

On behalf of: Claimants
J.A.Dilcock
2nd statement of witness
Exhibits: JAD4 and JAD5
Date: 1 April 2022

Claim No. QBD-2022-BHM-000044

**IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

BETWEEN:

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

Claimants

- and -

- (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND KNOWN AS LAND AT CASH'S PIT, STAFFORDSHIRE SHOWN COLOURED ORANGE ON PLAN A ANNEXED TO THE PARTICULARS OF CLAIM ("THE CASH'S PIT LAND")**
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND ACQUIRED OR HELD BY THE CLAIMANTS IN CONNECTION WITH THE HIGH SPEED TWO RAILWAY SCHEME SHOWN COLOURED PINK, GREEN AND BLUE ON THE PLAN ANNEXED TO THE APPLICATION NOTICE ("THE HS2 LAND")**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND BY THE CLAIMANTS, THEIR AGENTS,**

SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT WITHOUT THE CONSENT OF THE CLAIMANTS

(4) PERSONS UNKNOWN CUTTING, DAMAGING, MOVING, CLIMBING ON OR OVER, DIGGING BENEATH OR REMOVING ANY ITEMS AFFIXED TO ANY TEMPORARY OR PERMANENT FENCING OR GATES ON OR AT THE PERIMETER OF THE HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS

(5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE) AND 58 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

Defendants

SECOND WITNESS STATEMENT OF JULIE AMBER DILCOCK

I, **JULIE AMBER DILCOCK**, of High Speed Two (HS2) Limited, Two Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA, WILL SAY as follows:

Introduction

1. I am a solicitor of the Senior Courts of England and Wales and employed by the First Claimant as Litigation Counsel (Land & Property). My role involves advising the First Claimant and instructing and assisting external legal advisers advising and representing the First Claimant and in that capacity my role includes instructing our external legal advisers, Government Legal Department, in relation

to the conduct of these proceedings. I am authorised to make this, my Second Witness Statement, on behalf of the Claimants.

2. Defined terms used in the Particulars of Claim, my First Witness Statement (“**Dilcock 1**”) and **Jordan 1** have been adopted in this statement with the same meanings.
3. I make this statement, in support of the First Claimant’s claim for possession and the Claimants’ application for an injunction dated 25.03.2022 (the “**Proceedings**”) and in order to further update the Court on:
 - 3.1 the steps taken by the Claimants to serve the Proceedings and supporting documents; and
 - 3.2 additional matters that have arisen since I gave **Dilcock 1**.
4. This statement has been prepared with the Claimants’ legal representatives.
5. This statement is made from matters that are within my own knowledge and/or (unless other sources of information are stated) knowledge gained from my review of the First Claimant’s documents, incident reports logged on the First Claimant’s HORACE and Trak Tik systems, reports by the First Claimant’s security and legal teams and those of the First Claimant’s contractors, as well as material obtained and reviewed from open-source internet and social media platforms. In each case I believe them to be true. The contents of this statement are true to the best of my knowledge and belief. The HORACE and Trak Tik systems are explained in the Witness Statement of Richard Jordan (“**Jordan 1**”).
6. There are now shown and produced to me marked **JAD4** true copies of documents to which I shall refer in this statement. Page numbers without qualification refer to that exhibit. In this statement I also refer to video evidence which has been collated as numbered videos and marked **JAD5**. The videos can be viewed at: <https://vimeo.com/showcase/exhibit-jad5> and references in this statement to video numbers in bold are references to that exhibit. The index for the videos in that exhibit is at **page 38**. A copy of this statement and Exhibit JAD4 and a link to **JAD5** are being uploaded to:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> .

Service of the Proceedings

7. The detail of service of the Proceedings is set out in the Certificates of Service and accompanying statements given by the process servers and HS2's Solicitors, all of which will be filed with the Court ahead of the hearing on 5.04.2022 and copies of which will be in the Hearing Bundle.
8. In summary, however:
 - 8.1 The Court issued Notice of Hearing to HS2's Solicitors on the afternoon of 30.03.2022. That document was uploaded to the website: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> along with all of the other documents in the Proceedings and that website went live at around 15:24 that afternoon. The website contains the following documents freely available for anyone to download (a screen shot of website is at **pages 1 to 3**):
 - (a) Sealed Claim Form
 - (b) Particulars of Claim
 - (c) Plan A
 - (d) Schedule of Defendants
 - (e) Sealed N244 Application Notice
 - (f) Draft Order
 - (g) HS2 Land Plans – Part 1
 - (h) HS2 Land Plans – Part 2
 - (i) Table 1 – HS2 Acquired Land GVDs
 - (j) Table 2 – HS2 GVDs with Title Numbers
 - (k) Table 3 – HS2 Acquired Land non-GVDs
 - (l) Table 4 – HS2 Temporary Possession

- (m) Witness Statement of Julie Dilcock
- (n) Exhibit JAD3
- (o) Witness Statement of Richard Jordan
- (p) Exhibit RJ1
- (q) Notice of Hearing on 5 April 2022
- (r) Text with link as follows: Video exhibit RJ2 can be found by following this link: [Exhibit RJ2](#). The following exhibits contain strong and/or abusive language and scenes of violence that some viewers may find disturbing. Viewer discretion advised.

Clicking on the [Exhibit RJ2](#) link takes the user to the following site: <https://vimeo.com/showcase/exhibit-rj2> where the video exhibits to **Jordan 1** can be viewed. The web host identified that the videos may contain “mature” content and requires that users log in or create a free account before viewing the material. The Claimants also considered that both the written and video evidence contained material that some people may find disturbing or offensive and an appropriate warning has been placed both on the .gov website and on the Vimeo website.

- 8.2 Hard copies of the Proceedings were finalised for handing over to couriers to deliver for service by process servers.
- 8.3 At 19:34, HS2’s Solicitors sent an email to the contacts listed on the website: <https://stophs2.org/contacts> and to: HS2Rebellion@gmail.com and to email addresses provided by or obtained for certain of the named defendants to the Harvil Road Injunction proceedings and to the email address of the solicitor that represented D24, D25, D26, D30 and D32 in contempt proceedings in respect of Euston Square Gardens (as set out in the relevant Certificates of Service filed with the Court). The text of that email was as follows:

To whom it may concern

Take notice that High Speed Two (HS2) Limited and the Secretary of State for Transport ("the Claimants") have issued proceedings in the High Court seeking an order for possession over land at Cash's Pit, Staffordshire and an injunction over land on the route of the High Speed Rail project known as HS2. A hearing has been listed on 5 April 2022 at:

Birmingham High Court District Registry
Birmingham Civil and Family Justice Centre
Priory Courts
33 Bull Street
Birmingham, B4 6DS

There is no requirement that you attend, but you may do so if you wish.

Copies of all of the documents filed with the Court in this case are available at:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>

The Claimants' solicitors can be contacted using the following details:

The Treasury Solicitor,
Government Legal Department,
102 Petty France,
Westminster,
London SW1H 9GL

E: HS2Injunction@governmentlegal.gov.uk
T: 020 7210 3000 (ask for Mr Nwanodi/Mr Yaman/Ms C Davis)
DX: 123234 Westminster 12
R: Z2202274/ACN/DS3

Regards,

For the Treasury Solicitor

A copy of the email is at **page 4**.

- 8.4 That email was delivered to all recipients, save for as indicated by the bounce-backs received, none of which were for email addresses held for specific named defendants. Copies of the bounce-backs can be provided separately to the Court if required.
- 8.5 Hard copies of the Proceedings as follows:
- (a) Notice of Hearing
 - (b) Sealed Claim Form
 - (c) Particulars of Claim
 - (d) Plan A
 - (e) Schedule of Defendants
 - (f) Sealed N244 Application Notice

- (g) Draft Order
- (h) Witness Statement of Julie Dilcock containing link to the website mentioned above and explaining that the HS2 Land Plans and Tables could be found at that website.
- (i) Exhibit JAD3
- (j) Witness Statement of Richard Jordan, containing link to the website mentioned above and explaining that Exhibit RJ1 could be found there and a direct link to the Vimeo site hosting Exhibit RJ2.

were delivered to process servers by courier on the morning of 31.03.2022. Service was effected that same day as set out in the Certificates of Service and is summarised below.

- 8.6 Service was effected on D24, D25, D26, D32, D34, D36, D40, D43, D44, D47 and D56 by hand delivering copies to postal addresses they had provided in the Harvil Rd Injunction proceedings or which had been obtained during the contempt proceedings relating to Euston Square Gardens. The details of these addresses are set out in the individual Certificates of Service, along with the time of service. Service by this method was completed by 16:30 on 31.03.2022, save for D26 whose package was delivered at 17:54. These service packs also contained covering letters addressed to each of these Defendants with the following wording:

Service of Possession proceedings in relation to the land known as Cash's Pit, Staffordshire and injunction proceedings relating to land on the route of the High Speed Two Rail Scheme (commonly referred to as HS2)

Claim No QB-2022-BHM-000044

Date of Hearing 5 April 2022

By way of service, please find enclosed:

1. Notice of Hearing
2. Claim Form, Particulars of Claim and enclosures
3. Application Notice (please note that the plans referred to are at:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>)
4. Draft Order
5. Witness Statement of Richard Jordan (please note that the exhibits to this statement are at:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>)
6. Witness Statement of Julie Dilcock and Exhibit JAD 3 (please note that exhibits JAD1 and JAD2 are at:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>)

All documents relating to these proceedings and this Order may be downloaded at:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.

The Claimants' solicitors can be contacted at the above postal address, by email to hs2injunction@governmentlegal.gov.uk or telephone call to 020 7210 3000.

We strongly recommend you seek independent legal advice immediately.

Yours sincerely,

For the Treasury Solicitor

Encs

Copies of the covering letters placed in each pack are appended to the relevant Certificates of Service.

8.7 On 31.03.2022 copies of the Proceedings in clear plastic wallets with a cover sheet addressing them: "To the Occupiers" were served on the Cash's Pit Land as follows (photographs are appended to the relevant Certificate of Service):

8.7.1 At around 10:04, four copies were attached to wooden stakes in the ground along the front of the unauthorised encampment situated on the Cash's Pit Land and known by the Defendants as "Bluebell Wood Protection Camp", adjacent to the road.

8.7.2 At around 10:15, three copies were attached to posts and trees on the west side of the wood.

8.7.3 At around 10:21, two copies were attached to trees on the east side of the wood. During the placement of these copies, the process server

noticed D18 on the tower structure at the back of the encampment and shouted up to him that papers had been placed in the post box and that he should read them.

- 8.8 At around 10:09 copies of the Proceedings in individual envelopes addressed by name to each of the Cash's Pit Named Defendants (i.e. D5 to D20, D22, D31 and D63) were left in the "post box" constructed by the Cash's Pit Defendants at the front of the encampment. A copy of the papers in a clear plastic wallet addressed "To the Occupiers" was also left in the post box. Photographs are appended to the relevant Certificate of Service. Each envelope also contained a covering letter addressed to the respective defendants, the content of which was the same as set out at paragraph 8.6 above.
- 8.9 The process server encountered D17 filming on his mobile phone during service, who indicated to the process server that he understood that papers were being served. The process server informed him that papers for him had been placed in the post box and that he should read them as soon as possible.
- 8.10 At around 10:50 10 copies of the Proceedings in clear plastic wallets were served by affixing to the fences in prominent positions close to the entrance gates at the land covered by the Harvil Rd Injunction.
- 8.11 At around 14:00 10 copies of the Proceedings in clear plastic wallets were served by affixing to the fences in prominent positions at the land covered by the Cubbington & Crackley Injunction.
9. Accordingly, the Claimants have made extensive efforts to ensure that the Proceedings have come to the attention of those who may be interested in them, and the Claimants believe that they have taken all practicable steps to draw these proceedings to the attention of those who may be affected by them.
10. In the remainder of my statement I will endeavour to update the Court on other matters which may relevant to the possession claim and injunction application.

Unauthorised encampment on Cash's Pit Land

11. The First Claimant became entitled to possession of the Cash's Pit Land on 24 March 2022, following expiry of the period of notice given in the temporary possession notices served pursuant to paragraph 4(1) of Schedule 15 of the Phase 2a Act (copies of which are at **pages 30 to 97 of JAD3** exhibited to **Dilcock 1**) The Cash's Pit Defendants have been preparing the encampment to resist eviction and have given interviews to the media and posted on social media about this. Copies of relevant social media posts and articles are at **pages 4 to 25**. The Cash's Pit Defendants have confirmed that they have dug tunnels under the encampment as part of their resistance and provided footage of the tunnels (and D18 in them) to ITV (a copy of the ITV news report is **Video 1 of JAD5**. Stills from the report showing the tunnels and the satellite encampment referred to below are at **pages 16 to 21**). The Cash's Pit Defendants have barricaded and blocked the entrances into the encampment and a number of them who had been perpetrating unlawful acts of trespass and obstruction on HS2 Land in the vicinity of the encampment have not been seen over the last few days and are believed to be barricaded inside awaiting the commencement of an eviction operation. D6 was interviewed by ITV and appears in **Video 1**, where he says: *"We've got tunnels everywhere, we've got people everywhere, we've got treehouses everywhere, we've got people ready to lock-on"*. D7 also appears in **Video 1** and says: *"That camp is fully prepared for an eviction. Like, it's built for so many reasons. The line is going straight through that woodland. It's obliterating it. So, we know they're gonna want it, like, they're desperate to have it for their train, but it's heartbreaking."*
12. As a result of the attention of the Defendants turning to the preparation for a possible eviction and also as a result of the appreciable effect of the injunction obtained by Balfour Beatty on 17.03.2022 (referenced in and exhibited to **Dilcock 1**), activity levels in the area have decreased in the last few days. Notably, the obstruction of the entrance to the Balfour Beatty compound has ceased.

Satellite encampment and interference with works

13. A number of the Defendants, including D6 and D17, have begun to establish a satellite encampment on land adjacent to the Cadent Gas Land. The approximate

location of this encampment is shown marked with a cross on the plan at **page 26**. A number of structures have been erected both at ground level and in the trees and tents have been pitched. The encampment is currently on land in third party ownership and adjacent to other land in respect of which the First Claimant has served notices pursuant to paragraph 4(1) of Schedule 15 of the Phase 2a Act.

14. The Defendants have been using the satellite encampment as a base to trespass on the Cadent Gas Land and to interfere with works on that land. For example, on 25 March 2022 in action that lasted for a number of hours, the Defendants interfered with fencing operations on the Cadent Gas Land at the boundary between that land and the land on which the satellite encampment is situated. D6 and D17 took a number of videos during this and posted them on Facebook. D17's posts included the words: "Numbers needed" and "Numbers would be amazing!", which I understand to be him encouraging others to come and join the incident. Copies of the posts are at **pages 24 to 25**.
15. In a video posted by D17 at 09:46 and another by D6 at 9:51 (copies at **Video 2 and Video 3 of JAD5**) D19 (wearing a grey hoodie) can be seen interfering with the fencing. D6 speaks over **Video 3** throughout and towards the end says: *"If you wanna come down here and have a little bit of a game of touch rugby, you can. If you wanna come film it, if you wanna come document it, if you wanna come support the other camp, Bluebell that's gonna get imminently evicted, you can. We've got lots of building to do, lots of digging to do, we've got all the wood, all the food, all the accommodation, all the lock-ons, all the trick and surprises, so get yourself down here. If you can't, donate to our go fund me and we'll use that for our tricks and surprises. Thank you."*
16. In a further video (copy at **Video 4 of JAD5**) posted by D6 at 11:18, D19 can again be seen interfering with the fencing works and D6 speaks over the video, saying: *"Obviously we don't want any work to [sic] be done... it's just about the delay and cost, time and showing them for what it is"* he then goes on to talk about the satellite encampment: *"So this is part of the new camp, Bluebell B, it's beautiful, it's just massive, so many beautiful trees. All these oaks like, I can't wait til the summer. Also got lots of bluebells just about to poke through and so that's why we've chose this place as a secondary camp base because the Bluebell*


original is just at the top of the hill, not far away, that's just about to get evicted, but that's all ready to go. I mean if anyone wants to come and support that, they're welcome. Everything, there's food, there's water, there's all the structures, there's tunnels, you can build your own structure, you can come just support, do livestreams, do cooking. Just be present, but yeah, or you can come here and help us build a new camp, which is also going to have all the tricks and surprises. So yeah, nuts, anyway, please tune in later and let us give you updates. If you'd like to share, that would be great. If you could also donate to our fundraiser, that goes towards our nails, tools, poly prop, things like that we need to build tunnels and all that stuff, so thank you."

17. In a video taken by D17 and posted at 11:27 (copy at **Video 5 of JAD5**) a number of individuals (including D6, D7 and D19) can be seen trespassing and heard acknowledging that they are trespassing. There is a heated exchange as the First Claimant's security and the police try to get the trespassers to leave the land. The trespassers and D17 hurl foul-mouthed abuse at the First Claimant's security personnel.
18. At a hearing on 28.03.2022, Linden J approved the terms of an Order agreed between the First Claimant and the ESG Defendants in respect of contempt proceedings brought against them for breach of injunctions imposed by the High Court in relation to their occupation of tunnels under Euston Square Gardens. A copy of the order is at **pages 27 to 29**. The ESG Defendants admitted breaching the injunctions in question and apologised to the Court for their contempt. They gave undertakings in the terms set out in the Order not to interfere with the HS2 Scheme. In respect of D32, these undertakings replace the ones referred to at paragraph 42 of **Jordan 1**. In view of these undertakings, the Claimants are willing to agree that any of the ESG Defendants who wish to be removed as a named Defendants to the present application may be so removed.
19. The Claimants are aware that the HS2 Scheme is not the only target of direct action protest at the moment, and similar protective and wide-ranging interim injunctive relief has been granted recently in respect of oil refineries by Butcher J. A copy of that Order, which was made on 21.03.2022 is at **pages 30 to 37**. The annexures are too large to exhibit here, but are publicly available at:

https://www.dropbox.com/sh/t46plo3shfzuce4/AADX3thH5X_6JF8aCCFr2vZea?dl=0.

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: 

JULIE AMBER DILCOCK

Dated:.....1 April 2022.....