Second Claimant.</p> <p>The videos at p. 56, taken by Mr. Bovan's bodyworn camera, record this incident.</p> <p>One male and two female unidentified protesters gained access to an area on the Crackley Land where ground investigation works were taking place. This area was enclosed by metal Heras security fencing.</p> <p>The Claimant's local security team responded to the incident and the Ground Investigation team ceased work and left the Crackley Land.</p> <p>The situation lasted approximately 30 minutes and caused disruption to the works that were taking place.</p>
3	30-Apr-2020	12:50	<p>Borehole Location, Crackley Lane, near Crackley Woods</p> <p>W3W: craft.index.jokes</p>	
4	07-Jul-2020	09:50	<p>Entrance to LMJV/Five Rivers site at South Cubbington Wood, Rugby Road (B4453) Leamington Spa</p>	<p>Approximately 100 protesters convened at the entrance to the Cubbington Wood site, blocking access and egress to both vehicles and pedestrians. A police escort was in operation. The protest commenced peacefully and activity including the reading of speeches and singing songs.</p> <p>At 12:40, approximately 30 protesters from the group forced entry to the Cubbington Wood site by pulling apart the metal Heras security fencing attached to the main gate. Security personnel attempted to prevent the protesters from gaining access but were overwhelmed by the size of the group. Whilst maintaining social distancing, the security team shadowed the group</p>

SCHEDULE OF INCIDENTS

				<p>through the Cubbington Wood site along the main compound metal Heras security fence line until the group reached the metal Heras security fence line adjacent to neighbouring privately owned woods.</p> <p>The group then exited the Cubbington Wood site into the neighbouring wood by forcing an exit through the metal Heras security fencing. Security personnel monitored the group as it proceeded through the private wood.</p> <p>After a short period of time, the group exited the wood on the Weston Under Wetherley side and crossed back onto the Cubbington Wood site. The group crossed the opposite side of the Cubbington site and once at the site perimeter fence adjacent to a public right of way (“PROW”), lifted the fence up off the ground, allowing the group to exit the site. The group then made its way along the PROW, walking in the direction of Ashbed Wood.</p>
5	09-Jul-2020	04:00	<p>South Cubbington Wood, Rugby Road, Cubbington</p> <p>W3W: massaged.overlook.darkens</p>	<p>Site security became aware of unknown person/s having placed nails and screws on the access and egress road to the Cubbington Wood site.</p>
6	13-Jul-2020	07:30	<p>Five Rivers Site, South Cubbington Woods, B4453 Rugby Road</p> <p>W3W: choppy.trinkets.popped</p>	<p>Between the hours of 07:30 and 09:00, the entrance to the Cubbington Wood site was blocked by two white females aged between 50 and 60 years old. The protesters had anti-HS2 banners and literature on their persons.</p> <p>During the time of the obstruction at the Cubbington Wood site entrance, staff members and four deliveries were prevented from gaining access to the site.</p> <p>The protesters agreed to move aside following discussions with security officers.</p>
7	13-Jul-2020	05:00	<p>Crackley Site (Five Rivers) Main Gate, Cryfield Grange Road, Kenilworth</p> <p>W3W: short.caked.muddy</p>	<p>Between 07:00 and 08:40, five protesters blocked Cryfield Grange Road preventing vehicles from accessing the Crackley Woods site. The protesters were carrying banners and walking slowly down the road, obstructing vehicles.</p>

SCHEDULE OF INCIDENTS

8	16-Jul-2020	03:00	<p>Broadwell Woods, Bockenden Road, Kenilworth</p> <p>W3W: shades.assume.pads</p>	<p>Stones were thrown at security officers and a security vehicle posted at an intersection between the Broadwell Woods site and the Crackley Woods site overflow car park.</p> <p>The officers were unable to identify the person(s) throwing the stones as it was dark at the time of the incident. One officer was hit on the head but was wearing full PPE including a protective hard hat and so sustained no injuries.</p>
9	19-Jul-2020	22:30	<p>Crackley Wood, Crackley Lane, Kenilworth</p> <p>W3W: acid.lived.porch</p>	<p>Security officers responded to a number of perimeter detection alerts which had detected intrusions to the perimeter of the Crackley Woods site, close to a badger sett in the marsh area of Crackley Wood.</p> <p>Upon arrival, security officers saw approximately 7 persons walking the metal Heras security fence perimeter, who were not identifiable as they were wearing face coverings. The security officers considered them to be affiliated with the protest camp.</p> <p>Upon seeing the security officers, the individuals left in the direction of the Camp 2 at the Crackley site.</p> <p>The security team identified 3 damaged metal Heras security fence panels immediately next to the badger sett.</p>
10	29-Jul-2020	06:30	<p>Site entrance of the Five Rivers Compound, Rugby Road</p> <p>W3W: cubes.proofread.emptyed</p>	<p>The entrance to the Cubbington Wood site was blocked by 15 protestors displaying anti-HS2 banners and signs.</p> <p>Security officers negotiated with the protestors to allow access for vehicles to the site as traffic congestion was making the immediate area unsafe.</p> <p>The Police were called to the scene and arrived at 06:45. The protestors remained at the entrance to the Cubbington Wood site but were moved to a grass verge to facilitate unrestricted access to and from the site. The protest was peaceful throughout.</p>

SCHEDULE OF INCIDENTS

11	12-Aug-2020	16:12	Haul Road off Coventry Road (A429), South of Crackley Woods W3W: minus.rises.booth	<p>At 09:30 the protestors left the site along Rugby Road in the direction of the South Cubbington Wood protest camp which was situated in a wood on private land.</p> <p>Two male protestors approached a HS2 operative working in an excavator on a haul road at the Crackley Woods site. One of the protestors picked up a shovel that was laying on the ground nearby and swung it at the operative who was sitting in the cab of the excavator.</p> <p>The operative immediately dropped the bucket of the excavator onto the ground. As he did so, the first protestor dropped the shovel to the ground. The second protestor proceeded to mount the excavator and kick the side window of the excavator. The excavator operator then switched off the ignition and exited the cab of the vehicle. As a result, disruption to the works schedule was caused.</p> <p>A second member of staff attempted to video the incident whilst running to the scene. As the staff member approached the scene, one of the protestors snatched his phone from his hand. The two protestors then made off in the direction of Camp 2 at Crackley Woods, taking the phone with them.</p> <p>Later that evening, a male protester ran along a PROW from the direction of Camp 2 and threw to the ground what was identified to be a badly damaged mobile phone. It was not possible to identify the protestors as they had their faces covered and the events happened quickly.</p> <p>The mobile phone was recovered by site security and bagged for police attention.</p>
12	03-Sep-2020	13:00	South Wood, Crackley W3W: option.powder.salads	<p>At approximately 13:00, 17 protestors from Camp 2 pushed and pulled over metal Heras security fencing close to where HS2 operatives were felling trees in the South Wood at the Crackley Land. Two protestors, one male and one female, climbed under the metal Heras security fencing and moved directly towards a mobile elevated working platform machine (“MEWP”).</p>

SCHEDULE OF INCIDENTS

				<p>The male was described as being white, a slim build, and an age of approximately late 20's to early 30's. He was described as having short brown hair, was unshaven, missing a number of front teeth, and wearing a black hooded top and grey-coloured trousers.</p> <p>The female was described as being white, aged approximately in her early 30's, with yellow coloured long hair, a proportionate build, and wearing a blue coloured hat, green coloured dress, brown coloured leggings, and black trainers with red, yellow and blue stripes.</p> <p>Both of the protesters climbed on to the MEWP, forcing HS2 operatives to take emergency action and immediately stop work. Site security then secured the area around the two protesters on the MEWP. The Police were called at 13:20.</p> <p>To enable works to continue, a second MEWP was tracked to the area. Upon seeing this, the male protestor leapt from the MEWP he was sitting on and attempted to climb the second MEWP but was restrained by security and removed from the area.</p> <p>Security personnel and Police officers engaged with the remaining protestor but she refused to climb down until work had concluded for the day. At 16:30 the female protestor voluntarily descended from the MEWP and the works resumed.</p> <p>Both protestors were arrested by the Police for aggravated trespass and pursuant to section 241 of the Trade Union and Labour Relations Act 1992.</p>
13	06-Sep-2020	South Cubbington Wood, Rugby Road, Leamington Spa W3W: outs.sliders.life	During the course of the night of 6 September 2020, unidentified person(s) entered the Cubbington Land via an unidentified route and gained access to the woods and to the work area.	Whilst on the site, the unidentified person(s) inserted metal screws into the trunks of trees that were sprayed / marked with different colours which depicted the current status of the tree. The photos at pp. 43-47 show some of the trees where screws had been inserted.

SCHEDULE OF INCIDENTS

				<p>The metal screws presented an extremely dangerous health and safety risk to the Claimants' contractors when working with machinery to fell such trees as there was the potential for the machinery to be damaged or even for the screws to be shot out of the trees like bullets.</p> <p>Disruption was caused to the works program as a result of this incident.</p> <p>At approximately 14:45, 3 protestors informed site security at the Cubbington site main gate that they had 'spiked' trees. The protestors were described as one white female wearing a green top and blue jeans, and two white males, one wearing a brown top the other a blue top.</p> <p>All three protestors left the main gate along Rugby Road in the direction of Cubbington Woods.</p>
14	20-Oct-2020	Broadwells Crackley Lane, Kenilworth	W3W: gain.starts.offer	<p>This incident occurred just outside of the Crackley Land,</p> <p>During the course of the evening of 20 October 2020 or early morning of 21 October 2020, person(s) unknown forced entry into the Five Rivers compound at the Claimants' Broadwell Woods site. Five Rivers are a sub-contractor to the Second Claimant's main contractor at the Crackley Land.</p> <p>Damage was caused to 5 pieces of plant equipment on site. The fuel tank caps were forced off and soil and woodland debris was pushed into the fuel tanks of each of the pieces of plant equipment. Glue was poured into each lock on the driver-side doors of each piece of plant equipment.</p>
15	31-Oct-2020	20:25	Five Rivers Site, Crackley Junction of Crackley Lane and Cryfield Grange Road	<p>On-site security officers reported that between 30 and 40 protestors gained access onto the Crackley Woods site at 20:25. The protestors gained access through a locked gate with the use of a chainsaw.</p> <p>The protestors entered the Crackley Woods site welfare tent, causing damage to the tent by slashing it, and injuring two security guards. One of the security</p>

SCHEDULE OF INCIDENTS

			<p>guards was punched by a protester and the other was hit on the head with a fire extinguisher.</p> <p>The protesters submitted 8 security staff to 25 minutes of sustained abuse and threats. They shone lasers in the eyes of the security staff and stole radios, body-worn cameras and torches from staff members and set a nearby skip on fire.</p> <p>The protesters caused damage to at least five items of plant equipment by smashing windows, graffitiing, causing damage to electrical systems and placing mud and stones in the fuel tanks. Photos taken on 1 November 2020 in the aftermath of this incident are at pp. 48-51 of RS1.</p>
16	16-Nov-2020	14:00	<p>Crackley Wood, Crackley Lane, Kenilworth</p> <p>Security personnel responded to a call at 14:00 concerning protestors pulling down site fencing and confronting operatives felling trees. As the security officers were making their way to the incident location along the PROW that runs through the Crackley Land, the two officers were confronted by a white male close to Camp 2 who appeared to be intoxicated. The protester was shouting incoherently about a past incident and threw a beer can at one of the officers, hitting the officer. The protester then picked up a stick/branch from the ground.</p> <p>At this point, a second white male with a dog came from the direction of Camp 2. Both protesters were shouting aggressively at the security officers, who attempted to reason with the two males. As the officers attempted to return into the Crackley site, one of the officers was hit on the back by the male with the stick. Further security officers then arrived at the scene and the two males made off in the direction of the Camp 2.</p>
17	20-Nov-2020		<p>Cubbington Woods</p> <p>Fencing and gates were found to have been pulled down and the sensor of a perimeter intruder detection device was found to be smashed. Video evidence from the device shows the trespasser to be wielding a weapon .</p> <p>One intruder approached security officers stationed at the site with an axe. This situation was diffused by the security officers.</p>

SCHEDULE OF INCIDENTS

				<p>During this time, 6 or 7 further intruders with a dog threatened and verbally abused the security officers. Various items were thrown at the security staff, including logs, stones and a chair. Security officers were physically assaulted by being punched and by having a metal pole swung at them.</p> <p>Minor injuries were sustained by two members of security staff. The Police attended the scene and took statements from those involved.</p> <p>The photos a pp. 52-54 show some of the damage caused.</p>
--	--	--	--	--

Incident on 6 September 2020 – Photo 1



Incident on 6 September 2020 – Photo 2



Incident on 6 September 2020 – Photo 3



Incident on 6 September 2020 – Photo 4



Incident on 6 September 2020 – Photo 5



Incident on 31 October 2020 – Photo 1



Incident on 31 October 2020 – Photo 2



Incident on 31 October 2020 – Photo 3



Incident on 31 October 2020 – Photo 4



Incident on 20 November 2020 – Photo 1



Incident on 20 November 2020 – Photo 2



Incident on 20 November 2020 – Photo 3



Video Evidence

Date: 5 April 2020

File Name: *Incident on 5 April 2020*

Video Evidence

Date: 15 April 2020

File Names: Incident on 15 April 2020 (Part 1)

Incident on 15 April 2020 (Part 2)

Video Evidence

Date: 16 October 2020

File Name: *E. Cuciurean Interview*

URL Link:

[https://www.facebook.com/111893330507008/videos/387088238983284/? so =channel tab& rv =all videos card](https://www.facebook.com/111893330507008/videos/387088238983284/?so=channel_tab&rv=all_videos_card)

On behalf of: Applicants/Claimants
By: Robert Shaw
No: 1
Exhibit: RS1
Date: 10 December 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**

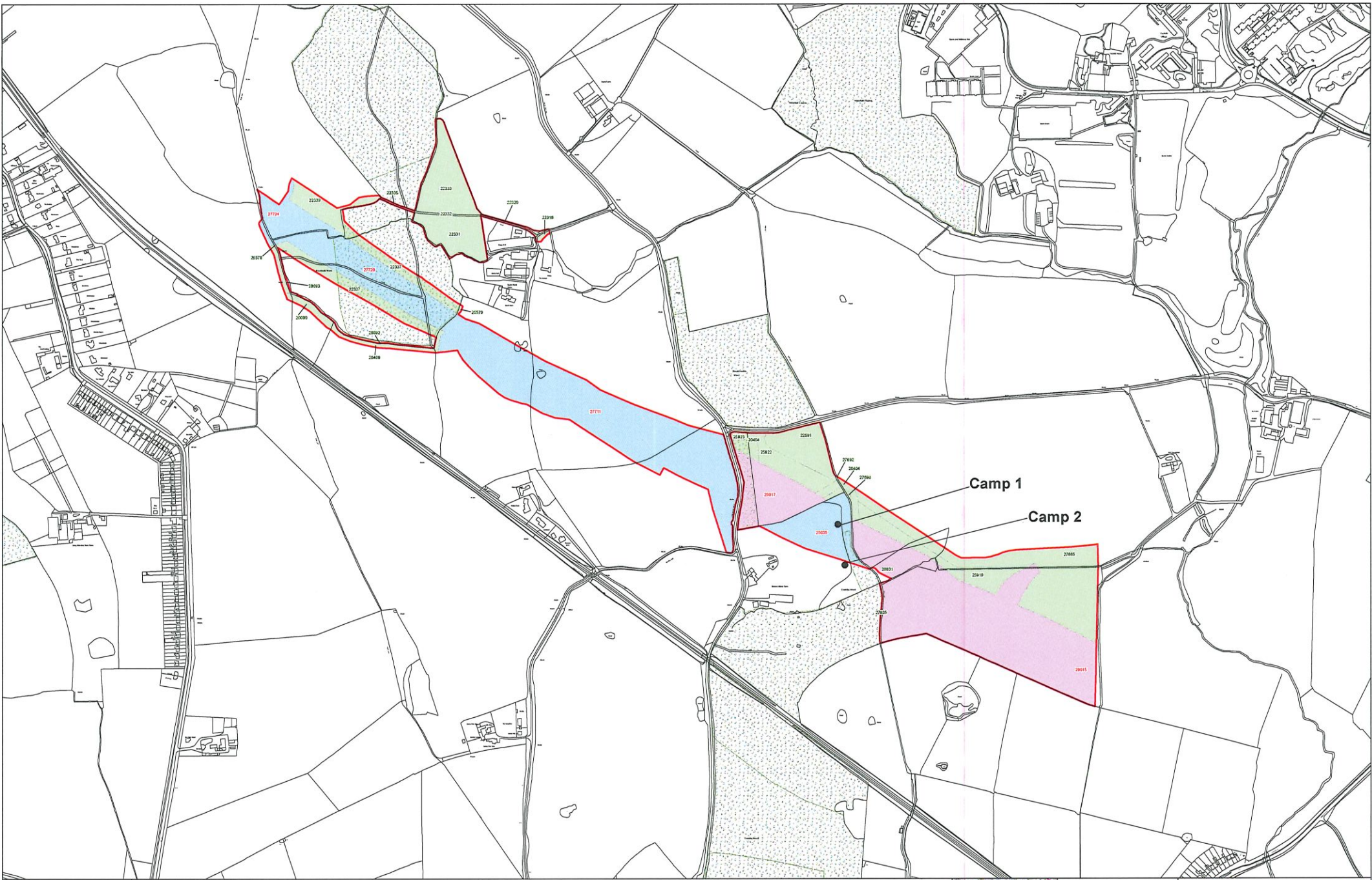
**(2) PERSONS UNKNOWN ENTERING OR
REMAINING WITHOUT THE CONSENT OF THE
CLAIMANTS ON LAND AT CRACKLEY WOOD,
BIRCHES WOOD AND BROADWELLS WOOD,
KENILWORTH, WARWICKSHIRE SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED
IN RED ON PLAN B ANNEXED TO THE
PARTICULARS OF CLAIM**

(5) ELLIOTT CUCIUREAN

Respondents/Defendants

**WITNESS STATEMENT OF
ROBERT SHAW**

DLA Piper UK LLP
1 St Paul's Place
Sheffield S1 2JX
United Kingdom
Tel: +44 114 283 3114
Fax: 0114 276 5246



HS2 Ltd accepts no responsibility for any inaccuracies which arise from:
 - The use of aerial photography, satellite imagery, or other data.
 - The use of data from third parties, including Ordnance Survey.
 - The use of data from other sources, including aerial photography, satellite imagery, or other data.
 - The use of data from other sources, including aerial photography, satellite imagery, or other data.
 - The use of data from other sources, including aerial photography, satellite imagery, or other data.

- Proletor Camps
- ▭ Land Required
- ▭ Vested GVD
- ▭ Schedule 16 notice served and possessed
- ▭ Vested GVD registered to Secretary of State on HMUR register
- ▭ Ancient woodland



Plan B



Scale at A0: 1:2,500
 0 24 48 72 96 120 144 168
 Metres

V6 Doc Number:

183

Date: 19/02/2020



Maurice Miller

21 February at 14:36 · 🌐



Crackley Camp Clean-up.

It has been pointed out to me that any mass event at the camp in these Covid times is going to bring on fines for organising an event. So for now this can't go ahead. However as soon as we can get 6 or more people to the site then we should do so.

We still need to get a list of those with the means to help so that this can go ahead as and when.

So
if not now - then as soon as possible!

Previous post follows.

I responded recently to a request to shift rubbish from the camp to the tip. Having done two loads with my trailer it is clear that what is needed is much greater than one or two people can do alone.

Our pride in protecting the environment should mean that we are willing to do what it takes to clean up the camp. Either we need several paid-for skips or many booked runs with trailers to the Kenilworth tip, but that is after a tidy up of the site.

Happy to help again but this needs coordinating with helpers booking slots at the tip.

So respond to this post either as an organiser or contributor. To coin a phrase:-

If not you then who,
If not now then when.

  20

6 comments



IN THE HIGH COURT OF JUSTICE

Case No. PT-2020-BHM-

**BUSINESS AND PROPERTY COURTS IN
BIRMINGHAM**

PT-2020-BHM-000017

**PROPERTY, TRUSTS AND PROBATE
LIST**

**Before the Honourable Mr Justice Marcus Smith
16 October 2020**

B E T W E E N:

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

Claimants/Applicants

-and-

ELLIOTT CUCIUREAN

Defendant/Respondent

ORDER

UPON the Claimants' committal application dated 9 June 2020 to commit the Defendant for breaches of the order of Andrews J made on 23 March 2020, which enjoined persons unknown from entering or remaining on the Claimants' land at, inter alia, Crackley Wood without the consent of the Claimants (the **Committal Application**, the **Andrews Order**, and the **Crackley Land** respectively);

AND UPON the Judge hearing the Committal Application on 30 and 31 July 2020 and 17 September 2020;

AND UPON hearing Michael Fry, Counsel for the Claimants/Applicants, and Adam Wagner, Counsel for the Defendant/Respondent

AND UPON the Judge handing down judgment on the Committal Application on 13 October 2020 (Neutral Citation [2020] EWHC 2614 (Ch))

AND UPON dismissing in the aforementioned judgment the applications to commit the Defendant for breaches of Andrews Order in relation to the incidents alleged to have taken place at 11:25pm on 4 April 2020, 15 April 2020, 17 April 2020, 21 April 2020 and on 26 April 2020 respectively as they were not made out to the required standard

AND UPON finding in the aforementioned judgment that the Defendant, Mr Elliott Cuciurean, had failed to comply with the Andrews Order and was therefore in contempt of court as set out below (the **Contempts**)

Contempt 1	At 2030 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 2	At 2135 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 3	At 2245 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 4	At 0025 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 5	At 1052 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 6	At 1055 on April 5 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 7	At 1125 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.

Contempt 8	At 1224 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 9	At 1332 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 10	At 1339 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 11	At 1358 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.
Contempt 12	At 1433 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.

AND UPON hearing Mr Michael Fry of counsel for the Claimants and Mr Adam Wagner of counsel for the Defendant on 16 October 2020 at a hybrid hearing taking place at the Birmingham Civil Justice Centre regarding the appropriate sentence to be imposed for the Contempts,

IT IS ORDERED THAT

1. For his Contempts, the Defendant, Mr Elliott Cuciurean, shall be committed to HM Prison Birmingham or such other of Her Majesty's Prisons as may be selected for a period of six months from the date of his apprehension (the **Sentence**). The Sentence is suspended for a period of one year on the following condition (the **Condition**):

That for a period of 12 months commencing from 16 October 2020, Mr Cuciurean must not breach any order of a court in England and Wales which:

- (1) has been made in proceedings concerning the development of the High Speed Two railway in which High Speed Two (HS2) Limited are a party or are interested;
- (2) is endorsed with a penal notice;
- (3) is properly served on Mr Cuciurean whether in person or by an alternative method ordered by the court; and

(4) prohibits (however phrased) entry upon any land by Mr Cuciurean (whether named as a defendant or as a “person unknown”).

2. The question of costs shall be resolved by Mr Justice Marcus Smith on the papers after further submissions from the parties.
3. Permission to appeal this order is not required. The time for appealing this order, whether on questions of liability or sentence, shall run from the date that this order is sealed, that is 23 October 2020.
4. The contemnor, Mr Elliott Cuciurean, has permission to apply to the Court to purge his contempt and to ask for the sentences imposed to be reduced.

Service of this Order

This Order shall be served on the Defendant by the Claimants.

SCHEDULE 1

Contempt 1	At 2030 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 2	At 2135 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 3	At 2245 on 4 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 4	At 0025 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 5	At 1052 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 6	At 1055 on April 5 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with

		the sentences for the other Contempts.
Contempt 7	At 1125 on 5 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 8	At 1224 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 9	At 1332 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 10	At 1339 on 7 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 11	At 1358 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with the sentences for the other Contempts.
Contempt 12	At 1433 on 14 April 2020, Mr Cuciurean entered the Crackley Land in breach of the Andrews Order.	6 months suspended to run concurrently with

		the sentences for the other Contempts.
--	--	--

Let us know you agree to cookies

We use cookies to give you the best online experience. Please let us know if you agree to all of these cookies.

Yes, I agree

No, take me to settings



Home

News

More ▼



Menu

England | Local News | Regions | London

Euston tunnel protest: Dr Larch Maxey removed by bailiffs

🕒 22 February



Five activists have been removed by bailiffs since the protest began on 26 January

An activist who has been leading a protest against the HS2 railway project from inside a network of central London tunnels has been removed by bailiffs

© BBC

Geography lecturer Larch Maxey had spent almost a month in the tunnels near Euston station, which are thought to be 100ft (30m) long.

He is the fifth protester to be removed from the tunnels, while another four are thought to remain underground.

HS2 Ltd said it was likely Dr Maxey would face criminal charges.

- Boy, 16, leaves Euston tunnel
- High Court rejects demonstrators' bid to avoid eviction
- HS2: Anger, frustration versus promise of progress

The tunnels, which were discovered on 26 January, were dug in secret by HS2 Rebellion protesters to thwart their eviction from their Euston Square Gardens camp, which was set up in September in protest against the £106bn scheme.



Blue Sandford, 18, remains inside the network of tunnels

HS2 Ltd has always maintained it has "legal possession" of the land and has constantly urged protesters to leave "for their own safety" before they are removed by High Court enforcement officers.

Dr Maxey said in a video that his belongings were confiscated by bailiffs on Monday and although he "feels fine", medics had persuaded him to go to hospital to "be on the safe side".

The 48-year-old added: "I've basically met my match, they've come for me and they've ripped me completely."

they've rinsed me completely.

"They've got all my stuff, they've got me backed into a corner and at that point I was like 'OK I'm coming out'."

Previously Scott Breen, Lachlan Sandford, a 16-year-old boy and a 17-year-old girl **were removed from the tunnel and taken to court.**



The network of tunnels was revealed by the BBC on 26 January

An HS2 spokesman said Dr Maxey was likely to face charges "for aggravated trespass or other related offences" as well as penalties for breaching a **High Court order issued on 2 February.**

Breaching the order is punishable by a fine, up to two years in prison, or both, the spokesman added.

He added: "We continue to do all we can to end this illegal action safely, and we reiterate our message to those who remain underground to comply with their court orders and exit the tunnel immediately - for their own safety and that of the HS2 staff, agents and emergency service personnel involved in this operation."

Related Topics

Euston

HS2

Rail travel

ITN Solicitors
19-21 Great Tower Street
Tower Hill
London
EC3R 5AQ

Your reference

Our reference
RXS/RXS/380900/346
UKM/108826476.1

17 March 2021

By Email: snatas@itnsolicitors.com

Dear Sirs / Madams

LAND: AT SOUTH CUBBINGTON WOOD, SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA AND AT CRACKLEY WOOD, BIRCHES WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE

CLAIM NO: PT-2020-BHM-000017

CLAIMANTS: (1) SECRETARY OF STATE FOR TRANSPORT; AND
(2) HIGH SPEED TWO (HS2) LIMITED

DEFENDANTS: (1) PERSONS UNKNOWN ON LAND AT SOUTH CUBBINGTON WOOD; AND
(2) PERSONS UNKNOWN ON LAND AT CRACKLEY WOOD
(5) ELLIOTT CUCIUREAN

We act on behalf of the Secretary of State for Transport and High Speed Two (HS2) Ltd (“**HS2**”) in respect of the above Land.

The Secretary of State is the owner of part of the Land, which has been acquired in connection with the construction of Phase 1 of the High Speed Rail line, construction of which is authorised by the High Speed Rail (London – West Midlands) Act 2017 (“**the Act**”). HS2 is the nominated undertaker pursuant to the Act. In addition to responsibility for carrying out construction of the project, HS2 has right to take temporary possession of certain lands pursuant to Schedule 16 of the Act and has exercised that right in relation to part of the Land.

We understand that you were instructed to act for Dr. Ian “Larch” Maxey in relation to contempt of court proceedings brought by our clients. Please confirm by 12 noon on Monday 22 March 2021 whether you remain instructed, failing which we will write directly to Dr. Maxey or any other solicitors we believe to be instructed by him.

Possession Proceedings and Injunction

Our clients issued proceedings in February 2020 in the High Court to recover possession of the Land and for an injunction to prevent trespass on to the Land. As a result the Land has, since 24 March 2020, been subject to an injunction forbidding entry on to the Land (“**the Injunction**”). That injunction has been extended on two occasions and a copy of the most recent court order dated 19 January 2021 is enclosed.

DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority.

DLA Piper UK LLP is a limited liability partnership registered in England and Wales (number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at www.dlapiper.com.

UK switchboard
+44 (0) 20 7349 0296



Signs warning that the Injunction is in place, together with copies of the Injunction, are prominently displayed around the perimeter of the Land and on the websites listed at the end of this letter.

Despite the Injunction, there continue to be incidents which our clients consider are in breach of the Injunction. Our clients continue to review such incidents and will consider taking contempt proceedings in relation to breaches of the Injunction, as they have commenced in relation to your client. Any further incidents will also be recorded and considered in any future contempt proceedings.

As your client has been identified as being involved in more than one of those incidents and as, at times, present in a camp which has been set up on land adjacent to our clients' land at Crackley Wood, we are writing to put you on formal notice that we are in the process of drafting papers to apply to the court to extend the Injunction temporally. It is our clients' intention to seek to add your client to the proceedings.

Note that it is our clients' intention to seek an order against named defendants (including your client and any others who identify themselves and seek to join the proceedings) for their costs associated with these proceedings which they are required to take as a result of your client's (and others') unlawful conduct. These costs will be significant and our clients will look to enforce that order.

In the meantime, please indicate within 7 days of the date of this letter whether your client would be willing to give appropriate undertakings not to further trespass on and obstruct the Land. In that event, our clients would be willing to consider with you the appropriate form of undertaking.

Yours faithfully

DLA PIPER UK LLP
rob.shaw@dlapiper.com

Enc.

<https://hs2inwarwicks.commonplace.is/>
<https://www.gov.uk/government/organisations/high-speed-twolimited>



DLA Piper UK LLP
1 St Paul's Place
Sheffield
S1 2JX
United Kingdom
DX 708580 Sheffield 10
T +44 114 283 3312
F +44 114 272 4941
W www.dlapiper.com

Edwin Coe LLP
2 Stone Buildings
Lincoln's Inn
London
WC2A 3TH

Your reference

Our reference
RXS/RXS/380900/346
UKM/108918944.1

22 March 2021

By Email: fred.sheppard@edwincoe.com

Dear Sirs / Madams

LAND: AT SOUTH CUBBINGTON WOOD, SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA AND AT CRACKLEY WOOD, BIRCHES WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE

CLAIM NO: PT-2020-BHM-000017

CLAIMANTS: (1) SECRETARY OF STATE FOR TRANSPORT; AND
(2) HIGH SPEED TWO (HS2) LIMITED

DEFENDANTS: (1) PERSONS UNKNOWN ON LAND AT SOUTH CUBBINGTON WOOD; AND
(2) PERSONS UNKNOWN ON LAND AT CRACKLEY WOOD
(5) ELLIOTT CUCIUREAN

We act on behalf of the Secretary of State for Transport and High Speed Two (HS2) Ltd (“**HS2**”) in respect of the above Land.

The Secretary of State is the owner of part of the Land, which has been acquired in connection with the construction of Phase 1 of the High Speed Rail line, construction of which is authorised by the High Speed Rail (London – West Midlands) Act 2017 (“**the Act**”). HS2 is the nominated undertaker pursuant to the Act. In addition to responsibility for carrying out construction of the project, HS2 has the right to take temporary possession of certain lands pursuant to Schedule 16 of the Act and has exercised that right in relation to part of the Land.

We understand that you currently act for Dr. Ian “Larch” Maxey. However, please confirm, by 10am on Thursday 25 March 2021, if you are no longer instructed, failing which we will write directly to Dr. Maxey.

Possession Proceedings and Injunction

Our clients issued proceedings in February 2020 in the High Court to recover possession of the Land and for an injunction to prevent trespass on to the Land. As a result the Land has, since 24 March 2020, been subject to an injunction forbidding entry on to the Land (“**the Injunction**”). That injunction has been extended on two occasions and a copy of the most recent court order dated 19 January 2021 is enclosed.

DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority.

DLA Piper UK LLP is a limited liability partnership registered in England and Wales (number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at www.dlapiper.com.

UK switchboard
+44 (0) 20 7349 0296



INVESTOR IN PEOPLE
197

Signs warning that the Injunction is in place, together with copies of the Injunction, are prominently displayed around the perimeter of the Land and on the websites listed at the end of this letter.

Despite the Injunction, there continue to be incidents which our clients consider are in breach of the Injunction. Our clients continue to review such incidents and will consider taking contempt proceedings in relation to breaches of the Injunction, as they have commenced in relation to Dr. Maxey in respect of previous breaches of the Injunction. Any further incidents will also be recorded and considered in any future contempt proceedings.

As Dr. Maxey has been identified as being involved in more than one of those incidents and as, at times, present in a camp which has been set up on land adjacent to our clients' land at Crackley Wood, we are writing to put you on formal notice that we are in the process of drafting papers to apply to the court to extend the Injunction temporally. It is our clients' intention to seek to add Dr. Maxey to the proceedings.

Note that it is our clients' intention to seek an order against named defendants (including Dr. Maxey and any others who identify themselves and seek to join the proceedings) for their costs associated with these proceedings which they are required to take as a result of Dr. Maxey's (and others') unlawful conduct. These costs will be significant and our clients will look to enforce that order.

In the meantime, please indicate within 7 days of the date of this letter whether Dr. Maxey would be willing to give appropriate undertakings not to further trespass on and obstruct the Land. In that event, our clients would be willing to consider with you the appropriate form of undertaking.

Yours faithfully

DLA Piper UK LLP

DLA PIPER UK LLP
rob.shaw@dlapiper.com

Enc.

<https://hs2inwarwicks.commonplace.is/>
<https://www.gov.uk/government/organisations/high-speed-twolimited>

Attention: Dr. Ian “Larch” Maxey”

Flat 33
35-36 Belsize Square
London
NW3 4HL

Your reference

Our reference

RXS/RXS/380900/346
UKM/108918944.1

25 March 2021

By First Class Post and Special Deliver

Dear Sirs / Madams

LAND: AT SOUTH CUBBINGTON WOOD, SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA AND AT CRACKLEY WOOD, BIRCHES WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE

CLAIM NO: PT-2020-BHM-000017

CLAIMANTS: (1) SECRETARY OF STATE FOR TRANSPORT; AND
(2) HIGH SPEED TWO (HS2) LIMITED

DEFENDANTS: (1) PERSONS UNKNOWN ON LAND AT SOUTH CUBBINGTON WOOD; AND
(2) PERSONS UNKNOWN ON LAND AT CRACKLEY WOOD
(5) ELLIOTT CUCIUREAN

We act on behalf of the Secretary of State for Transport and High Speed Two (HS2) Ltd (“**HS2**”) in respect of the above Land.

The Secretary of State is the owner of part of the Land, which has been acquired in connection with the construction of Phase 1 of the High Speed Rail line, construction of which is authorised by the High Speed Rail (London – West Midlands) Act 2017 (“**the Act**”). HS2 is the nominated undertaker pursuant to the Act. In addition to responsibility for carrying out construction of the project, HS2 has the right to take temporary possession of certain lands pursuant to Schedule 16 of the Act and has exercised that right in relation to part of the Land.

We have previously written to solicitors, ITN and Edwin Coe LLP, who we believe are instructed by you, but we have not received a response.

Possession Proceedings and Injunction

Our clients issued proceedings in February 2020 in the High Court to recover possession of the Land and for an injunction to prevent trespass on to the Land. As a result the Land has, since 24 March 2020, been subject to an injunction forbidding entry on to the Land (“**the Injunction**”). That injunction has been extended on two occasions and a copy of the most recent court order dated 19 January 2021 is enclosed.

DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority.

DLA Piper UK LLP is a limited liability partnership registered in England and Wales (number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at www.dlapiper.com.

UK switchboard
+44 (0) 20 7349 0296



Signs warning that the Injunction is in place, together with copies of the Injunction, are prominently displayed around the perimeter of the Land and on the websites listed at the end of this letter.

Despite the Injunction, there continue to be incidents which our clients consider are in breach of the Injunction. Our clients continue to review such incidents and will consider taking contempt proceedings in relation to breaches of the Injunction, as they have commenced against you in respect of previous breaches of the Injunction.

We wish to draw your attention to the Penal Notice on the face of the Injunction and the potential consequences of breaching the terms of the Injunction. Breach of the Injunction is contempt of Court, for which you can be imprisoned for up to two years, be fined or have your assets seized. Any further incidents will also be recorded and considered in any future contempt proceedings.

Regardless of whether any part of the Land is currently covered by the Injunction, entry onto it without our clients' consent is a trespass.

As you have been identified as being involved in more than one of those incidents and as, at times, present in a camp which has been set up on land adjacent to our clients' land at Crackley Wood, we are writing to put you on formal notice that we are in the process of drafting papers to apply to the court to extend the Injunction temporally. It is our clients' intention to seek to add you to the proceedings.

Note that it is our clients' intention to seek an order against named defendants (including you and any others who identify themselves and seek to join the proceedings) for their costs associated with these proceedings which they are required to take as a result of your (and others') unlawful conduct. These costs will be significant and our clients will look to enforce that order.

In the meantime, please indicate within 7 days of the date of this letter whether you would be willing to give appropriate undertakings not to further trespass on and obstruct the Land. In that event, our clients would be willing to consider with you the appropriate form of undertaking. The quickest way to contact us is by email at the address below.

We recommend that you obtain independent legal advice.

Yours faithfully

DLA Piper UK LLP

DLA PIPER UK LLP

rob.shaw@dlapiper.com

Enc.

<https://hs2inwarwicks.commonplace.is/>

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



Claim No: PT-2020-BHM-000017

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

PT-2020-BHM-000017

**Before: Mr Justice Marcus Smith
On: 19 January 2021**

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 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 CLAIMANT(S) 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

Defendants / Respondents

ORDER

**EXTENDING THE DURATION OF THE INJUNCTION MADE BY ANDREWS J.
ON 17 MARCH 2020**

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS
ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

IMPORTANT NOTICE TO THE DEFENDANTS

**This Order prohibits you from doing the acts set out in this Order. You
should read it very carefully. You are advised to consult a solicitor as**

soon as possible. You have the right to ask the Court to vary or discharge this Order.

FURTHER TO the Order made in these proceedings by Andrews J. on 17 March 2020 (“the **March 2020 Order**”)

AND UPON the Claimants’ application by Application Notice dated 10 December 2020, pursuant to the liberty to apply provisions at paragraph 17 of the March 2020 Order, to extend the duration of the injunction contained at paragraphs 4 to 6 of the March 2020 Order (“the **Extension Application**”)

AND UPON the Order made by Marcus Smith J on 17 December 2020 extending the duration of the March 2020 Order to 31 January 2021 (“the **December 2020 Order**”)

AND UPON hearing Mr Michael Fry and Mr Jonathan Welch, counsel for the Claimants

AND UPON reading the Application Notice dated 10 December 2020, the first, second and third witness statements of Mr Robert Shaw (dated 10 December 2020, 17 December 2020 and 12 January 2021 respectively), and the witness statement of Mr Andy Jones dated 12 January 2021)

AND UPON the Claimants indicating that they are content to provide to any named Defendants or persons unknown copies of further evidence or other documents filed in these proceedings from time-to-time at an email address provided to the Claimants, and place all such documents online to be publicly accessible.

AND UPON the Claimants indicating that they intend in due course to bring a further application to amend their claim and vary and extend the form of the March 2020 Order so that it: (i) extends for a longer period; (ii) is directed against particular named defendants; and possibly: (iii) covers additional land; and (iv) prevents interference with access to the land to which the injunction applies via public rights of way/highways (“the **Substantive Amendment Application**”).

AND UPON the Court accepting the Claimants’ renewed undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a

Defendant and the court finds that the Defendant ought to be compensated for that loss.

IT IS ORDERED THAT:

Continuation of March 2020 Order

1. The long-stop date of 17 December 2020 at paragraph 6.1 of the March 2020 Order (as amended by the December 2020 Order) be deleted, and the injunctions at paragraphs 4 to 6 of the March 2020 Order shall continue until 30 April 2021 or further order.
2. The injunction at paragraphs 4 to 6 of the March 2020 Order (as amended by paragraph 1 above) shall, further, apply to the Fifth Defendants as well as the First and Second Defendants. Accordingly, the injunction which continues as against the First, Second and Fifth Defendants is - for the avoidance of doubt - henceforth as set out in paragraphs 3 to 5 of this order.

Injunction in force

3. With immediate effect, and save for the matters set out in paragraph 4 of this Order:
 - 3.1 The First Defendant and Fifth Defendant and each of them are forbidden from entering or remaining upon the Cubbington Land, being the land shaded green, blue and pink and outlined red on Plan A (“the **Cubbington Site**”); and
 - 3.2 The Second Defendant and Fifth Defendant and each of them are forbidden from entering or remaining upon the Crackley Land, being the land shaded green, blue and pink and outlined red on Plan B (“the **Crackley Site**”).
4. Nothing in paragraph 3 of this Order:
 - 4.1 Shall prevent any person from exercising their rights over any open public right of way over the land. Those public rights of way shall, for the purposes of this Order, include the “unofficial footpath” between two points of the public footpath “PROW 130” in the location indicated on

Plan C annexed to the Particulars of Claim and reproduced as an annexe to this Order;

- 4.2 Shall affect any private rights of access over the Land held by any neighbouring landowner.
5. The order at paragraph 3 above shall remain in effect until trial or further order or, if earlier, a long-stop date of 30 April 2021.

Service

6. Pursuant to CPR r. 6.27, the steps taken by the Claimants to serve this Extension Application on the First, Second and Fifth Defendants (as set out in the second and third witness statements of Mr Robert Shaw dated 17 December 2020 and 12 January 2021 respectively, and the Certificates of Service dated 11 January 2021 and witness statement of Mr Andy Jones dated 12 January 2021 (process server) in Support) shall amount to good and proper service of the Extension Application on those defendants. The deemed date of service is 21 December 2020.
7. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows:
 - 7.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Cubbington Land and Crackley Land.
 - 7.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.
 - 7.3 The Claimants shall email a copy of the Order to the following email addresses:
 - (i) crackleyresidents@hotmail.co.uk
 - (ii) peter.delow@ntlworld.com
 - (iii) wendyhoulston@hotmail.com

7.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites:

- (i) <https://hs2inwarwicks.commonplace.is/>; and
- (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>,

together with a link to download an electronic copy of this Order.

7.5 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked “Camp 2” on the Plans.

8. The taking of such steps set out at paragraph 7 shall be good and sufficient service of this Order on the First and Second Defendants and each of them. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
9. The Claimants shall within the first week of each calendar month check that copies of the orders and signs referred to at paragraphs 7.1 and 7.2 and listed in Row 1 of Schedule 1 to this Order remain in place and legible, and, if not, shall replace them as soon as reasonably practicable. The date of confirmation and replacement (if necessary) of any orders and signs shall be recorded by the Claimants in the table at Schedule 1 to this Order.
10. The Court will provide sealed copies of this Order to the Claimants’ solicitors for service (whose details are set out below).

The Substantive Amendment Application / Return Date Hearing

11. The Claimants shall make their Substantive Amendment Application by 4pm on 26 March 2021. If that date is before the Court of Appeal hands down judgment in the Fifth Defendant’s appeal (Appeal No. A3/2020/1909I) the Claimants shall have liberty to apply to amend the Substantive Amendment Application as necessary.
12. A hearing of the Substantive Amendment Application (“the **Return Date**”) is to be listed on 13 April 2021 with a time estimate of three days.

13. The Court shall provide a notice of hearing to the Claimants' solicitors, which the Claimants are to publicise by posting a copy on the websites at paragraph 7.4 above.
14. Any individual who wishes to contest the Substantive Amendment Application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants' claim shall by 4pm on 7 April 2021:
 - 14.1 file and serve a witness statement on the Claimant's solicitors outlining their interest in this matter and the nature of grounds for that contest or arguments they may wish to raise; and
 - 14.2 provide a postal address for service or email address at which they are prepared to accept electronic service of documents.
15. The Claimants shall have liberty to file evidence in reply, and will post links to electronic copies of that evidence online at the websites listed at paragraph 7.4 above.

Further directions

16. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
17. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
18. The Claimants have liberty to apply to extend or vary this Order or for further directions.
19. Save as provided for above, the Claim be stayed generally with liberty to restore.
20. Costs reserved. If the Claimant intends to seek a costs order against any person in respect of any future applications in these proceedings or any

future hearing, then they shall seek to give reasonable advance notice of that fact to that person.

Communications with the Court

21. All communications to the Court about this Order (which should quote the case number) should be sent to:

Court Manager
Birmingham Civil and Family Justice Centre
High Court of Justice
Chancery Division
Priory Courts
33 Bull Street
Birmingham
B4 6DS

The telephone number is 0121 681 4441. The offices are open weekdays 10.00am to 4.00pm.

22. The Claimants' solicitors and their contact details are:

DLA Piper UK LLP of:

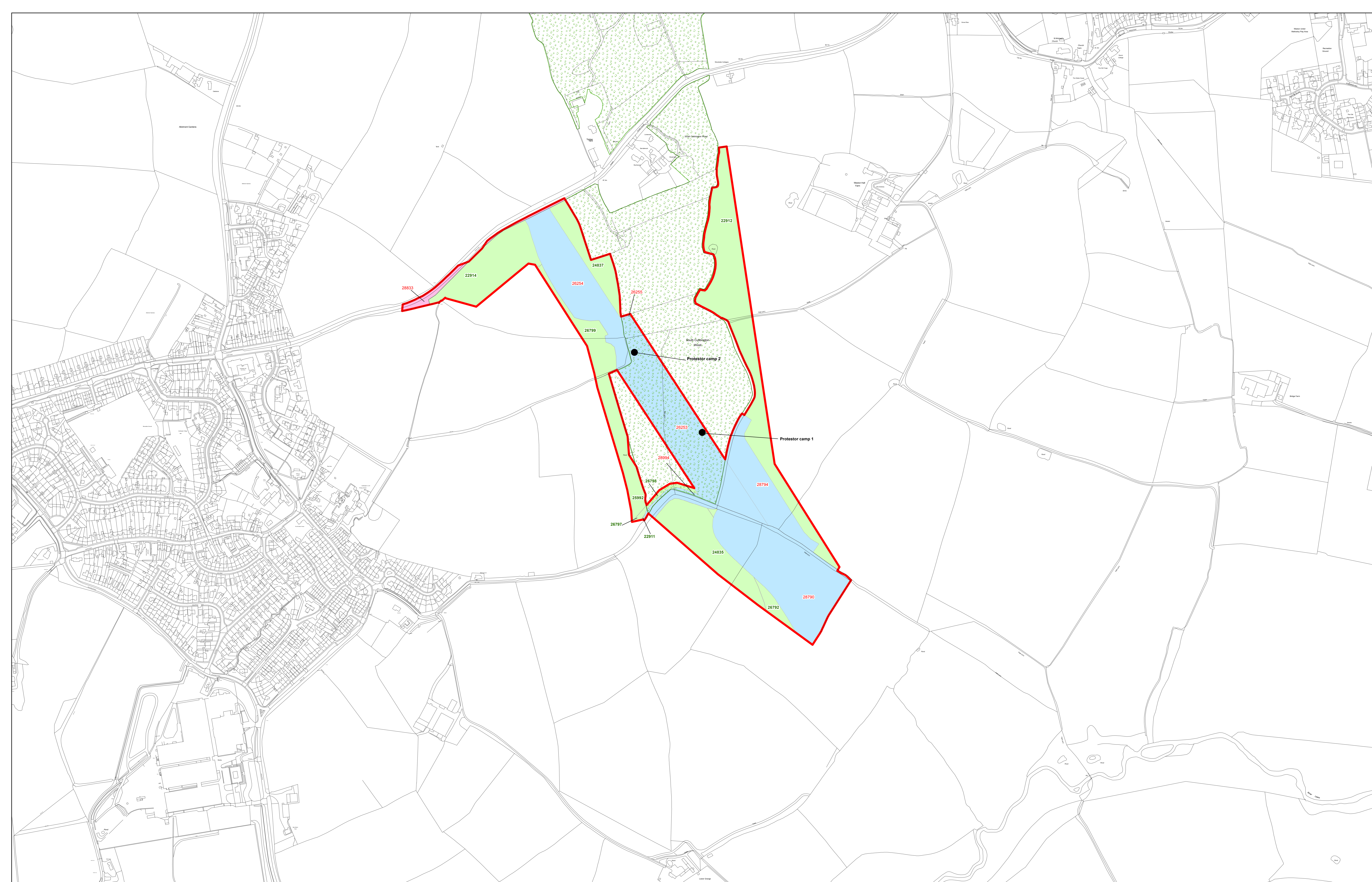
1 St Paul's Place
Sheffield S1 2JX
United Kingdom

Tel: +44 114 283 3312

Email: rob.shaw@dlapiper.com and aryaans.bassi@dlapiper.com

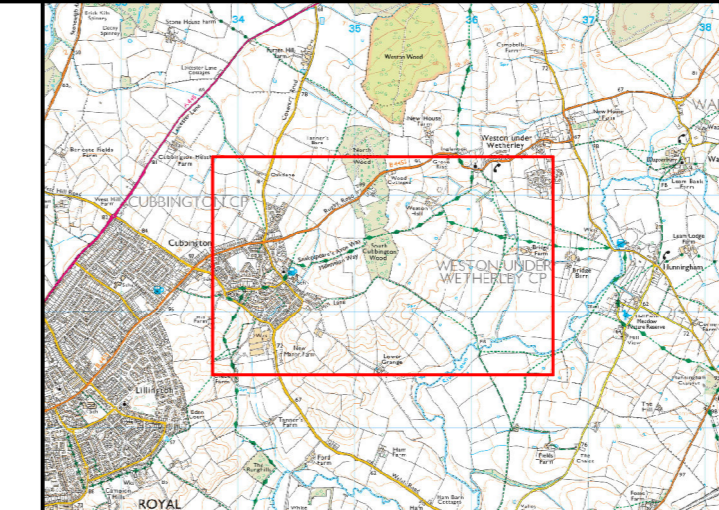
Ref: RXS/380900/346

Dated: 19 January 2021

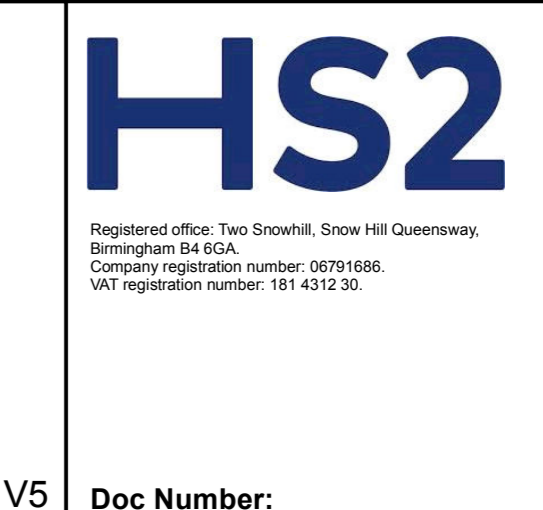


HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if issued in part or issued incomplete in any way.
 © Crown copyright and database rights 2019 OS 100049190
 © Crown copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO.
 This material may not be copied, distributed, sold or published without the formal permission of Land Registry and Ordnance Survey. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes. © Crown Copyright Ordnance Survey.

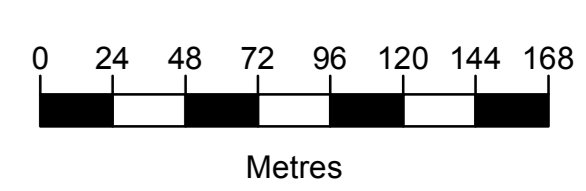
- Protector Camps
- Land Required
- Vested GVD
- Schedule 16 notice served and possessed
- Vested GVD registered to Secretary of State on HMLR register
- Ancient woodland

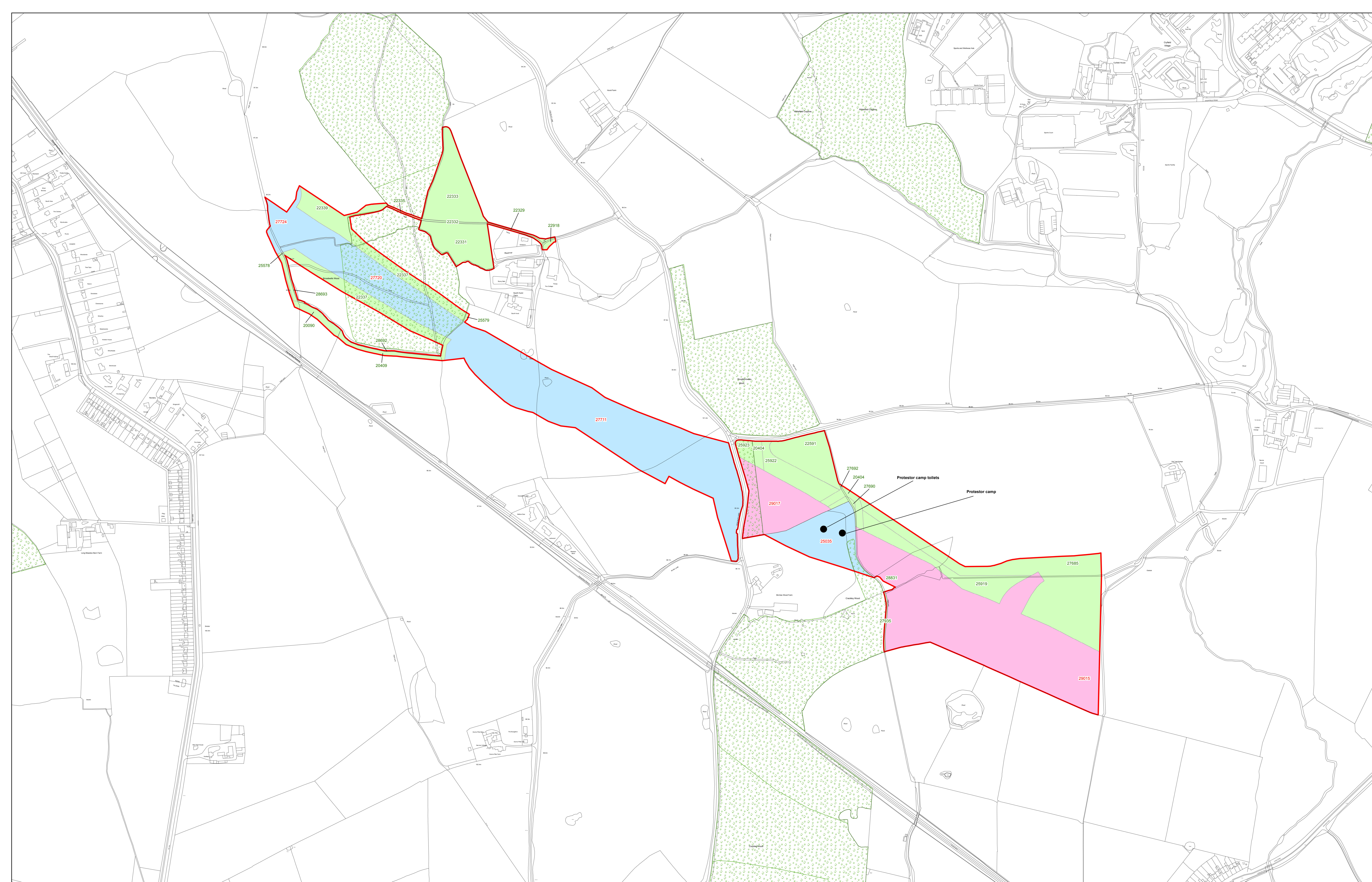


Plan A



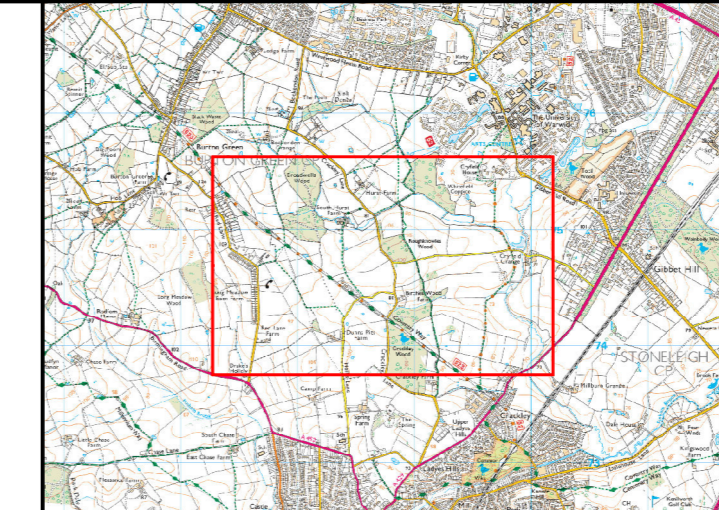
Scale at A0: 1:2,500



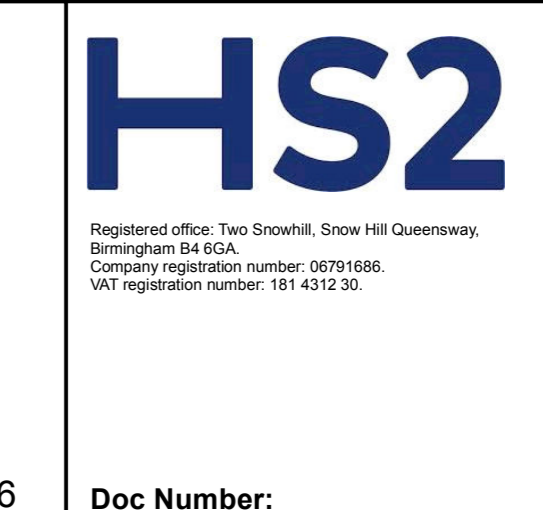


HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if issued in part or issued incomplete in any way.
 © Crown copyright and database rights 2019
 OS 100049190
 © Crown copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO.
 This material may not be copied, distributed, sold or published without the formal permission of Land Registry and Ordnance Survey. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes. © Crown Copyright Ordnance Survey.

- Protestor Camps
- Land Required
- Vested GVD
- Schedule 16 notice served and possessed
- Vested GVD registered to Secretary of State on HMLR register
- Ancient woodland



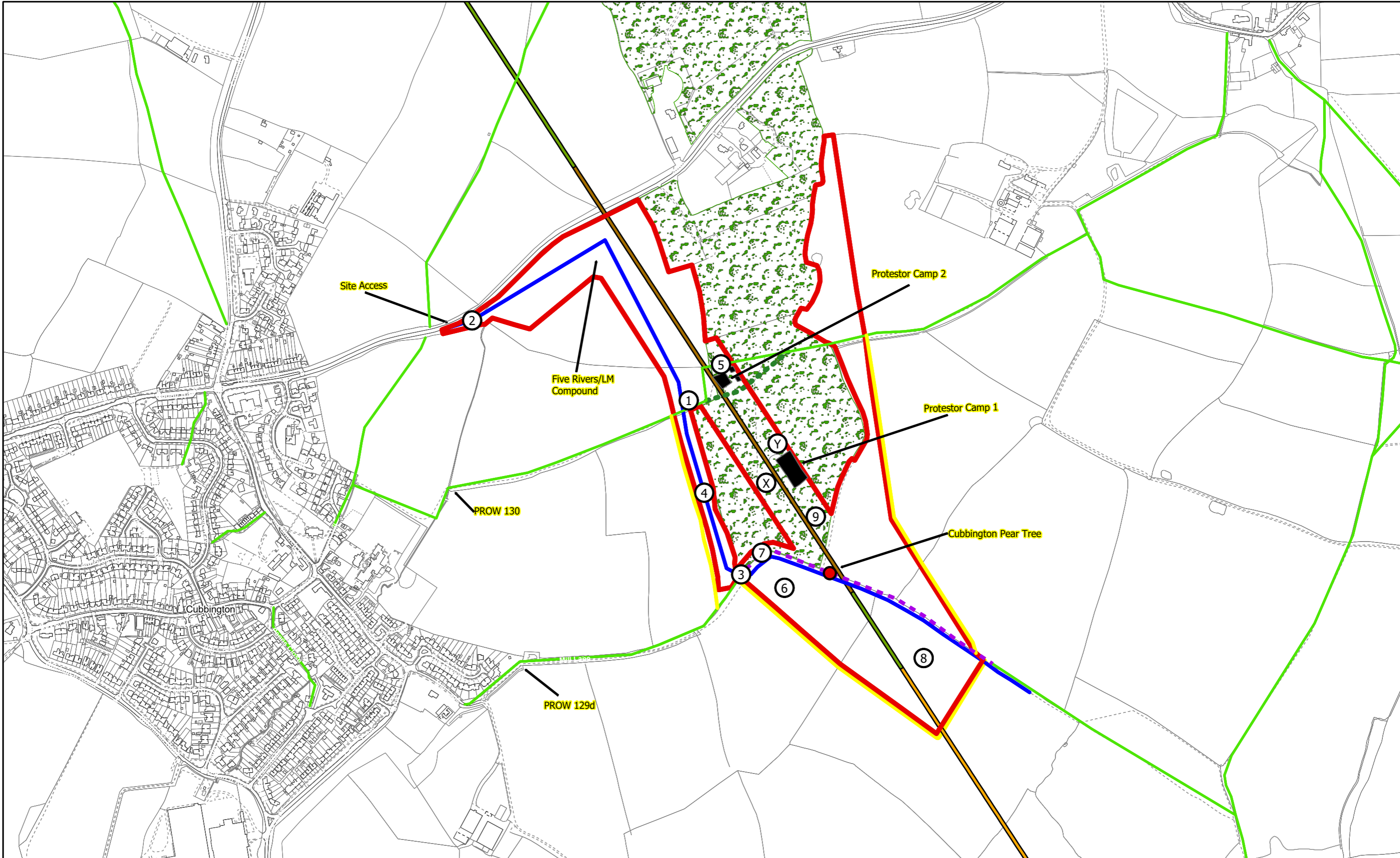
Plan B



Scale at A0: 1:2,500

0 24 48 72 96 120 144 168
Metres

Registered Office: The Downs, Sixty Hill, Queensway, Birmingham B15 4GA
 Company registration number: 02070666
 VAT registration number: 181 4113 33



HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if it issued in part or issued incomplete in any way.

© Crown copyright and database rights 2020
OS 100049190

Derived from (...cite the scale of the BGS data used...) scale BGS Digital Data under licence 2011/111 BP British Geological Survey, © NERC.

Contains Environment Agency information © Environment Agency and database right.

© Crown copyright material is reproduced with the permission of Land Registry under delegated authority from the Controller of HMSO.

This material was last updated on [date] and may not be copied, distributed, sold or published without the formal permission of Land Registry and Ordnance Survey. Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes. © Crown Copyright Ordnance Survey.

Incidents	Ancient Woodland	Unofficial Footpath	Embankment
Cubbington Pear Tree	Closed Public Right of Way	Haul Road	Retaining Wall
Land Required	Existing Public Right of Way	HS2 Trace Design Type	Viaduct
Protestor Camp Locations	Diverted Public Right of Way	Cutting	

Plan C

Working on behalf of **HS2**

LM-JV, 6th Floor,
The Cornerblock,
2 Cornwall Street,
Birmingham, B3 2DX

0 55 110 220
Metres
210

12/02/20

Witness Statement of Danny Barnard and Adam Smith

Incident regarding Crackly Wood threatening behaviour and a liquid thrown over the fence.

Date: 23/11/2020 Time of Incident: 12:30

At approx 12:30 I, Danny Barnard approached the fence at the Crackly Wood protestor Camp. Along with the full IRT team, we were tasked with gathering intelligence, show of force and to photograph the camp for the possibility of an increase in protestor numbers.

As we were taking pictures of the camp, approx 6 protestors approached the fence and climbed up on ladders and onto a small 'sentry' position.

Whilst we were engaging them in conversation in regards to the weather and a past incident that had happened, a bucket of water/urine was thrown over the fence. The initial bucket missed all of the IRT team.

We asked the protestors not to do this as we were engaging in a civil manner and were being polite to them.

As various members of the IRT started to talk to individual protestors, another bucket of water/urine was thrown over the fence which hit myself.

As we were disengaging from the fence and the conversation we were threatened with pick axe/handles if we returned.

It was during this time that a protestor named Terry Sanderson divulged information that there were about 30 protestors stationed at the camp. He also stated that they will be using Crackly Wood as their wintertime camp as they had the infrastructure (winter tents/log burners and resupply strategies along with money to get a large gathering of people through the winter months. The protestors are also looking at the possibility of expanding the camp to house a larger number of protestors during the winter.

Adam Smith was part of this conversation in regards to protestor numbers and the wintering of their camp.

The incident was reported to Police 101. The following details are from the police:

- 1, Incident Number 185
- 2, PC Steve Jones 1134
- 3, Warwickshire Police.

The full police incident report to follow:

Nothing Further to Report
Signed on original by
Danny Barnard and Adam Smith

Video Evidence

Date: 5 April 2020

File Name: *5 April 2020 video*

Video Evidence

Date: 19 March 2021

File Name: *Service of letters on 19 March 2021*