

1.	Claimants
2.	Richard Joseph Jordan
3.	Second
4.	RJ9
5.	Date: 15 June 2020

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

Claim No: PT-2018-000098

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

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

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

(3) to (33) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE
ORDER OF THE HON MR JUSTICE FANCOURT DATED 21 MAY 2020

Defendants / Respondents

**SECOND WITNESS STATEMENT OF
RICHARD JOSEPH JORDAN**

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

Introduction

1. I am the Second Claimant's Chief Security and Resilience Officer. This is my second witness statement in these proceedings. I shall refer to my first witness statement, dated 25 April 2019, as "Jordan 1". My role with the Claimants remains the same as described in Jordan 1.
2. I am authorised to make this statement in support of the Claimants' application to extend the injunction imposed by the Court on 16 May 2019 ("the **2019 Injunction**") (and extended in duration for a short period pending a return date of the Extension Application heard before Mr Justice Fancourt on 21 May 2020 ("the **2020 Injunction**")), both in time and to include what has been described as "the Additional Land" which is now part of the Harvil Road Site. I refer to the land which was the subject of the 2019 (and 2020) Injunction as "the **Land**". As indicated, the "**Additional Land**" is the land which the Claimants now seek to include within the injunction. The Land and the Additional Land together is the "**Harvil Road Site**".
3. This statement has been prepared with the assistance of the Claimants' solicitors, Eversheds Sutherland (International) LLP following telephone and email correspondence between me and lawyers at the firm.
4. This statement is made from matters that are within my own knowledge and/or (unless other sources of information are stated) knowledge gained from my review of the Claimants' documents, incident reports logged on the Second Claimant's HORACE system, reports by the Second Claimant's security team and that of the Second Claimant's contractors, material obtained and reviewed from open source internet and social media platforms and reports from specialist process servers and agents instructed on behalf of the Second Claimant. In each I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as RJ9. Page numbers without qualification refer to that exhibit.
5. In Jordan 1 at paragraph 3, I briefly explained the HORACE system (an online reporting system used by the Second Claimant) and that, it is, in particular, an important source of the information. I also explained that because it is both an online system which contains information filled in by specialist security professionals, it is not a resource which can easily be printed out or otherwise presented in a way that it is easily understandable by a lay person. That remains the case.

6. Where I refer to plot numbers in this statement in the context of describing specific incidents, those are to plot numbers on the plan at **p. 2 of RP2** and the proposed new injunction plan which is attached to the draft order and reproduced again for ease at **p. 2.**

Purpose of this statement

7. In this statement I will:
- (i) describe protestor activity on and around the Harvil Road Site since the 2019 Injunction;
 - (ii) explain how the Claimants have come to identify the persons who have been added as named defendants to these proceedings;
 - (iii) briefly describe the enforcement operation undertaken by the Claimants to remove protestors from the Harvil Road Site in (i) January 2020, and the subsequent re-entry and occupation of parts of the site and (ii) the subsequent enforcement operation undertaken by the Claimants in May 2020 to remove those camps which had been established;
 - (iv) set out the details of specific incidents of trespass and obstruction that have occurred since the 2019 Injunction was imposed and up to 31 May 2020; and
 - (v) explain the continued risk of trespass to the Harvil Road Site.
8. As just indicated, I provide an explanation of protestor activity at the site up to 31 May 2020. I have had to draw the line at that date, because it has proved very difficult to finalise a statement which tries to be precisely up to date as there are incidents and developments at the site almost every day. That is with the exception of an incident which took place shortly before this statement was finalised on 9 and 10 June 2020 and which has led the Claimants to considering that it is appropriate to seek to add D34 and D35 as defendants to the proceedings. In respect of other incidents, given there is a new incident almost daily, I intend to provide an up-dating witness statement to the Court at any future hearing to explain any important developments which have occurred between 31 May 2020 and that date.

Opposition to the Scheme works on the Land

9. Since the imposition of the 2019 Injunction on 16 May 2019, protestor activity in opposition to the Claimants' works at the HS2 Site has continued.
10. The focus of that activity has been a 'roadside' protest camp on Harvil Road (opposite Gate 2 (previously known as the North Compound Entrance) – which is identified on the plan to the 2019 Injunction at **p. 1 of RP2**). This camp is situated on local authority land on or next to the public highway (photo at **p. 3**). On the whole, this protest is peaceful and / or does not impact the Claimants and their contractors. It is also permitted by the terms of the 2019 and 2020 Injunctions.
11. There are also other protest camps which have been set up in the vicinity of the Harvil Road Site, for example, at the time of drafting this Statement there is:
 - (i) an encampment at the bottom of Dews Lane (Dews Lane West end);
 - (ii) an encampment on land belonging to the London Borough of Hillingdon ("**the Council**") near the lake at the Hillingdon Outdoor Activities Centre ("**HOAC**") which, I understand, the Council is now seeking to recover possession of in addition to injunctive relief.
 - (iii) This 'lake' encampment is in the vicinity of a newer encampment which has recently been established on part of the Additional Land near Dews Lane (West end) and nearer to HOAC itself ("**the HOAC Encampment**"). Increasing numbers of protesters appear to be at this location: at the time of drafting, there have been reported to be between 35 and 50 persons present at any time during the past two weeks.
12. In addition, Mr Mordechaj (D8) has since 21 February 2020 been living in a tent which he has erected in the bell-mouth of West Gate 3. Mr Mordechaj is also reported to be seen sometimes during the day at the lakeside camp referred to above and therefore appears to move between that camp and the tent he has erected at West Gate 3. He often approaches the entrance gate at West Gate 3, obstructs (or partly obstructs) access to the gate and / or is often involved in minor disruptive acts such as sitting in the bell-mouth and refusing to move, in order to prevent vehicles from

entering or leaving the site: at least two security officers are therefore stationed at the outer gate at all times when he is present, preventing them from carrying out other duties such as patrolling the perimeter. This is a trespass on the Land and in breach of the 2020 Injunction.

13. Inevitably, these points of protest as well as *ad hoc* camps that are formed either on the Harvil Road Site or land in the vicinity form the base for a number of more temporary incursions on to other parts of the Land and the Additional Land.
14. In recent months, the Claimants have experienced increasing numbers of incidents of trespass on to the Harvil Road Site, and other unlawful conduct:
 - (i) Certain of those incidents have been on the Land covered by the 2019 (and 2020) Injunction. There have been approximately 35 acts of trespass to the Land (of which the Claimants are aware) since the 2019 Injunction was made. Separate proceedings for contempt of court are being contemplated in respect of such breaches. For the purposes of this statement, however, I raise those incidents solely in order to explain why the Claimants believe there to be an ongoing risk of unlawful conduct. Whilst (as these incidents show) the 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 Injunctions.
 - (ii) There has also been an increasing number of incidents of trespass on the Additional Land – including more permanent acts of trespass via the setting up of protest camps, together with shorter lived incursions across wider areas of the Additional Land. Aside from the protest camps, there been approximately 31 acts of trespass to the Additional Land (of which the Claimants are aware) since the 2019 Injunction was made.
 - (iii) There have also been several incidents where protesters have sought to interfere with / block access to the Harvil Road site, which I also explain further below.
 - (iv) It is not realistic to attempt to give an account of each and every incident that has been recorded at the Site. 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.

15. On average, the number of protesters on or in the vicinity of the Harvil Road Site who are visibly opposed to the HS2 Scheme range between about five and 25 a day, and since the establishment of the camp at the west end of Dews Lane, numbers have increased to approximately 35 to 40. These persons, when not engaged in protest activities elsewhere on the site, are in occupation of the various protest camps mentioned above.
16. 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. The Second Claimant's attempts to engage with and address the concerns of the protesters were set out at paragraphs 3 and 33 in the witness statement of Robert William McCrae dated 30 January 2018 and the witness statement of Patricia Thompson dated 2 February 2018 (paragraph 3 onwards). HS2 community engagement continues to engage with and address the concerns of protestors via similar initiatives.
17. 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:
 - (i) The HS2 Site is an active construction works site. The works time-table requires coordination between numerous different contractors and sub-contractors of different specialisations. The mere presence of unauthorised protestors on the Harvil Road Site 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.

- (ii) The acts of trespass and obstruction are often accompanied by incidents of verbal harassment and physical intimidation of contractors including some violent acts.
- (iii) Very considerable police resources have been required to assist with incidents on the Harvil Road Site, again at considerable public expense.
- (iv) Attempts to maintain order at the Harvil Road Site are further hindered by the fact that temporary metal Heras-style fencing is regularly moved, damaged or tampered with – and the Court-mandated notices warning of the existence of the 2019 Injunction are regularly defaced or torn down.
- (v) The Covid-19 pandemic has not noticeably reduced the level of protest at the site. 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.

Named Defendants

18. It is not always possible on site to identify (at least with any degree of confidence) the individuals involved in particular incidents, or to provide a comprehensive list of all persons who the Claimants realistically anticipate will engage in unlawful protest activities at the site in the future. That is for a number of reasons, which include:
 - (i) some individuals cover their faces to protect their identities (and/or, more recently, to protect against the spread of coronavirus);
 - (ii) many incidents are reported by non-security contractors on site who cannot reasonably be expected to engage with trespassers in order to seek to identify them, and may not recognise them from other incidents or security reports;
 - (iii) some protests appear to have attracted non-local or non-regular protestors who have not been seen before (and may not be seen again) by the person reporting the incident; and

- (iv) there have been incidents involving such a large group of protesters at any one time that seeking to record their identities is not only impractical but also impossible where personnel are focussing their efforts on seeking to resist such trespass and protect the site from further intrusion.
19. Where persons are known or it has been possible to identify them, they are described in this statement. As detailed in the second witness statement of Rohan Perinpanayagam (“**Perin 2**”), the 2020 Injunction added a number of named defendants. Whilst a number of individuals have been added as defendants thereby, the Claimants have not sought to add all individuals identified in this statement. This is because, whilst, the question of which named persons should properly be added as named defendants is being kept under review, where identified individuals have trespassed on only one, or very few occasions, and non-recently, the Claimants do not consider there to be a sufficiently acute continued threat of trespass from those individuals to justify seeking relief against them at this juncture.
20. It may be disproportionate to seek to add every person it has been possible to identify. This is sometimes a difficult judgment call. For example, the Claimants are aware that James Brown has been involved in at least one incident at the Harvil Road Site but because of the on-off nature of this incident, the Claimants have not considered it appropriate to name him as a defendant to these proceedings. This is a judgment-call on the basis of the information available to the Claimants.
21. I should mention that it was not the Claimants’ intention to name Caroline Thomson-Smith (currently D33) as a defendant to the proceedings as she was identified as only being involved in a one-off incident. However, Ms Thomson-Smith attended remotely the first hearing of the Extension Application on 21 May 2020 and sought herself to be added as a respondent to that application and a defendant to the proceedings. It has since, however, been agreed between the Claimants and Ms Thomson-Smith that she may be removed as defendant to the proceedings on the basis that she has confirmed that she has no intention to trespass on the Harvil Road Site. I attach correspondence between Ms Thomson-Smith and the Claimants’ solicitors at **pp. 4 - 11** which records that.

22. Ms Sarah Green (D3) and Mr Mark Keir (D4) were previously named defendants (in addition to others) but were removed as parties in the 2019 Injunction. They have since been re-added by way of the 2020 Injunction. Ms Green sought to re-join herself as defendant at the first hearing of the Extension Application having been represented by Mr Mehta of Red Lion Chambers. Despite indicating that he would be represented by Mr Powlesland of Ely Place Chambers, Mr Keir did not attend and was not represented at the hearing. Ms Green and Mr Keir have been involved in many of the incidents set out below, eleven and six respectively, and the Claimants therefore ask that the interim injunction be continued against them expressly as named defendants.
23. The additional proposed named defendants, and an outline of their involvement, are as follows:
- (i) **Thorn Ramsey (D7):** Mr Ramsey was also previously party to these proceedings, but the Claimants sought (successfully) to dispense with him being a defendant at the hearing of the application for the 2019 Injunction because he had not (at that time) been involved in any recent incidents at the site. Unfortunately, he has more recently been involved in unlawful protest activity at the site.
 - (ii) **Vajda Robert Mordechaj (D8):** Mr Mordechaj was also previously a party to these proceedings, but was removed at his request following the hearing of the 2019 Injunction. As noted above, he is now living in a tent at an access point to the site. He was previously occupying the Ryall's Garage property (part of the Additional Land) explained below.
 - (iii) **Iain Oliver (D9):** Mr Oliver is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist). The Claimants believe he is mainly based at the Harvil Road protest camp. He has been seen at many protests around the Colne Valley Area and has been involved in at least nine incidents on the Harvil Road Site.
 - (iv) **Elliott Cuciurean (D10):** Mr Cuciurean is known to the Claimants as an anti HS2 activist. The Claimants believe he is primarily based at the Harvil Road protest camp (although he has recently been active at other sites also). Mr

Cuciurean has been seen at many protests around Colne Valley Area and has been involved in at least eight incidents on the Harvil Road Site. The Claimants believe he has been arrested at another HS2 site which is the subject of an injunction for climbing on machinery.

- (v) **Jess Walker (D11):** Ms Walker is known to the Claimants as an Extinction Rebellion activist. She has been seen many times at protests around Colne Valley Area and along the route (Euston – Birmingham), and has been involved in at least two incidents on the Harvil Road Site. The Claimants believe that she has recently been arrested on at least two occasions at another HS2 site which is subject to an injunction to prevent trespass.
- (vi) **Matt Atkinson (D12):** Mr Atkinson is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist). The Claimants understand he is mainly based at the Harvil Road protest camp. He has been involved in at least five incidents on the Harvil Road Site and is known to have recently been arrested at another HS2 site which is subject to an injunction to prevent trespass.
- (vii) **Scott Breen (D13):** Mr Breen is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist). He has been seen at many protests around Colne Valley Area and has been involved in at least one incident on the Harvil Road Site.
- (viii) **Hannah Bennett (D14).** Ms Bennett is known to the Claimants as an Extinction Rebellion activist and has been seen at many protests around Colne Valley Area. Ms Bennett has been involved in at least five incidents at the Harvil Road Site and is known to have recently been arrested at another HS2 site which is subject to an injunction to prevent trespass.
- (ix) **James Ruggles (also known as Jimmy Ruggles) (D15):** Mr Ruggles is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist and professional climber). He has been seen at many protests around the Colne Valley Area and along the HS2 route. He has been involved in at least one incident on the Harvil Road Site and the Claimants are aware that he was recently arrested at another HS2 site for climbing a tree and

trespassing on that land which is also subject to an injunction to prevent trespass. He has been seen on other occasions trespassing on HS2 land subject to injunctions.

- (x) **Nick Grant aka Potts (D16):** Mr Grant is known to the Claimants as anti HS2 activist (also known to be an anti-fracking activist) and has been seen at many protests around Colne Valley Area. He has been involved in at least two incidents at the Harvil Road Site and is also active at another HS2 site which is land subject to an injunction.
- (xi) **Stuart Ackroyd (D17):** Mr Ackroyd is known to the Claimants as an anti HS2 activist. He was one of a group of individuals who established a protest camp in a disused garage known as ‘Ryall’s Garage’ (“**Ryall’s Garage**”) on the Additional Land. He was subsequently removed from the garage as a result of the Claimants using common law powers to evict him via the use of specially trained High Court Enforcement Officers. Whilst the eviction was ongoing, Mr Ackroyd together with Ms Zienuik (D18) issued an unsuccessful application for injunctive relief seeking to stop the eviction. That application was heard on 13 May 2020. I attach a copy of the unreported Approved Judgment of that hearing at **pp. 12 – 16**. It is recorded at paragraph 3 of the Judgment that the applicants and approximately 15 others had entered the property at various times after January 2020.
- (xii) **Wiktoria Zienuik (D18):** Ms Zienuik is known to the Claimants as an anti HS2 activist. She was one of the individuals who established and or joined the protest camp at Ryall’s Garage. She too sought to obtain injunctive relief against the Second Claimant (and the high court enforcement company which carried out the eviction);
- (xiii) **Paul Sandison (D19), Tom Dalton (D20), Conner Nichols (D21), Sebastian Roblyn Maxey (D23), Jessica Heathland-Smith (D24), Ella Dorton (D25), Karl Collins (D26), Sam Goggin (D27), Jacob Harwood (D29), Tom Holmes (D30), and Libby Fairbrother (perhaps spelled Farbrother) (D31)** are all known to the Claimants as having been occupiers of the Ryall’s Garage camp for at least some periods of time since January

2020. They have been added for completeness, though it is correct to note that the Claimants have not been able to identify any of them as having been engaged in other instances on the land (save Mr Collins (D26) and Mr Goggin (D27)) – beyond the trespass into the Ryall’s Garage itself. Mr Collins has since been identified as being present on the HOAC Encampment which is presently on the Additional Land and the encampment near the lake on the Council’s land. Mr Goggin has also been identified as being involved in an incident in May 2020.

- (xiv) **Dr Ian “Larch” Maxey (D22)** has also occupied the Ryall’s Garage during that period. He is the father of D23, Sebastian Maxey. Dr Maxey has been involved in three instances in addition to his occupation of Ryall’s Garage.
- (xv) **Hayley Pitwell (D28)** has also occupied the Ryall’s Garage during parts of the first half of 2020. Ms Pitwell has also been arrested on HS2 land for assault on an HCEO on 13 May 2020 which is referred to in more detail at paragraph 93.
- (xvi) **Sam Smithson (D32):** Ms Smithson is a recent arrival at the protestor encampment on the HOAC land. It is understood by the Claimants that she lives on and moves between the HOAC Encampment which is presently on the Additional Land and the encampment near the lake on the Council’s land. She is added as a named defendant because, in circumstances where she has recently decided to live at a nearby protest camp and / or on the Additional Land against HS2 activities, there are reasons to suspect that she may also be tempted to engage in unlawful protest activities.
- (xvii) **Jack Charles Oliver (D34):** Mr Oliver has recently become known to the Claimants as an active and belligerent anti HS2 protester following his involvement in at least three incidents at the Harvil Road Site, including incidents relating to both damage to a contractors’ vehicle followed later that day by an assault carried out by him upon two HCEOs on 21 May 2020, and in an incident of aggravated trespass on 10 June 2020.

(xviii) **Charlie Inskip (D35)**: Mr Inskip has also recently become known to the Claimants as an anti HS2 protester following his involvement in at least two incidents at the Harvil Road Site, including an arrest by the Police for aggravated trespass on 10 June 2020.

24. I should mention that a number of the incidents below have been detailed in the First Witness Statement of Shona Ruth Jenkins which was made in support of the Extension Application (“**Jenkins 1**”). For ease of reference and so that the incidents since the making of the 2019 Injunction relied on by the Claimants are conveniently set out in chronological order in one place, I have referred to those incidents (as well as further incidents upon which the Claimants rely) in this statement.

The January 2020 Enforcement Operation

25. The first main protest incident following the 2019 Injunction was in connection with a protest set up on a (former) footpath on part of the Land (Plot U34), including the positioning of a boat on the site. It was that occupation which led to separate proceedings to recover possession of that Land in November 2019, which were contested on the basis that the footpath had not validly been closed.
26. For present purposes, I would note that a large number of incidents of wider trespass occurred in conjunction with that occupation. For ease of reference, and to avoid undue repetition and length in this statement, I refer to **pp. 127 – 142 of SRJ1** which exhibits the First and Second Witness Statements of Sean Armstrong (without exhibits save for the ‘Incident Plan’ which is also appended to illustrate the extent of the trespass) which were filed in support of the 2019 Possession Proceedings.
27. The writ of possession made in the 2019 Possession Proceedings was enforced at the same time as statutory warrants made in respect of other parcels of the land at the Harvil Road Site (“the **Enforcement Operation**”).
28. The occupiers of the Land (and other parcels of the Harvil Road Site) did not leave voluntarily when asked to do so by James Tyler-Morris (who is HS2’s Property Acquisition Lead for this area). They instead effectively “fortified” their encampment through the use of resistive devices such as platforms in trees, a tripod structure and a boat (albeit the boat was subsequently found to have been moved

elsewhere), and through the use of “lock-on” devices designed to prevent or hamper the safe removal of persons using such devices. As a result, the operation to enforce the writ and statutory warrants lasted 9 days and involved 32 High Court Enforcement Officers (“HCEOs”), additional security and police presence throughout.

29. The Claimants considered the land subject to that Enforcement Operation to be free of trespass on 16 January 2020 having secured most of the land with Heras type pre-fabricated fencing panels or CLD type semi-permanent modular fencing.

The XR, Stop HS2 and Save Colne Valley event on 18 January 2020

30. On the weekend commencing Friday 17 January 2020 (the day after the Enforcement Operation had cleared the site of trespass), over 100 protestors attended an event in the vicinity of the Harvil Road Site. Information available on their respective websites suggests that the event was organised jointly by Extinction Rebellion (“XR”), Stop HS2 (a national campaign against the Scheme) and ‘Save Colne Valley’, a local protest group (“the **XR Event**”). Exhibited at **p. 143** of **SRJ1** are relevant extracts from an article on XR’s website and an article from Stop HS2’s website.
31. Exhibited at **pp. 144 – 159** of **SRJ1** is a report prepared by Fusion JV one of the Second Claimant’s contractors, providing an overview of the trespass and the damage that occurred to the Harvil Road Site during the events of that weekend and the following days. It also contains some photographs documenting the Enforcement Operation.
32. The incidents which took place over the weekend commencing 17 January 2020 included:
 - (i) a mass incursion of over 100 (mostly) persons unknown onto the Harvil Road Site at various locations on plots C111_112; S232_064; S232_051, C111_002 (all parts of the Land) and other parts of the Harvil Road Site on 18 January 2020.

- (i) This incursion commenced at about 11:28hrs on Saturday 18 January 2020, when a large group of protesters was observed by HCEOs approaching the fence line at the western boundary of the site, adjacent to the HOAC lake. Approximately 30 to 50 protesters congregated at the rear of the fence, which the crowd of persons then overran by forcing the fence down through weight of numbers.
 - (ii) Unfortunately, whilst HCEOs on site tried to intervene, due to the numbers of protesters involved, it was impossible for them to prevent the re-entry taking place.
 - (iii) The group threatened to use force against the HCEOs if they continued to resist their re-entry.
 - (iv) Security was therefore breached, and this group forced their way onto the Harvil Road site through the CLD fencing.
- (ii) The re-establishment of protests camps on the Land and other land at the Harvil Road Site including the erection of tents, wooden tower structures and further tree platforms;
 - (iii) Significant damage to fencing and or fencing having been moved by persons unknown, padlocks cut to gain entry to property on the wider Harvil Road Site, damage by the cutting of a cable to the CCTV tower and Reconeyx cameras thrown to the floor and antennas removed.
 - (iv) At **pp. 160 – 171** of **SRJ1** are photographs of parts of the Land and Additional Land which show parts of the site immediately following the Enforcement Operation on 17 January 2020 and the same areas of the site following the XR Event;
33. Due to the significant volume of protesters who breached the Harvil Road Site during this period, the majority of persons have not been identified. The Claimants were able to identify a Mr Elliott Cuciurean as he was known to the Claimants. He had been removed by the HCEO specialist climbing team from a tree on the Land on 7

January during the Enforcement Operation. Following the Enforcement Operation he was sighted again on the Land having climbed another tree.

‘Protest’ camps recently occupying the Additional Land

34. Following that mass incursion onto the Harvil Road site, most protestors vacated the site at the end of the weekend (i.e. 19 January 2020). A core number of protestors remained, and continued to occupy parts of the site. There was also further trespass on parts of the Additional Land with two additional camps having been formed such that until recently, there were four protest camps on the Additional Land having been established during the period of January 2020 to February 2020 with protester numbers fluctuating and overall increasing in the period leading up to their removal in May 2020. There were two camps on plot C111_165, one camp on C111_164_01 and one camp in the disused garage known as Ryall’s Garage as mentioned above.
35. The effect of these camps was to provide those individuals with a base from which to protest against HS2’s activities and for more temporary incursions on to other parts of the Land and the Additional Land. It also delayed and prevented scheduled vegetation clearance works from taking place.
36. At paragraph 3 of the Judgment of Mr Justice Swift in respect of the Ryall’s Garage trespass at **p. 13**, it was noted that those individuals in the property were there “*with a view to using it as a protest camp, a base from which to express their opposition to the construction of the HS2 Railway project. It appears that those who have been in the property are not necessarily there all the time; people have come and people have gone. Nevertheless, there has, one way or the other, been a constant presence since January this year. As well as occupying the premises other protesters live near the premises, either in tents or in tree houses that they have constructed, again for the purposes of their protest.*”
37. In the end, and as mentioned in Jenkins 1 (at paragraph 29), the Claimants recovered possession of those parts of the Additional Land following a large scale enforcement operation over 12 and 13 May 2020 to remove those protest camps and recover the land under ‘self-help’ relief without the need to seek assistance of the Court. Despite an application for an interim injunction being made by Mr Ackroyd (D17) and Ms Zieniuk (D18 to halt the eviction on the allegation that it was unlawful) that

enforcement operation was successful and has caused the Claimants to recover possession of those portions of the Additional Land.

38. In addition to Mr Ackroyd and Ms Zieniuk having been identified as individuals who were regularly, if not, continuously trespassing on the Additional Land (and alleging using the Ryall's Garage camp as their home), (D8) Mr Mordechaj, Mr Oliver (D9), Mr Cucuirean (D10), and the 19th to 31st Defendants have been identified as occupants (as noted above) and on occasions Mr Keir (D4) has been identified as at the camp and therefore trespassing on the Additional Land.

Incidents of trespass and obstruction on the Land since the 2019 Injunction

39. In addition to the incidents set out above including the trespass and incidents identified in the attached statements of Sean Armstrong, I set out some of the specific incidents of trespass on the Land since the 2019 Injunction as follows (I then deal with incidents on the Additional Land separately in the next section):
40. Overnight on **18 November 2019** on plot S232_064 in the vicinity of Compound C approximately 70 metres of Heras fencing had been pushed down by persons unknown.
41. On **19 November 2019**:
- (i) At 07:05, a "lock on" (a technique used by protesters to make it difficult to remove them from their place of protest) was reported at the bell mouth of West Gate 3 (the entrance to plot S232_064).
 - (ii) Sarah Green (D3) and three other male persons were identified by security officer Mr Hogan. Sarah Green and a young male, later identified as Elliott Cucuirean (D10), were seen to be "guarding" the two locked-on protesters. The two locked-on protestors were later identified by members of the security team viewing the images as Mark Kier (D4) and Scott Breen (D13). Photographs of the incident are at **pp. 17 - 18**.
 - (iii) Mark Kier (D4) and Scott Breen (D13) had secured themselves to a steel pipe filled with concrete and other materials with another pipe inside into which they had inserted their arms and secured themselves to each other.

- (iv) The police (incident reference number 0926912/19) and an ambulance arrived on site at 08:30. A Metropolitan Police specialist public order protest team subsequently also deployed to the site successfully removed the lock on device, which work was completed during the late afternoon.
 - (v) This incident prevented contractors from leaving or entering site at a time when there was a shift changeover resulting in significant disruption to site operations on that day.
42. On the same day at approximately 16:40 Sarah Green approached the compound and verbally abused the security on site at that time. The police were also informed of this incident (incident reference number 4783/19.11.2019).
43. On **24 November 2019**:
- (i) at 18:47, again at West Gate 3, three male protesters approached the gate shouting abuse at the personnel on site. We have not been able to identify the individuals involved. One person was reported to be a white male with dreadlocks and a shaved head under the hair. He was wearing a bandana around his face, a black top and green and brown camouflaged trousers. This individual started to interfere with the gate padlock.
 - (ii) When this male was approached by security officer Wayne Brennan he appeared startled and aggressively started to pull and push the fencing. He then tried to reach in through the gap in the fencing to grab Mr Brennan and then attempted to jump over the top of the fencing to hit Mr Brennan.
 - (iii) He then proceeded to make threats against Mr Brennan stating that he knew who he was and that he should “*watch [his] back*” as he would “*get*” him. He then repeatedly punched the fence which caused his right hand to start bleeding then he started punching himself in the face screaming the words “*you have assaulted me, you have assaulted me*”. He produced his mobile phone and started recording Mr Brennan and then filmed his hand saying that “*this man assaulted me and cut my hand*”.

- (iv) The male then walked away with the other two males and shouted that he would be back.
- (v) At 19:50 the first male in the camouflage trousers returned together with one of the two original males. The first male again verbally abused Mr Brennan and his colleague present on the site, calling them "*racists*" and warning that he would return. He started pulling and pushing the fence again at which point Mr Brennan called the police. Although the police did not attend, on hearing Mr Brennan asking for police assistance, the protesters walked quickly away.

44. On **16 December 2019** on plot C111_002:

- (i) At 21:06 one of the security cameras (camera 42) on site picked up images of a trespasser walking through the site. This alerted the security teams who monitored the incident. Images are appended at **p. 19** which show the back of a person unknown wearing a puffer style coat, jeans, a woolly hat and carrying a large dark rucksack. The Claimants have not been able to identify this individual. The camera shows the trespasser walking towards the fencing at the rear of the site before stepping through it. As the trespasser steps through the fence, the security team noticed that a different security camera (camera 105) appeared to have been removed from its mounting and taken by the individual. Whilst the camera was showing as connected at the time of the incident, images from the camera were consistent with it having been placed in a bag as no detail could be identified from the images.
- (ii) The site security officer (Sam Lubekwa) was contacted to investigate the area. Having attended site Mr Lubekwa reported that fencing at the rear of the site had been cut and that the camera was missing with no sign of the individual believed to have taken it.
- (iii) The theft and property damage was reported to the police (incident reference number 1274 16/12/19). It was reported that theft alarms had also been activated in respect of another camera (camera 29) in the vicinity).

45. On **8 February 2020**:

- (i) Weekend works were planned on plot S232_083 to install fencing to allow for subsequent vegetation clearance. This included a full road closure on Harvil Road spanning approx. 300m near to the 'roadside' protest camp on Harvil Road. Prior to works commencing, a number of protesters established a presence on the planned work area which was easily accessible from the road. This included climbing trees on the Land and erecting tents on other land nearby.
- (ii) Works commenced in the early hours of Saturday morning. Immediately protester numbers swelled, eventually reaching to approx. 60-70 persons. The protesters removed temporary fencing and forced their way through the road closure to bypass the security guards. At the peak of disruption, over 18 hours, some damage to fencing was caused, roads obstructed and some staff on site threatened. Police were called who prevented further breaches of the peace and removed some obstructions. No arrests were made. Due to the level of interference and the numbers of protesters on site, the works were eventually stopped on safety grounds.
- (iii) Sarah Green was amongst those who were identified by the security patrol team members. Also identified were individuals known as Hannah Bennett, Caroline Thomson-Smith and Jess Walker, who have become familiar with the protesters and their actions, as being part of this group.

46. **On 18 February 2020:**

- (i) At 7:26 security officers on shift were called to reports of protest activity in the bell mouth at West Gate 3 on plot S232_064. A number of protesters (between 5-6) were in the bell-mouth with one male and one female protester sat on top of wooden structure which had been placed in front of the gates to obstruct it. By 07:45 the wooden structure had been removed from the gate by the protesters, who retreated back to the 'roadside' camp. Photographs of the incident are at **p. 172** of **SRJ1**. Those involved have not been identified.
- (ii) Moments later on the adjacent plot C111_112, at 07:47, security became aware that protesters had climbed on to machinery in the area where works

were being undertaken by the Second Claimant's contractor, Align JV. Three males had entered the Land by cutting the perimeter fence with bolt croppers.

- (iii) Two of these males are now known to be Mr James Ruggles and Mr James Brown. They climbed onto Align's piling rig with Mr Brown staying there until approximately 14:00 and Mr Ruggles until 17:10 when there were eventually persuaded to come down by HCEOs (who had been deployed to site including specialist trained officers). That involved the HCEOs using fall arrest harness to climb safely to the deck of the piling rig in order to interact with the protesters.
- (iv) The third male who has not been identified exited the site, via the hole in the perimeter fence the group had previously cut, once he had assisted the other two gain access to the piling rig.
- (v) Police officers, who had earlier been called to site and were waiting nearby on the site, arrested both Mr Brown and Mr Ruggles when they descended.
- (vi) Due to the presence of Mr Brown and Mr Ruggles on the roof of the piling rig the works were prevented from commencing for the rest of that day as to do so would have put their safety in jeopardy. Both staff and equipment were unable to work leading to a day's delay in the project programme and the financial loss of having staff and hired equipment idle which is estimated to be in the region of £27,000.
- (vii) Photographs of this incident are at **pp. 173 – 176 of SRJ1**.
- (viii) I am aware (as I have been in contact with the police officers leading the investigation) that these individuals have been charged with Aggravated Trespass and Criminal Damage. I understand the trial for these offences is listed to take place on 15 June 2020 at West London Magistrates Court.
- (ix) Sarah Green (D3) and Iain Oliver (D9) were noted by the site security officers as being active at the site entrance gates (West Gate 3) and behaving in a disruptive manner during this incident, for example by attempting to obstruct

the police vehicles entering and leaving the site when the arrests of Mr Brown and Mr Ruggles were made.

47. On **20 February 2020**:

- (i) Again on plot C111_002 and at 05:55 a female, who was later identified by Jeremy Dawes (Align security manager) and David Asker (the Authorised HCEO) as Jess Walker (D11), was observed by security officers to breach the compound fence and subsequently climb onto the winch platform of the piling rig. Ms Walker was equipped with a climbing fall arrest harness, ropes and associated climbing equipment. She attached a 'Stop HS2' banner and hammock on the piling rig. Police attended on request by the Claimants' security but were unable to persuade Ms Walker to depart.
- (ii) David Asker and CRG Security Supervisor Tony Norton were deployed to site and entered into discussion and negotiation with Ms Walker. Due to repeated attempts by Ms Walker to climb to height, and because of the deterioration in the weather (in terms of rain and temperature), a request was made to police to assist in bringing her down. However, the police failed to respond and subsequently following further lengthy discussions with Ms Walker, the officers persuaded her to descend. Whilst the police had requested that the officers detain Ms Walker until they arrived, due to the lack of police response a decision was taken not to prevent her leaving the site peacefully. Sarah Green and Mark Kier were on the bell-mouth at the compound gates and assisted Ms Walker with her equipment when she left the site at 17:05.
- (iii) Like with the incident which took place on 18 February 2020, referred to at paragraph 46 above, this incident also lead to a day's delay in the project programme. The financial loss of having staff and hired equipment idle on this day is also estimated to be in the region of £27,000.
- (iv) Iain Oliver (D9) and Scott Breen (D13) were encountered on the site boundaries, the former being particularly active from a position atop the boundary fence in relaying communications to Ms. Walker from her associates offsite, and in providing generally insulting and extensive

commentary through the use of a loud-hailer and portable amplified sound system.

- (v) Photographs of this incident are at **pp. 177 – 178** of **SRJ1**.

48. **On 24 February 2020:**

- (i) At 12:02 the security team at the West Gate 3 compound which is on land falling within plots C111_112 and S232_064 reported that three protestors who have not been identified were obstructing the gate preventing vehicles from entering or leaving the Land. The Police were contacted (CAD2936.24.02.2020). At 12:12, the three protestors were joined by three others (being one female and two males, one of whom is known to the Claimants as Iain Oliver (D9)).
- (ii) At c.12:35, protestors tampered with the rear of a cement mixer that was in the gateway attempting to depart the Land. Whilst the vehicle was able to depart by 12:45, damage was seen to the rear of the vehicle.
- (iii) At 12:51 a contractor's vehicle entered the gate area while the protestors were still present. One of the male protestors walked into the side of vehicle and another repeatedly threw himself onto the bonnet. At 13:42 the Police arrived and engaged with the protesters about their conduct.

49. Overnight on **4 March 2020**, superglue was applied by persons unknown to a security lock on plot S232_036, causing permanent damage to the lock.

50. It is reported by Jeremy Dawes, Align JV security manager that the West Gate 3 entrance has been and regularly continues to be blocked by protestors to site traffic with a permanent presence from protestors in a gazebo type structure located on the highway land adjacent to West Gate 3. This disruption occurred from Monday 2 March 2020 to Tuesday 24 March 2020, on which date the site was demobilised due to the disruption caused by the protestors. Despite the demobilisation, a permanent protester presence remained with a gazebo type tent erected at the gate until 27 April 2020. During the first three weeks of March, the protestors prevented any work

vehicle from entering, although they did eventually permit the passage of welfare vehicles.

51. On **23 March 2020** at c.14:40 hrs, one of the security teams reported that protesters had been present throughout the day at the main entrance to the HQ compound in Dews Lane on land falling within plot S232_036, at the junction with Harvil Road. They had been causing a general nuisance for the duration of the day's work including making access and egress difficult without physically obstructing the gateway. At 14:30 Mark Kier (D4) approached contractors along Dews Lane where de-vegetation works were taking place. He then managed to get his arm between two sections of Heras fencing and hold on to a tree that was due to be removed preventing further works being carried out for approximately 30 minutes. The Police were informed but were unable to attend the site due to resources (CAD number 3441/23/03/2020).
52. On **26 March 2020**:
- (i) At 08:46, Mark Kier (D4) accessed Dews Farm on land falling within plot S232_036, by scrambling underneath the Heras fencing. This was witnessed by one of the security team. The security officer sought to prevent Mr Kier from getting into the works area by moving towards him asking him to leave the works' area. Another security officer joined and Mark Keir sought to complain that the officers were in his personal space. When the officers took two steps back, Mr Keir advanced and took two steps towards them.
 - (ii) The security team then placed five barriers around Mr Kier for his own safety, but Mr Kier started to push up against the barriers and forcefully pushed the security manager on site. The security team then maintained their two metre social distancing gap.
 - (iii) At 09:16 Mr Kier left the site in the direction of the protester camp. The Police were contacted during the incident (CAD 077826032020).

53. On **1 April 2020**:

- (i) At 22:34 a member of the security team reported that protestors were pushing over the fence panels on land falling within plot S232_036. The Police were notified (CAD 6931/01/04).
- (ii) One of the protestors was known to the security team as Elliott Cucuirean (D10), despite having a covered face. Mr Cucuirean walked deliberately in front of the security vehicle to slow it down. The Police were again called and issued CAD 86/02/04.
- (iii) At 00:15hrs, another protester known to the security team as Nick Grant aka “Potts” (D16) came up to the vehicle and started fencing the vehicle in with the Heras fencing, such that by 00:19 the vehicle was fully surrounded by Heras fencing. The protestors then started to put cones in front of the vehicle and place fencing support blocks around front and back wheels so that it was prevented from moving.
- (iv) At 00:43hrs Mr Cucuirean (D10) was reported to have spat on a sponge and smeared the vehicle with it (which is particularly concerning given this incident occurred during the ongoing pandemic and the lock-down period).
- (v) At 01:13 a protester whose identity was not reported (a male in his 20s) started taking photos of vehicle and the security staff. At 01:30 all protestors left the site and the security team were able to safely remove all the obstacles around the vehicle.
- (vi) It was reported that twenty-seven Heras fencing panels had been removed, of which nine were damaged.

54. On **8 April 2020** it was reported by one of the security patrols at 09:16 that on land falling within plots C111_112 and S232_036, eighty percent of the fencing had been knocked down. While the security team were inspecting the damaged fencing protester known to the team as Iain Oliver (D9) started to chase after the security vehicle, whilst swearing at the camera, before falling over. The damaged fencing and trespass was reported to the Police (CAD- 0907895/20).

55. On **11 April 2020** at 08:40 one of the security teams reported that approximately seventy five newly planted trees had been pulled and thrown onto the ground along the track adjacent to Dews Farm on land falling within plot S232_036. The Police were informed (CAD number 27059 11/04/2020).
56. Also on **11 April 2020** at 18:51, it was reported by one of the security teams that Thorn Ramsey (D7) pulled down the gate to the HQ compound at the junction of Dews Lane and Harvil Road on land falling within plot S232_036. Having gained entry to the site, he was escorted off at 18:53. Whilst under escort he snatched a body worn video camera from a guard and ran away from the site carrying it. This was reported to the Police (URN NUMBER 8141).
57. On **12 April 2020** at 22:30 hrs, Cadent Gas security staff reported that a male protester wearing orange coloured PPE attempted to break into Gate 2 at Harvil Road. He was carrying a large bolt cutter and a large speaker playing loud music right in front of the gate. He was behaving aggressively and appeared to be under the influence of alcohol. At approximately 22:52hrs the male started to cut the bottom spikes of the front gate on the right-hand side and attempted to gain access. Security officers blocked his access to the inner gated “airlock” area of the gateway. At approximately 22:57hrs, the Site Security Supervisor called the Police and reported criminal damage and requested assistance (CAD Number 10553). At approximately 23:30hrs the protester left the Compound and made his way towards West Gate 3 on land falling within plot S232_064. The Police arrived at 23:39hrs and arrested the protester. The reports do not identify him.
58. On **16 April 2020**:
- (i) At c.10:15 Iain Oliver (D9) walked over from the roadside protest camp and stood in front of the access gates at Gate 2 and stopped a vehicle trying to enter site resulting in the vehicle driving away from site. The Security Officers present there warned him he was in breach of the 2019 Injunction and recorded this on body worn cameras. The Police were notified of the obstruction to the highway.
 - (ii) At c.10.15 hrs, Mr Oliver again prevented a vehicle from entering the site and a further injunction breach warning was given and recorded on body worn

cameras, with a further warning given at 10.34. At approximately 10.41 hours, Mr Oliver returned to the roadside camp. The Police arrived at 10.50 hours leaving at 11.05 hours after speaking to Mr Oliver.

59. On **29 April 2020**:

- (i) At 08:34 Vajda Robert Mordechaj (D8) was reported by Fusion security personnel to be sitting outside Gate 3 in a green tent partly obstructing the entrance to gate 3. At 11:18hrs Mr Mordecai was reported outside Gate 3 talking to a Police Officer.
- (ii) at c.13.30 hours, Iain Oliver (D9) crossed the road from the roadside protestor camp, climbed the fence panel on the right hand side of the gates at Gate 2 and sat astride the fence shouting abuse at the staff carrying out earthmoving work.
- (iii) Two security officers therefore positioned themselves within four metres of Mr Oliver and requested him to get down and step away from the fence. The incident required the contractors to pause works because of the proximity of Mr Oliver. A security officer informed Mr Oliver he was in breach of a High Court Injunction. At c.14.16 hours Mr Oliver climbed down from the fence.
- (iv) At c.14.17 hours the Police arrived CAD no. 28925 29042020) and spoke with Mr Oliver and at c.14.30 hours he and the Police Officers walked back across the road to the camp. The contractors were able to recommence work at c.14.30 hours.

60. On **9 May 2020**:

- (i) At 20:30 one of the CCTV security teams reported activity around the fence line between the Align compound and the field behind the protestor camp in Harvil Road on land falling within plots S232_064 and C111_112. Security Guards within the compound also noticed the activity, and an additional two guards were deployed to join the two on station at West Gate 3. Three persons, one of whom is known to the team as “Larch” Maxey (D22), were observed walking past carrying timber across their shoulders followed by a fourth

pulling a handcart in the direction of the HQ compound in Dews Lane at the junction of Harvil Road, which site was warned and the CCTV camera tower activated at the HQ compound.

- (ii) At 20:42 it was noticed by the team that the protestors had not reached the HQ compound on land falling within plot S232_036, so the CCTV camera was turned to follow the hedge line back to West Gate 3. The three protestors carrying timber were seen to cross the tree plantation towards the former West London Rangers Air Rifle Club land, on land falling within plot S232_036. They were seen to skirt this area of woodland and to climb over the fencing at the junction of the woodland and the Heras fencing line along Dews Lane, again on land falling within plot S232_036, throwing the timber over the fence onto the road. Two of the protestors were barefoot and were carried one by one by the third to the Heras fence which all three scaled, dropping onto the road. They collected the timber and were seen to proceed down Dews lane towards the former Ryalls' garage (which is one of the sites which was evicted on 12 and 13 May 2020). The fourth protestor passed the HQ compound on land falling within plot S232_036 around 1 minute later, pulling the cart.

61. On 20 May 2020

- (i) At 10:30 HCEOs reported that one male and one female mounted a HGV entering the compound on the junction of Dews Lane and Harvil Road (West Gate 3) at plot S232_036. Police were called due to the highway being blocked but both were persuaded to remove themselves from the vehicle.
- (ii) At 10.48, a protester identified by the HCEO's as Pam Grogging and an unknown female protester climbed onto an HGV entering the Dews Lane compound. However, they removed themselves when it was explained to them by the HCEO that the vehicle was carrying hazardous materials.
- (iii) At 19.46 the HCEO team reported that three male protesters breached the fence adjacent to the HOAC lakeside area at plot number S232_051. When spoken to by the HCEO, two walked off the land and the third had to be escorted off by HCEOs.

62. On **21 May 2020**

- (i) At 19.46 the HCEO team reported that three male protesters ran at the entrance to the HOAC lakeside area, adjacent to the HOAC gates on the western end of Dews Lane, at plot number S232_051: when challenged by the HCEO they stopped and sat on the concrete blocks verbally abusing the HCEO team for approximately 45 minutes. All three males were reportedly drunk and thought to be under the influence of drugs, singing and shouting. The HCEO persuaded them to return to their nearby camp, from which very loud music was heard until about 04.00.

Incidents of trespass and obstruction on the Additional Land

63. For the avoidance of doubt, I confirm that the Claimants were either entitled to possession of each of the portions of the Additional Land as at the dates of the incidents described in this section or, where work was being interfered with, the Claimants were on the land under their powers under Schedule 2 of the Act prior to taking possession of the portion of land. As Mr Perin explains, the Claimants are now entitled to possession of the whole of the Additional Land.

64. On **5 November 2019** several incidents occurred on land falling within plot 111_177 C111_177 and C111_165:

- (i) At circa 09:30 a male attempted to jump the temporary Heras fence that was securing the tree felling being carried out in advance of a permanent security fence being installed. The Heras fence was damaged. He has not been identified.
- (ii) At 15:21 a group of seven persons arrived at the rear gate of the bell mouth from the direction of the bridleway on plot C111_177, attacking the temporary fencing and behaving in an aggressive manner. Some of whom were subsequently identified by the security officers from previous reports and materials as Iain Oliver (D9), Matt Atkinson (D12), Elliott Cucuirean (D10), Thorn Ramsey (D7) and a Freeman Lloyd aka “Atrue Freeman”. They managed to enter the works site and one male (subsequently identified as Freeman Lloyd) grabbed a body worn camera from one of the security officers

before attempting to grab a body worn camera from the security supervisor. The police were notified (CAD No. 4647 051119) and the security officers followed Mr Lloyd, asking him to return the body worn camera. High Court Enforcement Officers were called to assist the security officers in him until the police arrived. However, it is reported by Carl Turley, the security manager that the camera was not found.

- (iii) At 16:48 the police arrived to question Mr Lloyd on suspicion of theft however, he laid on the ground and refused to move whilst five of the other protestors, accompanied by three dogs, watched.
- (iv) At circa 17:15 further police officers arrived to assist, and Mr Lloyd was arrested and detained in the police van. The police searched him and found that he was carrying a blade and a sharp rusty nail.

65. On **12 November 2019** an incident occurred on land falling within plot C111_177 and C111_165:

- (i) At circa 12:15 two protestors (later identified by the HCEOs as Matt Atkinson (D12) and Elliott Cuciurean (D10)) arrived at Gate 4 and attempted to prevent two project vehicles from entering the works site. Two HCEOs (Adrian Long and Lawrence White) asked these individuals to move on. While Mr Cuciurean complied, Mr Atkinson refused to move so the officers exercised 'self-help' and physically removed him from the site entrance at Gate 4, allowing both vehicles to enter the works site.
- (ii) Threats were made by Mr Atkinson and Mr Cuciurean that they would return later that night and they also made direct threats to the security officer Thomasz Baczek regarding his involvement with the previous arrest of Freeman Lloyd on 5 November 2019, referred to above. This incident and the threats were reported to the police (CAD No: 3239 121119) who attended Gate 4 during the incident. A photograph of the trespass is at **p. 20**.

66. On **13 November 2019** further incidents occurred on land falling within plots C111_177 and C111_165:

- (i) At 15:22 three male, subsequently identified as Matthew Atkinson (D12), Iain Oliver (D9), and Thorn Ramsey (D7), arrived at Gate 4, blocking access to the works site by standing in the bell-mouth area in an attempt to stop the vegetation clearance for the bell mouth construction.
- (ii) At circa 15:30 one of the protestors, tried to enter the vegetation clearance work area and was detained by two High Court Enforcement Officers.
- (iii) Thorn Ramsey then attempted to gain access into the works site by pulling back the Heras fencing. One of the High Court Enforcement Officers, Mark Winkler, approached the fence, at which point Thorn Ramsey on the other side released the fence causing a spring like action. At the same time he lunged at the fence, pushing it into Mr Winkler's face. Ramsey shouted *"I told you I would ***** get you"*. Mr Winkler received a fairly deep laceration to the bridge of his nose which required treatment with glue and plaster strips in the Accident and Emergency Department at Hillingdon Hospital.
- (iv) The police were called (CAD No: 5244 131119) and Ramsey ran off, leaving the other two protestors at the scene of the incident. These two individuals remained in situ for another 15 minutes or so before returning to the Encampment. The police arranged to take a statement from Mr Winkler the following day, prior to visiting the Encampment to look for the suspect.

67. On 22 November 2019:

- (i) At 08:54 one male who remains unidentified, who was accompanied by a large white dog, and another male identified as Elliott Cucuirean (D10) were sighted filming the project contractors and the security officers as they arrived to undertake works on plot C111_108 and adjacent land which will form part of the Harvil Road Site in due course and on which the Second Claimant entered under their powers under Schedule 2 of the Act.
- (ii) At circa 09:10 both individuals entered the area by climbing over the wooden gate. An oral trespass warning was issued by Tomasz Baczek, a security officer. However, the project team had to cease work due to the proximity of the two trespassers to the plant and other machinery/equipment on the works

site. The police were called at circa 09:15 to provide assistance (CAD No: 249 221119).

- (iii) At 09:21 another unknown male joined the protest and at 09:51 Mark Kier (D4) also joined. At circa 10:00 a further four persons unknown arrived via the access road from Denham Golf Club and appeared to record the incident with handheld devices.
 - (iv) At 10:28 Mark Kier left the area. The police arrived at 10:36 and issued an aggravated trespass warning to all the remaining protestors. Babcock International, HS2's contractor recalled all their contractors from the area at 10:37 due to the actions of the protestors and their proximity to working plant and machinery.
 - (v) At 11:21 Mark Kier returned and at the same time three additional police units arrived. At 11:29 the police arrested two unknown male protestors and Elliott Cucuirean and Matt Atkinson, removing them from the area.
68. On **26 November 2019**, vegetation strimming works, on plot C111_108 and the adjacent land mentioned at paragraph 67 above), were disrupted on three occasions as multiple groups of unknown protestors and Sarah Green (D3), who is known to the security officers, approached contractors. Works had to be abandoned at 15:55hrs
69. On **27 November 2019**, vegetation removal and site marking out works were regularly disrupted throughout the day on plot C111_008 by contractors being approached and obstructed by protestors on the site. These individuals have not been identified.
70. On **29 November 2019** at 09:54 Sarah Green (D3) arrived on land on which works were being undertaken under Schedule 2 of the Act (and which land is adjacent to and will in due course form part of the Harvil Road Site):
- (i) At circa 10:15 she entered the area which had been marked out by the survey team for vegetation clearance, running around so that work had to be stopped.

- (ii) At 10:17 a male person unknown joined Ms Green in the marked out area. Ms Green was removed from the marked out area by the Met. Police at 10:27 and work resumed, the unknown male having departed the site.
 - (iii) By 10:42 there were a total of four protestors on site, a female person unknown and three male persons unknown, so work was stopped again. The Metropolitan Police were called at 11:23 by the security site supervisor.
 - (iv) By circa 12:00 the police had not yet attended and the number of protestors had grown to seven, consisting of two female persons unknown and five male persons unknown, so the project team abandoned work in the area for the day.
71. On **2 December 2019** another incident occurred on land falling within plot C111_108 & the adjacent land:
- (i) At circa 08:30 the security team arrived on the site however they were unable to access it because the padlock had been damaged. Mark Keir (D4) and two persons unknown were at the location filming.
 - (ii) The security shift manager removed the padlock with bolt cutters. Mark Keir and the two male persons unknown thereafter blocked a welfare van seeking to access the site from moving and refused to move when requested.
 - (iii) At circa 10:00 the police attended. Following discussions, including regarding the fact that Mark Keir may be in breach of certain bail conditions to which he was subject by his attendance, the protestors left by approximately 11.30 allowing access.
 - (iv) At c.12:00 a male person unknown entered the demarcation area and refused to leave, demanding that the police provide him with paperwork permitting the project team to work within the demarcated area.
 - (v) Shortly thereafter the police arrested Mark Keir for breaching bail conditions (imposed as part of an arrest) which prevented him from coming within 10 metres of an HS2 site. The police enabled the works to continue by forming a human wall in order to keep the remaining protestors away from the works.

72. On 3 **December 2019** works were due to take place on land falling within plot number C111_008:
- (i) At c.13.30 the project team arrived at the works area and Sarah Green (D3) and Hannah Bennett (D14) were present in the vicinity. Sarah Green used her mobile phone to call for more people to attend on site. Hannah Bennett entered the works area and sat on petrol/diesel powered machinery, tampering with the fuel tank filler cap. The police were called at c.13:40 (CAD No: 3727 031219) and works were stopped pending their arrival. In the meantime, security officers chaperoned Hannah Bennett from the machinery because they were concerned for her safety.
 - (ii) At 14:27 Mark Keir arrived, accompanied by Elliott Cuciurean (D10) and at 14:43 Freeman Lloyd, who had been arrested by the police who attended on 2 December 2019 (see above) arrived.
 - (iii) The presence of those protestors prevented work from going ahead, and works for the day were abandoned.
73. On 4 **December 2019** at c.14:00 Elliott Cuciurean (D10) and Matt Atkinson (D12) entered the Additional Land within plot number C111_008.
- (i) At c. 14:05 they entered the marked out works area so trespass warnings were issued by the security site supervisor, Terry Blackham. At c.14:10, Mr Blackham called the police to report this incident (CAD Number 3727).
 - (ii) By 14:38 the police had not arrived and work on site was stopped. The onsite security team therefore chaperoned Mr Cuciurean and Mr Atkinson, who were making threats and behaving in an intimidating way, from the site in order that works could recommence.
74. A number of further incidents of trespass on the Additional Land by persons unknown were reported by the security team as taking place in December 2019 including three incidents at Gate 4 on 6, 17 and 18 December 2019.
75. On 5 **February 2020** at c.16:45 two persons unknown were blocking the access gate (known as Fisherman's Gate) on plot C111_008 preventing the project team from

leaving the site. Security Officer Sanihang Rai issued a trespass warning to the protesters and security officers had to intervene in order to escort the vehicles from the site. A delay to the work of 1 hour 44 minutes was caused as a result.

76. Thereafter, and in connection with this protest, at c.17:35 protesters quickly entered the works' area marked out with demarcation tape, pulling down the marker posts and demarcation tape and then dispersing.
77. On **6 February 2020** on 09:37 a delivery lorry was held up on Denham Court Drive running through plot number C111_008, as it was heading to Fisherman's Gate to make a delivery, by protestors standing in front of the lorry.
 - (i) The shift manager who responded to the report of this incident reports that the protestors initially involved were Hannah Bennett (D14), together with a male person unknown and a female person unknown. Security officers in a vehicle attempted to escort the lorry, but the security vehicle was also obstructed.
 - (ii) At c.10:00 two additional unknown females joined in, walking slowly in front of the vehicles - permitting them to move for a short time - then stopping, bringing both vehicles to a halt again. Shortly thereafter Mark Keir (D4) and a male person unknown with a press pass appeared from the Denham Country park adjacent to the working area in the Park. The unknown male with the press pass started taking pictures.
 - (iii) At c.10:45 two police officers arrived at the scene and confirmed that they would need to call additional units to enable the delivery to be made. At 10:47 Sarah Green (D3) appeared and joined the group of protestors standing in front of the vehicles, which brought the total number of protestors surrounding the vehicles to twelve. At c.12:45 another police unit arrived to try and move the protestors on but without success.
 - (iv) At 13:33 around 20 police officers arrived on foot from the direction of the A40, at which point some of the protesters left. The police had to stand on both sides of the road so as to create a path for the security vehicle and lorry to drive through. The police, who were on foot, escorted both vehicles to Fisherman's Gate to avoid anyone jumping onto the vehicles.

- (v) At c.14:00 both vehicles arrived at the works area which lies off Denham Court Drive. The total delay was therefore about four hours.
78. On **11 February 2020** at circa 06.15 a person unknown was sighted in the early morning darkness running towards Fishermen's Gate along Denham Haul Road, which is on land falling within plot number C111_008, and pouring an unknown substance onto the padlock on the gate, before departing at a similar speed. This incident was reported to Thames Valley Police (URN 81028012).
79. Later that same morning, at circa 09:03, a lorry being escorted by site security from the A40 along Denham Haul Road to the works site (on land falling within plot number C111_008) was obstructed by two male persons unknown.
- (i) These individuals walked in front of the security 4x4 and refused to move. This took place on Denham Court Drive, approximately 150m from the Junction with the A40. The Security Vehicles were driving in the direction of the Golf club towards the site entrance. The security duty manager promptly called the police for assistance, while both males continued to dance and stand in front of the vehicles, shouting about the destruction caused by HS2.
- (ii) At circa 09:27 Sarah Green (D3), Hannah Bennett (D14) and Iain Oliver (D9), who were accompanied by a media crew, arrived and joined in the protest whilst being filmed and having pictures taken.
- (iii) At circa 09:40 Mark Kier (D4) and a female person unknown arrived to join the protest and Mark Kier started filming the incident on his mobile phone.
- (iv) At circa 10:12 two police officers carrying out a routine patrol of the park arrived. They attempted to move the group of protestors on. The protestors eventually agreed to walk slowly in front of the vehicles, allowing them to keep moving.
- (v) The convoy arrived at the works site at approximately 12:40, meaning that the incident had caused a delay of 3hrs 35 minutes.

80. On **14 February 2020** at circa 17.00 the security supervisor on site, Amos Eloi, and his team found three protestors on the Additional Land on plot C111_008, being Hannah Bennett (D15), one male person unknown and one female person unknown.
- (i) This group was told they were trespassing and was asked to leave.
 - (ii) Later, at circa 19.17 a further warning was given to the group of protestors on Area 3 in relation to the dangers of camping in a wooded area during high winds. Security patrols had also seen makeshift rafts on the river running through the HS2 Site in the previous days, and so the group was also warned about the dangers of this – especially in the severe weather which was forecast that week.
81. On **15 February 2020** at circa 06:45 it was discovered by Adrian Long, an HCEO deployed to the site, that the Heras fencing around the welfare unit at Dews Lane, which is on land falling within plot number C111_164_04 had been destroyed and all locks to the welfare unit had been superglued. Photographs were taken (exhibited at **p. 21**) and the damage was reported to the police.
82. On **18 February 2020** at 13.51 four male persons unknown, all dressed in black with their faces covered, approached block and mesh fence to a compound on land falling within plot numbers C111_177 & C111_165 and started to shake the fence, attempting also to climb it. The security officers approached the fence line and started to record the incident on body worn camera, at which point the protestors ran back to the tree line.
83. On **23 February 2020** at circa 01.10 security officer, Sukra Tamang, discovered that part of the demarcation fencing falling within plot number C111_177, had been damaged, with a number of fence panels having been pushed over. This incident was reported to the police: CAD No: 27130/260220 and further patrols were conducted by security officers throughout the early hours.
84. On **24 February 2020**, during a routine perimeter patrol, security site supervisor, Sanihang Rai, and security officer, Samuel Ale, identified that two of the block and mesh fence panels at the rear end of the field by the riverbank, which falls within plot number C111_008, had been cut like cat flaps. This prompted a perimeter patrol

and calling contractors to repair the damage, during which time an additional five damaged panels were identified – taking the total to seven.

85. The security site supervisor Sanihang Rai also identified that a climbing rope had been attached to a large tree, which has large branches overhanging into the compound, just outside the left-hand side of the rear end of the compound.
86. On **15 March 2020** at 07:30hrs, the Fusion JV security team reported that during the first morning patrol and fence line check of the Dews Farm Compound on land falling within plot C111_164 they discovered a Heras fence panel adjacent to compound C had been cut along the left hand side and peeled back to allow access. In the same Compound it was discovered that two support clips had been loosened on another Heras panel to allow access also. In the paddock opposite Dews Farm it was further discovered that where a lock and chain had been used to form an emergency gate attached to two Heras panels, the lock was cut and the chain taken away. The Met Police were informed and issued URN 0906296/20.
87. On **21 March 2020** at 11:50, the Fusion JV security team reported that shortly after 11:50 protestor activity started with Thorn Ramsey (D7) sitting inside the fence line near to the former Ryall's Garage on Dews Lane, opposite Dews cottages on land falling within plot C111_164_03, facilitated by the fencing which had been torn down the previous night, accompanied by a female known as Hayley Marie. Mr Ramsey removed his shirt and began to hit himself in the face before approaching the officers in an aggressive manor and was heard directing racial abuse towards one of the officers. The Met. Police were initially called to report the racial abuse, logged at 12:20 and given CAD 2575/20.03.2020.
88. Nick Grant aka Potts (D16) then joined Mr Ramsey and Hayley Marie and threatened to vandalise the plant equipment situated on the opposite side of the site. Mr Grant started to make his way across the site in the direction of the plant equipment, while pushing over further fencing, throwing cones and threatening on-site officers. Mr Grant was informed by officers that he was trespassing and needed to remove himself from the land, but he refused and positioned himself on top of one the large piles of mud on the construction site.

89. A security vehicle (MVP02) then attempted to deploy to the location along Dews Lane which proved unsuccessful due to Mr Grant threatening them and punching the MVP vehicle. The security officers were able to calm the situation such that the vehicle was able gain access to the site via an alternative route and took up a position at the rear of the site closest to plant equipment at approximately 12:50.
90. At 13:17 Met police officers arrived on site and at 13:30 police officers arrested Mr Grant and instructed Mr Ramsey to leave the area immediately. There was subsequently a Met Police follow up call to the security team at 14:45 by which it was confirmed that one male person was in custody for assaulting a police officer, failing to provide personal details and for anti-social behaviour.
91. **On 6 May 2020:**
- (i) At approximately 07:00 one of the security teams reported that on Dews Lane close to the compound at the junction with Harvil Road, Libby Farbrother (D31) in her vehicle (vehicle registration number YY14LZX) and accompanied by Iain Oliver (D9) were blocking the lane approximately 100 feet from the Fusion compound at the junction of Dews Lane and Harvil Road, towards the HOAC site and that a cargo net had been put across the road with an unknown protester occupying it.
 - (ii) The security team were concerned that no emergency vehicles would be able to travel down Dews Lane. They therefore contacted the police and raised these concerns, although the Police had previously attended and had left with no further action taken.
 - (iii) The netting and protester remained although the lane was no longer blocked with a vehicle; it was later that day reported that the protesters had placed other cargo netting across the lane approximately 300 feet from the former Ryalls garage towards the HOAC gates. The upper netting was filled with building rubble and the lower netting contained clothing.

92. On **10 May 2020**:

- (i) At 22:43 it was reported by the Fusion Security team that protesters were building a tree platform on wooded land forming part of the West London Rangers Air Rifle Club range on the south side of Dews Lane, falling within plot C111_164_03. They reported at least one person high in the trees and three on the ground. At 23:18 the team reported the protester continuing to saw and hammer the platform into the tree. Ropes were also be seen hanging to the ground.
- (ii) At 23:36 the protestor in the tree returned to the ground, presumably having completed his work. It was not possible to clearly identify the protesters engaged upon these works.

93. On **13 May 2020**:

- (i) At 22:11, the HCEO Team Leader received an urgent call from an HCEO in the vicinity of the lakeside camp but on the Additional Land, advising that there were two males and one female trespasser on the Additional Land (on plot number C111_177) who became aggressive when challenged and started shouting at him. The female was later identified as Hayley Pitwell (D28).
- (ii) At 22:13 the HCEO team leader, who was en route to attend to the incident, accompanied by another HCEO, received a further radio call advising that the female (i.e. Ms Pitwell (D28)) had laid down on the ground and was refusing to leave the site. The HCEO team leader directed the HCEO team at the incident site to hold their positions and take no further action.
- (iii) Upon arriving at the incident site, the HCEO team leader reported that the female was now standing up, shouting and swearing. Before the HCEO team leader could get across the wooded area to reach her, she slapped the HCEO (being the officer who initially reported the incident) in the face. The HCEO team leader took over the conversation with her and asked the HCEO team to take two steps back.

- (iv) At this point, the female turned and tried to walk further into the woodland adjacent to the HOAC lake on the Additional Land (plot number C111_177), at which point she was stopped by the HCEO team leader who asked her many times to leave the site peacefully. Ms Pitwell however refused and again became aggressive.
- (v) The female then tried to walk back into the area of the Additional Land adjacent to the lake and was told by the HCEO team leader to step back. However she kept pushing and on her third attempt to enter the area the HCEO team leader put his arm out to the side so that he could stop her moving forward. At this point she punched him in the shoulder then stepped back and spat in his face.
- (vi) The HCEO team leader then detained her, at which point she fell to the floor and refused to move, and so was carried to Dews Lane to meet the police who had been called to the scene of the assault.
- (vii) Police Officers attended at 22:53 and arrested the female, who was named as Hayley Pitwell, for two incidences of assault on the HCEOs.

94. **On 19 May 2020**

- (i) At 07:25 HCEO's report that Elliot Cucuirean (D10) attempted to mount heavy machinery arriving at the secure compound at the junction of Dews Lane and Harvil Road, and to attempt to lock-on to these vehicles. This attempt was prevented by two members of the HCEO team who removed him from the vehicle. Police were called to the site in order to prevent further obstructions. PC 2293 subsequently attended the site and advised that the incident had been logged by the Metropolitan Police and that officers would warn protesters that they will be arrested if they attach themselves or hinder the vehicles entering site.
- (ii) At 13:10hrs, members of the HCEO team again restrained Elliot Cucuirean from attempted to access the site of the former Ryall Garage on Dews Lane at plot C111_164_03, which was undergoing demolition after having recently

been recovered by the Claimants by the enforcement operation which took place on 12 and 13 May 2020.

- (iii) At 14.30 protestors gathered on Dews Lane opposite the garage who were trying to disrupt work being carried out by contractors. Elliott Cucuriean was again prevented from breaching the site fencing being restrained and removed by two HCEOs.

95. **On 21 May 2020:**

- (i) At 09:35 Security reported that protesters had entered the site at the western end of the Gate 4 compound, at plot number C111_165. A team of HCEO's were deployed to ask six protesters to leave HS2 land, which they refused to do.
- (ii) At 09:50 The HCEO team reported that there were nineteen protesters refusing to move. The Police were called and the HCEO team held their position awaiting the arrival of the police.
- (iii) At 10:15 24 protesters were reported to be conducting a sit down protest on the HS2 fence line, preventing work from continuing on the site. The HCEO operation manager was appraised by the contractors on the site that they had recorded protesters destroying the fencing. An attempt was made to contain the protesters in one location in order to allow works to continue at the south side of the site.
- (iv) At 10:27 HCEO Brett Easter was assaulted by a protester, who was detained. The HCEO Team Leader called police to report the assault and again to ask for assistance.
- (v) 10:33 HCEO Phil John reported that he had been spat upon by the violent detained protestor who has been identified (by the Police) as Jack Charles Oliver. A further team of HCEOs were detailed to attend the site in order to render assistance with the increasingly resistive crowd.

- (vi) At 11:00 additional security fencing was erected in order to protect the site boundary which had been breached. At 11:35 the HCEO Team were able to retreat within this boundary, with the detained violent protestor.
 - (vii) At 11:40 the police attended on site: PC 2636 recorded the details of the assault. At 11:50 the HCEO team were able to withdraw from the Gate 4 site to their original positions. Brett Easter was medically examined and Phil John attended the paramedical facility on site to undergo a precautionary COVID-19 decontamination in accordance with the operational safety protocol.
96. On **22 May 2020**, , the Second Claimants took possession of and closed Dews Lane. Whilst this went without incident due to the timing of the closure (early morning), there were a number of confrontations (including physical confrontations) between the protesters and HCEOs / the Second Claimants' contractors with a number of protesters regularly and throughout the day attempting to push past officers and contractors on the ground in an effort to breach the Heras security fencing in order to access Dews Lane. Dr 'Larch' Maxey (D22) was identified as one of the protesters who physically sought to breach the security fencing.
- (i) At 10:00 a team of HCEOs with the HCEO Team Leader Adrian Long attended at the west end of Dews Lane due to an attempted breach of the fencing. The HCEOs had to use reasonable force to stop protesters from entering Dews Lane including Dr. Larch Maxey who was seen and identified by Adrian Long to pull the fencing, together with many other protesters whose names were not known to the HCEO.
 - (ii) At approximately 10:10 the protestors tried to remove the fencing and gates and pulled two HCEOs outside the fence line. More protestors, then tried to pull the fencing away physically interfering with the HCEOs.
 - (iii) It is reported in particular that Dr Maxey, stood in front of the line of HCEOs putting himself extremely close to officers in order to prevent their movement. The HCEO team leader Robert Foster reports that he gave four or five loud clear warnings that Dr Maxey was to move back two metres. Dr Maxey failed to maintain a safe distance and continued to move forward. In order to prevent breach of the security fencing, further damage and to avoid risk to the

enforcement team given the breach of the two metre distance, Dr Maxey had to be physically stopped by the enforcement whereupon he moved backwards and tripped over another protesters' foot resulting in a minor stumbling fall. One of the protesters then called an ambulance which resulted in an emergency ambulance arriving at the junction of Dews Lane and Harvil Road at 11:15. The ambulance was immediately given access to travel to the west end of Dews Lane. The paramedic crew undertook a thorough examination of Dr. Larch Maxey in the ambulance, who subsequently left the ambulance a few minutes later showing no sign of any injuries.

- (iv) At 10:20 HCEOs reported attempted breaches of the east end of Dews Lane. Twelve protesters were reported trying to breach the barrier.
- (v) At 10:34 the HCEO Operations Manager called the police as the incident was affecting the safety of traffic on Harvil Road, which was now being blocked by protesters (incident number 28049).
- (vi) At 10:45 a police officer attended at Harvil Road on the junction with Dews Lane, however due to the aggressive nature of the protesters (which aggression was also directed towards the police officer), he left the site as he was unable to control the escalating situation for his and others' safety. At this time, a number of protesters were having to be restrained by HCEOs.
- (vii) At 10:59 the HCEO Operations Manager called the Police using the 999 service because protesters were continuing to physically push past agents and had to be restrained. The protesters prevented contractors vehicles from exiting and entering site, climbing onto vehicles in order to prevent their subsequent movement. The roof panels of a contractors' vehicle were damaged in this way (incident number 2882). As a result, for health and safety reasons, a decision was made to temporarily stop contractors' vehicles further attempting to enter or leave the site. The police subsequently confirmed they did not have the resources to assist (albeit they subsequently attended and took witness statements relating to the incidents).
- (viii) Between 11:17 and 12:20, it was necessary for HCEOs to physically intervene to prevent multiple attempts by protesters to breach Dews Lane.

HCEOs had to physically remove some of the protesters from the boundary fence.

- (ix) At 15:00 the HCEO Operations Manager was requested by Tony Norton of HS2 security contractors Control Risk Group to attend at Gate 2 in order to persuade a protester to leave the gate, to which he was attached. This was not successful. The HCEO Operations Manager explained to Mr Norton that they could not subsequently remove the protester safely without the closure of Harvil Road to traffic, because the protester was much less than a metre from the road, with other protesters in close proximity outside the boundary fence.
- (x) At 19:23 the HCEO Night Team Leader Stephen Fitzgerald reported a large group of protesters at the west end of Dews Lane pushing and pulling at the fence and verbally abusing the HCEOs. Mr Fitzgerald attended the site of the incident and spoke to the group for about 15 minutes in order to calm the situation. The protesters were reported as drinking alcohol and showing signs of intoxication. At 19:56 a HCEO reported that a smaller group of protesters returned to the same site and continued to behave in the same manner as before.
- (xi) At 20:23 it was reported that a group of protesters started building what looked like platforms in the trees at the west end of Dews Lane, outside the site boundary adjacent to the lake. Whilst this is not on the Harvil Road Site, the near proximity of the protesters presents a risk.
- (xii) Between 21:50 and 04:35 the HCEO team leader reported that the behaviour and actions of the protesters was as experienced earlier in the evening, with small groups approaching the fence line and abusing staff and making threats. All such persons were reported to be quite drunk, wearing sunglasses and robes. It was reported that on more than one occasion several were wielding large wooden sticks (these were not tree branches, but appeared as weapons).

97. On **26 May 2020**:

- (i) At 14:00 the security team reported that three protestors had climbed onto heavy machinery at the Gate 4 compound entrance at plot number C111_165,

and were equipped with lock-on resistive devices. A HCEO team was deployed to the site to make an assessment, and the decision was made to erect a temporary fence around the vehicle. Two HCEO's remained on site to monitor the protesters so work on site could continue.

- (ii) At 17:00 it was reported that protestors on the HGV wanted to come down and leave. Two additional HCEO's were sent to safely escort the protestors off site.
- (iii) At 17:30 protestors were found in the heavily wooded area behind the compound at the north side of Dews Lane, at the junction with Harvil Road, on plot number C111_165. Upon the intervention of the HCEO team, the protestors departed the site.

98. On 27 May 2020:

- (i) At 12:10 the HCEO team reported that protestors had scaled the fence at the Gate 4 compound in Harvil Road, at plot number C111_165. A protester was reported to be sitting atop an excavator machine. At 12:45 the Police were called (incident reference CAD3658/27MAY).
- (ii) At 13:00 the HCEO team reported that twelve to fifteen protestors were standing along the fence line with two sat on top of the fence itself and another equipped with a ladder walking up and down the fence line. Because of the limited availability of security officers available to the contractors, the decision was made to place a fence around the protestor on the excavator and to await the arrival of the police.
- (iii) At 13:45 a further call was made to the police for assistance, however the response was that they would not now be sending any response units.
- (iv) In the circumstances, at 13:50 a HCEO professional climbing team was deployed to Gate 4 to safely remove the protestor from atop the excavator, which was achieved by negotiation at 14:20. The protestor was escorted from the site.
- (v) At 15:00 it was reported by the contractor's security team that protestors had locked themselves onto the main gate at the Gate 4 compound, thereby preventing

any vehicles from leaving. The HCEO team deployed and removed the protesters, who remained on the public highway.

(vi) The incident caused considerable disruption to traffic using Harvil Road, exacerbating an already hazardous situation caused by a long queue of slow and at times stationary traffic due to the opening of the municipal tip following the COVID-19 lockdown. The HCEO team witnessed an accident involving a cyclist colliding with a vehicle. It was thought that the distraction of the protester's activities on and besides the highway contributed to the accident.

(vii) The police were therefore again called by the Second Claimant's security (incident reference number CAD4798/27MAY). However, the Police did not subsequently attend the site.

(viii) The HCEO team at Gate 4 therefore were required to control the area to allow vehicles to leave the site in a safe manner, following which the protestors gradually dispersed, apart from one young female and one male protestor. The decision was made to take the focus away from them and fall back to the gate area, whereupon the two protestors became bored and left the area.

(ix) At 17:30 a protestor again scaled the fence behind the Gate 4 compound and climbed onto an excavator, however the HCEO Team Leader, was able to persuade him to climb down and to depart the site, although he remained standing on a ladder attached to the fence.

99. On 28 May 2020:

(i) At 07:45 it was reported at the entrance to the Gate 4 compound on Harvil road, at plot number C111_165, two protesters had mounted a lorry entering the site. The HCEO team were deployed to the site and the HCEO professional climbing team were deployed to remove the protesters at height from the lorry.

(ii) At 08:00 the male protestor removed himself from the lorry having negotiated with the HCEO climbing team, and a female protestor had to be removed safely from the lorry by the HCEO climbing team.

- (iii) At 13:36 the HCEO team received a call from the contractor's security manager that security guards at the Gate 4 compound were being overrun by protesters. The HCEO team therefore deployed and detained three protesters trying to access machinery but found that they were being quickly outnumbered by the arrival of more aggressive protesters, including Dr "Larch" Maxey (D22) who was identified as present. Further HCEO's were deployed to the site and the police called. There were reported to be in excess of twenty five protesters.
- (iv) At 13:50 the HCEO operation's manager arrived at Gate 4 to assess the situation and await police arrival. He then liaised with police who took action against Dr Maxey for aggravated trespass, and who was considered to be in breach of a bail condition imposed by the Magistrates Court in Warwickshire (as a result of obstruction of an enforcement officer at another of the Claimants' HS2 site in Kenilworth, Warwickshire), which was "Not to enter any HS2 site unless for the purpose of lawful protest". The police also took action against a protester who was identified as having carried out the assault on HCEO Brett Easter on 21 May 2020 (as described in paragraph 95). Both these individuals were detained by the police. The Claimants are aware that Dr Maxey was since remanded on bail at West London Magistrates on 29 May 2020 next appearing on 10 July 2020. His bail condition has since been amended as follows: "1 Exclusion: Not to enter HS2 site, Hillingdon"
- (v) At 17:45 an attempted breach of the fence took place by persons unknown at the western end of Dews Lane, adjacent to the HOAC gate on plot number C111_177, which was controlled and prevented by the HCEO team.

100. On 10 June 2020:

- (i) At around 01:00 the security team on land in Denham Country Park on plot number C111_008 reported an ongoing incursion of the site by a group of around twelve to fifteen protesters through the perimeter fence, which had been damaged. Two protesters had climbed into a tree.
- (ii) The HCEO team were deployed to the site to assist the security officers. After their arrival, the protestors on the ground left and/or were removed from the

site, leaving two of the protesters at height, approximately 10 metres high in a tree located towards the middle of the fenced site area.

- (iii) At 07:00 the HCEO climbing team were deployed to the site, arriving at approximately 07:30. They immediately set to work to climb the tree in order to remove the protesters, who were identified as Charles Inskip and Jack Charles Oliver, both of whom had become known to the HCEOs since the events of 22 May 2020.
- (iv) On the ascent of the HCEO climbing team, the protesters evidently realised that the climbers would shortly be in a position to remove them and so decided to lower themselves to the ground, where the HCEO team took control of them and isolated them in an area in order that work on the site could continue safely.
- (v) Mark Cain, a security manager for Control Risk Group Ltd then contacted the Police to request advice regarding the arrest of the protesters for alleged offences of aggravated trespass. The Met. Police requested that the protesters be detained whilst arrangements were made to facilitate their arrest and removal from the site.
- (vi) The HCEO Team Leader reported that, whilst these arrangements were being made, multiple attempts were made by the group of protesters outside the site boundary to climb over the fencing and disrupt ongoing work and seemingly to try and 'rescue' their comrades, particularly interfering with repairs to the fence which had been damaged by the protesters overnight. This work was eventually successfully carried out in the face of constant harassing actions and attempts to prevent the retrieval of damaged fencing and repair of the fence.
- (vii) During this period the HCEOs supervising the two protesters detained on the directions of the Met. Police were distracted by attempted incursions of the fence line. Whilst attempting to obtain assistance from the HCEOs deployed elsewhere on the small site, Jack Charles Oliver was able to run at the fence and managed to scale it and thus escaped from the area.

- (viii) At 12:20 the HCEO team leader received a telephone call from a Met. Police Sergeant who advised that officers were being despatched and was appraised of the situation. He asked the HCEO team leader to detain the (remaining) protester until their arrival.
- (ix) At approximately 12:30, Sarah Green (D3) was observed by the HCEO Team to have arrived at the site permitted fence and engaged the HCEO team leader, loudly demanding to know whether he was “in charge here” and why “crimes were being committed”.
- (x) At approximately 13:00 Met. Police officers arrived at the site and arrested the remaining protester, Charles Inskip at 13:45.
- (xi) When the Met. Police officers were in the nearby car park, receiving copies of the HCEO video recordings of the incidents, Sarah Green approached and stood behind the HCEO vehicle, loudly haranguing the HCEO and the Police officers, demanding to know “why they [the Police officers present] were not acting to prevent the criminal offences being committed by HS2 in the construction works”. Despite being politely asked to raise her concerns using the 101 service, and that the officers were dealing with an arrest, Ms Green continued her verbal harassment for the entire time that the Police officers were on site, before turning her attention to the HCEO, who politely engaged with her whilst his colleagues were able to depart the area.
- (xii) At 15:15 a female protester scaled the perimeter fencing and was half way over when HCEOs were able to prevent her entering the site, at which she returned back over the fence. Other protesters present along the fence line informed the HCEOs that she was a child of 14 years of age, apparently in order to dissuade them from dealing with the attempted incursion. The HCEO team leader confirmed that the female did indeed appear to be a minor in the region of the age reported.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to

be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Richard Joseph Jordan

Date: 15 June 2020