

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

MR JUSTICE JULIAN KNOWLES  
Between:



QB-2022-BHM-000044

(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 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 ~~AND BLUE~~ ON THE ~~HS2 LAND PLANS AT ANNEXED TO THE APPLICATION—NOTICE~~ <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> ("THE HS2 LAND") ~~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~~
- (3) 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 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

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DIRECTIONS ORDER

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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 Owen Greenhall for the Sixth Defendant.

**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:

- (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 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 ~~AND BLUE~~ ON THE ~~HS2 LAND PLANS AT ANNEXED TO THE APPLICATION NOTICE~~ <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> ("THE HS2 LAND") ~~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~~
- (3) 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~~ ~~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

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> ("HS2 Proceedings Website").

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 as regards service of the Claimants' Application dated 25 March 2022:

- a. The Court is satisfied that at the date of the certificates of service, good and sufficient service of the Application has been effected on the named defendants and each of them and personal service is dispensed with subject to the Claimants' carrying out the following additional methods within 14 days of the date of this order:
  - i. advertising the existence of these proceedings in the Times and Guardian newspapers, and in particular advertising the web address of the HS2 Proceedings website.
  - ii. where permission is granted by the relevant authority, by placing an advertisement and/or a hard copy of the papers in the proceedings within 14 libraries approximately every 10 miles along the route of the HS2 Scheme. In the alternative, if permission is not granted, the Claimants shall use reasonable endeavours to place advertisements on local parish notice boards in the same approximate location.
  - iii. making social media posts on the HS2 twitter and Facebook pages advertising the existence of these proceedings and the web address of the HS2 Proceedings website.
- b. Compliance with 2 (a)(i), (ii) and (iii) above will be good and sufficient service on "persons unknown"

### **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 24 below.

### **Case Management Directions**

5. The final hearing for the Claimants' Application is to be listed at 10.30am on 26 – 27 May and 30 May 2022 in the High Court in Birmingham before Mr Justice Julian Knowles.
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 23 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. At the same time and date, any party requiring any of the Claimants' witnesses to attend for cross-examination are to give notice of the name of the witness required together with reasons why that person is required. For the avoidance of doubt, whether live evidence will be permitted will remain to be determined by the Court.
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 24 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 19 May 2022, the Claimants have permission to file and serve any evidence in rebuttal if so advised.
14. 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.
15. 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.
16. The Claimants have permission to serve notice of acting by DLA Piper pursuant to CPR r. 42.2(2)(b) and CPR r. 6.27 in accordance with paragraph 4 above. For the avoidance of doubt, the email address for the Claimants' solicitors has not been changed.
17. The Claimants otherwise have liberty to apply to extend or vary this Order or for further directions on an urgent basis.
18. Costs reserved.

#### **Documents in the Claim and Application**

19. 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.
20. 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.

21. Service of any document upon the Claimants is only to be effected by email at the address in paragraph 24 below.
22. Schedule A to this Order contains useful references for any party seeking to oppose or understand this Order.

### **Communications with Claimants and the Court**

23. 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](mailto:qb.birmingham@justice.gov.uk)  
T: 0121 681 4441  
F: 01264 785 131  
DX: 701987 Birmingham 7

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

DLA PIPER UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

E: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk)  
T: 0114 283 3312  
DX: 708580 Sheffield 10  
R: RXS/380900/378

**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>