

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

BEFORE MR JUSTICE COTTER
ON 11 APRIL 2022



QB-2022-BHM-000044

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 THIS ORDER ("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 ORANGE, PINK, GREEN AND BLUE ON THE HS2 LAND PLANS AT <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> ("THE HS2 LAND")

(3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT IN CONNECTION WITH THE HS2 SCHEME WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES 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

ORDER

PENAL NOTICE

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

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

UPON the Claimants' application by an Application Notice dated 25 March 2022.

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

AND UPON the Claimants confirming that this Order is not intended to prohibit lawful protest which does not involve trespass upon the Cash's Pit Land and does not unlawfully block, slow down, obstruct or otherwise interfere with the Claimants' access to or egress from that land.

AND UPON HEARING Counsel for the Claimant, Mr Michael Fry and Counsel for D6, Mr Owen Greenhall.

IT IS ORDERED THAT:

Definitions

1. In this Order, the following defined terms shall apply:
 - a. The "Cash's Pit Defendants" means D1 and D5 to D20, D22, D31 and D63 whose names appear in the schedule annexed to this Order at Annex A.
 - b. The "Cash's Pit Land" means all of the land known as Cash's Pit, Staffordshire shown coloured orange on Plan A annexed to the Particulars of Claim and reproduced as an annexe to this Order ("**Plan A**") and available to view electronically at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings/>

Service by Alternative Method

2. Pursuant to CPR r. 6.15 and r.6.27, the steps that the Claimants have taken to serve the Claim for Possession, the application for an injunction in respect of the Cash's Pit Land and the evidence in support on the Cash's Pit Defendants shall amount to good and proper service of the proceedings on the Cash's Pit Defendants and each of them. The proceedings shall be

deemed served on 31 March 2022. Service of the Claimants' application for an injunction shall be the subject of further directions to be given by the Court following a hearing to be listed as provided for at paragraph 14 below.

Possession Order

3. The Cash's Pit Defendants shall forthwith give the Claimants vacant possession of all of the Cash's Pit Land.

Injunction in force

4. With immediate effect, and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 on 24 October 2022:
 - a. The Cash's Pit Defendants and each of them are forbidden from entering or remaining upon the Cash's Pit Land and must remove themselves from that land.
 - b. The Cash's Pit Defendants and each of them must not engage in any of the following conduct on the Cash's Pit land, in each case where that conduct has the effect of damaging and/or delaying and/or hindering the Claimants by obstructing, impeding or interfering with the activities undertaken in connection with the HS2 Scheme by them or by contractors, sub-contractors, suppliers or any other party engaged by the Claimants at the Cash's Pit Land:
 - i. entering or being present on the Cash's Pit Land;
 - ii. interfering with any works, construction or activity on the Cash's Pit Land;
 - iii. interfering with any notice, fence or gate on or at the perimeter of the Cash's Pit Land;
 - iv. causing damage to property on the Cash's Pit Land belonging to the Claimants, or to contractors, sub-contractors, suppliers or any other party engaged by the Claimants, in connection with the HS2 Scheme;

- v. climbing onto or attaching themselves to vehicles or plant or machinery on the Cash's Pit Land used by the Claimants or any other party engaged by the Claimants.
 - c. The Cash's Pit Defendants and each of them:
 - i. must cease all tunnelling activity on the Cash's Pit Land and immediately leave and not return to any tunnels on that land;
 - ii. must not do anything on the Cash's Pit Land to encourage or assist any tunnelling activity on the Cash's Pit Lan.
- 5. Nothing in paragraph 4 of this Order:
 - a. Shall prevent any person from exercising their rights over any open public right of way over the Cash's Pit Land .
 - b. Shall affect any private rights of access over the Cash's Pit Land.
 - c. Shall prevent any person from exercising their lawful rights over any public highway.
 - d. Shall extend to any interest in or rights over land held by statutory undertakers.

Declarations

- 6. The Court makes declarations in the following terms:

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

Service of this Order by alternative method

- 7. The Court has provided sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
- 8. Pursuant to CPR r.6.27 and r.81.4:
 - a. The Claimant shall serve this Order upon the Cash's Pit Land and the Cash's Pit Defendants by:

- i. Delivering copies addressed to “the Occupiers” and to each of the Cash’s Pit Defendants by description to the “post box” situated on the Cash’s Pits Land.
 - ii. Affixing at least one copy at the entrance to the unauthorised encampment on the Cash’s Pit Land and through a stake in the ground in a prominent location as close as reasonably possible to north, south, east and west boundaries of the Cash’s Pit Land
 - iii. Placing a copy on the website:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>;
9. Service in accordance with paragraph 8 above shall:
 - a. be verified by certificates of service to be filed with Court;
 - b. be deemed effective as at the date of the certificates of service; and
 - c. be good and sufficient service of this Order on the Defendants and each of them and the need for personal service be dispensed with.

Further Case Management

10. Without prejudice to the foregoing, any person affected by the injunctions imposed by this Order may apply to the Court at any time to vary or discharge those injunctions but if they wish to do so they must inform the Claimants’ solicitors immediately (and in any event not less than 48 hours before the hearing of any such application) via the contact details set out below. Schedule A to this Order indicates the process which must be followed for any such application.
11. Any person applying to vary or discharge this Order must provide their full name and address, an address for service, and must also apply to be joined as a Named Defendant to the proceedings at the same time (unless they are already named as a defendant).
12. The Claimants otherwise have liberty to apply to extend or vary this Order or for further directions on an urgent basis.

Documents in the Claim and Application

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

14. The Claimants' application for injunctions over the HS2 Land shall be listed for a directions hearing on an expedited basis. At that hearing, the Court shall give directions as to the steps required to effect service. The Claimants are not required to take any further steps to serve that application pending that hearing.
15. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out below so long as any requests included a postal address and the full name of the requestor.
16. Schedule B to this Order contains useful references for any party seeking to oppose or understand this Order.

Communications with Claimants and the Court

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

Birmingham Civil and Family Justice Centre
33 Bull Street
Birmingham
B4 6DS

E: qb.birmingham@justice.gov.uk
T: 0121 681 4441
F: 01264 785 131
DX: 701987 Birmingham 7

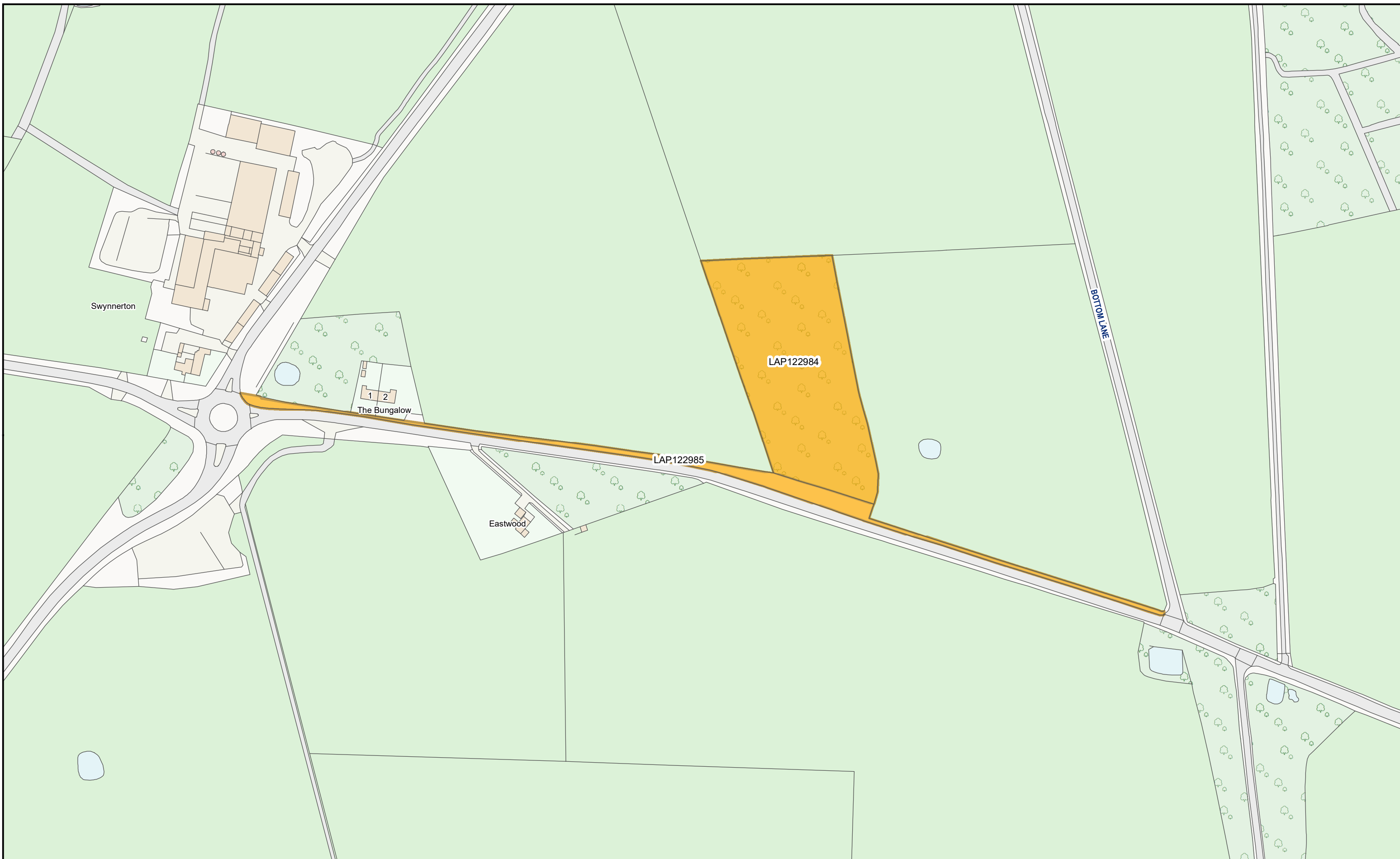
18. The Claimants' solicitors and their contact details are:

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

Dated:

PLAN A – CASH’S PIT LAND



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

© Crown copyright and database rights 2022
OS 100049190

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

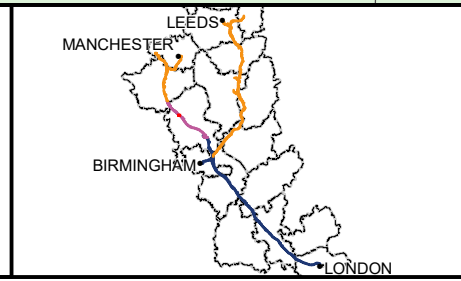
Contains Environment Agency information © Environment Agency and database right.

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

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

Legend

Cash's Pit Land



High Speed Two
Phase One/ Phase 2A
Injunction Mapping

PLAN A

Internal

HS2

Registered in England. Registration number 06791686.
Registered office: 2 Snowhill, Queensway, Birmingham B4 6GA.

Scale at A3: 1:2,500

Doc Number: PH1-HS2-LP-MAP-000-000085

Date: 22/03/22

ANNEX A – SCHEDULE OF NAMED DEFENDANTS

DEFENDANT NUMBER	UNNAMED DEFENDANTS
(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 COLOURED ORANGE ON PLAN A ANNEXED TO THIS ORDER ("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 ORANGE, PINK, GREEN AND BLUE ON THE HS2 LAND PLANS AT https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings ("THE HS2 LAND")
(3)	PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT IN CONNECTION WITH THE HS2 SCHEME WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES 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

DEFENDANT NUMBER	NAMED DEFENDANTS
(5)	Mr Ross Monaghan (aka Squirrel / Ash Tree)
(6)	Mr James Andrew Taylor (aka Jimmy Knaggs / James Knaggs / Run Away Jim)
(7)	Ms Leah Oldfield
(8)	Ms Tep / Tepcat Greycat / Nettle
(9)	Ms Hazel Ball
(10)	Mr IC Turner
(11)	Mr Tony Carne
(12)	Ms Amy Lei
(13)	Mr Tom Holmes
(14)	Mr Sam Hopkins
(15)	Ms Jey Harvey
(16)	Ms Karen Wildin (aka Karen Wilding / Karen Wilden / Karen Wilder)

DEFENDANT NUMBER	NAMED DEFENDANTS
(17)	Mr Andrew McMaster (aka Drew Robson)
(18)	Mr William Harewood (aka Satchel / Satchel Baggins)
(19)	Mr Harrison Radcliffe (aka Log / Bir_Ch / Sasha James)
(20)	Mr George Keeler (aka C Russ T Chav / Flem)
(21)	Mr William French (aka Will French / Took)
(22)	Mr Tristan Dixon (aka Tristan Dyson)
(23)	Mx Scarlett Rien (aka Leggs)
(24)	Mr Daniel Hooper (aka Swampy / Swampie / Daniel Needs)
(25)	Mx Bethany Joy Croarkin (aka Bethany Croakin / Yogi Hilal / Yogi Joy Hilal / Niqabi Hippie / Yogi Bear)
(26)	Ms Isla Sandford (aka Blue)
(27)	Mr Lachlan Sandford (aka Laser / Lazer)
(28)	Mr Scott Breen (aka Scotty / Digger Down)
(29)	Ms Jessica Maddison (aka Rollie)
(30)	Ms Juliette Deborah Stephenson-Clarke (aka Nemo / Anna Kissed / Poly Prop)
(31)	Mr Rory Hooper
(32)	Dr Larch Ian Albert Frank Maxey
(33)	Mr Elliot Cuciurean (aka Jellytot)
(34)	Mr Paul Sandison
(35)	Mr Terry Sandison
(36)	Mr Mark Keir
(37)	Mr Thorn Ramsey (aka Virgo Ramsay)
(38)	Mr Vajda Robert Mordechaj
(39)	Mr Iain Oliver (aka Pirate)
(40)	Ms Jess Walker
(41)	Mr Matt Atkinson
(42)	Ms Hannah Bennett
(43)	Mr James Ruggles (aka Jimmy Ruggles)
(44)	Mr Nick Grant (aka Potts)
(45)	Mr Stuart Ackroyd
(46)	Ms Wiktorina Paulina Zieniuk
(47)	Mr Tom Dalton
(48)	Mr Conner Nichols
(49)	Mr Sebastian Roblyn Maxey
(50)	Ms Jessica Heathland-Smith
(51)	Ms Ella Dorton
(52)	Mr Karl Collins

DEFENDANT NUMBER	NAMED DEFENDANTS
(53)	Mr Sam Goggin
(54)	Ms Hayley Pitwell
(55)	Mr Jacob Harwood (aka Groovella Deville)
(56)	Ms Libby Farbrother
(57)	Ms Samantha Smithson (aka Swan / Swan Lake)
(58)	Mr Jack Charles Oliver
(59)	Ms Charlie Inskip
(60)	Mr Xavier Gonzalez Trimmer
(61)	Mr David Buchan (aka David Holliday)
(62)	Ms Leanne Swateridge (aka Leayn / Flowery Zebra)
(63)	Mr Dino Misina (aka Hedge Hog)

SCHEDULE A – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 12 above, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed:

1. Any party seeking to contest the Claimants' entitlement to interim relief should file with the court (i.e. send to the court) and serve (i.e. send to the Claimants):

(a) An N244 application form¹;

(b) Written grounds for the application (i.e. reasons for the proposed variation / discharge of the Order) – this may be contained within the N244 application form or on in a separate document; and

(c) A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.

2. In order to file the above documents with the Court, the applicant should:

(a) Send physical copies of the documents to the address at paragraph 18 of this Order; and/or

(b) Speak to the Court to obtain an address to send electronic copies of the documents to.

3. In order to serve the above documents on the Claimants, the applicant should:

(a) Send physical copies of the documents to the address at paragraph 19 of this Order; and/or

(b) Send electronic copies of the documents to the e-mail address at paragraph 19 above.

4. The person making the application should indicate to the Court and Claimants whether they consider the matter requires a court hearing or can be dealt with by the judge reviewing the paper application and any response from the Claimants.

5. Thereafter the Claimants (i.e. HS2) shall have 14 days to file and serve evidence and submissions in response, including as to whether an oral hearing is required to determine the application.

6. Within 21 days, the Court shall decide whether a hearing is necessary, and/or may request from the parties evidence on any further matters necessary to determine the application. If the Court decides that a hearing is necessary, it shall seek to schedule the hearing (accommodating availabilities of the parties) within 42 days (6 weeks).

7. If the Court decides that further evidence is needed from either party, it may set strict deadlines by which that evidence must be filed. Both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

¹ See the following link which provides a digital version of the form, and guidance notes:
<https://www.gov.uk/government/publications/form-n244-application-notice>

SCHEDULE B – USEFUL REFERENCES AND RESOURCES

The attention of all parties is drawn to the following references and resources:

Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation:
<https://weareadvocate.org.uk/>

Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org/>

Civil Procedure Rules Part 8: <https://www.justice.gov.uk/courts/procedure/rules/civil/rules/part08>

Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>