

On behalf of: Claimants
J.A.Dilcock
3rd statement of witness
Exhibits: JAD6 and JAD7
Date: 26 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 ORGANGE ON PLAN A ANNEXED TO THE ORDER DATED 11 APRIL 2022 ("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 AND GREEN 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 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

THIRD 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 Third Witness Statement, on behalf of the Claimants.

2. Defined terms used in the Particulars of Claim, **Dilcock 1**, **Jordan 1** and my second witness statement (“**Dilcock 2**”) have been adopted in this statement with the same meanings.
3. I make this statement, in support of the Claimants’ application for an injunction dated 25.03.2022 (“the **Application**”) and in order to further update the Court on:
 - 3.1 the position with regard to service of the Application and how effective service has been;
 - 3.2 information relevant to the Court’s consideration of any further service steps;
 - 3.3 amendments to the HS2 Land Plans;
 - 3.4 amendments to the pleadings; and
 - 3.5 the situation at the Cash’s Pit Land since service of the Order made by the Court on 11.04.2022.
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 **Jordan 1**.
6. There are now shown and produced to me marked **JAD6** 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 **JAD7**. The videos can be viewed at: <https://vimeo.com/showcase/exhibit-jad7> 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 82**. A copy of this statement and Exhibit JAD6 and a link to **JAD7** are being uploaded to:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> (the “**RWI Website**”).

Effectiveness of service

7. The methods by which the Claimants have sought to serve the Application and supporting evidence were selected based on methods that had been endorsed and approved by the High Court in other cases in which injunctions on terms similar to that sought by way of the Application were granted. This includes cases of which I have personally had conduct (*Cuadrilla Bowland Ltd -v- Persons Unknown* [2018] 5 WLUK 628; *Cuadrilla Bowland Ltd -v- Persons Unknown* [2018] WLUK 223; *SSfT and High Speed Two (HS2) Limited -v- Persons Unknown* [2018] EWHC 1404 (Ch); *SSfT and High Speed Two (HS2) Limited -v- Persons Unknown* [2019] EWHC 1437 (Ch)) and other cases brought by the Claimants (*SSfT and High Speed Two (HS2) Limited -v- Persons Unknown* [2020] EWHC 671 (Ch); *SSfT and High Speed Two (HS2) Limited -v- Persons Unknown* [2020] [PT-2018-000098 – unreported, copy in authorities bundle]; *SSfT and High Speed Two (HS2) Limited -v- Persons Unknown* [2021] EWHC 821 (Ch)).
8. In my experience of previous cases, these methods have proved to be highly effective in ensuring that the proceedings come to the attention of those who would be interested in them and resulted in all hearings in those cases being attended by persons opposed to the applications and representations being made by them and on their behalf. Those who tend to be interested in applications such as the Application are those who are opposed to the HS2 Scheme and who have either engaged in the activity that it is sought to prohibit or are supportive of those who have done so or would do so in the future.
9. As the Court saw at the hearing in this case on 5.04.2022, approximately 23 individuals attended the hearing – including a number of the Named Defendants (I did not make a complete survey of the individuals in attendance, but certainly noted the presence of D6, D16, D24, D33, D36, D39 and D62) – and addressed the Court. D6 instructed Counsel who made submissions on his behalf.
10. 10 individuals made contact with the Court or the First Claimant or the Claimants’ legal representatives about the Application before or after the hearings

on 5.04.2022 and 11.04.2022. Many of those have made submissions opposing the Application. The Claimants have considered all these submissions carefully.

11. As at 24.04.2022 the RWI Website had received 1,371 views, 841 of which were from unique users. The RWI Website has a facility for those interested in the material on it to sign up to receive notifications when the page is updated, so it is very easy for anyone who wants to follow the proceedings to ensure that they are made aware whenever something new is uploaded.
12. A link to the RWI Website also appears in the footer of every single page on the <https://www.hs2.org.uk/> website, including the “in your area” sections which provide people with information about how the HS2 Scheme impacts specific areas. On this point, the submissions by Mr Rukin in his witness statement dated 04.04.2022 are, respectfully, incorrect. I have circled the link in the screenshot of the footer on **page 1**. This link has been there since the RWI Website went live on 30.03.2022.
13. Following the hearings on 05.04.2022 and 11.04.2022 in this case, the Application has been publicised extensively via social media by persons and groups opposed to the Application. It is impossible to capture and describe every single mention of the Application and any exercise in trying to capture some of the coverage is necessarily only going to be a sampling exercise and only of “open-source” material. It is therefore safe to assume that the reach of information about the injunction that we can see by way of a non-exhaustive trawl of some open-source social media is only a fraction of the actual reach by way of open-source and closed groups.
14. Accordingly, I present the following by way of illustration that there is extremely widespread knowledge of the Application and that the service has been effective in ensuring that the Application comes to the attention of those who are interested in it.
15. The First Claimant has carried out a review of limited open-source social media based on posts about the Defendants’ efforts to raise funds to “fight” the Application. The Defendants have set up a crowd-funding campaign via the website Crowd Justice to raise funds and the link has been shared extensively

across social media. The fundraiser can be found here:

<https://www.crowdjustice.com/case/stop-hs2s-route-wide-injunction/?fbclid=IwAR00-1kKdjT0395Eh2PXRj2327DksERaNSjubTez8l3od34wW9iKZU-jytk>. A

screenshot of the page as at 23.04.2022 is at **pages 2 to 4**. At the time that screen shot was taken, the campaign had raised £15,620 from 277 pledges, which include pledges made both by individuals on their own account and on behalf of whole groups opposed to the HS2 Scheme (for example, the “HS2 Amersham Action Group” – their pledge can be seen in the bottom right of the screen shot on **page 2**). The amount of money raised and number of pledges shows extensive awareness of the Application amongst people and groups prepared to donate money for the purposes of opposing the Application.

Twitter

16. A non-exhaustive review of Twitter for sharing of information about the Application and the fundraiser shows that information about the injunction and / or the link to the fundraiser has been tweeted by several groups and individuals who have considerable amounts of followers, including a member of the House of Lords and one of the co-founders of the group Extinction Rebellion. The following table sets out some of the Twitter accounts that have shared information about the Application and/or the fundraiser to their followers and the number of followers that they have – a combined total of **265,268**:

Group/Individual Name	Twitter Handle	No of followers
StopHS2	@stophs2	12400
HS2 Rebellion	@hs2rebellion	11600
Greenham Women Everywhere	@greenhamwomen	1631
Adam Wagner	@adamwagner1	116200
Baroness Jenny Jones	@greenjennyjones	58100
Mark Keir	@markkeir6	1705
Gail Bradbrook	@gailbradbrook	8122
Resist UK	@resistuk1	5907
SusanChubb#FBPA#RejoinEU	@susanchubb1	7787
Momo Mclean	@momomclean	3955
Roland C Powell	@rolandcpowell	8819
Anarchism News	@anarchism_news	1392

Mani Isna La #Nativelivesmatter	@mikecoulson48	25900
XRUK Live	@XRUK_Live	1,750
Total		265,268

Screenshots of relevant Tweets from each of the above accounts and showing the number of followers that they have are at **pages 5 to 18**.

Facebook

17. A non-exhaustive review of Facebook for sharing of information about the Application and the fundraiser shows that information about the injunction and / or the link to the fundraiser has been posted and shared extensively across pages with thousands of followers and public groups with thousands of followers. The link to the fundraiser has been shared on Facebook almost daily since it was set up. The link has been pinned to the top of the Bluebell Woods Protection Camp page and that has been shared 64 times by individuals on their own Facebook accounts (and will therefore have reached the thousands of “friends” that they have and into numerous other groups). The following tables set out just a sample of the pages and groups to which posts about the fundraiser have been shared and the number of members or followers that they had as at 23.04.2022. They show reach across anti-HS2 groups and pages but also into groups and pages related to campaigning on other causes such as nuclear waste and oil and gas exploration as well as wider movements such as Extinction Rebellion. The total number of members and followers of this sample is **626,149**.

Group Names	No of Members
TWO - True World Order	7
Stop HS2	12200
Stop HS2 Lymm	709
Anti HS2 SOC (Save Our Countryside)	5900
Crewe Against HS2	22
XR Farmers	1400
S.O.S Biscathorpe (anti Oil and Gas exploration page)	570
No Nuke Dump in Lincolnshire (anti nuclear waste group)	3700
SO WHAT (Swillington, Oulton & Woodlesford HS2 Action Together)	1300
Quinton vs HS2	363
High Legh against HS2	108
Rising Up (North)	1900
Campaigners against HS2 (resisths2)	1200
Wornington Tree Protection Camp	282
Poors Piece Conservation Project	773
Stop HS2 Memes	147
Save Roald Dahl Woods From HS2	4000
Leeds for Climate	1800
XR Real Rebel Reports	799
Stop HS2 Shropshire Group	28
XR Events and Actions UK	4400
The Bucks Herald: HS2 Enough is Enough campaign	3000
Extinction Rebellion Huddersfield	805
Save Our Green Space, Newcastle, Staffs	1100
Tree-Hugging Mung Bean Munching Eco Freaks	760
Bluebell Woods Protection Camp	1300
Stop HS2 Staffordshire - Group	2000
Screw You HS2	2500
Screw You HS2 Euston Square Gardens	4048
Steeple Claydon Forum	5000
Total	62,121

Page Names	Likes	Followers
Marshalls Marking		2800
Stop HS2	18694	19425
Kill The Bill Coventry	252	267
Bluebell Woods Protection Camp	1188	1343
HS2 Rebellion	19388	22502
W.A.R Camp Page	3321	3859
Save Cubbington Woods - Stop HS2	4353	4832
Extinction Rebellion UK	Not available	71,000
Extinction Rebellion	Not available	438,000
Totals	47196	564,028

Screen shots showing the numbers of members of the relevant groups and followers of the relevant pages and the posts being shared are at **pages 19 to 66**.

18. Individuals have also made and widely shared videos about the Application and the fundraiser. For example, on 12.04.2022, D17 shared a livestream video (a copy of which is at **Video 1**) in which he encouraged people to go to the encampment on the Cash's Pit Land (in breach of the injunction imposed by the Court on 11.04.2022) and to donate to the fundraiser: *"get yourself down to Bluebell Woods Protection Camp, because that's facing eviction. Get yourself down to Bluebell Woods B so we can support the eviction and continue to hold HS2 to account and continue to fight them, and scream and make noise"*

So er we've got a fundraiser that can be found on Bluebell Woods Protection Camp, 2 fundraisers in fact, one which is for the court costs have come up, as HS2 are trying to get a route wide injunction, so there's (sic) currently people in court who are fighting that. So get yourselves onto Bluebell Woods Protection Camp page and fucking donate to that, that one's a biggie."

19. Caroline Thomson-Smith who was in attendance at the hearing on 05.04.2022 and sent submissions to the Court by email ahead of the hearing, recorded and shared 2 live streams before and after the proceedings and these were recorded from outside the court and posted on the HS2 Rebellion Facebook page which has 19,389 followers (screenshots at **page 67**). The first video received 1300 views garnered 83 reactions and 42 comments, this video was shared to another

48 accounts. The second video recorded following the hearing was viewed 1100 times, shared to 20 accounts and received 82 reactions.

20. By way of further example, a livestream taken via the HS2 Rebellion Facebook account at an XR protest outside the Bank of England over which an activist ran a commentary about the Application has been widely shared. On the HS2 Rebellion Facebook page which has 19,389 followers (screenshot at **page 68**), it has received 914 views. A copy of that video is at **Video 2**. A video of an Extinction Rebellion banner-drop at Marble Arch in London was livestreamed to the Bluebell Woods Protection Camp page with a link to the fundraiser and received 1,600 views and was shared 83 times (screenshot at **page 68**).

Instagram

21. Information about the injunction, the fundraiser and the Court hearings has also been shared extensively on Instagram. For example, multiple posts by the HS2 Rebellion Instagram account which has 11,400 followers and the STOP HS2 NORTH Instagram account which has 871 followers. Screenshots of the relevant accounts and posts are at **pages 69 to 76**.

YouTube

22. On 15.04.2022, Extinction Rebellion UK livestreamed a video entitled: Day 7 of the April Rebellion in which an individual going by the name “Adamacio” talked about the Application and encouraged people to donate to fight it. A clip of the relevant section of the video is at **Video 3**. That has been shared widely on social media, including the following (screenshots included in the relevant sections above):

Shared by	Platform	Views
Extinction Rebellion UK	YouTube	4230
@XRUKLive	Twitter	6220
Extinction Rebellion	Facebook	5900
Extinction Rebellion UK	Facebook	5900
HS2 Rebellion	Facebook	1000
Total		23,250

Other websites

23. In addition to social media, information about the application is also being shared on other websites. Again, it is impossible to give an exhaustive account of its wider dissemination via the internet, but I have seen details of the Application on the following websites (screenshots at **pages 76 to 80**):

https://www.hs2rebellion.earth/	Describes itself as “ <i>An alliance of groups resisting HS2, the ecocidal and carbon intensive High Speed train line that will cost the UK taxpayer more than £200 billion</i> ”
www.en.squat.net	
www.anarchistfederation.net	
https://www.bucks.radio/news/local-news/hs2-seeks-140-mile-long-injunction-to-deter-protesters/	

24. If you Google: “HS2 route-wide injunction”, the first result is the RW Website. If you Google “HS2”, the first result is the website www.hs2.org.uk, which contains a link to the RWI Website on the footer of every page as set out above and the third result is to the HS2 section of the .gov website, which has a link to the RWI Website.

25. In light of the foregoing, the Claimants believe that notice of the making of the Application has reached a very large number of people who would be interested in the Application.

26. The Claimants are aware from the previous hearings and the written submissions that have been received that there are concerns around notification of the owners of land that is subject to temporary possession notices in circumstances where those landowners would be caught by the proposed injunction and the Claimants’ proposals for dealing with this issue are set out further below.

Explanation of the temporary possession regime

27. At paragraphs 16 and 22 of **Dilcock 1**, I set out the provisions of the Phase One Act and the Phase 2a Act respectively that give the First Claimant the right to take temporary possession of land. The statutory sections referred to in those

paragraphs contain the complete regime for this process and the process has also been the subject of detailed consideration by the High Court on a number of other occasions (Mr Justice Barling in February 2018; Mr Justice Holland in May 2019 and August 2020; Mrs Justice Andrews in March 2020; and Mr Justice Mann in February 2022) and for those reasons I did not go into detail about the operation of the regime in **Dilcock 1**. However, it was apparent at the hearings on 05.04.2022 and 11.04.2022 that it was not well understood. In this section I have therefore set out the process in more detail. I also respectfully refer to the analysis of the Honourable Judges in the aforementioned cases.

28. The regimes under the Phase One Act and the Phase 2a Act are identical – the only distinction being that the Phase One Act confers a power to take temporary possession of land for Phase One purposes and the Phase 2a Act confers a power to take temporary possession of land for Phase 2a purposes. The First Claimant is currently concerned with the regime contained in Part 1 of Schedule 16 of the Phase One Act and Schedule 15 of the Phase 2a Act, which confers a power to take temporary possession of land within Act limits for construction works. There are also powers in both Acts to take temporary possession of land for maintenance of works, which will come into play when the railway is built.
29. Phase One purposes is defined in the Phase One Act at section 67 as follows:

References in this Act to anything being done or required for “Phase One purposes” are to the thing being done or required—

 - (a) for the purposes of or in connection with the works authorised by this Act,*
 - (b) for the purposes of or in connection with trains all or part of whose journey is on Phase One of High Speed 2, or*
 - (c) otherwise for the purposes of or in connection with Phase One of High Speed 2 or any high speed railway transport system of which Phase One of High Speed 2 forms or is to form part.*
30. Phase 2a purposes is defined in the Phase 2a Act at section 61 as follows:

References in this Act to anything being done or required for “Phase 2a purposes” are to the thing being done or required—

(a) for the purposes of or in connection with the works authorised by this Act,

(b) for the purposes of or in connection with trains all or part of whose journey is on Phase 2a of High Speed 2, or

(c) otherwise for the purposes of or in connection with Phase 2a of High Speed 2 or any high speed railway transport system of which Phase 2a of High Speed 2 forms or is to form part.

31. As explained by Mr Justice Holland QC at paragraphs 30 to 32 of the 2019 Harvil Rd Judgment (*SSfT and High Speed Two (HS2) Limited -v- Persons Unknown* [2019] EWHC 1437 (Ch)), the First Claimant is entitled to possession of land under these provisions provided that it has followed the process set down in Schedules 15 and 16 respectively, which requires the First Claimant to serve not less than 28 days’ notice to the owners and occupiers of the land. As was found in all of the above cases, this gives the First Claimant the right to bring possession proceedings and trespass proceedings in respect of the land and to seek an injunction protecting its right to possession against those who would trespass on the land.
32. For completeness and as it was raised for discussion at the hearing on 11.04.2022, the HS2 Acts import the provisions of section 13 of the Compulsory Purchase Act 1965 on confer the right on the First Claimant to issue a warrant to a High Court Enforcement Officer empowering the Officer to deliver possession of land the First Claimant in circumstances where, having served the requisite notice there is a refusal to give up possession of the land or such a refusal is apprehended. That procedure is limited to the point at which the First Claimant first goes to take possession of the land in question (it is not available in circumstances where possession has been secured by the First Claimant and trespassers subsequently enter onto the land). The process does not require the involvement of the Court. The availability of that process to the First Claimant does not preclude the First Claimant from seeking an order for possession from the Court, as has been found in all of the above mentioned cases.

33. Invoking the temporary possession procedure gives the First Claimant a better right to possession of the land than anyone else – even the landowner. The First Claimant does not take ownership of the land under this process, nor does it step into the shoes of the landowner. It does not become bound by any contractual arrangements that the landowner may have entered into in respect of the land and is entitled to possession as against everyone. The HS2 Acts contain provisions for the payment of compensation by the First Claimant for the exercise of this power.
34. The power to take temporary possession is not unique to the HS2 Acts and is found across compulsory purchase - see for example the Crossrail Act 2008, Transport and Works Act Orders and Development Consent Orders. It is also set to be even more widely applicable when Chapter 1 of the Neighbourhood Planning Act 2017 is brought into force.

Position of landowners of temporary possession land

35. It can be seen from the foregoing that the First Claimant is entitled to take possession of temporary possession land following the above procedure and in doing so to exclude the landowner from that land until such time as the First Claimant is ready to or obliged under the provisions of the HS2 Acts to hand it back. If a landowner were to enter onto land held by the First Claimant under temporary possession without the First Claimant's consent, that landowner would be trespassing.
36. The purpose for which the First Claimant seeks an injunction in respect of the temporary possession land is very clearly set out in Jordan 2. The Claimants have been subjected to a sustained, costly and often dangerous and violent campaign of direct action aimed at causing damage to the HS2 Scheme with the aim of delaying works or stopping them altogether. The Claimants reasonably fear based on their experience over the last 4 and a half years that the unlawful activity will continue if not restrained by the Court and that someone will be seriously injured or die if it is allowed to continue unchecked. It is that activity that the Claimants seek to restrain by the Application. The Claimants have no desire or need for injunctive relief against landowners who (no matter how strongly they

may feel about the HS2 Scheme) do not seek to damage and obstruct the HS2 Scheme by unlawful means.

37. The Claimants have taken note of the submissions made by and on behalf of landowners and have proposed an amended form of draft order that specifically excludes freeholders and leaseholders of temporary possession land from the operation of the injunction.
38. In view of this amendment, the Claimants respectfully submit that there is no reason to seek to serve notice of these proceedings on the owners of the temporary possession land as these proceedings do not affect them. There are over 1,800 separate parties who are owners of that land and contacting them would cause unnecessary distress and confusion in circumstances where the proceedings do not affect them.

Amendments to the HS2 Land Plans

39. At paragraphs 28 to 33 of Dilcock 1, I introduced the HS2 Land Plans and explained the different categories of land shown on them. At paragraph 30 I explained that at the time that the First Claimant issued the Application, it did not have a GIS data set to enable land that the Claimants had let to third parties (the “**Let Estate**”) to be removed from the Pink Land. This was not ideal and the Claimants have worked to produce that data set in the interim and have now been able to remove the Let Estate from the mapping. We have therefore produced a revised set of plans and uploaded them to the RWI Website (the “Revised HS2 Land Plans”) and revised tables to reflect the removed data set. The First Claimant has also simplified the colouring given that the possession order over the Cash’s Pit Land has now been dealt with and there is no requirement for that land to be shown coloured orange on the plans for the route-wide injunction application. That land is now green on the Revised HS2 Land Plans as it is temporary possession land. The land that was blue has been turned pink as the distinction of that as land that the First Claimant held under leases was an artificial one in the context of the Application. I confirm that whilst land has been removed from the coloured land over which the injunction is sought as set out above, no land has been added. In order to avoid any unnecessary confusion, it

is proposed that the First Claimant will remove the original HS2 Land Plans from the RWI Website and move forward with the Revised HS2 Land Plans. The draft order sought has also been amended to reflect this.

Amendments to the pleadings

40. The Claimants are proposing to amend the Claim Form, Particulars and draft order in line with points in which the Court expressed interest at the previous two hearings, to remove matters already dealt with by the order of 11.04.2022 and to make explicit the carve-out for freeholders and leaseholders of temporary possession land.

The position at Cash's Pit

41. The possession order and injunction made by the Court on 11.04.2022 (the "**Possession Order**") was sealed and sent to the Claimants for service on the afternoon of 12.04.2022 and served on 12.04.2022 and 13.04.2022 as set out in the certificates of service that were filed with the Court on the afternoon of 13.04.2022. For completeness, I have summarised what was done by way of service below.
42. A copy of the Possession Order was uploaded to the RWI Website at 16:22 on 12.04.2022.
43. Copies of the Possession Order in clear plastic wallets were attached to wooden stakes in the ground at the points marked A, B and C and on the boundaries marked NORTH, SOUTH, WEST, EAST on the plan at **page 81**. 21 copies, each with a cover sheet addressed individually by name to D1, D5, D6, D7, D8, D9, D10, D11, D12, D13, D14, D15, D16, D17, D18, D19, D20, D22, D31, and D63 and "The Occupiers" were placed in the post box at the entrance to the unauthorised encampment situated on the Cash's Pit Land. Two copies were attached to the entrance of the unauthorised encampment.
44. A number of individuals (the precise number is currently unknown) remain in occupation of the unauthorised encampment. On 14.04.2022 the First Claimant's security team began making twice daily verbal announcements standing next to

the structure in the encampment inhabited by the individuals, warning about the fact that the injunction was in place and that by remaining on the land the individuals were breaching it. The announcement has been made twice every day since that date and is as follows:

The giving of this warning to you is being recorded.

This land is subject to a High Court injunction, which has been served in accordance with the directions of the Court and is binding on you. Further copies are available on request.

On 11 April 2022, the High Court made an order forbidding you from entering or remaining on this land and requiring you to remove yourselves from the land immediately.

The order also requires you to cease all tunnelling activity on the land and to immediately leave and not return to any tunnels on the land. You must not do anything on the land to encourage or assist any tunnelling activity on the land.

The order also prohibits you from:

- *Interfering with any works, construction of activity in connection with the HS2 Scheme on the land;*
- *Interfering with any notice, fence or gate at the perimeter of the land;*
- *Causing damage to property on the land belonging to parties connected with the HS2 Scheme;*
- *Climbing onto or attaching yourselves to vehicles, plant or machinery on the land in connection with the HS2 Scheme.*

The Order bears a penal notice warning you that if you disobey the order you may be held to be in contempt of Court and may be imprisoned, fined or have your assets seized.

By remaining on the land, you are disobeying the Order.

Leave immediately and do not return.

45. The terms of the injunction have been also been breached on a number of occasions by various individuals who have entered onto the land subject to the injunction and remained on it without the consent of the Claimants. Each time someone is seen on the land by the First Claimant's security team in breach in the

injunction, they are challenged by the security team and the following warning is issued:

This land is subject to a High Court injunction, forbidding you from entering or remaining on this land and requiring you to remove yourselves from the land immediately. If you disobey the order you may be held to be in contempt of Court and may be imprisoned, fined or have your assets seized.

By remaining on the land, you are disobeying the Order.


Leave immediately and do not return.

46. Evidence of the breaches of the injunction – including videos and photographs - have been gathered by the First Claimant’s security team and are being reviewed by the First Claimant’s legal team for the purposes of bringing proceedings for contempt of Court. The Claimant has video and photographic evidence of the individuals named as D16 and D61 breaching the injunction and receiving warnings (the latter on multiple occasions), along with other persons unknown, some of whom the First Claimant has subsequently been able to identify (including one individual who took a child into the encampment in breach of the injunction – an incident that has been reported to Staffordshire County Council’s child welfare team) and some of whom remain unidentified.
47. In view of the fact that individuals have remained in occupation of the Cash’s Pit Land in breach of the Possession Order and in breach of the injunction contained in the Possession Order, it will be necessary for a writ of possession to be executed and for an eviction to take place.
48. In addition to breaches of the injunction, there have also been a number of incidents of trespass on the other HS2 Land in the vicinity of the Cash’s Pit Land. In particular a number of individuals have trespassed across the field to the east of the Cash’s Pit Land – crossing it to enter and leave the Cash’s Pit Land.

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:.....26 April 2022.....