

On behalf of: Claimants
J.A.Dilcock
4th statement of witness
Exhibits: JAD8
Date: 19 May 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 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") 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 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

FOURTH 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, previously Government Legal Department and latterly DLA Piper UK LLP, in relation to the conduct of these proceedings. I am authorised to make this, my Fourth Witness Statement, on behalf of the Claimants.
2. Defined terms used in the Particulars of Claim, **Jordan 1, Dilcock 1, Dilcock 2** and my third witness statement ("**Dilcock 3**") 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:
 - 3.1 further update the Court on the position with regard to service of the Application;
 - 3.2 address points raised in submissions filed by the Defendants; and
 - 3.3 update the Court as to the situation at the Cash's Pit Land since I gave Dilcock 3.
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 **JAD8** true copies of documents to which I shall refer in this statement. Page numbers without qualification refer to that exhibit.

Service of the proceedings

7. Following the Directions hearing on 28 April 2022, Mr Justice Julian Knowles ordered the Claimants to take various additional steps to serve the Application (paragraph 2 of the order dated 28 April 2022 (“the **Directions Order**”). I confirm that the Claimants have complied with the steps set out in paragraph 2 of the Directions Order and I have set out the details of that compliance in this statement. Certificates of service have been filed with the Court in respect of the service effected.
8. In compliance with paragraph 2 (iii) of the Directions Order, on 28.04.2022 at 15:00 a tweet was issued from the First Claimant’s twitter account (<https://twitter.com/hs2ltd>) advertising the existence of these proceedings and providing the web address of the HS2 Proceedings website. A screen shot of the tweet is at **page 1**. Also at 15:00 on 28.04.2022, a post was issued on the First Claimant’s Facebook page (<https://facebook.com/HS2ltd>) advertising the existence of these proceedings and providing the web address of the HS2 Proceedings website. A screen shot of the post is at **page 2**.
9. In compliance with paragraph 2(i) of the Directions Order, the First Claimant requested that a notice be published in The Times newspaper advertising the existence of these proceedings and including the address of the HS2 Proceedings website. On 05.05.2022 the notice was published on page 53 of The Times newspaper. A copy of the page of The Times newspaper bearing the notice is at **page 3**.
10. Also in compliance with paragraph 2(i) of the Directions Order, the First Claimant requested that a notice be published in The Guardian newspaper advertising the existence of these proceedings and including the address of the

HS2 Proceedings website. On 07.05.2022 the notice was published on page 50 of The Guardian newspaper. A copy of the page of The Guardian Newspaper bearing the notice is at **page 4**. The First Claimant's instructions were that the notice should be placed in the Legal Notices section of the paper, but The Guardian mistakenly placed it in the Classified section. In view of the mistake, The Guardian also published the notice a second time in the newspaper on 14.05.2022 on page 19. A copy of the page of The Guardian newspaper from 14.05.2022 bearing the notice is at **page 5**.

11. In compliance with paragraph 2(ii) of the Directions Order, myself and members of our community engagement team identified libraries along the route of Phase One and Phase 2a of the HS2 Scheme (these being the sections of the route over which the injunction is being sought) and made contact either with the local authority with responsibility for them or with them direct to request that they display a notice advertising the existence of the proceedings and hard copies of the following documents ("the **Display Bundle**"):
- (a) Notice advertising the proceedings and web address for the HS2 Proceedings website ("the **Advertising Notice**") (a copy of this is at **page 6**);
 - (b) Claim Form
 - (c) Amended Particulars of Claim
 - (d) Schedule of Defendants
 - (e) Application Notice
 - (f) Amended draft Order dated 6 May 2022
 - (g) Revised HS2 Land Plans
 - (h) Revised Tables
 - (i) First Witness statement of Julie Dilcock
 - (j) Exhibit JAD3
 - (k) Witness statement of Richard Jordan
 - (l) Exhibit RJ1
 - (m) Second witness statement of Julie Dilcock

- (n) Exhibit JAD4
 - (o) Order dated 5 April 2022
 - (p) Order dated 11 April 2022
 - (q) Third Witness statement of Julie Dilcock
 - (r) Exhibit JAD6
 - (s) Order dated 28 April 2022
12. We mostly received a positive response, with only one of the libraries contacted (Ealing) declining to give permission.
13. Multiple copies of the Display Bundle were printed and compiled in lever-arch folders (the plans were printed in A3 and placed in an A3 folder) and sent out to the libraries, who were asked to place the Display Bundle on public display as soon as they were received. The libraries were also asked to confirm back to us the date on which the Display Bundle had been placed on display and, if possible, to provide a photograph showing the documents in situ. In total, the documents were sent to 18 libraries along the line of the route. At **pages 7 to 8** is a table setting out the details of the libraries, the date on which the Display Bundle was delivered to them and the date on which the Display Bundle was placed on display in the library (the latter being confirmed by the libraries in question, save for in the case of the Library of Birmingham, where the documents were taken there by a member of the First Claimant's staff and placed on display with the permission of the library). At **pages 8 to 25** are copies of email confirmations received from libraries, and photographs taken of the Advertising Notice and Display Bundle in libraries.
14. In addition, the First Claimant's community engagement team contacted a number of Parish and local councils on Phase 2a to ask that the Advertising Notice be placed on their notice boards. Much of the route of Phase 2a is rural and there are therefore fewer libraries distributed along it into which the Display Bundle could be placed (and far fewer than the one approximately every 10 miles suggested in the Directions Order). In light of this, the First Claimant wished to take additional steps to ensure that the Advertising Notice was displayed along the route. At **page 26** is a table setting out the Parish and local councils that were

contacted and the locations in which they confirmed that a copy of the Advertising Notice would be displayed. Some Parish Councils provided detailed written confirmations of when and where the Advertising Notice had been displayed and provided photographs and where these confirmations were received they have been included at **pages 27 to 43**.

15. In order to provide a visual representation of the distribution of the locations where the Advertising Notice and Display Bundle have been displayed, I asked our GIS team to plot the locations onto a maps of the route of Phase One and Phase 2a and these are at **page 167 and page 168** respectively.
16. To summarise: the Advertising Notice and Display Bundle were sent to and have been made publicly available for inspection at 18 libraries along the route of Phase One and Phase 2a of the HS2 Scheme. The Advertising Notice has, in addition (despite not being a requirement of the Directions Order as the Advertising Notice and Display Bundle had been placed in more than 14 libraries), been displayed on 22 Parish or local council notice boards and on Parish or local council websites and Facebook pages and on one further library notice board (Lichfield Library). The First Claimant therefore submits that it has complied with the requirements of paragraph 2(ii) of the Directions Order.
17. I can confirm that as at 17.05.2022 the HS2 Proceedings website had received a total of 2,315 page views, 1,469 of which were from unique users.

Submissions by the Defendants

18. Submissions have been filed by a number of the Named Defendants and also by a number of other interested persons, which further demonstrates that the proceedings have come to the attention of those interested in them. Not all of those submissions were also served on the Claimants as required by paragraph 8 of the Directions Order, but have been subsequently forwarded on to the Claimants' solicitors by the Court. It is not appropriate or necessary for me to address every one of those submissions in this statement, but there are some points that I should address.

19. Firstly, a number of the Named Defendants have requested that their names be removed from the proceedings. These requests have been accompanied by various submissions, but involve the suggestion that the individuals do not intend to engage in unlawful activity against the HS2 Scheme going forward. The Claimants have offered to agree an undertaking, to be given to the Court, with those individuals as to their future conduct to enable their names to be removed from the proceedings. Copies of the exchanges with the relevant individuals and signed undertakings are included in Hearing Bundle D. Where undertakings have been agreed with individuals, their names have been removed from the Schedule of Defendants and the words “not used” placed against their former defendant number.
20. D36 has submitted very lengthy submissions dated 16.05.2022 and associated exhibits (in addition to an earlier witness statement dated 04.04.2022 and similarly lengthy exhibits), which are centred around what he terms 4 “Grounds of Defence” and in which he repeatedly accuses the Claimants of lying. I do not propose to argue the Claimant’s case through this witness statement, however, in his “Ground One” he has raised points around the Claimants’ title to parcels of land, to which I am responding.
21. Much of D36’s Ground One involves a comparison that he says he has carried out between the original HS2 Land Plans and the Revised HS2 Land Plans. In the Directions Order, the Claimants were given permission to remove the original HS2 Land Plans and associated tables from the HS2 Proceedings website and to replace them with the Revised HS2 Land Plans and associated revised tables on the basis that it is the revised documents that will be relied upon. This permission was given following submissions by Leading Counsel and on the basis of the contents of Dilcock 3. In Dilcock 3, I explained the changes that had been made to the plans and associated tables, namely:
 - (a) The First Claimant had been able to build the necessary data set for the GIS system to enable it to remove the Let Estate from the plans. On the original HS2 Land Plans, the Let Estate had been included in the land coloured pink. The First Claimant accepts that this was not ideal, but at the time of issuing the Application, it lacked the necessary data set to remove it. The

tenants of that land and anyone lawfully present on that land as a result of it having been let by the Claimants would not, in any event, have been caught by the terms of the proposed injunction because they were there with the Claimants' consent. However, the First Claimant would rather have excluded the land in question entirely from the plans and worked following issue of the Application to build the data set to do that. The Let Estate has therefore now been removed from the Revised HS2 Land Plans

(b) The Cash's Pit Land, which was formerly coloured orange, has reverted to green as it is land held under temporary possession and the distinction in colour was for the purposes of the possession claim, which has concluded.

(c) The blue colouring, which had been used on the original plans to denote some of the land to which the Claimants hold a leasehold title was removed and the land in question has instead been coloured pink. The distinction between freehold and leasehold titles was not relevant to the terms of the injunction sought and it was desirable to simplify the colouring on the plans accordingly.

22. The contents of D36's submissions suggest that he may not have read Dilcock 3. The removal of the Let Estate from the plans and the fact that the Claimants do not seek an injunction over it, does not mean that the Claimants do not own that land or that they "lied" about it in any way. I had already clearly set out the position with regard to the Let Estate in Dilcock 1 (at paragraph 30), which was filed with the Application.

23. D36 has also made a number of submissions (for example, paragraphs 9 and 10 of his Ground One) questioning why parcels of land that he considers ought to have been included in the Application have not been included by the Claimants. I would stress that I have not been through these submissions in detail and would simply comment that it is not a matter for D36 to decide which land the Claimants should include in the Application or to question our rights over land that is not the subject matter of this application.

24. D36 has also raised issues where land coloured pink is land in respect of which the Claimants have acquired a leasehold title. It remains the case that the

Claimants have acquired that land and are entitled to possession of it. Whether the Claimants' title is freehold or leasehold is immaterial for the purposes of the Application.

25. As to paragraph 15 of D36's Ground One, the Claimant's are not required to explain why land is not included in the Application, nor are they required to explain why specifically they require land that has been acquired. D36 has questioned whether this land has been correctly designated on the plan and I can confirm that it has been acquired. The land in question forms part of Land Acquisition Area ("LAA"): C112_035_01. It appears on map 32L1 (on which the LAA number is clearly labelled) and is coloured pink. If you search Revised Table 1 for "C112_035_01", you find a list of the Land Acquisition Parcel ("LAP") numbers for the plots of land within that LAA, the relevant Land Registry title numbers, the relevant GVD number and the date on which the land vested in the Second Claimant pursuant to the GVD. It was acquired by the Second Claimant by GVD 573, which vested the land in the Second Claimant on 15.01.2022. I have included a copy of GVD 573 and the relevant registered title (BM455886) at **pages 44 to 59**. For completeness – and whilst noting that it is entirely irrelevant to the Application – the Claimants first took possession of this land under Schedule 16 temporary possession powers, prior to the later acquisition by GVD. This is not unusual for the project and is specifically envisaged by the provisions of Schedule 16.
26. As to paragraph 18 of D36's Ground One, the Claimants are not required to respond to unsubstantiated allegations of damage and breach of the Environmental Statement and which are not relevant to the issues before the Court in the Application. To the extent that this paragraph is intended to question the Claimants' rights over the section of road shown on map 36, I confirm as follows:
27. There are a number of LAAs in this area – which is the Chalfont St Giles vent shaft site and associated access. The road is LAA C122_169_01. It appears on map 36 (on which the LAA number is clearly labelled) and is coloured pink. If you search Revised Table 1 for "C122_169_01" you find a list of the Land Acquisition Parcel ("LAP") numbers for the plots of land within that LAA, the

relevant Land Registry title numbers, the relevant GVD number and the date on which the land vested in the Second Claimant pursuant to the GVD. It was acquired by the Second Claimant by GVD 562, which vested the land in the Second Claimant on 06.01.2022. I have included a copy of GVD 562 and the relevant registered title (BM455192) at **pages 60 to 70**. Note that highway maintainable at the public expense is excluded from the title, as is usual practice where the surface and “scrapings” are as a matter of law vested in the relevant highway authority under statute. The Claimants have separate powers for dealing with permanent and temporary stopping up of highways to suspend or remove the public rights over them for the purposes of works connected with the HS2 Scheme and these are found in Schedule 4 of the each of the HS2 Acts. Where those powers are exercised, the rights of the public to enter onto and pass and repass along that land are suspended or removed (depending upon whether temporary or permanent powers are being exercised). I mention this merely for completeness. As set out on the face of the draft order sought by the Claimants’, the proposed injunction does not:

- (a) Prevent any person from exercising their rights over any open public right of way over the HS2 Land;
- (b) Affect any private rights of access over the HS2 Land; or
- (c) Prevent any person from exercising their lawful rights over any public highway.

28. As to paragraph 20 of D36’s Ground One, I am unclear why D36 considers this plan to be “sinister”. In answer to his question as to why it is included: it is there because part of LAA C122_146 is shown on it (left-hand side of the map).

29. As to paragraph 32 of D36’s Ground One, he has answered his own question as to LL04 by exhibiting a copy of the relevant lease himself. I am afraid that I was unable to understand the queries that followed that, which are presented as follows:

“C212_093_R02/ C212_026. Different status? Why? C212_097, C212_101 Why?”

and consequently I have not been able to address them. The balance of that paragraph then relates to properties within the Let Estate.

30. As to paragraph 52 of D36's Ground One, to the extent that this is questioning our present right to temporary possession of LAA C241_143 (our present right being the only relevant matter for the purposes of the Application), if you search Revised Table 4 for "C241_143" you find a list of the LAPs within that LAA and details of the temporary possession notices that were served. I have exhibited copies of the relevant temporary possession notices (being: N-088579; N-088580; N-088581; N-088582; and N088583) and associated proofs of service at **pages 71 to 144**. These have been redacted to remove the personal data of the recipients of the notices. Should the Court require sight of unredacted copies, the Claimants will provide them.
31. As to paragraph 53 of D36's Ground One, the Claimants were not provided with the exhibit referred to (G1 Exhibit 16) and the paragraph does not specify to which land D36 is referring. I have therefore been unable to address the query.
32. For completeness, I would add that copies of the GVDs made by the Second Claimant in respect of the HS2 Scheme are published and are publicly available at: <https://www.gov.uk/government/collections/hs2-compulsory-purchase-general-vesting-declarations>

The position at the Cash's Pit Land

33. The operation to take possession of the Cash's Pit Land under the writ of possession issued by the High Court (a copy of which is at **pages 145 to 158**) commenced at 04:10 on 10 May 2022. The delay in commencing the enforcement was due to the requirement for and availability of police resource to support the operation, the planning for which was impacted by the adjournment of the possession proceedings on 05.04.2022 and the possession order not then being made until 11.04.2022.
34. As described in Dilcock 3, prior to commencement of the enforcement operation, regular warnings had been delivered to those still occupying the Cash's Pit Land

and those seen entering it, that they were breaching the injunction imposed by the High Court on 11.04.2022.

35. I do not intend to give granular detail about the operation in this statement as I am providing this by way of an update only and I am also concerned not to prejudice the ongoing enforcement operation, but I consider it important that the Court is aware of the general position.
36. As at the date of this statement, the enforcement operation is ongoing and at least 4 individuals are in occupation of a tunnel complex (“the Main Tunnel”) on the Cash’s Pit Land and are refusing to leave, despite not being trapped and being able to leave at any time they choose. They have repeatedly been warned by the High Court Enforcement Officers carrying out the eviction that the injunction is in place and that they are breaching it. The individuals in the Main Tunnel include D18 and D33, the latter of whom was in Court and made submissions to the Judge when the injunction was imposed. A photograph of the head of the Main Tunnel is at **page 159**.
37. The condition of the ground into which the Main Tunnel complex has been dug is poor and unstable and it is not considered safe for members of the enforcement team to enter at the present time. The structure that had been built over the Main Tunnel was also found to be unsound and unsafe and has had to be braced and supported by the enforcement team to prevent collapse over the Main Tunnel head. A photograph of the structure taken in December 2019 and posted on the Bluebell Woods Protection Camp Facebook group is at **page 160** along with a photograph taken on the morning of 10.05.2022 – you can see that the “east wing” of the structure had already collapsed at some point prior to the commencement of the enforcement operation (it is lying on the ground on its side on the left of the second picture). The enforcement team are monitoring the air quality in the Main Tunnel and carrying out purges where quality drops below acceptable levels. Introducing air into the Main Tunnel on a more regular basis risks drying out the soil in the Main Tunnel complex and further destabilising the tunnels, increasing the risk of collapse. The Main Tunnel occupants have been regularly closing an internal hatch that they have constructed in the Main Tunnel and when they do, the air quality drops due to reduced circulation. They have been

repeatedly warned by the enforcement team and the mines rescue team that they should stop doing this, but have continued. The issues with air quality are also further exacerbated by the fact that the Main Tunnel occupants are smoking in the Main Tunnel. The Claimants and the enforcement teams working on their behalf and the emergency services are therefore once again dealing with a situation created by the Defendants the presents significant risks to their safety and the safety of the activists underground.

38. In addition to the individuals in the tunnel described above, another male person unknown was found in occupation of another short tunnel on the Cash's Pit Land and refused to leave despite being warned about the injunction. He then eventually left on the night of 12.05.2022.
39. D31 was found in the structure built over the Main Tunnel when the enforcement team entered and was issued with a warning about the terms of the injunction. He climbed a tree above the structure and entered a treehouse that had been built there at a height of approximately 15m and placed himself into a lock-on device to make his removal more difficult. He was removed by the specialist climbing team around 08:30 on 10.05.2022. Photographs of D31 in the lock-on in the treehouse are at **pages 161 to 162**.
40. D62, who was also in Court when the injunction was imposed, was found hiding in the structure above the Main Tunnel around 7 hours after the enforcement operation commenced and was removed from the land. A photograph of D62 being escorted from the Cash's Pit land following her removal is at **page 163**.
41. Contempt proceedings are being prepared against the individuals who have breached the injunction, including the individuals in the Main Tunnel, and are anticipated to be issued shortly.
42. The enforcement team taking possession of Cash's Pit have found that a number of the trees have been "spiked" with nails – some trees have been found to have in excess of ten nails in them. The practice of "spiking" trees is described in Jordan 1 at paragraph 29.4.1 and damages equipment and can cause serious injury to individuals carrying out de-vegetation works. Photographs of spiked trees

found on the Cash's Pit Land and a sign placed by the Cash's Pit Defendants "warning" about spiking are at **page 164 to 166**.

43. Activists displaced from the Cash's Pit Land remain in the area at present and have trespassed on other land in the temporary possession of the First Claimant and on land owned by the Swynnerton Estate.

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:.....19 May 2022.....