

IN THE HIGH COURT OF JUSTICE
QUEEN'S 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 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

[DRAFT] DIRECTIONS ORDER

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

AND UPON this Directions Hearing being ordered by Mr Justice Cotter.

AND UPON HEARING Counsel for the Claimants Mr Richard Kimblin QC and Michael Fry and [Other Parties].

AND UPON the Claimants confirming that nothing in the Application or draft Order is intended or will be applicable to lawful freeholders or leaseholders on land over which the Claimants have taken temporary possession.

IT IS ORDERED THAT:

Amendments to the Application

1. The Claimants have permission:

a. To amend the description of the First, Second and Third Defendants as follows:

D1: “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 ORDER DATED 11 APRIL 2022 (“THE CASH’S PIT LAND”)

D2: “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”)

D3: “PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME, WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, 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”

b. To amend the Particulars of Claim in accordance with the Amended Particulars of Claim dated 26 April 2022.

c. To remove the original HS2 Land Plans and the accompanying tables from the HS2 proceedings website: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.

- d. To amend the draft Order in the Application in order to update it in respect of the possession order, injunctive relief and declaratory relief already granted, and to make other consequential amendments from the preliminary hearings in these proceedings including, but not limited to, amending the descriptions of the Defendants and explicitly removing leaseholders and freeholders from the scope of the prohibited activities.
- e. To remove Named Defendants from the Schedule to the Particulars of Claim where expedient.

Service of the Application

2. Pursuant to CPR r. 6.27 and r. 81.4 service of the Claimants' Application dated 25 March 2022:
 - a. is to be deemed effective as at the date of the certificates of service;
 - b. is good and sufficient service of the Application on the Defendants and each of them and personal service is dispensed with.

Service of this Order and Amended Application Documents

3. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
4. Pursuant to CPR r. 6.27, the Claimants shall serve this Order, any documents in the proceedings, and any amended documents on the Defendants by placing it in a prominent location on the following website:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> and by emailing the documents, or a link to the document where the documents is too large for email, to Counsel for D6 and to any other party who provides an email address to the Claimants' at the address set out in paragraph [22] below.

Case Management Directions

5. The final hearing for the Claimants' Application is to be listed at 10.30am on 26 – 27 May 2022 in the High Court in Birmingham.
6. Any person, other than a Named Defendant (D5 – 63), who wishes to attend the hearing must inform the Court of their intention to attend by 4pm on 25 May 2022 to the address set out in paragraph [21] below.

7. By 4pm on 6 May 2022, the Claimant to file and serve any amended documents, and an amended draft Order in accordance with paragraph 4 above.
8. By 4pm on 16 May 2022, any person seeking to defend the Application must file and serve a statement of case and any evidence upon which that person seeks to rely on the Court and the Claimants.
9. By 4pm on 17 May 2022, any person who wishes to comment on the Hearing Bundle must notify the Claimants of their wish to comment by email to the address in paragraph 22 below. Any person who has filed a statement of case in accordance with paragraph 8 shall be taken to have notified the Claimants.
10. By 5pm on 17 May 2022, the Claimants shall send by email a draft Hearing Bundle index to any person who has notified the Claimants in accordance with paragraph 9 above.
11. By 4pm on 18 May 2022, any person who wishes to comment on the draft Hearing Bundle shall provide suggested documents for inclusion to the Claimants. Where there is disagreement between the Claimants and that person as to the relevance of any document, that disagreement will be noted in the Hearing Bundle index and the document shall be provided to the Court in a separate bundle by the person seeking to rely upon it, with reasons provided as to the document's relevance.
12. By 4pm on 19 May 2022, the Claimants shall file and serve a properly paginated and indexed Hearing Bundle on the Court by email and in hard copy, and on other parties in accordance with paragraph 4 of this Order.
13. By 4pm on 20 May 2022, the Claimants and any other person seeking to address the Court at the hearing shall file and serve any skeleton argument or speaking note.
14. By 4pm on 25 May 2022, the Claimants shall file and serve a final schedule of Named Defendants, taking into account any removed by the Claimants in accordance with paragraph 1(e) above.
15. The Claimants otherwise have liberty to apply to extend or vary this Order or for further directions on an urgent basis.
16. Costs reserved.

Documents in the Claim and Application

17. All documents relating to these proceedings and this Order may be downloaded at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>. There is a button on the webpage which allows any person to register to be informed of any updates to that webpage. Any person interested in the proceedings should consider registering for updates.
18. A single hard copy of any document will be sent, so far as practicable, within **7** 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.
19. Service of any document upon the Claimants is only to be effected by email at the address in paragraph **22** below.
20. Schedule A to this Order contains useful references for any party seeking to oppose or understand this Order.

Communications with Claimants and the Court

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

Birmingham District Registry
Civil Justice Centre
Priory Courts
33 Bull Street
Birmingham
B4 6DW

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

22. 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:

SCHEDULE A – 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>