

**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 -

**PERSONS UNKNOWN & OTHERS**

**Defendants**

---

**CORE BUNDLE B**  
*for hearing on 26 and 27 May 2022*

---

<b>TAB</b>	<b>DOCUMENT</b>	<b>PAGE</b>
1	Claim Form dated 25 March 2022	B003 - B006
2	N244 Application Notice dated 25 March 2022	B007 - B010
3	Amended Particulars of Claim dated 28 April 2022	B011 - B023
4	Schedule of Named Defendants	B024 - B026
5	Order of Cotter J dated 5 April 2022	B027 - B028
6	Order of Cotter J dated 11 April 2022	B029 - B041
7	Directions Order of Knowles J dated 28 April 2022	B042 - B048
8	Amended Draft Injunction Order dated 6 May 2022	B049 - B061
9	Indicative Plans	B062 - B063
10	Witness Statement of Richard Joseph Jordan dated 23 March 2022	B064 - B143
11	First Witness Statement of Julie Amber Dilcock dated 25 March 2022	B144 - B164

12	Second Witness Statement of Julie Amber Dilcock dated 1 April 2022	B165 - B177
13	Third Witness Statement of Julie Amber Dilcock dated 26 April 2022	B178 - B196
14	Forth Witness Statement of Julie Amber Dilcock dated 19 May 2022	B179 - B210

**DLA Piper UK LLP**  
**1 St Paul's Place**  
**Sheffield**  
**S1 2IX**

**Telephone: 0114 283 3312**  
**Email: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk)**  
**Reference: RXS/380900/378**

---

**Solicitors for the Claimants**



# Claim form for possession of property

In the High Court of Justice Queen's Bench Division	
Claim no.	
Fee Account no.	PBA00869228 Mar 2022



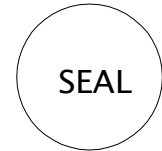
You may be able to issue your claim online and it may save you time and money. Go to [www.possessionclaim.gov.uk](http://www.possessionclaim.gov.uk) to find out more.

## Claimant

(name(s) and address(es))

(1) High Speed Two (HS2) Limited  
(2) The Secretary of State for Transport  
both of: Two Snowhill  
Snow Hill Queensway  
Birmingham  
B4 6GA

QB-2022-BHM-000044



## Defendant(s)

(name(s) and address(es))

Persons Unknown & Ors  
See Schedule attached to the Particulars for a full list of unnamed and named Defendants.  
The addresses of the Defendants are unknown. An application for service by an alternative method accompanies this Claim Form.

### The claimant is claiming possession of :

Land known as Cash's Pit, Staffordshire, more particularly shown coloured orange on Plan A attached to the Particulars of Claim.  
The Claimant also seeks injunctive relief against the Defendants as set out in the accompanying Application notice.

which ~~(includes)~~ (does not include) residential property. Full particulars of the claim are attached. ~~(The claimant is also making a claim for money).~~

This claim will be heard on: 20 at am/pm

at

## At the hearing

- The court will consider whether or not you must leave the property and, if so, when.
- It will take into account information the claimant provides and any you provide.

## What you should do

- Get help and advice immediately from a solicitor or an advice agency.
- Help yourself and the court by **filling in the defence form** and **coming to the hearing** to make sure the court knows all the facts.

Defendant's name and address for service

See the Schedule attached to the Particulars of Claim for a list of unnamed and named Defendants. The addresses of the Defendants are unknown. An application for service by an alternative method accompanies this Claim Form.  
The Claimants will serve the Claim.

Court fee	£569
Legal representative's costs	TBC
<b>Total amount</b>	TBC

Issue date

Claim No.

**Grounds for possession**

The claim for possession is made on the following ground(s):

- 
- rent arrears (online issue available)
- other breach of tenancy
- forfeiture of the lease
- mortgage arrears (online issue available)
- other breach of the mortgage
- trespass
- other (please specify) \_\_\_\_\_

**Anti-social behaviour**

The claimant is alleging:

- 
- actual or threatened anti-social behaviour  
actual or threatened use of the property  
for unlawful purposes

Is the claimant claiming demotion of tenancy?

Yes  No

Is the claimant claiming an order suspending the right to buy?

Yes  No

See full details in the attached particulars of claim

Yes  No

Does, or will, the claim include any issues under the Human Rights Act 1998?

Yes  No


# Statement of Truth

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.

**I believe** that the facts stated in this claim form are true.

**The Claimant** believes that the facts stated in this claim form are true. **I am authorised** by the claimant to sign this statement.

## Signature



Claimant

Litigation friend (where claimant is a child or a patient)

Claimant's legal representative (as defined by CPR 2.3(1))

## Date

Day

25

Month

03

Year

2022

Full name

Julie Amber Dilcock

Name of claimant's legal representative's firm

Government Legal Department

If signing on behalf of firm or company give position or office held

Litigation Counsel (Land & Property) HS2 Ltd

Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from those shown on the first page.

Building and street

102 Petty France

Second line of address

Westminster

Town or city

London

County (optional)

Postcode

S W 1 H 9 G L

If applicable

Phone number

02072103424

Fax phone number

DX number

123243 WESTMINSTER 12

Your Ref.

Email

HS2Injunction@governmentlegal.gov.uk

# Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

<b>Name of court</b> Queen's Bench	<b>Claim no.</b>
<b>Fee account no.</b> (if applicable)	<b>Help with Fees - Ref. no.</b> (if applicable) 28 Mar 2022
	<b>H W F</b> - <input type="text"/> - <input type="text"/>
<b>Warrant no.</b> (if applicable)	
<b>Claimant's name</b> (including ref.) (1) High Speed Two (HS2) Limited & QB-2022-BHM-000044 (2) Secretary of State for Transport	
<b>Defendant's name</b> (including ref.) (1) - (4) Persons Unknown (5) Mr Ross Monaghan and 58 other named defendants	
<b>Date</b>	25 March 2022



1. What is your name or, if you are a legal representative, the name of your firm?

Julie Dilcock (HS2 Litigation Counsel)

2. Are you a  Claimant  Defendant  Legal Representative  
 Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

1.Possession Order in respect of Cash's Pit, Staffordshire; 2.Interim injunctive relief against the Defendants at Cash's Pit, and the HS2 Land; 3.Declarations in respect of Cash's Pit, and the HS2 Land; 4.Orders for alternative service; 5.Discontinuance and discharge of Orders in respect of other proceedings

4. Have you attached a draft of the order you are applying for?  Yes  No

5. How do you want to have this application dealt with?  at a hearing  without a hearing  
 at a telephone hearing

6. How long do you think the hearing will last? 5 Hours  Minutes  
 Is this time estimate agreed by all parties?  Yes  No

7. Give details of any fixed trial date or period

TBC

8. What level of Judge does your hearing need?

High Court

9. Who should be served with this application?

Persons Unknown by personal service

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

N/A

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

Please see in particular the below link to the plans:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>

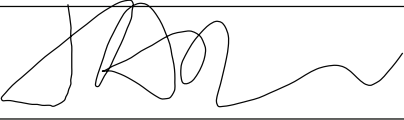


## Statement of Truth

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.

- I **believe** that the facts stated in section 10 (and any continuation sheets) are true.
- The Applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

### Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

### Date

Day                      Month                      Year

25	03	2022
----	----	------

Full name

Julie Amber Dilcock

Name of applicant's legal representative's firm

Government Legal Department

If signing on behalf of firm or company give position or office held

Litigation Counsel (Land & Property) HS2 Ltd

Applicant's address to which documents should be sent.

Building and street

102 Petty France

Second line of address

Westminster

Town or city

London

County (optional)

Postcode

S | W | 1 | H | 9 | G | L

If applicable

Phone number

02072103424

Fax number

DX number

123243 WESTMINSTER 12

Your Ref.

Z2202274/ACN/DS3

Email

HS2Injunction@governmentlegal.gov.uk

Claim no: QB-2022-BHM-000044

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 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

---

AMENDED PARTICULARS OF CLAIM

---

## Introduction

1. The First Claimant (“**HS2**”) is the nominated undertaker (“**Nominated Undertaker**”) appointed by the Secretary of State for Transport under:
  - 1.1. section 45 of the High Speed Rail (London – West Midlands) Act 2017 (the “**Phase One Act**”) by way of the High Speed Rail (London-West Midlands) (Nomination) Order 2017; and
  - 1.2. section 42 of the High Speed Rail (West Midlands - Crewe) Act 2021 (the “**Phase 2a Act**”) by way of the High Speed Rail (West Midlands - Crewe) (Nomination) Order 2021.

Together the “**HS2 Acts**” to construct the High Speed Two Railway Scheme (commonly referred to as “**HS2**” and referred to in these Particulars as: the “**HS2 Scheme**”).
2. The Second Claimant is the Secretary of State for Transport (“the **SoS**”).
3. The Claimants are entitled as Nominated Undertaker, alternatively as the freehold or leasehold owner, to prevent trespass and nuisance to the use of, and access to, land acquired or held in connection with the HS2 Scheme (the “**HS2 Land**”).
4. Those Defendants who have been identified and joined individually as Defendants to these proceedings are set out in Annex 1 to these Particulars. Where necessary the Defendants whose names appear in Annex 1 are referred to as “the Named Defendants”, whilst reference to “the Defendants” includes both the Named Defendants and those persons unknown who have not yet been individually identified.
5. The Defendants have taken part in a series of unlawful actions against the HS2 Land since October 2017 (the “**Anti-HS2 Action**”). The Anti-HS2 Action to date has included blocking access to the HS2 Land, damaging HS2’s vehicles, trespassing on land, and digging and occupying tunnels and building fortifications on the HS2 Land without permission. Some of the Anti-HS2 Action has led to criminal charges, and in respect of other Anti-HS2 Action, the Court has granted injunctive relief and committal orders.

6. The Claimants **have** produced plans showing the HS2 Land coloured Pink, Blue and Green. Those plans span 283 pages and are best viewed electronically and have therefore been uploaded to: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> (the “**HS2 Land Plans**”). As a matter of form they **have been** were introduced as Exhibit JAD1 to **Dilcock 1**. **The plans have been revised as set out in Dilcock 3**. That part of the HS2 Land over which a possession order **is sought has been granted**, being land known as Cash’s Pit, Staffordshire (the “**Cash’s Pit Land**”) is shown coloured orange on Plan A annexed to ~~these Particulars~~ the Order of Cotter J dated 11 April 2022.
7. The Claimants have previously obtained several interim injunctions preventing unlawful trespass and nuisance in claims: PT-2018-000098 (Harvil Road); PT-2020-BHM-000017 (Cubbington and Crackley); CO/361/2021 (Euston, Steyn J) and PT-2021-000132 (Euston, Mann J). In respect of PT-2020-BHM-000017 (Cubbington and Crackley), a committal order has been made against a named defendant, Mr Cuciurean (**D33**). In respect of CO/361/2021 and PT-2021-000132 (Euston, Steyn J and Mann J), the Claimants have issued committal proceedings against 5 named defendants. **Those committal proceedings were discontinued by the First Claimant after wide-ranging undertakings and apologies were provided by each of the 5 defendants to the court.**
8. Presently, the First Claimant is faced with a significant unlawful trespass and obstruction of access in respect of the Cash’s Pit Land which serves to illustrate the issues the Claimants face in respect of such unlawful activity along the route of the HS2 Scheme. **On 11 April 2022, Mr Justice Cotter made a possession order and granted injunctive and declaratory relief in respect of the Cash’s Pit Land. The Claimants seek continuance of that Order. Although the First Claimant seeks a possession order in these proceedings specifically in respect of the Cash’s Pit Land,** ~~‡~~The facts giving rise to the need for that ~~o~~Order are illustrative of the wider issues which the Claimants face: there are other significant Anti-HS2 Action activities which nevertheless continue to take place along the HS2 Land and experience has shown that the removal of the Defendants from the Cash’s Pit Land is highly likely to mean that the issues are simply displaced to another part of the HS2 Land.

9. In accordance with the HS2 Acts, (Schedule 16 and Schedule 15 respectively) the Claimants are entitled to take temporary possession of certain identified land. That right to possession is a statutory right to possession, bespoke to HS2, and HS2 does not acquire title to the land in question. In effect, the statutory right to possession under the HS2 Acts overlays the existing title and is good against anyone on the land – including the owner of the land.
10. As set out in these Particulars of Claim, the Claimants are only concerned with the Anti-HS2 Action. For the avoidance of any doubt, the Claimants do not seek an injunction against any person with a lawful freehold or leasehold interest in land over which the Claimants have taken temporary possession.

#### ~~The Cash's Pit Land~~

- ~~11. The First Claimant has an immediate right to possession of the Cash's Pit Land.~~
- ~~12. The Defendants have never been a tenant or sub-tenant of the Cash's Pit Land.~~
- ~~13. The Cash's Pit Land does not include residential property.~~
- ~~14. As explained further below, the Claimants do not know all of the names of the Defendants. As to D5 to D20; D22; D31; and D63 ("the **Cash's Pit Named Defendants**"), the basis for joining them to these proceedings is set out at paragraph 42 and 49 of the First Witness Statement of Julie Amber Dileoek filed and served in support of this claim ("**Dileoek 1**").~~
- ~~15. The basis of the First Claimant's entitlement to possession of the Cash's Pit Land is set out at paragraph 46 of **Dileoek 1**. In summary, the First Claimant is entitled to take possession of the Cash's Pit Land pursuant to its powers under section 13 and Schedule 15 of the Phase 2a Act, but has not yet taken possession due to the ongoing trespass.~~
- ~~16. The First Claimant requires possession of the Cash's Pit Land in connection with the HS2 Scheme, construction of Phase 2a of which is authorised by the Phase 2a Act. In~~

~~particular, the Cash's Pit Land is required for "Phase 2a purposes" within the meaning of section 61 of the Phase 2a Act.~~

### **Trespass to the Cash's Pit Land**

11. The circumstances in which the Cash's Pit Land has been occupied are as follows:
  - 11.1. The Claimants believe a fluctuating group of individuals have been occupying the Cash's Pit Land (or part of it) since around March 2021. At present it is understood that there are in the region of 15 to 20 adults in occupation of the Cash's Pit Land, but numbers fluctuate on a daily basis. The Claimants have no specific information about the presence or otherwise of children on the Cash's Pit Land.
  - 11.2. Many of the Cash's Pit Named Defendants are known to the First Claimant's security team and have trespassed upon other HS2 Land owned by the Second Claimant and/or land to which the First Claimant is entitled to possession on previous occasions across both Phase One and Phase 2a of the HS2 Scheme. The First Defendant and all of the Cash's Pit Named Defendants (together: the **"Cash's Pit Defendants"**) are trespassers on the Cash's Pit Land and save for the Cash's Pit Named Defendants, their identities are not known.
  - 11.3. It is not known precisely how or where the Cash's Pit Defendants gained access to the Cash's Pit Land, but access would likely have been gained easily given the nature of the Cash's Pit Land as open (albeit heavily wooded) land.
  - 11.4. An encampment has been established on the Cash's Pit Land comprising a number of structures including tents, wooden structures (incorporating towers) and structures in trees. The Cash's Pit Defendants are understood to be opposed to the continuation of the HS2 Scheme on environmental, economic or other grounds. It is to be inferred from their conduct that the Cash's Pit Defendants by their unlawful trespass wish to prevent or delay or render more difficult and expensive works on the Cash's Pit Land and other HS2 Land in the area by the Claimants and their contractors.

11.5. The encampment on the Cash's Pit Land has been used by the Cash's Pit Defendants as a base of operations for action attempting to block access to and disrupt HS2 Scheme works on other land in the vicinity. Severe disruption has been caused to the First Claimant's contractor Balfour Beatty and necessitated them seeking injunctive relief to restrain the interference with their access. On 17 March 2022, the Court granted the injunction, which is exhibited to **Dilcock 1**. The encampment has also been used as a base of operations for sporadic incidents of trespass on other HS2 Land in the vicinity of the encampment on which works are being carried out by Cadent Gas to divert a gas pipeline. Some of these incidents are described in detail in **Jordan 1**.

12. On 23 February 2022, the First Claimant gave the occupiers of the Cash's Pit Land written notice to vacate and warned that Court proceedings would be issued if the Cash's Pit Land was not vacated. The circumstances of that notice are set out at paragraph 46 of **Dilcock 1**. The Cash's Pit Defendants (or some of them) remain in occupation of the Cash's Pit Land without the consent of the First Claimant.

~~13. In the premises the First Claimant is entitled to and so claims an order for possession of the Cash's Pit Land. **Dilcock 3** sets out the Claimants' service of the Cotter J Order.~~

### **Declaratory relief**

~~14. The First Claimant also seeks declaratory relief confirming its immediate right to possession of the Cash's Pit Land.~~

### **Trespass and nuisance**

14. As set out at paragraph 3 above, the Claimants have a right to possession of the HS2 Land.

15. The Anti-HS2 Action involves trespass on the HS2 Land; disruption of the works on the HS2 Land; and disruption of the use of roads in the vicinity of the HS2 Land causing inconvenience and danger to the Claimants and to other road users.



16. In particular, the Anti-HS2 Action has:

16.1. On numerous occasions created immediate threats to life, putting at risk the lives of those engaging in the action, the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and employees and potentially emergency services personnel.

16.2. Caused disruption, delay and nuisance to the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and employees on the HS2 Land.

16.3. Prevented the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and employees and members of the public from exercising their ordinary rights to use the public highway or inconvenienced them in so doing.

17. Further, the Defendants' conduct:

17.1. Is an unlawful trespass on the HS2 Land in circumstances where they are bare trespassers.

17.2. In respect of obstruction of access to the HS2 Land has exceeded the rights of the public to use the public highway and is in itself a trespass against the relevant highway authority.

17.3. Has endangered the life, health, property or comfort of the public and/or obstructs the public in the exercise of rights common to all Her Majesty's subjects such that a public nuisance has been created, and the Claimants have suffered particular damage over and above the general inconvenience and injury suffered by the public in expending (i) costs incurred in additional internal managerial and staffing time in order to deal with the protest action; (ii) costs and losses incurred as a result of delays to the HS2 Scheme programme; and (ii) other costs incurred in remedying the wrongs and seeking to prevent further wrongs.

- 17.4. Threatens, unless restrained, to continue the actions under preceding subparagraphs and to cause an interference with the reasonable use of the HS2 Land amounting to a private nuisance.
18. The Claimants reasonably fear that the Cash's Pit Defendants will not comply with any order for possession or declaration made by the Court and in particular that they will refuse to leave any structures on or tunnels that they have constructed under the Cash's Pit Land, placing themselves and those trying to remove them at significant risk. **To date, there has been no indication that the Cash's Pit Defendants have complied with the Order of Cotter J.**
19. The Claimants also reasonably fear that, having removed the Cash's Pit Defendants from the Cash's Pit Land, the Defendants will return to trespass on or cause nuisance to the Cash's Pit Land or on other parts of the HS2 Land. The Claimants also, based on previous experience, reasonably fear that the Defendants will interfere with the access of the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and/or employees to and from the HS2 Land and/or interfere with the fencing or gates at the perimeter of the HS2 Land.
20. By reason of the matters set out herein and in **Dilcock 1** and **Jordan 1**, there is a real and imminent risk of trespass and nuisance continuing to be committed in respect of the Cash's Pit Land and the HS2 Land.
21. The Defendants have openly stated an intention to continue to take part in direct action protest against the HS2 Scheme, through further protest action similar to that described herein unless restrained by this Honourable Court.
22. Accordingly, the Claimants apply, by way of the Application Notice and supporting witness evidence accompanying this claim, for **final** injunctive relief requiring the Cash's Pit Defendants to leave the Cash's Pit Land, declaratory relief and an order restraining the Defendants from trespassing upon or interfering with access to or the fencing and gates at the perimeter of the HS2 Land.

**AND THE CLAIMANT CLAIMS:**

~~(1) An order that the Cash's Pit Defendants deliver up possession of the Cash's Pit Land to the First Claimant forthwith;~~

~~(2) Declaratory relief confirming the First Claimant's immediate right to possession of the Cash's Pit Land;~~

(1) Final ~~injunctive~~ relief in the terms of the draft Order ~~appended to the Application Notice~~;

(2) Costs;

(3) Further and other relief.

**RICHARD KIMBLIN QC**

**MICHAEL FRY**

**SIONED DAVIES**


**JONATHAN WELCH**

Dated this ~~25 day of March 2022~~ 26 April 2022

#### STATEMENT OF TRUTH

The Claimants believe that the facts stated in these **Amended** Particulars of Claim are true. The Claimants 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.

I am duly authorised by the Claimants to sign this statement.

Signed:   
.....  
Claimants' Solicitor

Position or office held: Litigation  
Counsel (Land & Property) HS2 ltd

Full Name: JULIE AMBER DILCOCK

Address for receiving documents:

**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

**B019**

DX: 708580 Sheffield 10  
R: RXS/380900/378

Government Legal Department  
~~102 Petty France Street~~  
~~Westminster~~  
~~London~~  
~~SW1H 9GL~~

E: [HS2Injunction@governmentlegal.gov.uk](mailto: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

**SCHEDULE OF 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 SHOWN COLOURED ORANGE ON PLAN A ANNEXED TO THE <del>PARTICULARS OF CLAIM ORDER DATED 11 APRIL 2022</del> (“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, <del>AND</del> GREEN <del>AND BLUE</del> ON THE <del>HS2 LAND PLANS AT ANNEXED TO THE APPLICATION NOTICE</del> <a href="https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings">https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings</a> (“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 <del>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</del> THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES <del>WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT</del> 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)

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(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)
(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

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(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 Wiktoria 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
(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 OF DEFENDANTS

<b>DEFENDANT NUMBER</b>	<b>UNNAMED DEFENDANTS</b>
(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 ("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, GREEN AND BLUE ON THE PLAN ANNEXED TO THE APPLICATION NOTICE ("THE HS2 LAND")
(3)	PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND 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

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(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



<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(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)
(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

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(42)	Ms Hannah Bennett
(43)	Mr James Ruggles (aka Jimmy Ruggles)
(44)	Mr Nick Grant (aka Potts)
(45)	Mr Stuart Ackroyd
(46)	Ms Wiktoria Paulina Zieniuk
(47)	<del>Mr Tom Dalton</del>
(48)	Mr Conner Nichols
(49)	Mr Sebastian Roblyn Maxey
(50)	Ms Jessica Heathland-Smith
(51)	Ms Ella Dorton
(52)	Mr Karl Collins
(53)	Mr Sam Goggin
(54)	Ms Hayley Pitwell
(55)	Mr Jacob Harwood (aka Groovella Deville)
(56)	<del>Ms Libby Farbrother</del>
(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)

IN THE HIGH COURT OF JUSTICE  
BIRMINGHAM DISTRICT REGISTRY

BEFORE: MR JUSTICE COTTER  
ON: 5 April 2022

B E T W E E N:

- (1) HIGH SPEED TWO (HS2) LTD  
(2) THE SECRETARY OF STATE FOR TRANSPORT



QB-2022-BHM-000044

Claimants/Applicants

-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 ("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, GREEN AND BLUE ON THE PLAN ANNEXED TO THE APPLICATION NOTICE ("THE HS2 LAND")
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND 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/Respondents

---

**ORDER**

---

UPON the Claimant's Application by an Application Notice dated 25 March 2022

AND UPON HEARING Counsel for the Claimant, Mr Michael Fry, and Counsel for the Sixth Defendant, Mr Owen Greenhall and Defendants in Person

**IT IS ORDERED THAT:**

1. The proceedings to be adjourned and listed for 1 day at 10.30am on Monday 11 April 2022 before The Honourable Mr Justice Cotter to consider the Claimants' application for a possession claim in relation to the Cash's Pit Land and for directions in respect of a preliminary hearing on service of the Claimants' Application.
2. Any Defendant to serve any further evidence and/or submissions on the Claimants at HS2Injunction@governmentlegal.gov.uk (quoting reference Z2202274/CAN/DS3) in relation to the Protection of Eviction Act 1977 and file the same with the Court by **11am on Friday 8 April 2022**.
3. The Claimants to have liberty to serve any rebuttal evidence and/or submissions by 9am on **Monday 11 April 2022**.
4. Counsel to provide details of availability for hearings to the Court by 11am on Friday 8 April 2022.
5. The preliminary hearing on service of the Claimants' Application is to be expedited otherwise.
6. Pursuant to CPR r. 6.27, the Claimants shall serve this Order 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 email to Counsel for the Sixth Defendant.

**BY THE COURT**

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.

**B029**

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

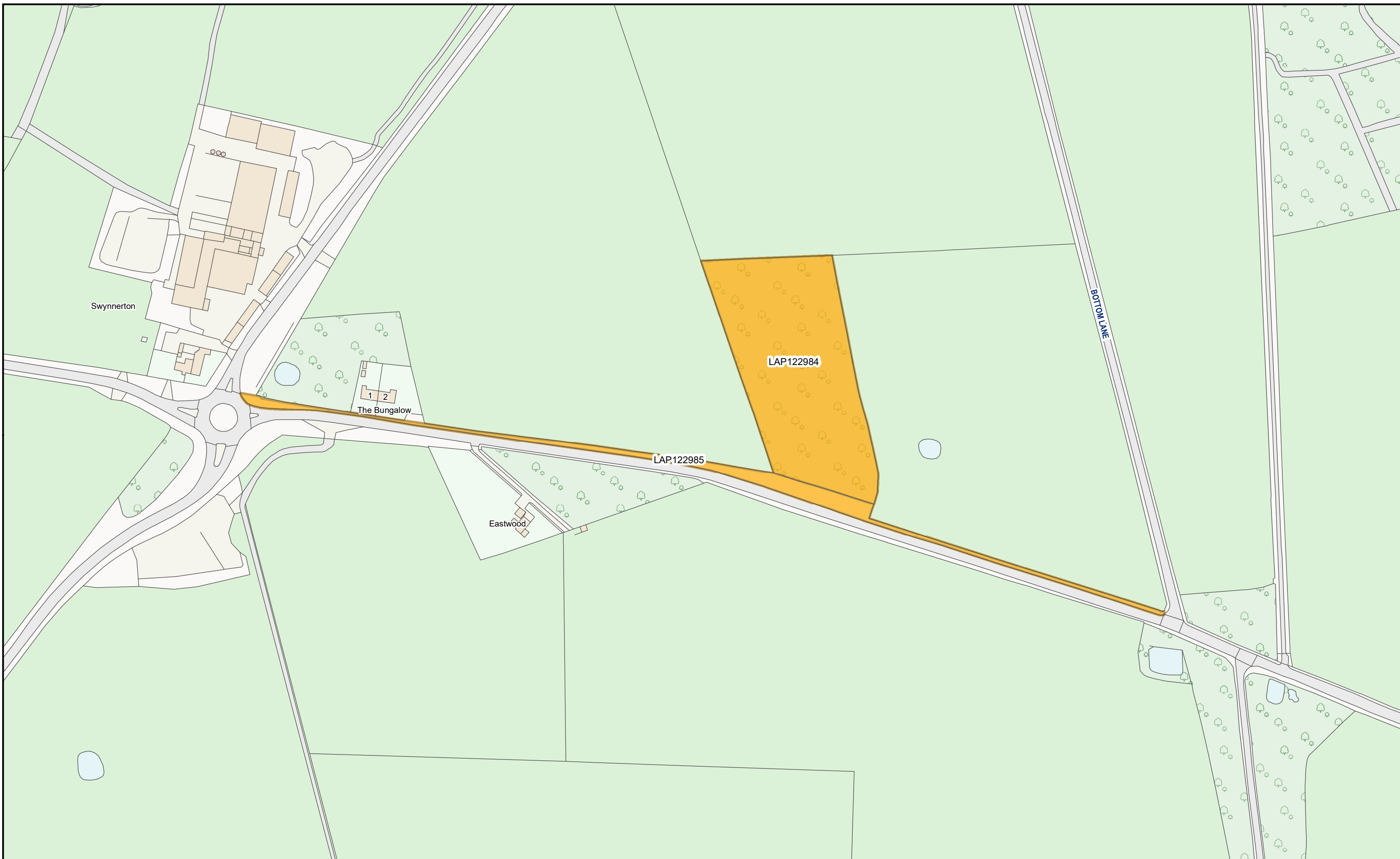
18. The Claimants' solicitors and their contact details are:

The Treasury Solicitor,  
Government Legal Department,  
102 Petty France,  
Westminster,  
London SW1H 9GL

E: [HS2Injunction@governmentlegal.gov.uk](mailto: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.

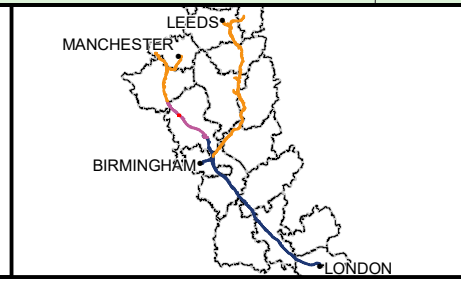
Contains Environment Agency information © Environment Agency and database right.

© 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** Scale at A3: 1:2,500

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

0 24 48 72

**Doc Number: PH1-HS2-LP-MAP-000-000085** **B036**

## 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 <a href="https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings">https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings</a> ("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)

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(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

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(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 form<sup>1</sup>;

(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.

---

<sup>1</sup> 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>

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 PLAN 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

---

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.

**B042**

**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 PLAN 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>



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

MR JUSTICE JULIAN KNOWLES

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

---

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** Mr Justice Cotter making an Order on 11 April 2022 approving service on the Cash's Pit Defendants (as defined in this Order), granting a possession order, declaratory relief and interim injunctive relief in relation to the Cash's Pit Land.

**AND UPON** Mr Justice Julian Knowles making an Order on 28 April 2022 making directions and approving service in respect of the Claimants' Application on Named Defendants (as defined in this Order).

**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 HS2 Land and does not block, slow down, obstruct or otherwise interfere with the Claimants' access to or egress from the HS2 Land.

**AND UPON** the Claimants confirming that they do not intend for any freeholder or leaseholder with a lawful interest in the HS2 Land to fall within the Defendants to this Order, and undertaking not to make any committal application in respect of a breach of this Order, where the breach is carried out by a freeholder or leaseholder with a lawful interest in the HS2 Land on the land upon which that person has an interest.

**AND UPON** the Claimants confirming that this Order is not intended to act against any guests or invitees of any freeholder or leaseholder with a lawful interest in the HS2 Land unless that guest or invitee undertakes actions with the effect of damaging, delaying or otherwise hindering the HS2 Scheme on the land held by the freeholder or leaseholder with a lawful interest in the HS2 Land.

**AND UPON HEARING** Leading and Junior Counsel for the Claimant [and ].

**IT IS ORDERED THAT:**

**Definitions**

1. In this Order, the following defined terms shall apply:
  - a. The “HS2 Proceedings website” means the webpages at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.
  - b. The “Cash’s Pit Defendants” means D1, D5 to D20, D22, D31 and D63 whose names appear in the schedule annexed to this Order at Annex A.
  - c. The “Named Defendants” means D5 to D63 whose names appear in Annex A.
  - d. The term “Defendants” refers to all Defendants 1 – 63.
  - e. 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 Order dated 11 April 2022 and reproduced as an annexe to this Order (“**Plan A**”).
  - f. The “Harvil Road Land” means the land subject to the Order of David Holland QC (sitting as Deputy Judge of the High Court) in PT-2018-000098 dated 4 September 2020.
  - g. The “Crackley and Cubbington Land” means the land subject to the Order of Mr Justice Marcus Smith in PT-2020-BHM-000017 dated 3 May 2021 and sealed on 7 May 2021.
  - h. The “HS2 Land” means all of the land acquired or held by the Claimants in connection with the High Speed 2 Railway Scheme shown coloured pink and green on the plans which are available electronically on the HS2 Proceedings website. For the avoidance of doubt, the Cash’s Pit Land, the Harvil Road Land and the Crackley and Cubbington Land are included within the HS2 Land.

### **Service by Alternative Method - Proceedings**

2. Pursuant to CPR r. 6.15, r.6.27 and r. 81.4, the steps that the Claimants have taken to serve the Claim, the Application and the evidence in support on the Second, Third and Fourth Defendants shall amount to good and proper service of the proceedings on those defendants and each of them. The proceedings shall be deemed served on [DATE].

### **Injunction in force**

3. With immediate effect until 23:59hrs on 31 May 2023 unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from doing the following:
  - a. entering or remaining upon the HS2 Land;
  - b. obstructing or otherwise interfering with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or

- c. interfering with any fence or gate on or at the perimeter of the HS2 Land.
4. Nothing in paragraph 3 of this Order:
  - a. Shall prevent any person from exercising their rights over any open public right of way over the HS2 Land.
  - b. Shall affect any private rights of access over the HS2 Land.
  - c. Shall prevent any person from exercising their lawful rights over any public highway.
  - d. Shall extend to any person holding a lawful freehold or leasehold interest in land over which the Claimants have taken temporary possession.
  - e. Shall extend to any interest in land held by statutory undertakers.
5. For the purposes of paragraph 3(b) prohibited acts of obstruction and interference shall include (but not be limited to):
  - a. standing, kneeling, sitting or lying or otherwise remaining present on the carriageway when any vehicle is attempting to turn into the HS2 Land or attempting to turn out of the HS2 Land in a manner which impedes the free passage of the vehicle;
  - b. digging, erecting any structure or otherwise placing or leaving any object or thing on the carriageway which may slow or impede the safe and uninterrupted passage of vehicles or persons onto or from the HS2 Land;
  - c. affixing or attaching their person to the surface of the carriageway where it may slow or impede the safe and uninterrupted passage of vehicles onto or from the HS2 Land;
  - d. affixing any other object to the HS2 Land which may delay or impede the free passage of any vehicle or person to or from the HS2 Land;
  - e. climbing on to or affixing any object or person to any vehicle in the vicinity of the HS2 Land; and
  - f. slow walking in front of vehicles in the vicinity of the HS2 Land.
6. For the purposes of paragraph 3(c) prohibited acts of interference shall include (but not be limited to):
  - a. cutting, damaging, moving, climbing on or over, digging beneath, or removing any items affixed to, any temporary or permanent fencing or gate on or on the perimeter of the HS2 Land;
  - b. the prohibition includes carrying out the aforementioned acts in respect of the fences and gates; and

- c. interference with a gate includes drilling the lock, gluing the lock or any other activities which may prevent the use of the gate.

### **Service by Alternative Method – This Order**

7. The Court will provide sealed copies of this Order to the Claimant's 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 Defendants by affixing 6 copies of this Order in prominent positions on the perimeter of the Cash's Pit Land.
  - b. Further, the Claimant shall serve this Order upon the Second, Third and Fourth Defendants by:
    - i. Affixing 6 copies in prominent positions on the perimeter each of the Cash's Pit Land (which may be the same copies identified in paragraph 8(a) above), the Harvil Road Land and the Cubbington and Crackley Land.
    - ii. Advertising the existence of this Order in the Times and Guardian newspapers, and in particular advertising the web address of the HS2 Proceedings website, and direct link to this Order.
    - iii. Where permission is granted by the relevant authority, by placing an advertisement and/or a hard copy of the Order 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 council notice boards in the same approximate locations.
    - iv. Publishing social media posts on the HS2 twitter and Facebook platforms advertising the existence of this Order and providing a link to the HS2 Proceedings website.
  - c. Service of this Order on Named Defendants may be effected by personal service where practicable and/or posting a copy of this Order through the letterbox of each Named Defendant (or leaving in a separate mailbox), with a notice drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to or left at the

front door or other prominent feature marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The notices shall be given in prominent lettering in the form set out in Annex B. It is open to any Defendant to contact the Claimants to identify an alternative place for service and, if they do so, it is not necessary for a notice or packages to be affixed to or left at the front door or other prominent feature.

- d. The Claimants shall further advertise the existence of this Order in a prominent location on the HS2 Proceedings website, together with a link to download an electronic copy of this Order.
  - e. The Claimants shall email a copy of this Order to solicitors for D6 and any other party who has as at the date hereof provided an email address to the Claimants to the email address: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk)
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.
10. Although not expressed as a mandatory obligation due to the transient nature of the task, the Claimants will seek to maintain copies of this Order on areas of HS2 Land in proximity to potential Defendants, such as on the gates of construction compounds or areas of the HS2 Land known to be targeted by objectors to the HS2 Scheme.
11. Further, without prejudice to paragraph 9, while this Order is in force, the Claimants shall take all reasonably practicable steps to effect personal service of the Order upon any Defendant of whom they become aware is, or has been on, the HS2 Land without consent and shall verify any such service with further certificates of service (where possible if persons unknown can be identified) to be filed with Court.

#### **Discontinuance and discharge of Orders**

12. The following claims are discontinued:
- a. PT-2018-000098 (Harvil Road); and

- b. PT-2020-BHM-000017 (Cubbington and Crackley)
13. The following orders of the court are discharged and replaced by the injunctions contained in paragraph 3 of this Order:
- a. The Order of David Holland QC (sitting as Deputy Judge of the High Court) in PT-2018-000098 dated 4 September 2020 and sealed on 18 September 2020 (in respect of Harvil Road)
  - b. The Order of Mr Justice Marcus Smith in PT-2020-BHM-000017 dated 3 May 2021 and sealed on 7 May 2021 (Cubbington and Crackley)
14. For the avoidance of doubt, the interim injunction contained within the Order of Mr. Justice Cotter dated 11 April 2022 will not be discharged until [ *1 month after date this order is sealed* ].

#### **Further Case Management**

15. This Order will be reconsidered at a hearing to be listed on approximately a yearly basis between 1 and 19 May to determine whether there is a continued threat which justifies continuation of this Order. It will be the Claimants' responsibility to arrange such a hearing and to place details of any such hearing on the HS2 Proceedings website.
16. Without prejudice to the foregoing, any person affected by this Order may apply to the Court at any time to vary or discharge it 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. Useful sources of support and information are listed in Schedule B.
17. 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).
18. The Claimants otherwise have liberty to apply to extend or vary this Order or for further directions.
19. Save as provided for above, the Claim be stayed generally with liberty to restore.

20. Costs reserved. If the Claimants intend to seek a costs order against any person in respect of any future applications in these proceedings or any future hearing, then they shall seek to give reasonable advance notice of that fact to that person.

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

21. All documents relating to these proceedings and this Order may be downloaded at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.
22. 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.

### **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:

FAO: HS2 TEAM  
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:**



**PLAN A – CASH’S PIT LAND**

**ANNEX A – SCHEDULE OF NAMED DEFENDANTS**

## **ANNEX B – WORDING FOR NOTICES**

### **[On the package containing the Court Order]**

“VERY URGENT: THIS PACKAGE CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CONTACT –

FAO: HS2 TEAM  
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

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

### **[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]**

“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CONTACT –

FAO: HS2 TEAM  
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

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

## **SCHEDULE A – STEPS TO VARY OR DISCHARGE THIS ORDER**

If, in accordance with paragraph [16] 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 form<sup>1</sup>;

(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 [23] 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 [24] of this Order; and/or

(b) Send electronic copies of the documents to the e-mail address at paragraph [24] 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.

---

<sup>1</sup> 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/>

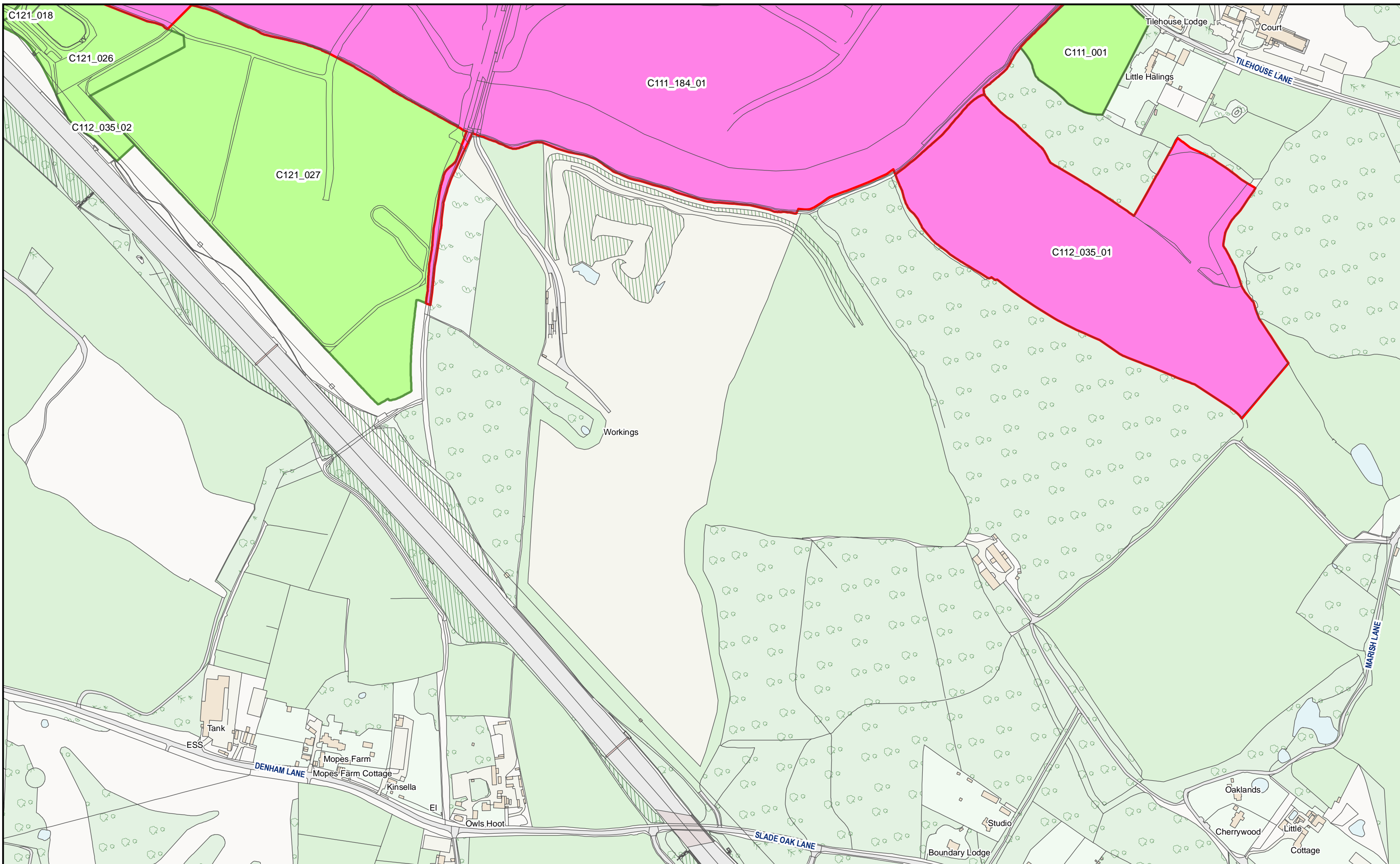
Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org/>

Chancery Division Guide: <https://www.gov.uk/government/publications/chanceryguide>

Chancery Division Interim Applications Guide for Litigants in Person:  
<https://www.judiciary.uk/publications/guide-litigants-person-chancery/>

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

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



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.

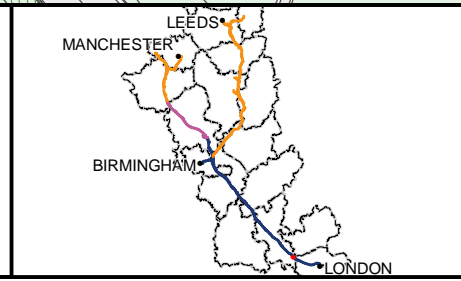
Contains Environment Agency information © Environment Agency and database right.

© 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**

- SOS Permanent Possession Land/ HS2 Acquired Land
- Temporary Possession Land S15/S16



High Speed Two  
Phase One/ Phase 2A  
Injunction Mapping

Map Number:  
32-L1

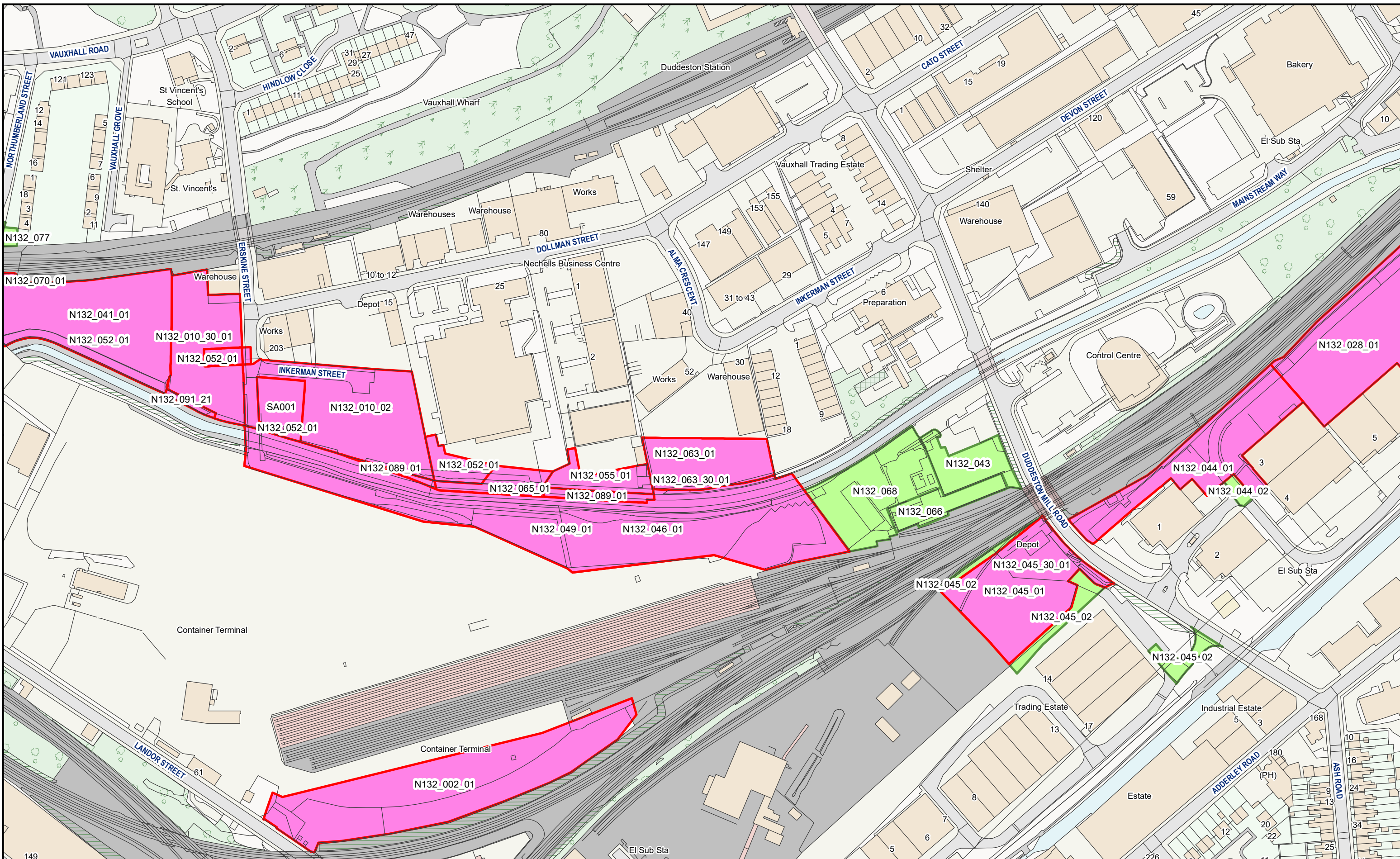
Page 45 of 277  
*Internal*

**HS2** Scale at A3: 1:5,000

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

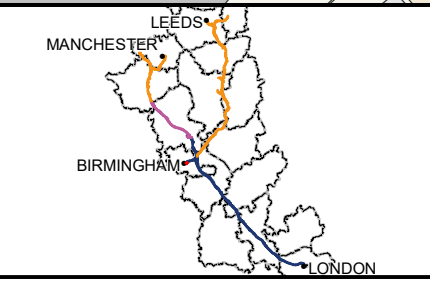
0 50 100 150

**Doc Number: PH1-HS2-LP-MAP-000-000085** **B062**



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**  
■ SOS Permanent Possession Land/ HS2 Acquired Land  
■ Temporary Possession Land S15/S16



High Speed Two  
 Phase One/ Phase 2A  
 Injunction Mapping  
 Map Number:  
 119  
 Page 190 of 277  
*Internal*

**HS2** Scale at A3: 1:2,500

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

Doc Number: PH1-HS2-LP-MAP-000-000085 **B063**

On behalf of: Applicants/Claimants  
R.Jordan  
1st statement of witness  
Exhibits: RJ1 and RJ2  
Date:23 March 2022

**IN THE HIGH COURT OF JUSTICE  
QUEENS BENCH DIVISION  
BIRMINGHAM DISTRICT REGISTRY**

**Claim No. 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 THE PARTICULARS OF CLAIM ("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, GREEN AND BLUE ON THE PLAN ANNEXED TO THE APPLICATION NOTICE ("THE HS2 LAND")**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND BY THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP**

**B064**



**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**

---

**WITNESS STATEMENT OF RICHARD JOSEPH JORDAN**

---

I, **RICHARD JOSEPH JORDAN**, of High Speed Two (HS2) Limited, Two Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA, WILL SAY as follows:

**Introduction**

1. I am the First Claimant's Interim Quality and Assurance Director and I am accountable for assuring the HS2 Railway will integrate, and be constructed and delivered into operation, to meet cost and schedule constraints, as well as Government, stakeholder and regulatory requirements. I am also accountable for providing our business wide management system, providing strategic direction for quality and for setting the arrangements for complying with and assuring that the First Claimant meets its obligations of 'Managing Public Money'.

2. At the time of the majority of the events described in this witness statement, I was the First Claimant's Chief Security and Resilience Officer. In that role, I was accountable for the delivery of corporate security support to the First Claimant in line with its security strategy, and the provision of advice on all security related matters. This included incident response, business continuity, cyber security, information assurance, physical security, personal security, personnel security and security of the future railway. I was the senior representative on behalf of the First Claimant dealing with external security partners, such as the police, security representatives at the Department for Transport, Centre for Protection of National Infrastructure and relevant security authorities and agencies. I had been in that role for over four and a half years. Previously, I was a consultant on defence and security projects, and served as a British Army officer for 21 years. In my military career I commanded 103<sup>rd</sup> Regiment Royal Artillery in which role I worked on projects including the security of the 2012 Olympics at Old Trafford. I have extensive experience of security and resilience operations, and I have completed the Advanced Command and Staff Course at the Joint Services Command and Staff College.
3. I am authorised to make this statement in support of the Claimants' application for an injunction in respect of the HS2 Land.
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 system, in particular, is an important source of the information I set out below. HORACE is an online incident reporting system used by the First Claimant to record details of health, safety, security, environmental and reputational incidents which occur as a result of, or in connection with the work of the First Claimant. However,

because it is both an online system and contains information filled in by specialist security professionals, it is not a resource which can be easily printed out or otherwise presented in a way that is easily understandable by a lay person. The Trak Tik system presents similar issues. The accounts of the incidents set out below are therefore derived from those systems (and the other sources set out above) but explained in ordinary English.

6. There are now shown and produced to me marked **RJ1** true copies of documents to which I shall refer in this statement and which can be found at <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> . 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 **RJ2**. The videos can be viewed at: <https://vimeo.com/showcase/exhibit-rj2> and references in this statement to video numbers in bold are references to that exhibit.
7. In preparing this statement I have read the Witness Statement of Julie Amber Dilcock (“**Dilcock 1**”) in draft. Defined terms used in this statement are the same as those defined in the Particulars of Claim and in Dilcock 1, unless separately defined in this statement.

#### **Purpose and scope of this statement**

8. In this statement I will:
  - 8.1 Provide a history of protestor action against the HS2 Scheme;
  - 8.2 Explain the continued risk of unlawful protestor action against the HS2 Scheme and the need for an injunction.
  - 8.3 Explain the nature, aims and impact of direct action protest;
  - 8.4 Describe specific incidents of unlawful action by activists against the HS2 Scheme up to around 16 March 2022; and
  - 8.5 Explain how the First Claimant has come to identify the persons who have been added as named defendants to these proceedings;

9. As just indicated, I provide an explanation of protestor activity at the HS2 Land up to 16 March 2022. I have had to draw the line at that date (and for some data at 31 December 2021 or 28 February 2022 – where this is the case it is indicated), because it has proved very difficult to finalise a statement which tries to be precisely up to date as there continue to be regular incidents and developments at the HS2 Land. In respect of other incidents, given the frequency with which incidents occur, if necessary I will provide an updating witness statement to the Court before any future hearing in order to provide the Court with information on any important developments which have occurred between 16 March 2022 and that date.

### **Opposition to the HS2 Scheme**

10. Those engaged in protest action opposed to the HS2 Scheme are made up of a broad cross-section of society, including concerned local residents, committed environmentalists, academics and also numerous multi-cause transient protestors whom have been resident at a number of protest camps associated with a number of different “causes”. Groups such as Extinction Rebellion (often known as “XR”) often garner much of the mainstream media attention and widely publicise their actions. They often only travel into an area for a short period (specific “days of action” or “weeks of action”), however once present they are able to execute comprehensive and highly disruptive direct action campaigns, whipping up an almost religious fervour amongst those present. Their campaigns often include direct action training, logistical and welfare support and complimentary media submissions, guaranteeing national media exposure. Such incidents have a significant impact on the HS2 Scheme but make up only a proportion of overall direct action protest against the HS2 Scheme, which occurs on an almost daily basis.
11. By way of explanation of a term that will be found in the evidence exhibited to this statement, activists often seek to anonymise themselves during direct action by referring to themselves and each other as “Bradley”. Activists also often go by pseudonyms, in part to avoid revealing their real identities. A number of the Defendants’ pseudonyms are provided in the schedule of Named Defendants and

those working in security on the HS2 Scheme are very familiar with the individuals involved and the pseudonyms they use.

12. On a day to day basis direct action protest is orchestrated and conducted by both choate groups dedicated to disruption of the HS2 Scheme (such as HS2 Rebellion and Stop HS2) and inchoate groups of individuals who can comprise local activists and more seasoned “core” activists with experience of conducting direct action campaigns against numerous “causes”. The aims of this type of action are made very explicitly clear by those engaged in it, as can be seen in the exhibits to this statement. It is less about expressing the activists’ views about the HS2 Scheme and more about causing direct and repeated harm to the HS2 Scheme in the form of delays to works, sabotage of works, damage to equipment, psychological and physical injury to those working on the HS2 Scheme and financial cost, with the overall aim of “stopping” or “cancelling” the HS2 Scheme.
13. In general, the Claimants and their contractors and sub-contractors have been subject to a near constant level of disruption to works on the HS2 Scheme, including trespass on and obstruction of access to the HS2 Land, since October 2017. The Defendants have clearly stated - both to contractors and via mainstream and social media - their intention to significantly slow down or stop work on the HS2 Scheme because they are opposed to it. They have trespassed on HS2 Land on multiple occasions and have issued encouragement via social media to others to come and trespass on HS2 Land. Their activities have impeded the First Claimant’s staff, contractors and sub-contractors going about their lawful business on the HS2 Land and hampered the work on the HS2 Scheme, causing delays and extremely significant costs to the taxpayer and creating an unreasonably difficult and stressful working environment for those who work on the HS2 Land.
14. At **page 1** is a graphic illustration of the number of incidents experienced by the Claimants on Phase One of the HS2 Scheme that have impacted on operational activity and the costs to the Claimant of dealing with those incidents. That shows a total of 1007 incidents that have had an impact on operational activity between the last quarter of 2017 and December 2021. Our incident reporting systems have

improved over time and refined since we first began experiencing incidents of direct action protest in October 2017 and it is therefore considered that the total number of incidents shown within our overall reporting is likely fewer than the true total.

15. The illustration also shows the costs incurred in dealing with the incidents. These costs comprise the costs of the First Claimant's security; contractor security and other contractor costs such as damage and repairs; and prolongation costs (delays to the programme) and show that **a total of £121.62 million has been incurred** in dealing with direct action protest up to the end of December 2021. The HS2 Scheme is a publicly funded project and accordingly the costs incurred are a cost to the tax-payer and come from the public purse. The illustration at **page 2** shows the amount of the total costs that are attributable to security provision.
16. The illustration at **page 1** just shows the data for Phase One of the HS2 Scheme. Activists have also begun targeting Phase 2a of the HS2 Scheme and as detailed later in this statement, we are seeing the same individuals that have organised and perpetrated unlawful acts on Phase One, also organising and perpetrating unlawful acts on Phase 2a. The graphic illustration at **page 3** shows the general trend of escalating incidents on Phase 2a.
17. At **page 4** is an illustration showing the escalation in incidents involving certain types of violence and crime on Phase One and Phase 2a of the HS2 Scheme between the beginning of February 2019 and the end of January 2022. Most categories show a generally increasing number of incidents involving these categories. Note that the figures show the number of incidents involving that type of activity and therefore where a single incident involves more than one type of activity, that incident will appear in more than one category. The acts perpetrated by the activists are not only frequently unlawful on a civil level, but regularly cross the line into criminal activity and include acts of violence. It is extremely disturbing to note the generally escalating trend in criminal and violent activity against the HS2 Scheme, which creates an immensely unpleasant and intimidating working environment for our staff and contractors.

18. At **page 5** is a “heat map” which shows the geographical location of security reports across the whole of Phase One and Phase 2a of the HS2 Scheme just for the period January 2020 to date, covering reports on incidents that had an impact on operational activity and also incidents where the First Claimant’s security team or contractor security teams were able to manage the incident so that there was no impact on operational activity. The total number of reports shown on the heat map is 4,013. The data clearly shows that the whole of Phase One of the HS2 Scheme from London in the south to Birmingham in the north has been subject to significant and sustained unlawful direct action protest over the last 2 and a quarter years (the period covered by the heat map) at a significant cost to the tax-payer and toll on those working on the HS2 Scheme. Phase One continues to be targeted by activists, with no sign that unlawful activity will cease unless restrained by the Court. The data also shows that Phase 2a of the HS2 Scheme is also being targeted by activists, with a generally increasing trend in the number and severity of incidents. Again, our incident reporting systems have improved over time and refined since we first began experiencing incidents of direct action protest in October 2017 and it is therefore considered that the total number of incidents shown within our overall reporting is likely fewer than the true total.
19. In order to assist with orientation, a separate map is at **page 6** showing the locations across the route of the HS2 Scheme of the sites where the example incidents set out in this statement took place. This map is referred to throughout this statement.
20. It is reasonably feared by the Claimants that this unlawful activity will only continue and worsen if left unchecked by the Court. In particular, the forthcoming eviction of the unlawful encampment trespassing on the Cash’s Pit Land will displace the activists trespassing on that land and the Claimants have good reason to believe that the Cash’s Pit Defendants will move to try to occupy other HS2 Land as they have done previously. For example, prior to entering onto the Cash’s Pit Land, D5; D17 to D20; and D22 were in occupation of an unlawful encampment dubbed “the WAR Camp” on HS2 Land in Wendover, Buckinghamshire and known by the Claimants (and labelled on the map at **page 6**) as Small Dean (“**Small Dean**”) and D31 was in occupation of HS2 Land at

Euston Square Gardens, London. A number of individuals who were in occupation of Euston Square Gardens (including D24, D25, D26 and D28) subsequently spent time in occupation of Small Dean. D32 has been involved in trespass and other incidents on HS2 Land at multiple locations across Phase One, including Harvil Road, Crackley & Cubbington Wood and Euston Square Gardens. The locations of these sites are shown on the map at **page 6**.

21. There are a number of reasons for the Claimants' belief that unlawful action against the HS2 Scheme will continue if unchecked by the Court. A large number of threats have been made by a number of the Defendants and general threats by groups opposed to the HS2 Scheme to continue direct action against the HS2 Scheme until the HS2 Scheme is "stopped". These threats have been made on a near daily basis - often numerous times a day - since 2017 and have been made in person (at activist meetings and to staff and contractors); to mainstream media; and across social media. They are so numerous that it has only been possible to put a small selection of examples into evidence in this application to illustrate the position to the Court. I have also included maps for some individuals who have made threats against the HS2 Scheme and who have repeatedly engaged in unlawful activity that show where those individuals have been reported by security teams along the HS2 Scheme route ("**Report Map**"). These maps clearly demonstrate that a number of the Defendants have engaged in unlawful activity at multiple locations along the route and the Claimants reasonably fear that they will continue to target the length of the route unless restrained by the Court.

21.1 Examples of the multiple threats made against the HS2 Scheme when direct action first began at HS2 Land at Harvil Road in Hillingdon, including threats by D36, D37 and D38 are at **pages 7 to 9** and include references such as "*let's build an army*" and "*Let loose hell on HS2*". Threats issued by D36 in 2019 were recorded by the Judge, Mr Justice Holland QC, in his judgment ([2019] EWHC 1437 (CH)) given on 16.05.2019 in proceedings to extend the Harvil Road Injunction (in which he was the Fourth Defendant) as follows:



79. Then there were, in particular, a number of statements made by the Fourth Defendant which are also recorded in that same exhibit. I believe this one is from Facebook and it records the Fourth Defendant saying in relation to the incident which resulted in the charge of aggravated trespass:

*"Two arrested. Still need people here. Need to hold them up at every opportunity."*

Then he is also recorded as saying on 28<sup>th</sup> April, whilst addressing a lady called Lainey Round, as follows:

*"No, Lainey, these trees are alongside the road so they needed a road closure to do so. They can't have another road closure for 20 days. Meanwhile they have to worry BIG time about being targeted by extinction rebellion and, what's more, they're going to see more from us at other places on the route VERY soon. Tremble HS2, tremble."*

80. I also note from his own witness statement that the Fourth Defendant says as follows. In paragraph 3 he says this:

*"Yet again, I find myself here defending not just my honesty and my integrity but that of all those millions out there who hate HS2."*

He says in paragraph 20 as follows:

*"But that pales next to contempt of youth, of our children and their children, of our future and contempt of the planet we all share."*

And at 21:

*"I will NOT stand by. My daughter, who knows she has little chance of reaching my age, deserves all my energy and all my activism to end such horrible conceit."*

Paragraph 23 of that statement is as follows:

*"We have no route open to us but to protest. And however much we have sat in camp waving flags, and waving at passersby tooting their support, that was never and will never be the protest that gets our voices heard. We are ordinary people fighting with absolute integrity for truth that is simple and stark. We are ordinary people fighting an overwhelming vast government project. But we will be heard. We must be heard."*

81. I fully accept that this expresses the passion with which the Fourth Defendant opposes the HS2 scheme and while they may not indicate that the Fourth Defendant will personally breach any order or be guilty of any future trespass, I think there is, I frankly find, a faintly sinister ring to these comments which in light of all that has gone before causes me to agree with Mr. Roscoe and the Claimants that there is a distinct risk of further objectionable activity should an injunction not be granted.

21.2 Interviews with the BBC on 19.05.2020 and posted on the Wendover Active Resistance Camp Facebook page. D5 (Report Map at **page 32**) was interviewed and said: *"The longevity is that we will defend this woodland as long as we can. If they cut this woodland down, there will still be activists and community members and protectors on the ground. We're not just going to let HS2 build*

*here free will. As long as HS2 are here and they continue in the vein they have been doing, I think you'll find there will be legal resistance, there'll be on the ground resistance and there will be community resistance.*" In the same interview, another individual said: *"We are holding it to account as they go along which is causing delays, but also those delays mean that more and more people can come into action. In a way, the more we can get our protectors to help us to stall it, to hold it back now, the more we can try and use that leverage with how out of control it is, how much it is costing the economy, to try to bring it to account and get it halted."* A copy of the video is at **Video 1**.

- 21.3 Interview with the Guardian on 13.02.2021 given by D27 after he was removed from the tunnels dug and occupied by activists under HS2 Land at Euston Square Gardens, in which he said: *"As you can see from the recent Highbury Corner eviction, this tunnel is just a start. There are countless people I know who will do what it takes to stop HS2."* In the same article he also said: *"I can't divulge any of my future plans for tactical reasons, but I'm nowhere near finished with protesting."* A copy of the article is at **pages 10 to 12**.
- 21.4 In March 2021 D32 obstructed the First Claimant's works at Wormwood Scrubs and put a call out on Twitter on 24.03.2021 asking for support to prevent HS2 route-wide. He also suggested targeting the First Claimant's supply chain. A screenshot of the tweet is at **page 13** and copy of the video is at **Video 2**.
- 21.5 Post by D33 on Facebook on 28.07.2021 sharing with other activists maps of the HS2 Scheme route that he had transcribed onto OS maps: *"This gives a good idea of where HS2 are working ... Feel free to use in whatever way you see fit, share, edit, download, whatever..."*. A copy of the post is at **page 14**.
- 21.6 Interview with the BBC given by D24 (Report Map at **page 33**) on 15.11.2021 following his removal from tunnels under HS2 Land in Wendover, in which he said: *"If we look back to the 90s, we stopped the road-building programme [using] tactics like tunnelling, in fact that probably was the [thing] that broke the camel's back. So we can stop it [HS2] with this tactic which will save the country billions of pounds... they just have to reverse it."* A copy of the article is at **pages 15 to 16**.

- 21.7 Post on the Bluebell Woods Protection Camp Facebook page on 16.11.2021: *“Come and join and support the resistance as we put the final nails in the coffin of HS2”*. A copy of the post is at **page 17**.
- 21.8 Post on the Bluebell Woods Protection Camp Facebook page on 26.11.2021 with a link to a “Go Fund Me” fundraising page, saying: *“Please click below to help us continue blocking gates, building camps and momentum GROWS ever stronger so we can stop hs2!!!”*. A copy of this post is at **page 17**. Screenshots of the Go Fund Me page are at **pages 18 to 21**. Another post on the same page on 14.02.2022 stated: *“As usual we have been mega busy building and preparing for the fateful day they try and evict us! This costs time, resources and money. It’s great to see all the work and structures popping up everywhere! To that end, We really need your help with a few supplies and would really appreciate some help! We are so close to raising enough money for a minibus so that we can effectively protest in the local and wider areas alike as well as move people and resources enabling us to set up more camps needed to fight this ecocidal project!”* A copy of that post is at **page 25**.
- 21.9 D25 has been involved in multiple incidents against the HS2 Scheme, including occupying tunnels on HS2 Land at Euston Square Gardens and a lock-on at the Chiltern tunnel portal. D25 was also arrested for aggravated trespass and causing damage to the Arconic building in Birmingham (an article about that action is at **page 34**). On 05.12.2021 D25 placed a post on Facebook (which was also widely shared by a number of other activists) intimating that direct action had resulted in cancellation of projects and stating in relation to various sections of the HS2 Scheme: *“YOU’RE NEXT”*. A copy of the post is at **page 22**.
- 21.10 On 02.01.2022, information was posted on the Bluebell Woods Protection Camp Facebook page about property held by the HS2 Scheme and a threat made to squat in that property: *“So we could potentially squat some of those properties that might now be empty? Them being a ltd company they’d have to fight through the courts to evict ...”*. A copy of that post is at **page 23**.
- 21.11 Facebook post by D29 (who has been involved in multiple incidents against the HS2 Scheme, including occupying tunnels on HS2 Land at Euston Square

Gardens – see paragraph 50 onwards below - and a lock-on at the Chiltern tunnel portal (the location of which is shown on the map at **page 6**) – see paragraphs 29.6.4 to 29.6.5 below) on 27.01.2022 in which she stated: “*HS2 is a classist project that is only upheld because of the minimum wage workers. HS2 is a classist project that has thieved far more from working class people than many could even comprehend. Resist HS2, smash classism in the face.*”. A copy of that post is at **page 24**.

- 21.12 Statement by D6 (Report Map at **page 35**) on 23.02.2022 and livestreamed on Facebook discussing the injunction applied for by Balfour Beatty to restrain obstruction of access to their compound at Swynnerton (from which they carry out works on the HS2 Scheme) and fundraising for a minibus (from 1 min and 11 seconds): “*What that means is actually, if they actually do get the injunction here that we’ll incur massive fines, up to £35,000 each just for breaking that said injunction. So that would mean, if they get it, which they won’t, that we won’t be able to come to this gate. I mean, but [laughs] little do Balfour Beatty know, they are a national company and it will cost them an arm and a leg because it’s just one gate and we will just hit all the other gates. To that end, that’s why we’re trying to raise money for a minibus because if they do get this injunction then we can carry on this game and we can hit every HS2, every Balfour Beatty gate and with that it’s just lawful peaceful protest using our freedom of expression and assembly. So bring it on HS2. I’m gonna put the crowd-funder on the thing. I really, really need help to get this minibus. We’re really close. We’ve been saving all of that money. It does cost quite a lot to get the insurance on that for quite a few of us. But with that we can get more camps. We can get more gates that we can be seen and get everywhere we need to be. So please help, please give us support. And obviously we need money to fight this. We need money to fight this injunction, you know, look at this paperwork. So, yep, please come – just come and help us. Come and help us build. Come and help us dig. Come just be part of us. Come for a cup of tea. Come for a meal. Come have a chat. Come let us know what your concerns are. Thanks very much.*” A copy of the video is at **Video 3** and a screenshot of the post in which the video appeared is at **page 26**.

21.13 Statement by D6 on 24.02.2022 and recorded on video by D6 and uploaded to social media during service of the temporary possession notice and notice to vacate on the Cash's Pit Land, in which he said: *"They want to evict us. They're going to spend about £4 million evicting us from this place – and for what? They don't need it. They don't need it until 2024. They just – it's coz we're a nuisance. Because protest – using your human rights, freedom of assembly, freedom of expression is a nuisance for private industry. So they're going to take your tax-payers' money to make us homeless. But, the thing is, we'll just move on. And we'll just do it again and again and again. You know? So what's the point? What's the point in spending all that money and move it along? Tell you what the point is: it's because we're two sides of the same fucking arse cheek and we just make them a load of money. That's the point. They can't just leave us alone to peacefully protest, they want to make money out of it. Your tax-payer's money. Then they'll blame us for spending that, but they choose to spend it every single step of the way"*. A copy of the video is **Video 4**. D6 was explicit about the intention of activists to trespass "again and again and again". In a reply to a comment on the same post, D6 said: *we can fight the injunction and we will resist and fight the eviction, we need all Hands to the pump but we're ready, we won't go down easy and this isn't the end of us, our camps or the protests."* A copy of that post is at **page 26**.

21.14 On 10.03.2022 D17 (Report Map at **page 36**), D18 (Report Map at **page 37**), D19, D31, D63 and a number of persons unknown spent the morning trespassing on HS2 Land adjacent to the Cash's Pit Land, where works are being carried out for a gas diversion by Cadent Gas and land on which archaeological works for the HS2 Scheme are taking place. This incident is described in detail at paragraph 78. In a video posted on Facebook after the morning's incidents, D17 said: *"Hey everyone! So, just bringing you a final update from down in Swynnerton. Today has been a really – or this morning today - has been a really successful one. We've blocked the gates for several hours. We had the team block the gates down at the main compound that we usually block and we had – yeah, we've had people running around a field over here and grabbing stuff and getting on grabbers and diggers (or attempting to), but in the meantime, completely slowing down all the works. There are still people blocking the gates down here as you can see and*

*we've still got loads of security about. You can see there's two juicy diggers over there, just waiting to be surfed and there's plenty of opportunities disrupt – and another one over there as well. It's a huge, huge area so it takes a lot of them to, kind of, keep us all under control, particularly when we spread out. So yeah. If you wanna get involved with direct action in the very near future, then please get in touch with us at Bluebell or send me a message and we'll let you know where we are, where we're gonna be, what we're gonna be doing and how you can get involved and stuff like that. Loads of different roles, you've not just, people don't have to run around fields and get arrested or be jumping on top of stuff or anything like that, there's lots of gate blocking to do and stuff as well, yeah so you don't necessarily have to be arrested to cause a lot of disruption down here and we all work together to cause maximum disruption. So yeah, that's that. Keep checking in to Bluebell's page, go on the events and you'll see that we've got loads of stuff going on, and as I say pretty much most days we're doing direct action now down in Swynnerton, there's loads going on at the camp, so come and get involved and get in touch with us and we'll let you know what's happening the next day. Ok, lots of love. Share this video, let's get it out there and let's keep fucking up HS2's day and causing as much disruption and cost as possible. Coming to land near you.”* D17 makes explicit threats to continue to trespass on HS2 Land and to try to climb onto vehicles and machinery and encourages others to engage in similar unlawful activity. A still from the video is at **page 27** and a copy of the video is **Video 5**.

22. On 16.03.2022 a post was placed on the Bluebell Woods Protection Camp Facebook page detailing the timetable for their “Open Weekend – The Last Stand” which included:

- “Climbing, traverses and nets”
- “Tree house building, barricading + more”
- “HS2 map study”
- “Climbing workshop”

Most of the activities appear to be designed to teach people techniques for resisting eviction. “HS2 map study” is likely to involve planning to target further HS2 Land in the future and may be related to the post by D33 on 28 July 2021 described at paragraph 20.5 above (and exhibited at **page 14**), A copy of the post is at **pages 28 to 30** and a copy of the Facebook event created for the open weekend is at **page 31**.

23. The unlawful activities of the Defendants regularly cross the line into the criminal and there have been hundreds of arrests since 2017 for offences committed on or in the vicinity of HS2 land. Commonly activists are arrested for aggravated trespass and criminal damage. Arrest data can be difficult to obtain and collate, but by way of illustration in the period from November 2019 to October 2020 129 individuals were arrested for offences linked to anti-HS2 activity covering 407 offences. The burden placed on the police – across multiple forces including: the Metropolitan Police, Thames Valley Police, Warwickshire Police and Staffordshire Police as a result of the geographical spread of illegal activity against the HS2 Scheme – is tremendous. Much of the period cited above was at the height of the pandemic when policing was particularly challenging and resources of the emergency services severely stretched. Both the police and the CPS have struggled to deal with the volume and nature of the illegal activity targeted at the HS2 Scheme and it has become increasingly incumbent upon the Claimants to seek civil law remedies to deal with the issues faced.
24. The Claimants have sought and obtained injunctions on prior occasions to restrain unlawful trespass and obstruction action by the Defendants at HS2 Land at Harvil Rd in Hillingdon (claim number: PT-20018-000098) and at land in Warwickshire known as Cubbington & Crackley (claim number: PT-2020-BHM-000017). The details of those injunctions and copies of the current orders are set out in **Dilcock 1**. Whilst those injunctions have been successful in reducing the number of incidents of unlawful trespass and obstruction on the land that they cover, some action has continued and, it is anticipated will continue and escalate if this land does not remain the subject of injunctive relief. Injuncting specific sites also, inevitably, has the effect of displacing unlawful direct action onto other parts of the HS2 Land not covered by an injunction. Given the scale of the issues faced

by the Claimants and the fact that fundamentally the Defendants have no right to enter onto the HS2 Land or to disrupt access to and from the HS2 Land, the Claimants consider that they are justified in asking the Court to impose an injunction restraining unlawful trespass and obstruction across the whole of the HS2 Land.

25. The Claimants anticipate that unless the Court takes steps to restrain the unlawful activity, the number of incidents will continue to increase significantly as more sites where work is being carried out are opened up and accordingly that the cost to the tax-payer of dealing with these incidents will also continue to increase significantly.
26. Whilst the identities of some of the individuals involved in unlawful action targeted at the HS2 Scheme are known to the Claimants – in particular those who have repeatedly engaged in action over a prolonged period and some of whom have been arrested and prosecuted for criminal offences committed during such action - the identities of many of those involved are not known to the Claimants and new individuals become involved on a regular basis such that the people involved are fluctuating.
27. The Claimants have named as Defendants to this application individuals known to the Claimants (sometimes only by pseudonyms) in the following categories:
  - 27.1 Individuals identified as believed to be in occupation of the Bluebell Wood Land whether permanently or from time to time (D5 to D20, D22, D31 and D63);
  - 27.2 The named defendants in the Harvil Rd Injunction (D28; D32 to D34; and D36 to D59);
  - 27.3 The named defendants in the Cubbington & Crackley Injunction (D32 to D35);
  - 27.4 Individuals not already named as a result of being in one of the above categories and whose participation in incidents is described in this statement.



## “Direct Action” Protest

28. Direct Action protest against the HS2 Scheme takes many forms. I explain in the following paragraphs what the more commonly encountered forms of such action look like and provide examples perpetrated against the HS2 Scheme across Phase One and Phase 2a in order to illustrate the issues that the Claimants face and the need for injunctive relief. The over-arching aim of activists is to delay and disrupt work on the project and to force the Claimants to incur significant additional costs. By way of example, in the words of an activist, at **Video 6** is a video posted on Facebook by D5 on 24.02.2022, in which he gives an overview of the tactics they intend to use to delay and disrupt the First Claimant when seeking to possess the Cash’s Pit Land. He says: *“We have been served notice at Bluebell Woods. This morning some men dressed in black and another man who would not identify himself have pinned notice to the front of the camp – official paperwork saying that they plan to take temporary possession of the land and notice to vacate, which means they want us off. We have seen it before if you have followed what’s happened on the HS2 line, it means HS2 ... if you have seen what’s happened before, it means HS2 are coming. That means this woodland – all of this behind me – and the line all the way from here to Crewe is under threat of being felled this summer. They are moving on us in the next 28 days. So, what can we do? Dig in. That’s what I’m gonna say straight away simply... We have got 28 days to be here, to dig in and to build a resistance. It is time for gloves off. Diversity of tactics. They are going to come in and destroy the things that are important to us – the very eco-systems that we rely on. We are not going to sit back passively and allow this to happen. It’s time to get over-ground, underground, into lock-ons, to sit in roads. In 28 days’ time the only way to stop them taking this woodland is to have it full of hundreds of people ready to resist. Ready to put it on the line and ready to be arrested. Ready to go to court and stand up and fight for the rights. We have seen it time and time again. The justification of our actions on the HS2 line. Look at what happened in the Chilterns. Look at how many convictions they have got. Look at how – there are court cases ongoing – look at how it has been proven that Natural England and HS2 not only lied to the Government and the public in order to fell ancient woodland and do irreversible damage. That they acted criminally. We have not been convicted for our actions*

*standing against those evictions. We have not been taken to Court. We are not in prison for our actions. We are not the criminals. HS2 are coming to Bluebell Woods in 28 days. We have an opportunity to now build an active – not passive – resistance. To get underground. To get over-ground. To deploy diversity of tactics. The fight is only just beginning in Staffordshire. They want us gone before felling season. It's all very coincidental. If we allow that, everything that happens here will be irreversible ecocide. If you allow that – it's not time to give up the rest of your lives and stop going to work and damaging your reputations in your communities. It's time to take 28 days out of your life and be here and be ready to put it on the line for the people of Staffordshire and the people who have put it on the line over the last few years on this campaign. It's time to resist.”*

29. I want to emphasise (as illustrated in the graphics of overall incident numbers referred to above) that there have been multiple incidents of these types across the length of the route of the HS2 Scheme and that they are too numerous to detail each and every one in this statement.

29.1 Trespass

Put simply, activists enter onto HS2 Land without consent. The objective of such action is to delay and disrupt works on the HS2 Scheme. All forms of trespass cause disruption to the HS2 Scheme and have financial implications for the Claimants. Some of the more extreme forms of trespass, such as tunnelling (described in detail in the sections on Euston Square Gardens and Small Dean below) cause significant damage and health and safety risks and the losses suffered by the Claimants via the costs of removal and programme delay run into the millions of pounds. In entering onto work sites, the activists create a significant health and safety hazard, thus staff are compelled to stop work in order to ensure the safety of staff and those trespassing (see, for example, the social media posts at **pages 38 to 39** about trespassers at the HS2 Scheme Capper's Lane compound in Lichfield where there have been repeated incursions onto an active site where heavy plant and machinery and large vehicles are in operation, forcing works to cease for safety and security reasons. A video taken by a trespasser during an incursion on 16 March 2022 and uploaded to social media is at **Video 7**). Worryingly, such actions are often committed by activists in ignorance of the

site operations and or equipment functionality, which could potentially result in severe unintended consequences. For example, heavy plant being operated upon the worksite may not afford the operator clear sight of trespassers at ground level. Safety is at the heart of the Claimants' activities on the HS2 Scheme and staff, contractors and sub-contractors working on the HS2 Land are provided with intensive training and inductions and appropriate personal protective equipment. The First Claimant's staff, contractors and sub-contractors will always prioritise safety thus compounding the trespassers' objective of causing disruption and delay. Much of the HS2 Land is or will be construction sites and even in the early phases of survey and clearance works there are multiple hazards that present a risk to those entering onto the land without permission. The Claimants have very serious concerns that if incidents of trespass and obstruction of access continue, there is a high likelihood that activists will be seriously injured. Often the trespass is combined with one of the other forms of action designed to hinder the removal of the activists and further disrupt works, such as:

29.1.1 **Breaching fencing and damaging equipment.** By way of example, a significant incident occurred on 31.10.2020 (Halloween) at one of the First Claimant's sites on the HS2 Land, in the area of Cubbington & Crackley Woods in Warwickshire. At around 20:00hrs circa 30 to 40 unknown activists entered the site by cutting through and damaging the perimeter fencing. Once the activists were on site, they assaulted 2 security officers and dazzled their body-worn cameras with lasers. A fire was started in a skip and 6 vehicles and a marquee were damaged. In addition, a number of electronic items including body worn cameras, radios and chargers were stolen. Photographs of some of the damage caused are at **page 40**. Activists also tore down and damaged fencing at Jones Hill Wood in a violent incident on 30.04.2021 and which is described in more detail at paragraph 49 and shown in **Video 8**.

29.1.2 **Climbing and occupying trees on the trespassed land.** The occupation of trees by activists has been a feature of direct action protest against the HS2 Scheme across the whole route. For example,

it has featured at the First Claimant's sites at Harvil Road, Euston Square Gardens, Denham Country Park, Leather Lane, Jones' Hill Wood, Small Dean, Poor's Piece, Crackley Woods and Cash's Pit (the locations of which are shown on the map at **page 6**). Such is the prevalence of this type of action that it would be impossible to cover in detail each and every occurrence. Like other types of direct action, the occupation of trees is focused upon creating the maximum delay, disruption and cost to the Claimants. In this instance height is used as a mechanism to achieve this: as explained below in relation to other types of at-height action, the conducting of action at height requires specially trained and equipped personnel to effect a safe removal. Often the occupation of the tree is combined with other direct action techniques such as a lock-ons to make removal even more difficult, lengthy and dangerous. Some activists in trees will physically fight with specialist removal teams to prevent their removal. **Video 9** was taken at the First Claimant's land known as Poor's Piece Wood near Aylesbury in Buckinghamshire on 25.02.2021 and shows the quite incredible danger in which individuals are willing to place themselves and the First Claimant's removal teams. Between 11 and 16 seconds in that video an activist can be seen grappling with one of the removal team as he is removed from a tree into the basket of a cherry picker machine, putting himself and the member of the removal team at risk of injury. An article from Buckinghamshire Live first published on 24.02.2021 (and since updated) about the eviction is at **pages 41 to 47** (D27 was occupying one of the tree houses and can be seen in image 5 in the article).

- 29.1.3 By way of further example of the occupation of trees on HS2 Land, D5 entered onto HS2 Land at Leather Lane on 22.02.2021 and climbed and occupied an oak tree that was scheduled for felling. The location of this incident is shown on the map at **page 6**. D5 posted a video on Facebook on the morning of 23.02.2021 seeking support (a screenshot of this is at **page 48**). Following this, several activists' vehicles then entered upon the site and persons unknown occupied

other oak trees located approximately 200m to the north to try to prevent de-vegetation works scheduled as part of the works for the HS2 Scheme. Within days a small camp with tree houses and structures erected beneath the tree D5 was occupying and amongst the tree line to the south had been established and the occupation can be seen in a video taken by a security patrol on 05.03.2021 at **Video 10**. In addition, a field latrine was dug just beside the tree occupied by D5, an image of this is at **page 49**. The First Claimant and its contractor jointly undertook a clearance operation on the morning of 10.03.21 to evict the activists trespassing on the land and remove the structures they had constructed. Due to the poor weather and apparently having caught the trespassing activists by surprise, this operation was completed in a day. D5 and D8 and further persons unknown were escorted from the land by the First Claimant's security contractor. The cost of the clearance operation was almost half a million pounds. Photographs and screenshots of social media posts relating to this incident are at **pages 50 to 52**. Although the camp at Leather Lane was cleared, a significant security presence has had to be retained at the site thereafter because of the ongoing threat of reoccupation due to its location (just 1km south of Jones Hill Wood) and the opposition to the remaining de-vegetation works required. Further examples of action in trees are set out in the section on protest at height below.

- 29.1.4 **Climbing onto vehicles on the trespassed land** (often referred to by activists as vehicle "surfing"). An example of this occurred on 30.12.2021, when the First Claimant's contractors were carrying out preparatory works for the forthcoming box-slide of the Marston Box Bridge over the M42. The First Claimant had taken temporary possession of the section of the M42 between junctions 9 and 10 for the works and the road had been closed to the public using powers granted to the First Claimant under Schedule 4 of the Phase One Act. D6 trespassed on the works area and climbed onto a lorry delivering tarmac for the works. He remained on the vehicle for an hour, during which time the vehicle was unable to move for safety reasons and

unable to complete the delivery of the tarmac, which was time sensitive and risked the whole load becoming unviable to use for the surfacing works. The vehicle blocked the entrance to the HS2 Scheme works, meaning no other vehicles could enter or leave the site until a new entry point could be opened. A report with photographs compiled by the First Claimant's contractor's security team can be found at **page 53**. A video taken by D6 of himself on top of the lorry and uploaded to social media is at **Video 11**. D16 also committed acts of trespass during the First Claimant's M42 works and was arrested.

29.1.5 **Climbing under vehicles on the trespassed land.** For example, in a particularly serious incident on 02.10.2017, an activist gained access to HS2 Land at Harvil Road in Hillingdon and crawled underneath a 13-ton tracked excavation machine, which was parked on soft earth in readiness for carrying out tree removals and ground clearance activities on the site. She attached herself to a bracket on the excavator chassis using plastic handcuffs. D36, D38 and two other activists also gained access to the HS2 Land. One of them climbed up the machine to a height of around 2.5m. Two others placed themselves adjacent to each of the machine's tracks, the net effect being that the machine could not move without injuring them. The activist under the machine was at particularly significant risk of injury, having placed herself beneath a 13-tonne machine standing on soft earth, meaning that had the machine sunk into the earth under its own weight, she could have been crushed. Had she not been identified in this area, the machine operator would not have been able to see her. The activists remained under the machine overnight and into the following day, refusing to leave when requested to do so and were eventually removed by the First Claimant's security team. An article from the Guardian Newspaper about the incident is at **pages 54 to 55**.

29.1.6 **Climbing onto equipment.** This has been a common feature of the unlawful activity against the HS2 Scheme. Climbing onto equipment uses height as the primary mechanism for delay, which requires

specialist teams to remove the activist from the top of the equipment, creating delay and disruption. This delay may also be compounded as the equipment which has been climbed must then be inspected for sabotage or accidental damage prior to future use. This inspection is key to ensuring, for example, that hoses and lines have not been tampered with. The importance of this is highlighted by the incidences that have been discovered of activists tampering with and damaging plant across the HS2 Scheme (see for example paragraph 29.1.1 and).

- 29.1.7 By way of a particularly shocking and dangerous example of climbing onto equipment, D62 climbed a 150ft crane working on an HS2 Scheme site at Euston Station in the early hours of the morning on 05.09.2020. In a video interview uploaded to social media, D62 explained how she breached security and gained access to the construction site and climbed the crane in order to unfurl an anti-HS2 banner: *“Basically we have been planning this for a while because we wanted to do a banner drop and the main reason is is to get out more awareness about HS2 and the ruin they have caused so far and the fact that they have acted in corrupt ways. They have acted above the law many times. The crane’s a great opportunity because it’s a good way of using utilising what they’re using against them. I kind of got up at 3am this morning and then tried to get in through one of the gates and got caught, ran off and climbed over a different corner of it and ended up in the compound and then once I was in the compound – this was probably about half past 3 / quarter to 4 at this point – I basically got inside and just climbed up from there. Once I was on the ladders I was ok and I actually reached a point where it was a little bit unsafe because I had to go on the outside of the ladder to get up, yeah [laughs] that’s how I ended up up here. But the main reason is is that our goal is to create awareness around HS2 and what they’re doing so that we can stop them in their tracks before they keep causing any more devastation to the landscape. I do this for everybody. I do this for future generations, because it’s for all of us, like, we’re all*

*sharing this environment together and it's really important. We've already built enough transport links on green space. We don't have enough woodland in the UK as it is, like, we don't need to keep on building infrastructure, building transport links. We need to work with what we've already got. You've got companies like HS2 that work outside the parameters of the law it seems and get away with doing whatever they like – [laughs] including assaults on protestors. I will continue to keep protesting for as long as it takes.”* A copy of the video is at **Video 12**. D62 remained on the crane, putting herself in danger (exacerbated by the fact that she was not eating and would have been in a weakened state as a result) and stopping work on the site until the following Monday morning. She was also speaking on the phone to a crane operator, trying to find out how to start the crane, which would have created an unbelievably dangerous situation. In order to guard against this, the electricity supply to the crane had to be cut, which in turn meant that the flashing light that was on top of the crane to warn aircraft of its presence no longer functioned. Accordingly, aircraft – including the air ambulance – had to be diverted away from the area for the duration of the incident. Screenshots from social media, a media article and a piece by the group HS2 Rebellion on the incident are at **pages 56 to 63** (the contact details at the end of the HS2 Rebellion piece are D32's). More recently in **Video 46** taken on 10.03.2022, D17 clearly outlines the purpose of such protest and shows how hard groups of activists will work to climb on equipment.

- 29.1.8 **Using lock-on devices on the trespassed land.** For example, when the First Claimant commenced action to take possession of Euston Square Gardens in January 2021, D24 to D32 (the “**ESG Defendants**”) occupied tunnels that had been dug beneath the land in order to resist eviction. This incident is described in more detail from paragraph 50 below. In order to hinder the progress of the enforcement team seeking to safely remove them, the ESG Defendants erected a barricade in the down-shaft leading into the



tunnels and when that barricade was removed by the enforcement team, they found D27 with his arm in a lock-on device, blocking access to the tunnel complex. The lock-on device consisted of a concrete filled steel tube into which D27 had locked his arm. This tube was itself placed inside a steel safe filled with concrete and steel reinforced bars which was dug into the base of the tunnel. D27 was asked to release voluntarily and would not do so. The enforcement team were therefore obliged to work to try to cut D27 safely out of the device. D27 was at considerable risk of harm in the cold wet conditions underground and the circulation to his arm was put at risk by his refusal to release. There were serious concerns for his health amongst the enforcement team and the paramedics present on site. It was some two days before the enforcement team were able to release D27 from the lock-on device (he then retreated into the tunnel complex with the arm-tube part of the device still on his arm) and during that time it was not possible to make progress into the tunnel complex to attempt to safely remove the other ESG Defendants. Photographs of the lock-on device and D27 in the arm tube are at **pages 64 to 69**. The enforcement team working to remove the ESG Defendants safely from the dangerous and unstable tunnel complex that the ESG Defendants had dug were put at considerable risk during this operation and the use of the lock-on device to prolong the trespass increased the time that the team were forced to spend in those dangerous conditions. D27 himself described this incident in an interview he gave to the Guardian following his removal from the tunnels, a copy of which is at **pages 10 to 12**. The operation took place at the height of the Covid-19 pandemic and matters were made worse when D32 poured a 4 pint milk container full of urine into the sump that had been created with the removal of concrete around the lock-on device and where the enforcement officer working to remove D27 was lying. This urine also contaminated the surrounding area. D32 undertook this action in full knowledge that enforcement officers would have to come into contact with a bio-hazard for a considerable amount of time and during the Covid-19 pandemic.

29.1.9 **Theft, property damage and abusing staff and contractors.** Those trespassing on HS2 Land have also engaged in acts of theft of items belonging to the First Claimant or its contractors. An example of this is given at paragraph 29.1.1. By way of further example, on 16.12.2019 a security camera at the HS2 Land at Harvil Road in Hillingdon picked up images of a trespasser walking through the site. This alerted the security teams who monitored the incident. Images are at **page 70** and show the back of a person unknown wearing a puffer style coat, jeans, a woolly hat and carrying a large dark rucksack. The Claimants have not been able to identify this individual. The camera showed the trespasser walking towards the fencing at the rear of the site before stepping through it. As the trespasser stepped through the fence, the security team noticed that a different security camera appeared to have been removed from its mounting and taken by the individual. Whilst the camera was showing as connected at the time of the incident, images from the camera were consistent with it having been placed in a bag as no detail could be identified in the images. The site security officer investigated the area and reported that the fencing at the rear of the site had been cut and that the camera was missing. The theft and property damage were reported to the police (incident reference number 1274 16/12/19).

29.1.10 The abuse of the First Claimant's staff & contractors has been an almost constant feature of the activism experienced against the HS2 Scheme. This abuse creates fear and concern for those working on the HS2 Land. Understandably, staff and contractors are often reluctant to "run the gauntlet" and risk being confronted and identified upon social media. Ultimately this intimidation disrupts and increases cost as the First Claimant must find workarounds, deploy additional security resources and reassure its supply chain. The fears of staff and contractors are unfortunately well-founded and by way of example, the following show just some of the extreme behaviours encountered during the works on HS2 Land at Harvil Road in late 2019 and early

2020 when the First Claimant's staff and contractors were subjected to quite disgusting abuse:

- (a) On 24.11.2019 three male persons unknown approached West Gate 3. One of them aggressively pushed and pulled the fence when approached by a security officer and tried to reach through the fence to grab the officer and attempted to jump over the fencing to hit the officer. He then proceeded to make threats against the officer, stating he knew who he was and that he should "*watch [his] back*" as he would "*get*" him. He then repeatedly punched the fence which caused his right hand to start bleeding, then he started punching himself in the face screaming the words: "*you have assaulted me, you have assaulted me*". He produced his mobile phone and started recording the security officer and then filmed his hand saying: "*this man assaulted me and cut my hand*".
- (b) On 01.04.2020 D33 (Report Map at **page 71**) walked in front of a security vehicle at HS2 Land to slow it and was then joined by D44, who started fencing the vehicle in with fencing taken from the site perimeter such that, within minutes, the vehicle was fully surrounded by Heras fencing. The individuals then placed cones in front of the vehicle and fence supporting blocks around the front and back wheels so that it was prevented from moving. D33 then spat on a sponge and smeared the vehicle with it. For context, this incident occurred in the height of the Covid 19 pandemic. The incident lasted for over an hour and half before D33 and D44 and another person unknown left the site and the security team were able to safely remove all obstacles around the vehicle. Twenty-seven fencing panels were removed by the activists during the incident, nine of which were damaged.
- (c) On the night of 13.05.2020, two unknown males and D54 were trespassing on HS2 Land in the Harvil Road area and became aggressive when challenged by security. D54 refused to leave

the HS2 Land and shouted and swore at the security officer. She slapped him in the face, punched him and spat in his face during the incident, which again took place during the height of the Covid pandemic. Upon eventually being removed from the HS2 Land, D54 was arrested for assault.

## 29.2 Obstruction of access

This typically involves obstruction of either the Claimants' private rights of way or the Claimants' right to access HS2 Land from the public highway. All forms of obstruction of access cause disruption and delay to the HS2 Scheme and have financial implications for the Claimants. It is sometimes combined with trespass and with the other forms of direct action described below, for example by using lock-on action to obstruct bell-mouth entrances to sites and compounds. The following are examples of obstruction incidents experienced on the HS2 Scheme:

29.2.1 On 29.09.2021 D17 and D22 trespassed on the HS2 Scheme worksite at London Road in Buckinghamshire (the location of which is shown on the map at **page 6** marked as "Small Dean") and obstructed access. D17 and D22 entered onto HS2 Land at 06:35hrs. They lay down in the bell-mouth entrance in front of the main compound gates restricting the flow of vehicles moving in and out of the site and refused to leave when told they were trespassing and asked to leave by the First Claimant's security team. The trespass lasted for almost 8 hours with the individuals having 'locked-on' (a technique described in more detail in paragraph 29.5 below) by locking their arms together inside a beer barrel filled with cement. Photographs of the incident (including a photograph of the lock on device used) as well as a social media posts by D17 documenting the incident are at **pages 72 to 75**. The individuals eventually left site voluntarily around 14:00hrs. This action prevented vehicles from accessing the site via this entrance, meaning that welfare facilities for those working on the site could not be maintained properly and in particular, toilets could not be emptied. A diesel delivery could not access the site and those working on the

site were unable to gain access to park and had to park elsewhere. One vehicle was trapped in the site for the duration of the incident.

29.2.2 On 19.04.2021 4 activists (including D24) conducted 2 lock-on protests at sites located either side of the A41 in Aylesbury (the location of which is shown on the map at **page 6**). A presentation on this incident including more detailed location information and photographs is at **pages 76 to 78**. The devices deployed were of complex construction including steel inner pipes within a concrete filled barrel with hidden expanding foam cannisters, one of which subsequently exploded on a Thames Valley Police officer (a photograph of the officer covered in foam is at **page 78**). Fortunately, no injuries were sustained in the removal, however, it is clear that had the Police team not been using protective shields, this may not have been the case. This action blocked the access to 2 HS2 Scheme sites, being a batching plant producing cement and a construction site. Whilst an exact figure is not readily available for the costs incurred as a result of the closure of these sites, it is considered by the First Claimant that the costs will have been significantly in excess of £50,000.

29.2.3 On a number of occasions activists have engaged in slow-walking protests. Slow-walking is the practice of walking slowly in front vehicles and delaying their access and egress to and from work sites, ultimately disrupting the opposed project and increasing cost. Slow-walking actions may also be used to facilitate other direct action tactics, including slowing a vehicle to such a speed that it is possible to climb. For example, on 20.11.2020, D31 climbed upon a Bauer Keller Piling Rig being transported upon a low-loader leaving one of the First Claimant's sites on HS2 Land at Edgcott Road near Quainton in Buckinghamshire (the location of which is shown on the map at **page 6**). Photographs of the incident are at **pages 79 to 80**. The exit of the low-loader from the site was initially obstructed by D24 and D45 slow-walking in front of it in order to afford D31 (who is D24's

son) the opportunity to climb onto it. Once D31 was on the vehicle, it was obliged to come to a complete halt for safety reasons until D31 could be removed. Shortly after the vehicle had stopped, D45 also super glued himself to the vehicle at ground level. D31 remained on top of the vehicle for approximately 6 hours before Police were able to remove him; D45 was removed shortly beforehand. As a result of this action the B classification road remained closed throughout, as the positioning of the abnormal load meant that no traffic could pass. A video showing the vehicle stopped in the highway is **Video 13**. This subsequently closed one of the main access routes to the village of Quainton. Once D31 and D45 were finally removed, an escorted convoy then proceeded along the route, where a further attempt was made to block it using a minibus driven by D28. The minibus was intercepted by police and confiscated.

29.2.4 Sit down and stand up actions within site entrance bell mouths have become a common feature of the campaign against the HS2 Scheme. By way of example, on 30.10.2020 a theatrical group called the Red Rebels who are part of the Extinction Rebellion group slowed traffic and then blocked access at one the First Claimant's sites at Gawcott Road in Calvert Buckinghamshire (the location of which is shown on the map at **page 6**). A video of the incident uploaded to social media is at **Video 14** and screenshots from the video are at **page 81**. The group conducted a procession along the highway before stopping at the site entrance and blocking the access for around 1 hour. Access to the site was blocked in 3 ways on 30.10.2020:

29.2.4.1 Boat Protest: a small boat was dropped at the entrance to block the access and egress to the site. This had to be removed by the First Claimant's contractor. The boat, which had been removed by the time of the subsequent actions by activists, can be seen in **Video 14** just inside the site entrance.

- 29.2.4.2 Standing in the Site Entrance: the Red Rebels stood in the site entrance obstructing access. HGVs unable to gain access to the site can be clearly seen driving past the site in **Video 14**.
- 29.2.4.3 “Die In” action: Simply, a “die in” is where a group of activists lie on the ground imitating death. In this instance, they blocked both lanes of the public highway at Gawcott Road blocking both works and local traffic.

### 29.3 Damage to buildings, vehicles and equipment

Where activists perceive that non-violent direct action protests may not be achieving the desired effect, action has on occasion escalated to directly damaging equipment. Such damage may be conducted overtly as seen at Crackley Woods (and detailed in para 29.1.1) when activists breached the site perimeter, assaulted security officers, started a fire and damaged plant machinery. Activists also engage in more covert activity. For example, incidents experienced in the Small Dean and Jones Hill Woods areas were not immediately obvious.

- 29.3.1 In the cases at Small Dean and Jones Hill Wood, hydraulic hoses had been cut and they were only discovered upon the first parade of the vehicle. This action prevented the use of those machines the following day. It is only the attention to detail of the operator which prevented potential further equipment damage and/or the spillage of fuel and hydraulic fluids on to the ground. Two images of the cut hoses are included in the contractors safety alert at **page 82**, which was issued after the Small Dean and Jones Hill Wood incidents.
- 29.3.2 By way of further example, on the morning of 06.05.2021 D32 and D60 scaled a building known as “The Podium” at 1 Eversholt Street in London (the location of which is shown on the map at **page 6**), which is one of the First Claimant’s offices. The activists climbed onto the canopy above the main entrance to the building and used ladders to reach further up the building. Once on the building, they proceeded to use fire extinguishers filled with pink paint to spray

across the front of the building. In addition to this, windows were also broken. An estimated £30,000 in damage was done to the building. In order to delay their removal, the activists climbed ladders to put themselves in more precarious positions and make removal more dangerous and D60 glued his hand to the building. The individuals remained on the building throughout the day and overnight into the following day before finally being removed. They were arrested by the police upon being removed from the building. Video footage of the individuals on The Podium is at **Video 15** and **Video 16**. Screenshots from social media posts about the incident and photographs are at **pages 83 to 85**. An article on the incident that appeared in the Metro is at **pages 86 to 89**.

#### 29.4 Ecological and environmental damage

Activists regularly cause damage to the environment, ecological harm and interfere with environmental mitigation and compensation works being carried out as part of the HS2 Scheme. Typically, these incidents occur at works locations within close proximity unauthorised camps. Examples of this include:

29.4.1 **Spiking trees.** The act of putting screws and nails in trees. This is designed to delay tree-felling works and can cause significant safety hazards to the First Claimant's arborists. The metallic screws and nails are hazardous to the de-vegetation teams: striking a metal object can damage chainsaws and cause them to kick (when a chainsaw kicks back putting the operator in danger) or result in debris being launched at high speed as a result of striking the nail/screw. Metallic objects placed within branches damage chipping machines as they jam the internal mechanism. The activists' tree-spiking activities are also indiscriminate as they do not have a comprehensive understanding of the de-vegetation works that are to be undertaken. Accordingly, they often spike trees that are not scheduled for felling, which can (contrary, it seems, to the belief of some of the Defendants – see for example a note nailed to a tree in Wendover by activists at **page 90**) cause long-term harm to the trees. Photographs of spiked trees and a



safety alert about the practice are at **pages 91 to 94**. A photograph of a warning written on a white board by activists about spiked trees found at Small Dean is at **page 95**.

29.4.2 **Interference with badger mitigation works.** Activists have on a number of occasions in the area of Jones Hill Wood and Crackley Woods, damaged and removed the one-way gates placed over badger setts. The gates are designed to ensure the setts are empty prior to start of works. Actions which damage the mitigation works therefore delay and disrupt the programme and are undertaken by activists in full knowledge that the clock restarts if the mitigations are damaged. At **pages 96 to 101** are examples of sabotage to badger mitigation works on the HS2 Scheme. The document has been redacted due to the legal restrictions on publicising the specific locations of badger setts.

29.4.3 **Waste and fly tipping.** Upon the clearance of activist's camps, the First Claimant has been required to clear exceptional quantities of human waste, rubbish and general detritus. Examples of this can be seen at **pages 102 to 107**.

29.4.4 **Damage caused by establishing and occupying unauthorised encampments and constructing structures in trees.** Activists often target woodland for the establishment of unauthorised encampments (for example, Jones Hill Wood and the Cash's Pit Land). The Claimants' environmental compensation works to reduce the impact of the HS2 Scheme include initiatives to translocate the soils from Ancient Woodland environments on the route in order to preserve the seed bed. Occupation of this land by activists destroys the integrity of the soils and sabotages the translocation programme. By way of example, a summary of the compensation plan for Jones Hill Wood is at **page 108**. The occupation by the Defendants of HS2 Land at Jones Hill Wood caused huge damage to the important soil structure at that location that supports the Ancient Woodland habitats and prevented some areas of woodland soils from be translocated due the their poor state, reducing the overall effectiveness of the subsequent

compensation measures planned at this location prior to clearance activities. The photographs at **pages 109 to 110** show that the occupation of the activists effectively turned the soil into a soup-like consistency. Those photos also show the large quantity of waste that was left on the land, further compromising the soils. Activists also import often large quantities of scrap wood from other locations and use it to build structures both on the ground and in the trees. That wood imports microbes and bacteria that are harmful to the woodland habitat. This imported wood can be seen in numerous photos exhibited to this statement including those at **pages 102 to 107**. Activists also dig open latrines in these habitats which again disturbs the microbial balance of the woodland ecosystems. A photograph of a latrine dug on HS2 Land at Leather Lane by activists is at **page 105**.

#### 29.5 Lock-ons

This is a form of protest where a person or persons attach themselves to an object and / or to each other. The immediate purpose of such protests has invariably been to obstruct the movement of vehicles or equipment with the individuals' bodies, and to delay their removal via the use of lock-on devices. Lock-on protests are commonly used to prevent access to sites or deny the use of machinery or in conjunction with tunnelling or protest at height (as to which, see further below) to delay removal of the individuals. The individuals who are "locked-on" are usually in a position where they are trespassing on HS2 Land or unlawfully interfering with the Claimants' private access rights or their rights to access HS2 Land from the public highway. In my experience of such incidents, devices by which the activists attach themselves include:

29.5.1 **Chains and padlocks.** Activists occupying trees and tunnels commonly use chains to delay and disrupt their removal. For example D26 attached a chain to her ankle to prevent her removal from the tunnel at Euston Square Gardens. A copy of a video uploaded to social media of this is at **Video 17**. During the same incident, D24 chained himself to an acrow prop supporting part of the tunnel structure and D30 laid on top of him in order to make their removal

from the tunnel complex more difficult and dangerous as pulling on them would have pulled on the acrow prop and risked precipitating a collapse. A video showing this is at **Video 18** and a still from the video in which the chain can be clearly seen is at **page 111**.

29.5.2 **Bicycle locks/ D-locks.** Activists often use substantial locks such as D-locks to attach themselves to items such as trees, gates or fences in order to make it more difficult to remove them. The keys to these devices are often disposed of elsewhere, away from the lock. For example, on 10/10/2017 approximately 20 trespassers entered onto HS2 Land at Harvil Road in what appeared to be a distraction technique to allow D38 and another individual to enter the land from a different direction and attach themselves to trees. D38 looped a bicycle D-lock around his neck and attached it to a branch of a tree. All work on site ceased as a result of the trespass and in view of the risks to the safety of the trespassers. They both refused to leave when asked to do so. Because of the proximity of the D-lock to D38's neck, it was not possible to cut the device off and the First Claimant's specialist security team had to cut the branch of the tree to which he had attached himself in order to remove him. A copy of the article that appeared online regarding the incident is at **pages 112 to 114**. The early parts of the incident were filmed and livestreamed and later uploaded to YouTube and screenshots from the videos and other social media posts relating to the incident are at **pages 115 to 117**. D38 made a clear statement on video of the trespassers' intention to continue repeatedly trespassing with a view to stopping the works on HS2 Land:

*“It's quite funny that the police don't want to come in because as long as we not evicted properly by police we can come in and out whenever we like and stop the works again and again and again and again...”*

29.5.3 **Elaborate devices manufactured specifically for the purpose.** These often consist of multiple layers of different materials such as different metals, concrete, plastic, bitumen and others. The use of

numerous layers of different materials is intended to delay the removal team, who may require different cutting equipment to cut through the different materials and to create hazards (for example, bitumen is flammable and could be ignited via the use of mechanical cutting equipment). In the case of arm-tube type devices, the term “lock-on” is something of a misnomer. Invariably the activists’ arms are not “locked” to anything – rather their hands or wrists are attached by clips or carabiners to a secure point in the middle of the device, but the protestor can unclip themselves or ‘self-release’ at any time. The devices are often extremely heavy to try to ensure that the individuals locked-on cannot be lifted and removed whilst still in the device without risking causing them injury. The lock-ons described at paragraph 29.1.8, 29.2.1 and 29.2.2 were of this type.

#### 29.6 Protest at height

Activists will often seek to protest at height whether located on HS2 Land or on an access route. The objective of such an action is to cause maximum disruption through delaying their removal. Such actions are undertaken cognisant that positioning oneself at height requires specialist removal. At heights removal teams are often not readily available, therefore the activist is almost guaranteed a more substantial period of disruption than many actions conducted at ground level. Protest at height is sometimes compounded by locking-on, or utilising an inherently unstable structure which makes removal precarious. There have been a large number of such incidents targeting the HS2 Scheme. At **page 134 to 135** are photos of aerial structures that have been constructed in the trees at the Cash’s Pit Land. What is clear is that they are located at such a height that falling could prove fatal. For context, one activist tragically died when falling from such a platform at an environmental protest in the Hambacher Forest in Germany on 20.09.2018. A copy of an article about this incident is at **page 134**. The structures used by activists may be far more complex than a simple tree house. In the following paragraphs I have given some examples of the different types.

29.6.1 **Tree houses / make-shift structures in trees.** These have been a consistent feature of the activists’ occupation of the HS2 Land across

the route of the HS2 Scheme. Examples have been encountered at Harvil Road, Euston Square Gardens, Leather Lane, Jones Hill Wood, Small Dean, Poor's Piece, Crackley & Cubbington and Cash's Pit. Activists have constructed a range of structures in trees ranging from rudimentary make-shift platforms to substantial lookout towers and tree houses. These structures serve a number of purposes: they are difficult, costly, dangerous and slow to evict - as with other forms of occupation (particularly at height) difficulty of extraction is used as a mechanism to increase time and cost to the Claimants. The structures are often used as accommodation and they also afford the occupiers with improved vantage points over the First Claimant's works and / or early warning of any impending enforcement action. The removal of activists from these structures is extremely dangerous in any circumstances and such violence has been encountered during eviction operations that on occasion police have had to intervene. This occurred during the "battle of the bean can" at Jones Hill wood where D8 and D24 fought with Police and had to be forcefully removed by specialist officers from Thames Valley Police (this eviction operation is described in more detail from paragraph 44 below) and the eviction at Poor's Piece: see 29.1.2). The tree houses are often well provisioned ahead of an anticipated eviction operation to enable to occupants to hold out against the removal team for the maximum amount of time, for example during the eviction operation at Small Dean where the commencement of the enforcement operation seemingly caught the activists by surprise, the First Claimant was able to take possession of a tree house before it could be occupied by activists. The tree house was found to be provisioned with food to sustain occupiers through an enforcement (a picture of what was found in the tree house is at **page 133** and the items can be seen labelled: "only for eviction time"). These structures lack sanitation facilities and considerable quantities of human waste are often encountered in the immediate vicinity, increasing the unpleasant and hazardous nature of removal for removal teams. This human waste is also thrown or poured on officers seeking to evict the occupants, as

happened at the Jones' Hill Wood (a photograph of a bag containing faeces that was thrown at officers by activists is at **page 137**) and Poor's Piece evictions. Images of structures in trees from across the HS2 Scheme route are at **pages 118 to 135**. A video showing the eviction of tree structures at Euston Square Gardens in January 2021 is at **Video 19**. D46 and D49 and two others removed from tree structures at Euston Square Gardens were subsequently convicted of aggravated trespass.

29.6.2 **Vehicles and Equipment.** For example, in the early hours of the morning on 12.05.2021 D17 trespassed on HS2 Land at Jones Hill Wood in Buckinghamshire and climbed onto a digger on HS2 Land. Whilst on top of the digger D17 filmed himself and the removal team and a copy of one of those videos (which was posted by D17 on Facebook) is at **Video 20**. He occupied the digger for over 11 hours, during which time it was unable to move and work in the vicinity ceased for safety reasons. A post by D17 on Facebook after he was subsequently convicted of aggravated trespass and criminal damage and given a 12 month conditional discharge is at **pages 138 to 142** and includes photographs of D17 on the digger. In the post and despite having just received a criminal conviction, D17 says: "*I will NEVER stop fighting HS2*". D17 also filmed an unknown female who trespassed on land at Harvil Rd and climbed onto a digger on 08.08.2020. A copy of that video is at **Video 21**. Further examples of climbing on vehicles and equipment are given at paragraphs 29.1.4, 29.1.7 and 29.2.3.

29.6.3 **Towers.** The construction of towers within protest camps is extremely common. Towers are constructed to delay the removal of the activists from the camps. The most considerable tower constructed by activists on HS2 Land was at Small Dean and was dubbed "the temple" by activists. That tower was approximately 13m tall (photographs of the tower are at **page 144**). It was located above the entrance to a tunnel complex dug by activists. The tower was

constructed from a combination of scaffolding poles, scrap wood and pallets. In addition, rooms within the tower were protected with barbed wire and booby trapped with cans of expanding foam and razor wire. **Video 22** was taken by activists and uploaded to social media showing one such booby-trapped-room dubbed by the activists as the “trippy hell room”. A stills from the video and a social media post about the room are at **page 145**. Rooms such as this are constructed in a manner specifically designed to further endanger those undertaking the operation to dismantle the tower and remove the activists at height. The position of the tower at Small Dean over the entrance to the tunnel complex afforded the activists additional time in which to continue digging further and deeper tunnels whilst the removal team worked to dismantle the tower. It also allowed the activists the opportunity to come up for air from the tunnels during that time. The tower was found to conceal an estimated 35 tons of excavated chalk spoil from the tunnel complex. This spoil was loosely packed into retaining walls in the tower, which required shoring before removal works to avoid collapse of the tower onto the tunnel complex and the activists occupying it. Tower structures were also constructed at Poor’s Piece as shown in the photographs at **page 146**. Photographs of towers constructed by activists on HS2 Land are at **pages 143 to 148**.

29.6.4 **Tripods.** A tripod is a form of aerial protest where activists use 3 poles - either scaffolding or bamboo - to form a tripod platform upon which they can sit. The resultant structures are precarious, and it is difficult and time-consuming to remove the activists occupying them. Like other forms of aerial protest, tripods require specialist teams to remove the individual, thus delaying their removal and increasing the disruption to the First Claimant and their contractors. An example of a tripod protest was the action conducted at the Chiltern Tunnel Portal (the location of which is shown on the plan at **page 6**) on 09.10.2020. Tripods were deployed by activists as part of an Extinction Rebellion action which also incorporated “Beacons” and which blocked the

access to the site for the day. As part of the action, D25 and D29 conducted a lock-on under the base of one of the tripods in which they locked their arms together in a tube and D25 also attached herself to the tripod with a climbing rope. Screen shots from social media about the action and photographs of the tripods and the lock-on are at **pages 149 to 153**.

29.6.5 **Beacons.** Like tripods, beacons are another form of aerial protest. Beacons are, however, less stable, being formed of multiple pieces of scaffolding arranged in a more random configuration than a tripod. As a result of the increased instability, they are more difficult and time consuming from which to remove activists. The beacons deployed in the action at the Chiltern tunnel portal on 09.10.2020 can be seen in the image at **page 149**. D24 also occupied a beacon at Denham Country Park in the Colne Valley to obstruct works on the HS2 Scheme in December 2020. An article from the Guardian about the incident and additional photographs are at **pages 154 to 158**. D24 was convicted of aggravated trespass for the incident in November 2021.

## 29.7 Tunnels

Like aerial protests, tunnels are intended to delay the removal of trespassing activists for as long as possible. By placing themselves and those trying to remove them safely in ever increasing danger, the tunnellers are able to cause maximum delay and disruption and increase the cost and complexity of removal. Air quality is often poor inside make-shift tunnels and sometimes potentially deadly (deadly levels of carbon monoxide and dioxide were found in tunnels at Small Dean, for example) and the removal team have to provide an air supply into the tunnels to avoid the occupants being overcome and experiencing breathing difficulties. The tunnels can be extremely deep and are often not shored or are inadequately shored in a make-shift fashion, creating a very real risk of collapse. For example, the tunnels encountered at Small Dean (which is described in more detail from paragraph 56 below) were in excess of 7m in depth and were not shored, but reliant upon the self-supporting nature of the ground. Removal of activists from tunnels requires specially trained and equipped teams and mine rescue support



who first and foremost have to work to ensure the safety of the activists who have placed themselves in danger within the tunnels. Once the rescue team have located the activists in the tunnels, the activists often still fight and struggle with the team seeking to remove them and create further dangerous situations to try to prevent their removal (for example, filling in the tunnels behind them, effectively entombing themselves as D18 to D21 and D24 did at Small Dean; or chaining themselves to supporting structures such as acrow props as D24 and D30 did at Euston Square Gardens – see paragraph 29.5.1 above). The Claimants regularly encounter tunnel occupation as a tactic used by activists to resist eviction from HS2 Land. The two most serious examples were at Euston Square Gardens in London (which is described in more detail from paragraph 50 below) and Small Dean in Buckinghamshire and are described in detail elsewhere in this statement. The First Claimant also believes that tunnels have been dug under the encampment at Cash’s Pit as there have been several references made to underground resistance to eviction.

29.8 Abusive behaviour towards staff and contractors

Whilst many of the tactics deployed by activists can be described as non-violent, all too often and for example when works operations are conducted in close proximity to unlawful encampments or activists feel their non-violent tactics are being ineffective or where activists have been using drugs and alcohol, their conduct and behaviour worsens. Abuse aimed at security officers can be extremely personal and upsetting – see for example the behaviours highlighted at paragraph 29.1.9. I have described some further examples of the abusive behaviour experienced by those working on the HS2 Scheme in the following paragraphs.

29.8.1 On 18.02.2021, the First Claimant’s contractor was conducting vegetation clearance works close to the WAR Camp at Small Dean. Whilst conducting these works, a number of activists (including D5) became abusive towards security staff. In one exchange, a female security officer was told by an unknown female activist that “*people like them should have their wombs removed*”. On the same evening another security officer was abused by activists for being an armed

forces veteran and called a “*murderer and a war criminal*”. Copies of videos showing these incidents are **Video 23** and **Video 24**.

29.8.2 On 26.03.2021, a number of activists (including D5) assaulted security staff working on HS2 Land at a site known as the Rifle Range opposite the unlawful encampment at Small Dean (known as Small Dean). As a result, one security officer required attention in hospital for a CAT scan with a suspected concussion. At **page 159** are images of some of the officers after the incident, including one officer’s broken thumb. Body-worn camera footage of the incident is at **Video 25**.

29.8.3 Faeces / human waste and a smoke grenade were also thrown at and over the First Claimant’s contractors working directly opposite the WAR Camp at Small Dean on 12.05.21. At least 5 persons unknown in white coveralls approached the security officers working opposite the activists’ camp and proceeded to throw a smoke grenade and water balloons filled with what appeared to be human waste. Images of the areas where the balloons landed, and where one security officer was struck are at **pages 160 to 163**. A still recorded from the body worn camera of one of the security officers is at **page 164**. Following this incident, the First Claimants’ contractor deemed it necessary to install emergency showers at sites within the vicinity of the WAR Camp so that its staff could quickly decontaminate themselves. Faeces were also thrown at the First Claimant’s contractors by activists at Jones Hill Wood.

29.8.4 Activists have been observed carrying weapons on a number of occasions during incidents on the route of the HS2 Scheme. For example, D61 has been found trespassing on HS2 Land on at least two occasions whilst carrying a weapon: at Small Dean on 01.06.2020 he was arrested in possession of a machete; and on 6.11.2020 he was arrested having been found trespassing on HS2 Land in the Wendover area in possession of a knife. A photograph taken by the security team showing the knife in D61’s possession is at **page 166**. Activists have

also been observed carrying knives and scissors in incidents at Jones Hill Wood described in more detail from paragraph 49. An image of an individual with a knife at Jones Hill Wood is at **page 165**.

**Detailed descriptions of repeated and extreme direct action at certain HS2 Scheme sites**

30. This section sets out in detail the repeated and sustained incidents of direction action that have been targeted against certain HS2 Scheme sites and also describes in detail some of the most extreme incidents experienced on the HS2 Scheme to date. These are by way of illustration of the nature and scale of the problem and the reason for seeking the assistance of the Court by way of injunctive relief.

Harvil Road

31. The plan referred to in the current injunction order made in August 2020 is at **page 167** in order to assist with orientation. Direct action activity began at the HS2 Land in the Harvil Road area of Hillingdon in October 2017 during enabling works on the land. Incidents of repeated trespass and obstruction of access quickly escalated from the early incidents described at paragraphs 29.1.5 and 29.1.8 above. Between October 2017 and January 2018 there were 31 separate incidents of trespass to land and vehicles and obstruction of the highway and access thereto, including:

<b>Date</b>	<b>Occurrence</b>
24.10.2017	Two activists entered onto HS2 Land separately and simultaneously at different locations. Both lay down, both were asked to leave voluntarily and refused and were thereafter removed by security
04.11.2017	15 unknown activists, many aggressive, rushed the north compound entrance. About 7 persons unknown gained access and progressed about 5 metres into the site before they were repelled by security
11.11.2017	10 trespassers including D36 entered the site. They were asked to leave by security and refused and sat in a circle and linked arms. A specialist removal team had to attend to remove them.
17.11.2017	An activist climbed onto an excavator being delivered on the back of a low-loader vehicle whilst it was stationary in the

<b>Date</b>	<b>Occurrence</b>
	bell-mouth entrance to the north compound. She remained there for a number of hours, during which the vehicle was unable to move.
28.11.2017	An activist lay in the bell-mouth entrance to the northern compound stopping access to and egress from the site. She was later joined by three other activists.
04.12.2017	Approximately 11 trespassers including D36 and D37 entered onto the bell-mouth entrance to the northern compound. D37 climbed onto a truck making a delivery which drove away. He then jumped off the truck and returned to the bell-mouth where he lay down obstructing access.

32. The Claimants applied for and were granted an injunction restraining trespass and obstruction of access in February 2018.

33. The February 2018 injunction had a marked impact on the number of incidents at this site. It was almost entirely effective in deterring the named defendants to that action from engaging in further acts of trespass and obstruction. Between February 2018 and May 2019 (when the Claimants returned to court to renew the injunction and to extend it to further HS2 Land that had been taken into possession in the area since the injunction had first been imposed and some of which had then been subject to trespass) there had been just a further 17 incidents of note including:

<b>Date</b>	<b>Occurrence</b>
21.05.2018	An unknown activist broke through the perimeter fence adjacent to the south compound entrance and entered onto the site.
13.11.2018	Trespass by two unknown activists on the site.
22.11.2018	Trespass by a female activist who interfered with ecological surveys being carried out by the First Claimant's contractor
27.11.2018 to 29.11.2018	Repeated acts of trespass by a group of up to 11 activists and obstruction of access preventing vehicles from entering and leaving the site.
11.12.2018	Two female activists entered onto the site. One climbed on top of a digger and refused to come down and the other attached herself to the front of the digger using a D-lock around her neck. The digger was unable to move or carry out any further work until the individuals were removed.
27.04.2019	An activist approached the north compound entrance gates and verbally harangued the security officer on duty there, using offensive and racist language and made threats to kill and trace the officers. The incident lasted for 45 minutes. A male

Date	Occurrence
	activist also obstructed security contractors attempting to leave the site via the north compound entrance.
29.04.2019	A number of incidents throughout the day during which activists prevented access to and egress from the site by standing, sitting and lying in front of vehicles in the bell-mouth entrance to the north compound. These actions obstructed both delivery vehicles and the vehicles belonging to the contractors working on the land.
30.04.2019	A group of activists blocked the gate at the north compound entrance preventing a lorry from leaving and contractors from entering for a period of over two hours spanning most of the morning.
03.05.2019	A group of activists approached the gates of the north compound entrance. One individual locked herself onto the middle gate of the north compound entrance by placing a D-lock around her upper arm and through the gate to secure herself in place and then placing her arm in a plastic tube with a nail driven through it to which she glued her hand in order to make removal of her arm from the D-lock difficult. This resulted in the gates being unable to be opened.

34. The High Court found that all of the above incidents had occurred and was satisfied that the injunction should be extended to the additional land and remain in place for a further year. A short further extension was then granted in May 2020 before the matter was again before the Court in August 2020 when the Claimants applied to renew the injunction and to extend it to further HS2 Land that had been taken into possession since May 2019.
35. Between May 2019 and September 2020 the nature of the works being carried out on the HS2 Land in this area had become complex, involving the installation of a new high pressure gas main; the decommissioning of an existing overhead power line and the installation of a new and diverted overhead power line; the construction of new utility conduits; the realignment of Harvil Road and Dews Lane; the construction of a viaduct to carry the new railway line; and the construction of part of a tunnel also to carry the new railway line. This provides a good illustration of the complexity and diversity of the work that is routinely being carried out on the HS2 Land across the route. The works involved teams of different contractors and were being carried out under a number of constraints (including ecological constraints) that meant they must be carried out pursuant to

a quite regimented timetable, with delays having serious onward consequences. The presence of unauthorised persons on sites of this nature presents a health and safety hazard and necessarily prevents works. As at August 2020, the estimated additional costs of the development at Harvil Road by reason of the delays and additional security expenses caused by activist activity was almost £16million.

36. Between May 2019 and May 2020 there were over 60 incidents of incursion and/or obstruction in relation to the land at Harvil Road (which by that time again comprised both land covered by the 2019 injunction and other land that had come into the Claimants' possession since that injunction was imposed). The various incidents involved: climbing over or cutting through the fences at the Harvil Road site; unauthorised incursions into the site by individuals, small groups, or larger groups of 12 to 15 people; obstruction by one or more people of the bell-mouths between the various gates and the public highway to prevent vehicular access into or out of the site; damage to locks on the various gates to prevent there being opened; the placing of padlocks and chains around the gates to prevent there being opened; people sitting on or in front of machinery on the site to prevent its operation; people attempting to lock themselves onto gates and machinery to prevent opening or operation; walking slowly in front of vehicles on the Harvil road to prevent vehicular passage; tampering with and damaging plant; the climbing of trees both on and in the vicinity of the site and the construction of tree platforms; the rigging of lines between trees on an off the site. Photographs of some of the incidents are at **pages 168 to 172**. Many of these incidents were accompanied by threats and aggressive behaviour and three examples of such behaviour are set out at paragraph 29.1.10 above. The incidents that took place during this period included an incident on 19.11.2019 involving a lock-on in which D36 and D28 had secured themselves to a steel pipe filled with concrete and other materials with another pipe inside into which they had inserted their arms and secured themselves to each other. The incident took place in the bell-mouth of the West Gate 3 entrance and commenced at 07:05 hrs. The action prevented contractors from leaving or entering the site until the individuals were removed late that afternoon by a Metropolitan Police specialist team. Photographs of the incident are at **pages 173 to 174**.

37. The injunction was renewed and extended by the High Court in August 2020, with a long-stop date of 4 September 2022. The Claimants consider that the HS2 Land in this area remains a target for unlawful activity by activists and that – as was observed by the Judge at paragraph 57 of the Judgment delivered when the injunction was renewed in August 2020 - the action will likely continue in this area until the HS2 Scheme works in Hillingdon are complete.

#### Cubbington & Crackley

38. Plans A, B and C referred to in the current injunction order made in May 2021 are at **pages 175 to 177** in order to assist with orientation. Direct action activity began at the HS2 Land in the Cubbington & Crackley Woods area of Warwickshire in September 2019 during enabling works on the land for the HS2 Scheme. Two unauthorised encampments were established fairly swiftly in the locations shown on the plan at **page 177** and there were incidents of repeated trespass, disruption of works and damage to fencing by activists. Photographs of the encampments are at **pages 178 to 189**.
39. In February 2020, the Claimants applied to the High Court for a possession order and an injunction to restrain further trespass. The claim was heard on 17 March 2020 the Claimants were granted possession, declaratory relief and injunctive relief by The Hon Mrs Justice Andrews, who said in her judgment that she was *“satisfied that there is enough evidence to demonstrate a real risk of further trespass on the land in future by persons who are opposed to the HS2 project”*.
40. The Hon Mrs Justice Andrews’ judgment was prophetic. The order was breached – including by D32 and by D33 committing 12 breaches of the order between 04.04.2020 and 16.04.2020. Furthermore, the First Claimants’ contractors were subjected to a horrific sustained attack by 30 to 40 persons unknown on 31.10.20 (see 29.1.1 above).
41. D33 was found in contempt for committing 12 breaches of the injunction order between 4.04.20 and 16.04.20. A total of 17 incidents were recorded, an extract from the judgement of The Honourable Mr Justice Marcus Smith on 13.10.2020 sets out the timeline of the service of the order, clearance of the camp, arrival of D33 and subsequent breaches of the order and I have reproduced that here as it

serves both as a useful summary of what occurred in this location and the nature of the incidents that were experienced after the injunction was first imposed (noting that Mr Justice Marcus Smith found that all of these incidents occurred as described, save for incident 4, in respect of which he was not satisfied as to location):

<b>Date</b>	<b>Occurrence</b>
<b>17 March 2020</b>	The Order was granted by Andrews J.
<b>24 March 2020</b>	The injunction under the Order came into force from 4:00pm and the Writ is issued.
<b>25 March 2020</b>	The date of service of the Order, pursuant to its terms.
<b>26 March 2020</b>	Eviction action pursuant to the Writ took place on the Crackley Land. Camp 1 was closed down; and Camp 2 commenced effective operation.
<b>26 March 2020</b>	PROW165X is closed.
<b>4 April 2020</b>	Mr Cuciurean arrived at Camp 2. Incidents 1 to 4 took place during the evening of 4 April 2020. Incident 5 – which is related – took place in the early hours of 5 April 2020.
8:30pm	<p><b>Incident 1</b></p> <p>Mr Cucuirean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>Mr Cuciurean entered the Strip between the Hoarding Fence and the TPROW Fencing. He unclipped one of the Heras fence panels comprising the TPROW Fencing and entered on to the TPROW.</p> <p>He was asked to leave, and was told that he was on land in breach of an order of the court. He refused to leave, was restrained and arrested. He was then “de-arrested”, when it was clear that Warwickshire police would not attend.</p> <p>Mr Cuciurean was released at about 9:00pm.</p>
9:35pm	<p><b>Incident 2</b></p> <p>Mr Cucuirean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW. His activities were monitored by the Claimants’ agents.</p>



Date	Occurrence
	When they sought to approach him, he retreated back over the Hoarding Fence.
10:45pm	<p><b>Incident 3</b></p> <p>Mr Cuciurean entered Area A of the Crackley Land, traversing the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW. His movements were monitored by two of the Claimants' enforcement officers. Through the TPROW Fencing, Mr Cuciurean was told he was trespassing.</p> <p>Mr Cuciurean exited the Crackley Land by climbing over the Hoarding Fence and returning to Camp 2.</p>
11:25pm	<p><b>Incident 4</b></p> <p>This Incident took place at the perimeter of Crackley Land (East) between Points 2 and 3. A Heras fence panel was pulled over by protestors. It was later retrieved and re-installed.</p> <p>Mr Cuciurean was one of the protestors detained but not arrested. Mr Cuciurean and the others were released and returned to Camp 2.</p> <p>I am not satisfied so that I am sure that Mr Cuciurean himself was involved in physically pulling down the Heras fence panel. That would, in my judgment, have involved entering upon the Crackley Land. However, Mr Cuciurean may have been supporting others whilst standing outside the Crackley Land. I am not satisfied so that I am sure that Mr Cuciurean was on the Crackley Land.</p>
<b>5 April 2020</b>	Although Incident 5 formed part of the pattern of Incidents taking place on 4 April, it occurred after midnight. Incidents 6, 7 and 8 occurred later on that day.
00:25am	<p><b>Incident 5</b></p> <p>Mr Cuciurean and two other protestors were reported as being by the Heras fence panels between Points 2 and 3. That would not necessarily have involved entering the Crackley Land. Mr Cuciurean then climbed the Hoarding Fence (between Points 3 and 4), and approached the TPROW Fencing, walking on the Strip, but he did not enter the TPROW.</p> <p>The protestors were reminded that they were on the Claimants' land, although I have insufficient evidence as to the exact words used.</p> <p>Two of the Claimants' enforcement officers removed a Heras fence panel from the TPROW Fencing in order to arrest Mr Cuciurean. Mr Cuciurean retreated to Camp 2.</p>

Date	Occurrence
10:52am	<p><b>Incident 6</b></p> <p>Mr Cuciurean removed the clips from a Heras fence panel forming part of the perimeter between Points 2 and 3, and removed the panel from the fence line abutting the Hoarding Fence. He (with others) entered upon the Crackley Land.</p> <p>Mr Bovan informed Mr Cuciurean that he was on the Crackley Land. Mr Bovan attempted to reinstate the Heras fence panel that had been removed, and the protestors (including Mr Cuciurean) left the Crackley Land and returned to Camp 2.</p>
10:55am	<p><b>Incident 7</b></p> <p>Mr Cuciurean and other protestors entered the Crackley Land at the same place – and by the same means – as in Incident 6. Mr Bovan again attempted to reinstate the Heras fence panel, and the protestors (including Mr Cucuirean) again retreated to Camp 2.</p>
11:25am	<p><b>Incident 8</b></p> <p>Incident 8 was very similar to Incidents 6 and 7, albeit that this Incident involved the removal of <u>two</u> Heras fence panels from the perimeter between Points 2 and 3. Attempts were made to restore the perimeter fence panels, which was met by resistance from the protesters, including Mr Cuciurean. The protestors took Heras fence panels intended to fill the gap created back to Camp 2.</p> <p>There was a subsequent further attempt by Mr Cuciurean to enter upon the Crackley Land in the same way. Mr Cuciurean was repelled by the Claimants’ officers, but not detained.</p>
<b>7 Apr 2020</b>	Incidents 9, 10 and 11 all took place on 7 April 2020.
12:24pm	<p><b>Incident 9</b></p> <p>The Schedule describes this as a “specimen example of repeated acts of contempt”. Incident 9 concerned Mr Cuciurean climbing the Post and Wire Fence on the Northern border of the Crackley Land between Points 7 and 8. It is said that Mr Cuciurean did this on a daily basis, in order to distract the Claimants’ staff or to facilitate others entering the Land or to examine the fences for weaknesses.</p> <p>I am satisfied that Incident 9 took place, as described. However, I am not prepared to include it as a “specimen example”, and it must stand alone. Equally, I am not satisfied as to Mr Cuciurean’s precise motives in entering the Crackley Land here.</p>

Date	Occurrence
1:32pm	<p><b>Incident 10</b></p> <p>Mr Cuciurean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW.</p> <p>Mr Cuciurean and another protestor attempted to remove Heras fence panels and the footers that keep them upright. When approached by the Claimants' enforcement officers, they left the Crackley Land and returned to Camp 2.</p>
1:39pm	<p><b>Incident 11</b></p> <p>Mr Cuciurean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the area between the Hoarding Fence and the TPROW Fencing and penetrated the TPROW Fencing, entering upon the TPROW.</p>
<b>14 April 2020</b>	Incidents 12 and 13 took place on 14 April 2020.
2:33pm	<p><b>Incident 12</b></p> <p>Incident 12 is <i>mutatis mutandis</i> the same as Incident 9.</p>
1:58pm	<p><b>Incident 13</b></p> <p>Mr Cucuirean entered Area A of Crackley Land (East) either by climbing the Hoarding Fence or by going round it through a gap in the Heras fence panels between Point 2 and Point 3.</p> <p>He walked in the Strip between the Hoarding Fence and the TPROW Fencing. He did not enter upon the TPROW.</p>
<b>15 April 2020</b>	
11:50am	<p><b>Incident 14</b></p> <p>This is the Incident described in paragraph 12(3)(c) above, where Mr Mr Cuciurean penetrated <i>Ad Hoc</i> Fencing within the Crackley Land (East) and locked himself to the boom of a machine used by the Claimants for the HS2 works.</p>
17 April 2020	
15:24pm	<p><b>Incident 15</b></p> <p>Mr Cuciurean and other persons penetrated <i>Ad Hoc</i> Fencing on the Crackley Land (East).</p>

Date	Occurrence
21 Apr 2020	
10:40am	<p><b>Incident 16</b></p> <p>Mr Cuciurean, one of a group of around 12 protestors, penetrated <i>Ad Hoc</i> Fencing on the Crackley Land (East). Mr Cuciurean was asked to leave on several occasions and warned of arrest. He resisted removal from the site, and was arrested. There was interference with the works going on in relation to the HS2 Scheme, and those works were disrupted.</p>
26 Apr 2020	
7:30am	<p><b>Incident 17</b></p> <p>Mr Cuciurean and four other protestors climbed trees on Crackley Land (East). They were warned that they were trespassing by Mr Bovan and asked to climb down. They declined to do so, and specialist climbers had to be deployed by the Claimants to remove them, using “cherry pickers”. There was interference with the works going on in relation to the HS2 Scheme, and those works were disrupted.</p>

42. Proceedings were also brought by the Claimants against D32, who breached the terms of the injunction. Those proceedings were settled, with D32 admitting the breaches and giving a wide-ranging undertaking on 10.11.2021 not to breach Court orders made in respect of land on the HS2 Scheme and not to trespass or obstruct the Claimants’ access. A copy of the undertaking is at **pages 190 to 192**. D32 has been named in respect of the present application because the Claimants are applying to discharge the injunctions currently in place over Harvil Road and Cubbington & Crackley and to instead have that land covered by the new injunction sought under this application. D32 is a named defendant in respect of both of those other sets of proceedings and therefore must be named in this application. However, in view of the undertaking given by D32, the Claimants are willing to agree that he be removed as a named Defendant to the present application if he so wishes.
43. The Cubbington & Crackley injunction was most recently renewed and extended by the High Court on 03.05.2021, with a long-stop date of 31.10.2022. The Claimants consider that on the basis of prior incidents and their geographic spread

that the HS2 Land in this area remains a target for unlawful activity for as long works in connection with the HS2 Scheme are being undertaken.

### Jones Hill Wood

44. Shortly after the establishment of the WAR Camp at Small Dean, D5 and other activists established an encampment in Jones Hill Wood around 03.03.2020. The camp partly occupied land required by the Claimants for the construction of the Wendover Dean viaduct as part of the HS2 Scheme. At its largest, the camp occupied a total area of just under 4 acres, approximately 2 of which were located on HS2 Land. The camp contained numerous tree houses, a tower and a tunnel. Images of some of the tree structures are at **pages 119 to 121**.
45. That part of the camp on HS2 Land was cleared of activists in a lengthy, dangerous and sometime violent enforcement operation carried out between the 01.10.2020 and 10.10.2020. The clearance operation at Jones Hill Wood saw aggressive and violent resistance, with activists fighting with firstly the First Claimant's removal team and latterly Thames Valley Police, who were forced to step in as a result of the extreme behaviour of the activists in seeking to resist eviction. At **Video 26** is a video taken on 03.10.20 shows an example of the dangerous and extreme measures deployed by activists - here grappling with and kicking a member of the removal team who was in a cherry picker at a height of over 20m attempting to remove the activist from a tree. A still image of an activist climbing on the outside of a cherry picker during attempts to remove them from the trees is at **page 193**.
46. **Video 27** shows some of the smoke bombs thrown by activists during the enforcement action and the height of the tree houses within the camp.
47. The enforcement operation at Jones Hill Wood culminated in what was dubbed by activists as "the Battle of the Beancan", during which D18 and D24 fought with Police and had to be forcefully removed by specialist officers from Thames Valley Police. This can be seen in **Video 27** which heavily features D5. A BBC article about the arrests made during the operation is at **pages 194 to 195**.

48. The costs of the enforcement operation to evict the unauthorised encampment in Jones Hill Wood were almost £1.5 million.
49. Following the completion of the enforcement operation and despite the removal of the encampment from the HS2 Land, direct action persisted whenever the First Claimants undertook vegetation clearance in the area. These actions were often complex and co-ordinated, notably the action of 07.04.2021 included multiple lock-on protests to block access routes whilst other persons unknown trespassed upon trees situated on the HS2 Land. Some examples of the incidents which followed the clearance of the camp at Jones Hill Woods are outlined below:

Date	Occurrence
05.03.2021	Large number of persons unknown trespassed on HS2 land sought to prevent the erection of fencing. Security removed a number of trespassers from the land. A video of this incident is at <b>Video 28</b> .
07.04.2021	Complex multi-faceted direct action consisting of lock on protests blocking the highway routes to access the HS2 Land in this area (the locations of the lock-ons are shown on the slide at <b>page 196</b> ) and tree climbing on HS2 Land. This action saw lock on protests deployed at 06:30hrs at multiple points preventing highway access to Jones Hill Wood (a video showing one of the lock-ons is at <b>Video 29</b> ), designed to prevent the security shift change over and also the arrival of de-vegetation teams. The obstruction action also sought to prevent the arrival of the First Claimant's specialist climbing team. Once access was blocked, other persons unknown then began entering the HS2 Land using ropes across the tree canopy. The activists who occupied the trees also carried with them supplies and building materials in an attempt to re occupy the HS2 Land. As a result of this action, a day's work at Jones Hill Wood was lost and the First Claimant was forced to deploy a specialist climbing team and additional security, who finally removed the activists after they had occupied the trees for over 5hrs.
09.04.2021	a large group of activists damaged fencing, assaulted security officers, blocked an access gate and tried to force access onto the site using ladders, images of this incident are at <b>pages 197 to 199</b> .
30.04.2021	persons unknown (the group covered their faces and wore white coveralls) attempted to breach the fence line at Jones Hill Wood to prevent de-vegetation works. A video taken during this incident is at <b>Video 8</b> . This action resulted in considerable damage to the security fencing, which can be seen buckling in the image at <b>page 200</b> . During the course of this incident a female person unknown was seen carrying

Date	Occurrence
	scissors and another person unknown was observed carrying a knife whilst trying to access the works area (photograph at <b>pages 165 and 200</b> ). As a result of this incident, security officers operating within the Wendover area (including the sites at Jones Hill Wood, Leather Lane and Small Dean) were subsequently equipped with body armour for their protection.
12.05.2021	D17 climbed upon a digger working at the Jones Hill Wood site and remained for over 11hrs, thus preventing the driver and machine working for the day (this incident is described in more detail at paragraph 29.6.2 above).

### Euston Square Gardens

50. A number of individuals moved onto Euston Square Gardens in London in September 2020 and rapidly established a tented camp that evolved into wooden defensive structures that could not be seen into or accessed by anyone but the occupants. Tents and wooden platforms with tarpaulin covers were also erected in trees. The occupants became so aggressive to the Claimant's security officers that foot patrols into the gardens were stopped in October 2020 because of the threat to personal safety, and it wasn't judged safe enough to recommence them until January 2021, when an operation to take possession of the land from the ESG Defendants and others who were occupying the land commenced. It took a month to complete the eviction of the trespassers from Euston Square Gardens in extremely dangerous conditions and at a cost (enforcement operation cost only – not including costs of delay to the scheduled works) to the public purse of approximately £3.4million pounds.
51. Urine and faeces were regularly removed from the tunnel complex by the removal team at the request of the ESG Defendants to try to keep conditions underground as sanitary as possible and to try to prevent the spread of disease. The operation took place during the height of the Covid-19 pandemic which significantly increased the risks involved to both the ESG Defendants and the removal team and placed a significant strain on the already over-stretched emergency services. An overview of some of the resistance encountered during the operation is set out in the following paragraphs.

52. The Claimants had no knowledge of tunnels under the encampment in Euston Square Gardens until the BBC released an online article titled “HS2 protesters dig tunnel to thwart Euston eviction” on 26.01.2021 (a copy of which is at **pages 201 to 204**), the day before the eviction of the surface camp and tree occupation was scheduled to take place. The stated intention of those who created the tunnel complex, as referenced in the BBC article, was to prevent the eviction of the camp. D26 stated in her BBC interview that, “...it is about *delaying and stopping HS2*.” A copy of the video imbedded in that article showing inside the tunnels is at **Video 30**. A video compilation put together by XR and uploaded to YouTube of the first few days of the enforcement operation from the point of view of the activists is at **Video 31**.
53. On entering the encampment on 27.01.2021 the enforcement team located the tunnel head, protected by a cover. They were informed by D28 and D32 speaking from the tunnel below that they had attached themselves to the cover with nooses around their necks and if opening was attempted, that would endanger their lives. This highly reckless and dangerous action set the tone for the behaviour of the ESG Defendants throughout the operation to remove them from the tunnels. They resisted and obstructed the specialist confined spaces team (“CST”) trying to remove them at every opportunity and continued to dig further dangerous and inadequately shored tunnels to try to evade the CST. A plan showing the layout of the tunnel complex as dug by the ESG Defendants is attached at **page 205**, although it should be noted that this plan was produced using information gathered during the extraction operation and after it was completed. The knowledge of the CST and the First Claimant and the other authorities involved in the extraction operation as to the layout and structure of the tunnels during the operation was limited and constantly evolving and it is important to appreciate how difficult and dangerous that made the extraction operation for those involved. A further plan is at **page 206** and shows both the tunnels created by the ESG Defendants and also the tunnels and nine access shafts created by the CST as part of the extraction operation. Finally, at **page 207** is a CAD drawing of the tunnel complex with some approximate dimensions to give an indication of size.



54. A selection of photographs from inside the tunnels and showing various of the ESG Defendants are at **pages 208 to 217** and give some idea of how cramped and dangerous the conditions were. The ESG Defendants were repeatedly warned that they were trespassing and in danger and required to leave the tunnel complex and refused to do so. The majority left only when cornered by the CST.
55. The following are some of the matters that arose during the course of the eviction operation:
- 55.1 The ESG Defendants barricaded the drop-shaft, preventing access to and egress from the tunnel complex in case of an emergency. When that barricade was eventually removed by the CST (who were obstructed by the ESG Defendants throughout the process) they then had the lock-on described at paragraph 29.1.7 above to deal with.
- 55.2 The ESG Defendants continued to dig throughout the removal operation and to deposit large quantities of spoil at the entrance to the tunnel they were digging, blocking their means of egress from the tunnel. At times they cannibalised their own shoring within their tunnels to achieve progression and in so doing so severely weakened parts of their tunnel system and in constructing with the bear minimal amount of shoring, they increased the chances of a major collapse for both themselves and the CST. They also deliberately pushed spoil towards the CST to impede their progress. An example of this can be seen in **Video 32** taken at 21:02hrs on 19.02.2021, D30 can be seen pushing spoil with her feet towards a CST member and can be heard laughing and asking: *“How’s this pace for you lads?”* and *“do you want it [understood to be a reference to the spoil that she was pushing out] to come a bit faster?”*. This activity continued for several hours. She was clearly deliberately trying to obstruct and hamper the work of the CST as they tried to remove the Tunnel Occupants from the tunnels.
- 55.3 On 14.02.2021 the police spoke to D32 from the top of Drop Shaft 1 and 2. A member of the CST took videos of the exchange, copies of two of which are at **Video 33 and Video 34**. **Video 33** contains the following refusal by D32 to cooperate to leave the tunnels as ordered by the High Court:

PS Hirst: *“you don’t fancy coming out?”*

D32: *“I would love to come out, yes”*

PS Hirst: *“come on”*

D32: *“as soon as we cancel HS2 and start taking appropriate action on the climate emergency”*

PS Hirst: *“I don’t think that’s about to happen”*

As can be seen from the videos, Maxey was at the entrance to the West Tunnel at the bottom of Drop Shaft 2 and could have been safely winched out of the tunnels at that time if he had agreed to cooperate. In fact, he confirmed to PC Hirst that all the Tunnel Occupants were safe and well and could leave at any time they wished (see **Video 34**).

55.4 Also on 14.02.2021, D26 passed a note to the CST which said:

*To Brett’s Tunnel Team  
Dear Brett’s A team  
Happy Valentines day!  
Thank you for always  
being there for us in  
the downshaft even though  
we know it must be hard and cold & wet  
sometimes. To be honest,  
you’re very close to  
the best tunnel team  
any of us has ever  
been evicted by. (it  
would be better if we  
could get some food tho)  
We have an extra  
special surprise coming  
up for you so be  
careful where you dig!  
Loads of love,  
Dan – Swampy  
Blue, Nemo x  
& Larch x  
The Rat*

A photograph of the note is at **pages 218 to 219**. This demonstrated the flippant attitude of the ESG Defendants to the dangerous situation in which they had placed themselves and the CST. The last section of the note appears to be a threat.

- 55.5 On 16.02.2021 D32 obstructed the CST works to shore up and make safe the tunnel complex and struck out at the CST with a piece of ply-wood. A video taken by one of the CST team during this incident is at **Video 35** and D32's hand can be seen in the area where the CST are working. On this date D32 also forcibly removed from one of the ground penetrating radar team his mobile phone and refused to return it until 18.02.2021, when it was eventually returned broken.
- 55.6 On 18.02.21 and 19.02.21, two videos made by D26 were uploaded to You Tube in which she gave a "guided tour" of the tunnels in which she talked about digging and a collapse that had taken place. Copies of those videos are **Video 36** and **Video 37**.
- 55.7 On 19.02.2021 two members of the CST were working on shoring up the south side entrance from Drop Shaft 4 into Chamber 4, which was occupied by D32. The existing timbers and shoring put in place by the Tunnel Occupants was of poor quality and made up of many small pieces of plywood and support timbers. One CST member was half a body length into Chamber 4 and the other was sitting to the side of his legs. This was a difficult area to work in as the tunnel floor sloped down into Chamber 4. The work was made very difficult due to the interference of D32 who was constantly attempting to remove the CST's hand tools as they were actually using them. D32 appeared acutely aware that the CST were making good progress and pulled a piece of flat timber out of the side wall, this resulted in a small amount of earth falling in from above and then began frantically trying to construct a door or barrier to his position out of a flat piece of timber and a metal road sign which he was hammering into shape around the timber. No more than 5 minutes later, a large section of the ceiling directly above the CST members' location suddenly collapsed onto one of the CST members' back. It formed a peaked mound of spoil which the other CST member was able to quickly begin removing by pushing it to the sides until the buried CST member was able to move and they both quickly removed themselves from that location. In the opinion of the very experienced CST members involved, the ceiling collapse was a direct result of D32 removing the side piece of timber moments before it happened. D32 took a series of videos during this incident and uploaded them to You Tube and two of these videos are **Video 38** and **Video 39**.

- 55.8 The last of the ESG Defendants (D25) was finally removed from the tunnel complex on 26.02.2021, bringing this long, extremely dangerous and costly incident to a thankfully safe conclusion.
- 55.9 Five of the ESG Defendants (D24, D25, D26, D30 and D32) defied the terms of two injunctions made by the High Court requiring that they cease tunnelling activity and co-operate to leave tunnels safely and the First Claimant has brought contempt proceedings against those individuals.

### Small Dean

56. The WAR Camp at Small Dean just south of the town of Wendover was established on or around 04.01.2020. The location of this camp is marked on the plan at **page 6** and more detailed plans showing some of the HS2 Land in this area are at **pages 220 to 221**. The camp was first occupied by a small group of transient activists, including D5 who had previously been resident at anti-fracking camps in the North of England until November 2019. The camp initially occupied a small sliver of land owned by Buckinghamshire Council (and later leased to the First Claimant). However, the occupation progressively grew and expanded northward onto the adjacent HS2 Land. By the time the Claimants' operation to take possession of the occupied land commenced, D5, D17 to D26, D28, D36 and D39 and a number of other persons unknown had been in occupation at one point or another. Attempts by activists to occupy further HS2 Land to the West were prevented by the First Claimant's contractor. Photographs of the encampment constructed by the activists – which included a bar – are at **pages 222 to 236**. The extent of the occupation can be seen in the aerial photographs at **pages 222 to 228**.
57. The trespass upon HS2 Land in this area was characterised by a series of violent and abusive actions by activists, some of which I have described in more detail below and culminated in a long, dangerous and costly eviction operation (also described below). An overview of some of the incidents that took place at this location is at **pages 237 to 241** and examples are set out below:

Date	Occurrence
30.01.2021	The First Claimant's contractors were undertaking vegetation clearance works to install fencing and secure land known as the golden triangle. A number of activists, including D5, assaulted security officers and one female person unknown was arrested for assault and possession of cannabis. Contractors were forced to cease work that day as a result of the incident.
02.02.2021	A security manager employed by one of the First Claimant's contractors had his car windscreen damaged by a stone fired by activists from a slingshot. In addition, 80 fence panels were destroyed in one night as activists repeatedly tried to breach the site perimeter. A security overview report of the incidents that night is at <b>page 242</b> (the report also covers incidents on 04.02.2021).
03.02.2021	Small tree houses erected by activists appeared on part of the HS2 Land known as "the golden triangle" (the land marked 19385 on the plan at <b>page 221</b> ) and a joint operation between the First Claimant's specialist security supplier and the First Claimant's contractor was required in order to re-take that land to avoid the extent of the unauthorised occupation spreading further and to establish a secure perimeter.
18.02.2021	Whilst protecting contractors undertaking further vegetation clearance, security staff were subjected to quite horrific abuse. A female security officer was told by an unknown female activist that people like her should have their wombs removed. Another security officer (an armed forces veteran) was called a war criminal. These incidents are described in more detail and videos exhibited at paragraph 29.8.1 above.
26.03.2021	As described at paragraph 28.10.2 above, security officers working for one of the First Claimant's contractors were pelted by activists with water balloons which were believed to be filled with urine. One officer was punched to the face and approximately 15 activists assaulted security officers. The use of bodily fluids as weapons during the Covid 19 pandemic was a particularly disturbing feature of this incident.
04.05.2021	When attempting to conduct de-vegetation works in the highway the First Claimant's contractors were pelted with stones. The window of one vehicle was smashed and a set of temporary traffic lights were also smashed. It was unsafe for works to continue in view of the conduct of the activists and works ceased. A one-page briefing on the incident, including photographs is at <b>page 243</b> . As a result of this incident, the contractor instigated a 50m exclusion zone away from the WAR Camp for works until the camp was subsequently cleared in October 2021.

58. On 10.10.2021 the First Claimant alongside their main works contractors commenced a significant enforcement operation to clear the camp at Small Dean. This operation encountered a complex tunnelling system, a 13m tower incorporating highly dangerous booby-trapped rooms dubbed “hell rooms” by activists and a further tower, built around a tree on which activists had suspended a bathtub containing two individuals in a lock-on (photographs at **pages 245 to 246**). I have set out in the following paragraphs a short overview of the clearance operation, which took over a month and cost the First Claimant just under £5million in security and enforcement costs alone (in addition to other costs that are set out at paragraphs 70 to 71 below). Photographs from the enforcement operation are at **pages 244 to 265**.
59. 10.10.2021 – Enforcement operation commenced early in the morning, discovering an occupied tower in the Northern part of the occupied land and the main camp tower (dubbed “the temple” by the activists) occupied by activists including D18 to D24. Located beneath the main camp tower the entrance to a tunnel system was identified. Within the base of the tower an estimated 17m<sup>3</sup> of chalk spoil was packed within pallet walls. Initial works to shore the pallet retaining walls were undertaken, as there was an estimated 30t of spoil packed within the pallet walls. Within approximately 5hrs an unknown activist emerged from the tunnels claiming he felt unwell. The First Claimant’s contractor’s specialist security team began to dismantle the northern tower identifying 2 activists locked on at a height of around 5m and another 2 activists locked on at a height of around 4m in a bathtub. Works to remove the bath-tub lock-on were suspended as light failed and resumed the following morning.
60. 11.10.21 – Work resumed on the removal of the 2 activists within the bath-tub lock on, who were lowered within the bath by a spider crane to ground level before being unlocked. The continuing fencing and lifting operations necessitated a lane closure daily from 09:30hrs to 16:00hrs. Whilst necessary for the safety of the security, protestor removal staff and fencing, this created a significant impact upon traffic in the local area. Once the northern tower was cleared the climbing teams began working upon the main tower. Upon initial examination of the main tower it was established that it had been both extensively fortified, and that there

were also significant hazards present, namely the “trippy hell room” (this is discussed at paragraph 29.6.3 above).

61. The dismantling of the main tower commenced on 12.10.2021 and was obstructed throughout by the activists in occupation, who would re-build parts of the tower overnight (as the removal team could not safely work on the structure during the hours of darkness. Activists were also coming and going from the encampment overnight by trespassing across the live railway line adjacent to the occupied land, putting themselves and the railway in significant danger.
62. On 13.10.2021, the First Claimant’s security team entered the main encampment and found no-one in occupation. Security had been controlling the entrance to the encampment since the eviction operation commenced and not allowing anyone to enter. It appeared that the activists had been caught by surprise and not been able to occupy areas in time that they had otherwise intended to occupy to resist eviction. A tree house was located that was provisioned with food marked as being specifically for an eviction (see paragraph 2.6.1 above) and tunnels were located, one of which contained a lock-on device, but upon surveying them it was apparent that they were empty. The enforcement team placed air monitoring devices into the tunnels when they were discovered and found deadly levels of carbon monoxide and dioxide – a product of rainwater reacting with the chalk substrata in the area. Had anyone been in occupation of the tunnels, there was a significant risk that they would have been overcome and possibly have died. The main camp was secured by security to prevent activists from entering.
63. On 15.10.2022, with the tower having been reduced to around four fifths of its original height, the activists deployed D22 in a lock-on to slow the progress of the team dismantling the tower. D22 was removed from the lock-on device on 16.10.2022 and he was then taken from the tower. At that point, the remaining activists (D18 to D21 and D24) retreated into the tunnels under the tower and closed the tunnel lid, save for D23, who locked-on to the lid on the tunnel entrance underneath scaffolding bars to delay access by the removal team. Two videos posted on Facebook by the activists featuring D24 explaining that this was what they were doing are at **Video 40** and **Video 41**. The dismantling of the tower was

then completed on 16.10.2022 leaving only the base (photo at **page 248**). The removal team also had to clear large amounts of spoil left by the activists before they could safely commence the tunnel removal operation. The lock-on was removed on 18.10.2021 and D23 removed from the land. The removal team asked the activists in the tunnel to allow them to pass an air monitoring device into the tunnel as there were concerns about the air quality, but the activists refused to open the tunnel lid for this purpose. The removal team were eventually able to get a device into the tunnel, but not until some days later.

64. The tunnel lid was removed on 20.10.2021 and the removal team began the process and digging and shoring down-shafts and entering the tunnel complex to try to remove the activists. The tunnels dug by the activists were not properly shored and were unsafe and this slowed the progress of the removal team who were required to shore the tunnels as they proceeded. **Video 42** was taken by the removal team on 25.10.2022 and serves to illustrate the dangerous confined space of the activists' tunnels. The activists continued to dig further and deeper tunnels as the enforcement team worked. **Video 43** was recorded by D24 and posted on Facebook on 20.10.2021. It shows D19 and D21 speaking and demonstrates the flippant attitude of the activists to the dangerous situation they had created.
65. The activists in the tunnels evaded and resisted removal throughout the operation and were at times abusive towards the removal team. They backfilled the tunnel complex behind them with spoil, blocking their only means of safe egress in the event of an emergency. They were warned repeatedly by the High Court Enforcement Officers in the removal team that the land was subject to a writ of possession and that they were committing an offence by obstructing the execution of the writ. During the course of the eviction a tree that was not otherwise scheduled for felling had to be felled because it was found to be over one of the activists' chambers and presented a safety risk. The activists were advised that the tree would need to be felled for this reason and did not elect to leave the tunnels to avoid the otherwise needless felling of the tree. A picture of the tree is at **page 250**.
66. On 08.11.2021, the removal team broke through into the activists' tunnel complex and split the group in two. A photograph taken that day (**page 251**) shows D19



in one side of the tunnel and on 09.11.2021, one half of the split group (comprising D19, D20 and D21) were removed from the tunnels. Pictures of them taken following their removal are at **page 252 and 253**. They were arrested by Thames Valley Police. D18 and D24 remained in the tunnels and continued to dig.

67. By 12.11.2021, the removal team had caught up to the two remaining activists. In order to make it more difficult to remove them, the activists lay head to head in the tunnel and placed a noose around both their necks, meaning that the removal team could not pull on the feet of D18 (seen inside a sleeping bag in the photograph at **page 257**) without risking injury to both of them. The removal team had to dig around them to get to their heads.
68. On 13.10.2021, D18 and D24 were removed from a final lock-on (which is shown in the photograph at **page 258** following its removal) and then removed from the tunnel.
69. The eviction at Small Dean in total took over 1 month. Whilst the initial clearance of activists above ground (less those in the main tower) was quite swift, the hard core of activists who had barricaded themselves into the tower and the tunnel system below had spent considerable time laying in supplies and had established a strategy of staying above ground for as long as possible before entering the tunnels. The tunnels they had dug were substantial. The First Claimant's CDM team produced a 3D map of the tunnel complex and a video showing this is at **Video 44**. The tunnel complex was found to extend to a depth of 7 meters underground. The clearance of the camp at Small Dean, was not only disruptive to the First Claimant, but also the local community; such was the height of the tower that had been constructed that the north bound lane of the A413 had to be closed to accommodate a crane. This road is the main A road between Wendover and London and this lane closure resulted in significant tail- backs on a daily basis.
70. The presence of the activists below ground prevented the First Claimants' main works contractor from undertaking piling works on the weekends of the 29.10.2021 and 05.11.2021 utilising planned railway closures. The last two

activists to leave the tunnels did so on 13 Nov 21. By that point, the First Claimants main works contractor had been forced to cancel 2 weekends of works on the adjacent railway line at a cost of over £130,000. Had the camp not been cleared in time to remove the adjacent bridge during the Christmas railway blockade, the First Claimant could have feasibly lost 1 year of schedule and the financial implications of such a delay would have been extensive.

71. The security costs incurred by the contractor over the course of the operation exceeded £2million. The costs incurred by the First Claimant in removing the activists from Small Dean were just under £5million.

#### Cash's Pit Land and other HS2 Land in the Swynnerton area

72. The activist camp at Cash's Pit was established around March 2021. The camp is located within a square woodland of approximately 4 acres and which is referred to be the activists occupying it as "Bluebell Wood" (see maps at pages 6 and 266). The camp is just north of the A51 which has a speed limit of 60mph and a short distance along the A51 from a compound used by the First Claimant's contractor Balfour Beatty for the purposes of HS2 Scheme works in this area. Within the trees, activists have constructed a number of structures at heights of up to 20m. In addition to the structures within the trees a 2-story building has been constructed approximately 10m from the road-side and a post box has been set up at the entrance to the encampment. To assist with orientation, the approximate location of the entrance is marked with an X on the plan at **page 266**. Photographs of the encampment are exhibited to **Dilcock 1**. In **Video 6 D5** infers that there are tunnels located within the camp, saying that they need to resist the eviction "*over-ground and underground*".
73. D5 to D2; D22 and D63 have all been observed in occupation of the Cash's Pit Land at various times. It is not possible for the Claimants to gain access to the encampment and it is therefore not known precisely how many activists are in occupation at the present time, but the observation of the security teams of the First Claimant is that activists come and go from the encampment and numbers fluctuate.

74. Activists have used the encampment in this location as a base for repeated and sustained direct action disrupting access to and egress from and work at and in the vicinity of the nearby compound of the First Claimant's contractor Balfour Beatty. Typically, the gates of the compound are obstructed for around 2 hours a day, during which time vehicles are prevented from entering or leaving. Balfour Beatty sought and were granted an injunction on 17.03.2022 restraining the obstruction of access to and egress from the compound and it is hoped that the injunction will improve working conditions at that site.
75. Activists based at the encampment have also engaged in repeated trespass upon and disruption of works on HS2 Land in the area. Examples of the action that has been taken recently are set out in the following paragraphs.
76. Cadent Gas are carrying out works for a diversion and there are archaeological works being carried out (both in connection with the scheme) on land in the area that has been taken into temporary possession by the First Claimant. A plan showing the land coloured green is at **page [cadent gas land]** (the "Cadent Gas Land")
77. On 09.03.2022 a number of activists including D17 and D63 obstructed access to and egress from the Cadent Gas Land. The obstruction is shown in a video uploaded to Facebook by D17 in which he explains what the activists are doing: *"We are doing multiple gate blocks today ... now, as you can see, more of us have just appeared outside what is now another compound ... we are disrupting the works as well as you can see. We've blocked this gate here in front of you. We've also blocked the gate down at the other site near to Bluebell Woods Protection Camp. So there's multiple blockades going on at the moment. IRT [sic. Incident Response Team] are inside this compound, so they can't get down to the other compound to sort out our friends down there. If anyone in the area's free or you're half an hour away in the car or something like that, get yourself down to Bluebell, come and have a chat with us. Go on Bluebell Woods Protection Camp Facebook page, share this video. We've got an open day coming soon, will check in on the date on that now, so will let you know. But yeah, get down here. Come and join us ... yesterday there was lost of people getting dragged around fields,*

*things like that so we'll see what the day brings, but for now the sun's shining and the sky is blue and fuck you HS2"* A copy of the video is at **Video 45**.

78. On 10.03.2022 the Cadent Gas Land was the subject of a complex and aggressive action whereby access to their works was initially blocked by a group including D17, D18 and D19. Later D17 and D19 repeatedly attempted to climb upon an excavator conducting works on the site. A live stream shared by D17 on Facebook, a copy of which is at **Video 46**, shows persons unknown and D19 running at a line of the First Claimants' security officers, and D17 clearly states *"the staff are surrounding the digger, as soon as any of us get an opportunity we are gonna (sic) go for it"*. D19 is seen being physically carried away from the digger following an unsuccessful attempt to climb it in the first 10 seconds (stills at **pages 268 to 269**). D17 then encourages others to join *"if anyone from the gate fancies a bit of a run around, then feel free to walk up and join us"*. D17 goes further and states *"when one of us gets an opportunity we are going to take this machine"*. D17 then states *"due to the number of protestors heading towards the machine someone has told the machine driver to stop the work, which to us is as effective as somebody being on top of it as ultimately it's stopping the work"*.
79. On 14.03.2022 a number of unknown activists in red coveralls took part in a mass trespass on the same HS2 Land. D17 filmed much of this action and posted it publicly on Facebook and a copy is at **Video 47**. Notably, in his video he passes a set of ladders to an unknown male to prevent them being seized. D17 states: *"the aim of the game is to stop HS2 from actively working today and you better bet your arse we are going to do it"*. Throughout the course of the 22-minute video numerous activists in red jump suits are seen running across the HS2 Land, knocking over fencing, running away with fencing and kicking at security guards who are attempting to remove them from the land. It is clear from the video that it would be unsafe to undertake substantial works as simply installing a fence is fraught with issues.

#### **Ongoing risk of unlawful conduct and need for injunctive relief**

80. The Claimants do not seek to stifle anti-HS2 views and respect the right to engage in lawful protest and to express views that are opposed to the HS2 Scheme. The

Claimants seek the Court's assistance to try to ensure that the Defendants do not resort to unlawful direct action activity. Not only is that conduct unlawful, but it is extremely disruptive, dangerous, costly and unpleasant and difficult for those engage in work on the HS2 Land. The activity of the Defendants is an attempt, not to articulate views, but a hard-fought and continuous campaign to try to compel the Claimants to stop the work they are mandated to do by an Act of Parliament. It is no exaggeration to say that the Defendants appear to be seeking to engage in a war of attrition with the Claimants – of which the security personnel on the ground are at the front line. The very considerable deployment of police resources has also been required and continues to be required.

81. The incidents that have already occurred have caused injury to persons working on the HS2 Scheme and eye-watering levels of loss (all borne by the public purse) and damage via damage to property, suspension and delay of works and the need to incur the costs of specialist security to respond to and deal with incidents. A significant amount of police time and resources and time and resources of the other emergency services has also been expended. The incidents are distressing to the Claimants' contractors, sub-contractors and employees. It remains the case that the Defendants do not have the consent or permission of the Claimants to enter onto the HS2 Land and the Claimants do not want the Defendants on the HS2 Land.
82. Given the large number of incidents of trespass, obstruction and damage experienced by the Claimants on the HS2 Land over the course of the last four and a half years and the stated commitment (often expressed in violent language) of the Defendants to continue with the unlawful activity, the Claimants reasonably fear that the HS2 Land remains at significant risk of trespass by the Defendants and that incidents of damage to fences, gates, vehicles and equipment and obstruction access will continue. In fact, the Claimants consider it likely that unlawful activity by the Defendants will only continue to escalate (as it has done since October 2017) if unchecked by the Court as works on the HS2 Land progress. The acts of trespass and obstruction are often accompanied by incidents of verbal harassment and physical intimidation of staff and contractors, including some violent acts. The Defendants' activities place both themselves and the

Claimants' contractors, sub-contractors and employees at significant risk of injury or even death and that is an overriding concern that has led to the Claimants' decision to seek the assistance of the Court in preventing further incidents.

83. The Claimants are therefore asking the Court to make an injunction in the form attached to the Application Notice.

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:.....

RICHARD JOSEPH JORDAN

Dated:.....23 March 2022....

On behalf of: Applicants/Claimants  
R.Jordan  
1st statement of witness  
Exhibits: RJ1 and RJ2  
Date:23 March 2022

**IN THE HIGH COURT OF JUSTICE  
QUEENS BENCH DIVISION  
BIRMINGHAM DISTRICT REGISTRY**

**Claim No. 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 THE PARTICULARS OF CLAIM ("THE  
CASH'S PIT LAND")**

**AND OTHERS**

**Defendants**

---

**EXHIBIT RJ1  
TO THE WITNESS STATEMENT OF RICHARD JOSEPH JORDAN**

---

The documents in this Exhibit are at:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>

# Table of Contents

- 1. Phase One incidents graph .....
- 2. Security costs graph .....
- 3. Phase 2a incidents .....
- 4. Violence and crime incidents graph .....
- 5. Heat map .....
- 6. Incident locations map .....
- 7. Examples of threats against HS2 Scheme .....
- 8. D5 Report Map .....
- 9. D24 Report Map .....
- 10. BBC Article on Arconic trespass 15.04.2021 .....
- 11. D6 Report Map .....
- 12. D17 Report Map .....
- 13. D18 Report Map .....
- 14. Capper’s Lane social media posts .....
- 15. Crackley damage 31.10.2020 .....
- 16. Buckinghamshire Live article on Poor’s Piece .....
- 17. Facebook post D5 Leather Lane support 23.02.21 .....
- 18. Leather Lane Latrine .....
- 19. Leather lane photos and social media posts .....
- 20. M42 Lorry surf 30.12.2021 .....
- 21. Guardian Article – Harvil Road digger 03.10.2017 .....
- 22. Euston crane climb media and social media 05.09.2020 .....
- 23. Lachlan Sandford lock-on pictures .....
- 24. Harvil Rd camera theft 16.12.2019 .....
- 25. D33 Report Map .....
- 26. Small Dean lock-on 29.09.2021 .....
- 27. A41 Aylesbury lock-on 19.04.2021 .....
- 28. Vehicle climb Edgcott Rd, Quainton 20.11.2020 .....
- 29. Gawcott Road, Calvert “Red Rebel” access obstruction 30.10.2020 .....
- 30. Plant machinery safety alert 16.09.2021 .....



31. Trespass and damage to The Podium 06.05.2021 .....	
32. Metro Article on The Podium incident 06.05.2021 .....	
33. Tree Spiking .....	
34. Vandalism to badger setts .....	
35. Waste left on land by activists .....	
36. Compensation plan for Jones' Hill Wood and photographs of soil damage .....	
37. D24 and D30 chained to acrow prop in Euston tunnels .....	
38. My London News article on Harvil Rd lock-on 11.10.2017 .....	
39. Harvil Rd lock-on photos and social media 10.10.2017 .....	
40. Tree structures .....	
41. Hambacher Forest article 24.09.2018 .....	
42. Photograph of bag of faeces thrown at officers at Jones Hill Wood .....	
43. D17 digger climb at Jones Hill Wood 12.05.2021 .....	
44. Towers .....	
45. Tripods and beacons - Chiltern Tunnel Portal 09.10.2020 .....	
46. Guardian article on D24 Beacon at Denham Country Park 08.12.2020 .....	
47. Photographs of injuries to security guards following incident on 26.03.2021 .....	
48. Smoke grenade and waste balloons images 12.05.2021 .....	
49. Still from video – activists in coverall 12.05.2021 .....	
50. Images of weapons .....	
51. Harvil Rd injunction plan .....	
52. Photographs of example Harvil Rd incidents May 2019 to May 2020 .....	
53. Lock-on at Harvil Rd 19.11.2019 .....	
54. Cubbington & Crackley Injunction Plan A .....	
55. Cubbington & Crackley Injunction Plan B .....	
56. Cubbington & Crackley Injunction Plan C .....	
57. Photographs of Cubbington & Crackley encampments .....	
58. D32 final order and undertakings 10.11.2021 .....	
59. Activist on arm of cherry picker at Jones' Hill Wood 03.10.2020 .....	
60. BBC article on arrests at Jones Hill Wood 09.10.2020 .....	
61. Jones' Hill Wood access routes multiple lock-on obstructions 07.04.2021 .....	
62. Jones' Hill Wood incidents on 09.04.2021 .....	
63. Jones' Hill Wood buckled fence and knife images .....	
64. BBC article: HS2 protesters dig tunnel to thwart Euston eviction 26.01.2021 .....	

65. ESG Plan 1 – Tunnels dug by Tunnel Occupants .....	205
66. ESG Plan 2 – Composite plan .....	206
67. ESG Plan 3 – showing tunnels, drop shafts and approximate dimensions .....	207
68. ESG tunnels photographs January and February 2021 .....	208
69. ESG activists’ Valentines note to removal team .....	218
70. Small Dean Plan .....	220
71. Small Dean Golden Triangle location plan .....	221
72. Small Dean WAR Camp photographs .....	222
73. Small Dean WAR Camp area Security incident graph .....	237
74. Small Dean WAR Camp area Security incident log .....	240
75. Small Dean Security Report 02.02.2021 and 04.02.2021 .....	242
76. Small Dean enforcement operation photographs .....	244
77. Map showing entrance to camp on Cash's Pit Land .....	266
78. Map showing HS2 Land on which Cadent gas works are taking place .....	267
79. Stills from Video 46 showing D19 being carried off HS2 Land .....	268

On behalf of: Applicants/Claimants  
R.Jordan  
1st statement of witness  
Exhibits: RJ1 and RJ2  
Date:23 March 2022

**IN THE HIGH COURT OF JUSTICE  
QUEENS BENCH DIVISION  
BIRMINGHAM DISTRICT REGISTRY**

**Claim No.QB-2022-BHM-000044**

BETWEEN:

**(3) HIGH SPEED TWO (HS2) LIMITED  
(4) THE SECRETARY OF STATE FOR TRANSPORT**

**Claimants**

- and -

**(2) 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 ("THE  
CASH'S PIT LAND")**

**AND OTHERS**

**Defendants**

---

**EXHIBIT RJ2  
TO THE WITNESS STATEMENT OF RICHARD JOSEPH JORDAN**

---

All videos are at: <https://vimeo.com/showcase/exhibit-rj2>

## INDEX TO EXHIBIT RJ2

All videos are at: <https://vimeo.com/showcase/exhibit-rj2>

<b>Video Number</b>	<b>Date</b>	<b>Description</b>	<b>Source URL</b>
Video 1	19.05.2020	BBC – Small Dean	<a href="https://www.facebook.com/STOP.HS2/videos/2332590110375892">https://www.facebook.com/STOP.HS2/videos/2332590110375892</a>
Video 2	24.03.2021	D32 - Twitter	<a href="https://www.twitter.com/bearwitness2019/status/1374751791456391171">https://www.twitter.com/bearwitness2019/status/1374751791456391171</a>
Video 3	23.02.2022	D6 Facebook – help us buy a minibus	<a href="https://www.facebook.com/661665316/videos/473075977700088">https://www.facebook.com/661665316/videos/473075977700088</a>
Video 4	24.02.2022	D6 Facebook – notices being served	<a href="https://www.facebook.com/661665316/videos/286622000246464">https://www.facebook.com/661665316/videos/286622000246464</a>
Video 5	10.03.2022	D17 Facebook – Swynnerton update	<a href="https://www.facebook.com/100035849292228/videos/3199408426940673">https://www.facebook.com/100035849292228/videos/3199408426940673</a>
Video 6	24.02.2022	D5 Facebook – over-ground, underground	<a href="https://www.facebook.com/ross.monaghan.35/videos/483736580013085">https://www.facebook.com/ross.monaghan.35/videos/483736580013085</a>
Video 7	16.03.2022	Trespass at Capper’s Lane, Lichfield	<a href="https://www.facebook.com/HS2rebellion/videos/672767173847829">https://www.facebook.com/HS2rebellion/videos/672767173847829</a>
Video 8	30.04.2021	JHW fence attack by activists in white coveralls	N/A
Video 9	25.02.2021	Poor’s Piece eviction	<a href="https://www.facebook.com/simone.h.lister/videos/10158208020547972">https://www.facebook.com/simone.h.lister/videos/10158208020547972</a>
Video 10	05.03.2021	Security patrol at Leather Lane	N/A
Video 11	30.12.2021	D6 M42 Lorry surf	<a href="https://www.facebook.com/102443345283393/videos/250211620550722">https://www.facebook.com/102443345283393/videos/250211620550722</a>
Video 12	05.09.2020	Euston crane climb	<a href="https://www.facebook.com/watch/?v=1419889114873599">https://www.facebook.com/watch/?v=1419889114873599</a>
Video 13	20.11.2020	Vehicle climb Edgcott Rd, Quainton	<a href="https://www.facebook.com/HS2rebellion/videos/397455331667046">https://www.facebook.com/HS2rebellion/videos/397455331667046</a>
Video 14	30.10.2020	Gawcott Road, Calvert “Red Rebel” access obstruction	<a href="https://www.facebook.com/watch/live/?ref=search&amp;v=2745028369099011">https://www.facebook.com/watch/live/?ref=search&amp;v=2745028369099011</a>

<b>Video Number</b>	<b>Date</b>	<b>Description</b>	<b>Source URL</b>
Video 15	06.05.2021	D32 and D60 spraying The Podium with pink paint	<a href="https://www.facebook.com/HS2rebellion/videos/366715554773859/">https://www.facebook.com/HS2rebellion/videos/366715554773859/</a>
Video 16	06.05.2021	D32 trespassing on The Podium	<a href="https://www.youtube.com/watch?v=mztZ2CKtWRg">https://www.youtube.com/watch?v=mztZ2CKtWRg</a>
Video 17	11.02.2021	D26 tethered in Euston Square Gardens tunnels	N/A
Video 18	24.02.2021	D24 and D30 chained to acrow prop in Euston tunnels	N/A
Video 19	January 2021	Euston Square Gardens tree eviction	<a href="https://metro.co.uk/video/hs2-protesters-evicted-euston-square-gardens-2342418/?ito=vjs-link">https://metro.co.uk/video/hs2-protesters-evicted-euston-square-gardens-2342418/?ito=vjs-link</a>
Video 20	12.05.2021	D17 digger climb at Jones Hill Wood	<a href="https://www.facebook.com/100035849292228/videos/483138009557838">https://www.facebook.com/100035849292228/videos/483138009557838</a>
Video 21	08.08.2020	Harvil Rd digger climb	<a href="https://www.facebook.com/100035849292228/videos/305151457356495">https://www.facebook.com/100035849292228/videos/305151457356495</a>
Video 22	10.10.2021	Small Dean Tower and “Trippy hell room”	<a href="https://www.facebook.com/WendoverActiveResistanceCamp/videos/915519819067262">https://www.facebook.com/WendoverActiveResistanceCamp/videos/915519819067262</a>
Video 23	18.02.2021	Small Dean – abuse of female security guard	N/A – security footage
Video 24	18.02.2021	Small Dean – abuse of male security guard	N/A – security footage
Video 25	26.03.2021	Small Dean assault on security	N/A – security footage
Video 26	03.10.2020	Activist grappling with enforcement officer on cherry picker	<a href="https://www.facebook.com/FengHoEthicalFashion/videos/10158334810835932">https://www.facebook.com/FengHoEthicalFashion/videos/10158334810835932</a>
Video 27	01.10.2020	Opening section of a Vice Mini Documentary	<a href="https://www.youtube.com/watch?v=s6MAxf9yv14">https://www.youtube.com/watch?v=s6MAxf9yv14</a>

Video Number	Date	Description	Source URL
		covering Jones Hill Wood eviction	
Video 28	05.03.2021	Trespass and attempts to prevent fencing at Jones Hill Wood	<a href="https://www.facebook.com/ken.lumsden.75/videos/782150446041981">https://www.facebook.com/ken.lumsden.75/videos/782150446041981</a>
Video 29	07.04.2021	Lock-on obstructing access to Jones Hill Wood	<a href="https://www.facebook.com/val.saunders.35/videos/10225537561695409">https://www.facebook.com/val.saunders.35/videos/10225537561695409</a>
Video 30	26.01.2021	BBC inside tunnels under Euston Square Gardens	<a href="https://www.bbc.co.uk/news/uk-england-london-55796445">https://www.bbc.co.uk/news/uk-england-london-55796445</a>
Video 31	30.01.2021	ESG XR First few days	<a href="https://www.youtube.com/watch?v=29THGe0V8PE">https://www.youtube.com/watch?v=29THGe0V8PE</a>
Video 32	19.02.2021	21:02hrs – D30 pushing spoil with feet	N/A security footage
Video 33	14.02.2021	ESG PS Hirst speaking to D32 - at 17.02hrs	N/A security footage
Video 34	14.02.2021	ESG PS Hirst speaking to D32 - at 17.15hrs	N/A security footage
Video 35	16.02.2021	ESG D32 interfering with works	N/A security footage
Video 36	18.02.2021	ESG D26 guided tour of tunnels part 1	<a href="https://www.youtube.com/watch?v=MLCMX7WLcyI">https://www.youtube.com/watch?v=MLCMX7WLcyI</a>
Video 37	19.02.2021	ESG D26 guided tour of tunnels part 2	<a href="https://www.youtube.com/watch?v=ermx7wBy8Co">https://www.youtube.com/watch?v=ermx7wBy8Co</a>
Video 38	19.02.2021	ESG video taken by D32 at 11:49	N/A
Video 39	19.02.2021	ESG second video taken by D32	N/A

<b>Video Number</b>	<b>Date</b>	<b>Description</b>	<b>Source URL</b>
Video 40	16.02.2021	Small Dean D24 – activists about to retreat underground	<a href="https://www.facebook.com/WendoverActiveResistanceCamp/videos/972864376776586">https://www.facebook.com/WendoverActiveResistanceCamp/videos/972864376776586</a>
Video 41	16.10.2021	Small Dean D24 – activists retreat to the tunnel	<a href="https://www.facebook.com/WendoverActiveResistanceCamp/videos/945507006034883">https://www.facebook.com/WendoverActiveResistanceCamp/videos/945507006034883</a>
Video 42	25.10.2021	Small Dean video taken by removal team in tunnels	N/A
Video 43	20.10.2021	Small Dean D19 and D21 in tunnels	<a href="https://www.facebook.com/WendoverActiveResistanceCamp/videos/3052604451733497">https://www.facebook.com/WendoverActiveResistanceCamp/videos/3052604451733497</a>
Video 44	October 2021	Small Dean 3D map of tunnels	N/A
Video 45	09.03.2022	Swynnerton obstruction of access to HS2 Land where Cadent gas works taking place	<a href="https://www.facebook.com/100035849292228/videos/1423046118110584">https://www.facebook.com/100035849292228/videos/1423046118110584</a>
Video 46	10.03.2022	Swynnerton trespass and attempted digger climb	<a href="https://www.facebook.com/100035849292228/videos/3199408426940673">https://www.facebook.com/100035849292228/videos/3199408426940673</a>
Video 47	14.03.2022	Swynnerton – mass trespass filmed by D17	<a href="https://www.facebook.com/100035849292228/videos/708622600135509">https://www.facebook.com/100035849292228/videos/708622600135509</a>

On behalf of: Claimants  
J.A.Dilcock  
1st statement of witness  
Exhibits: JAD1 to JAD3  
Date: 25 March 2022

**IN THE HIGH COURT OF JUSTICE  
QUEENS BENCH DIVISION  
BIRMINGHAM DISTRICT REGISTRY**

**Claim No. 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 THE PARTICULARS OF CLAIM ("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, GREEN AND BLUE ON THE PLAN ANNEXED TO THE APPLICATION NOTICE ("THE HS2 LAND")**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND 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**

---

**WITNESS STATEMENT OF JULIE AMBER DILCOCK  
&  
STATEMENT OF SUITABILITY TO ISSUE IN THE HIGH COURT PURSUANT  
TO CPR r.55.3(2)**

---

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 (“**HS2’s**

**Solicitors**”) in relation to the conduct of these proceedings. Prior to being appointed as Litigation Counsel for the First Claimant I was a solicitor employed by the firm Eversheds Sutherland (Intl) LLP for 13 years and in that role I advised the Claimants on contentious property matters, including possession claims against trespassers and seeking injunctive relief. I am authorised to make this, my First Witness Statement, on behalf of the Claimants.

2. I make this statement in support of the First Claimant’s claim for possession of land at Cash’s Pit, Staffordshire (the “**Cash’s Pit Land**”) and the Claimants’ application for an injunction restraining unlawful activity over land acquired or held by the Claimants (the “**HS2 Land**”) in connection with the High Speed Two Railway Scheme (commonly referred to as “HS2” and referred to in this statement as: the “**HS2 Scheme**”). Defined terms used in the Particulars of Claim have been adopted in this statement with the same meanings. I confirm that the contents of the Particulars of Claim are true to the best of my knowledge and belief.
3. This statement has been prepared with the Claimants’ legal representatives.
4. 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 the Witness Statement of Richard Jordan (“**Jordan 1**”).
5. There are now shown and produced to me marked **JAD1, JAD2 and JAD3** true copies of documents to which I shall refer in this statement.
6. In preparing this statement have read **Jordan 1** in draft.

**Statement of suitability**

7. I note that paragraph 1.3 of Practice Direction 55A and paragraph 6 of the Practice Note given by the Chancery Division and Queens Bench Division in London concerning Possession Claims Against Trespassers indicates that it may be appropriate to issue possession claims in the High Court where:
  - 7.1 there are complicated disputes of fact;
  - 7.2 there are points of law of general importance; or
  - 7.3 the claim is against trespass is and there is substantial risk of public disturbance or of serious harm to persons or property which properly require immediate determination.
8. With that guidance in mind, the reasons that the Claimants consider these proceedings to be suitable for determination by the High Court are:
  - 8.1 The actions of the Defendants are directed at the obstruction of the HS2 Scheme - a major high profile national infrastructure project. Whilst the factual issues raised are not necessarily complicated, they are weighty, high profile and of considerable public interest and importance. Further, the Claimants are seeking injunctive relief over a large geographical area in order to protect a national infrastructure project from sustained unlawful action and in the context of the expenditure of extremely significant sums of public money on dealing with these issues (as discussed in **Jordan 1**). Injunctive relief is also sought against categories of persons unknown – a matter in which the higher courts have had considerable interest of late.
  - 8.2 The claim raises somewhat unusual and important issues of law, in that the Claimants have the advantage of particular statutory rights and powers upon which they rely, granted under the High Speed Rail (London - West Midlands) Act 2017 (the “**Phase One Act**”) and the High Speed Rail (West Midlands - Crew) Act 2021 (the “**Phase 2a Act**”) (together: the “**HS2 Acts**”).
  - 8.3 It is anticipated that the Defendants may wish to raise arguments under the Human Rights Act 1996 concerning their rights to protest and these are issues of

general importance, although the Claimants will say that they are not complex issues or issues which present any arguable defence in the context of these claims.

8.4 As explained in **Jordan 1**, the Claimants' experience of dealing with unauthorised encampments such as the one on the Cash's Pit Land that is the subject of these proceedings is that the Defendants take extreme steps to resist eviction and to make the process as difficult and dangerous as possible. The First Claimant was required (paragraph 4(1) of Schedule 16 of the Phase One Act and Schedule 15 of the Phase 2a Act) to give the Cash's Pit Defendants not less than 28 days' notice that it intended to take possession of the Cash's Pit Land. The Cash's Pit Defendants have been explicit on social media and in mainstream media (see for example **Jordan 1** and the article at **pages 1 to 3 of JAD3**) that they have been spending that time fortifying the encampment and digging tunnels to resist eviction. D18, D19 and D20 also did this at HS2 Land at Small Dean in Wendover (this is described in **Jordan 1**). The matter is therefore urgent. There are also significant concerns for the safety of the Cash's Pit Defendants whom the Claimants consider (based on previous experience) are likely to be occupying dangerous structures in trees and make-shift un-shored underground tunnels and to be at risk of serious harm. It is imperative that they are required to leave as soon as possible for their own safety.

8.5 I would also note that similar proceedings concerning HS2 Land, which raise similar issues to these proceedings, have been addressed by the High Court in recent years. See in particular: *Secretary of State for Transport -v- Persons Unknown* [2018] EWHC 1404 (Ch) and [2019] EWHC 1437 (Ch). The Claimants' application for an injunction asks that injunctions made in those proceedings and other High Court proceedings are discharged in favour of the land in question being covered by the injunction sought in these proceedings. Such an application can only be dealt with by the High Court.

#### **Purpose and scope of this statement**

9. In this statement I will:

9.1 Explain the legislative framework of the HS2 Scheme;

- 9.2 Explain the basis upon which the Claimants come to be entitled to possession of the HS2 Land;
- 9.3 Describe the injunctions already in place over parts of the HS2 Land and the reasons for the Claimants' application to consolidate those into the injunction sought in these proceedings;
- 9.4 Explain how the Claimants reached the decision as to which individuals are the Named Defendants;
- 9.5 Address the question of how the Claimants propose to effect service of these proceedings and the injunction application; and
- 9.6 Describe the entitlement of the First Claimant to possession of the Cash's Pit Land; the circumstances of the trespass at the Cash's Pit Land and the need for a possession order and injunction to restrain further trespass.

### **The HS2 Scheme**

10. In this section I have explained the different means by which the Claimants have acquired or gained the right to possession of the HS2 Land under the HS2 Acts; the discretionary schemes created by the Government (the "**Discretionary Schemes**"); acquisition by consent; and the taking of leases.

### Phase One

11. Construction of Phase One of the HS2 Scheme is authorised by the Phase One Act.
12. The Government and the First Claimant engaged in extensive consultation and engagement prior to deposition the Bill that led to the Phase One Act with Parliament and - as it was a hybrid Bill - it was also subject to a petitioning process during which almost three and a half thousand petitions were considered by Select Committees. The Claimants are committed to continuing engagement with stakeholders on the HS2 Scheme as it progresses. In addition, the HS2 Code of Construction Practice requires community engagement, particularly focussing on those who may be affected by construction impacts.

13. The Phase One Act was the culmination of nearly five years of work, including an Environmental Impact Assessment, the results of which were reported in an Environmental Statement submitted alongside the Bill. The First Claimant has also published Environmental Minimum Requirements, which set out the environmental and sustainability commitments that will be observed in the construction of the Scheme. All of these documents are publicly available online at: <https://www.gov.uk/government/collections/hs2-phase-one-environmental-statement-documents> and <https://www.gov.uk/government/publications/environmental-minimum-requirements> .
14. On 24 February 2017 the First Claimant was appointed as nominated undertaker pursuant to section 45 of the Phase One Act by way of the High Speed Rail (London-West Midlands) (Nomination) Order 2017. The Second Claimant is responsible for the successful delivery of the HS2 Scheme.
15. Section 4(1) of the Phase One Act gives the First Claimant power to acquire so much of the land within the Phase One Act limits as may be required for Phase One purposes. The First Claimant may acquire by way of General Vesting Declaration (“GVD”) or the Notice to Treat (“NTT”) and Notice of Entry (“NoE”) procedure.
16. Section 15 and Schedule 16 of the Phase One Act give the First Claimant the power to take temporary possession of land within the Phase One Act limits for Phase One purposes.

#### Phase 2a

17. Construction of Phase 2a of the HS2 Scheme is authorised by the Phase 2a Act.
18. The Government and the First Claimant engaged in extensive consultation and engagement prior to deposition the Bill that led to the Phase 2a Act with Parliament and - as it was a hybrid Bill - it was also subject to a petitioning process during which around three hundred and forty petitions were considered by Select Committees. The Claimants are committed to continuing engagement with stakeholders on the HS2 Scheme as it progresses. In addition, the HS2 Code

of Construction Practice requires community engagement, particularly focussing on those who may be affected by construction impacts.

19. The Phase 2a Act was the culmination of nearly five years of work, including an Environmental Impact Assessment, the results of which were reported in an Environmental Statement submitted alongside the Bill. In addition, Supplementary Environmental Statements and Additional Provision Environmental Statements were submitted during the Bill's passage through Parliament. The First Claimant has also published Environmental Minimum Requirements, which set out the environmental and sustainability commitments that will be observed in the construction of the Scheme. All of these documents are publicly available online at: <https://www.gov.uk/government/collections/hs2-phase-2a-supplementary-environmental-statement-and-additional-provision-environmental-statement> and <https://www.gov.uk/government/publications/environmental-minimum-requirements-for-hs2-phase-2a> .
20. On 12 February 2021 the First Claimant was appointed as nominated undertaker pursuant to section 42 of the Phase 2a Act by way of the High Speed Rail (West Midlands - Crewe) (Nomination) Order 2021. The First Claimant is responsible for the successful delivery of the HS2 Scheme.
21. Section 4(1) of the Phase 2A Act gives the First Claimant power to acquire so much of the land within the Phase 2a Act limits as may be required for Phase 2a purposes. The First Claimant may acquire by way of General Vesting Declaration ("GVD") or the Notice to Treat ("NTT") and Notice of Entry ("NoE") procedure.
22. Section 13 and Schedule 15 of the Phase 2a Act give the First Claimant the power to take temporary possession of land within the Phase 2a Act limits for Phase 2a purposes.

#### Statutory Blight

23. In addition to the powers of acquisition and temporary possession under the Phase One Act and the Phase 2a Act, some of the HS2 Land has been acquired by the

First Claimant via the statutory blight regime under Chapter II of the Town and Country Planning Act 1990.

### Discretionary Schemes

24. The First Claimant has acquired other parts of the HS2 Land via transactions under the various Discretionary Schemes set up by the Government to assist property owners affected by the HS2 Scheme. The details of the various Discretionary Schemes are publicly available online at: <https://www.gov.uk/claim-compensation-if-affected-by-hs2>
25. Further parts of the HS2 Land have been acquired from landowners by consent and without the need to exercise powers.
26. Finally, the Claimants hold some of the HS2 Land under leases – most notably, the First Claimant’s registered office at Snowhill in Birmingham and its office at the Podium in Euston, both of which have been subject to trespass and (in the case of The Podium) criminal damage by activists opposed to the HS2 Scheme (the incident of trespass and criminal damage at The Podium on 06.05.2021 is described in more detail in **Jordan 1**).

### Legitimacy

27. The Claimants accept that the HS2 Scheme is a controversial and high-profile project, and that some people feel very strongly against it. However, the Claimants have a duty, imposed by Parliament, to deliver the HS2 Scheme. As the High Court confirmed in the case of *R(Packham) v Secretary of State for Transport [2020] EWHC 829 (Admin)*, there is a strong public interest in the works proceeding, and it is not for individuals to seek to undermine the democratic decisions of Parliament in defiance of court orders seeking to protect that democratic mandate.

### **The HS2 Land**

28. The HS2 Land covers a large area and for the purposes of bringing this claim, the Claimants have produced a set of coloured plans to show the HS2 Land and illustrate the basis of the Claimants’ right to possession of it. The plans span 283



sheets (including index maps to assist with orientation). Producing the plans in hard copy and multiple times would generate a very large amount of paper and navigation of the plans is also easier electronically. Accordingly the plans (along with copies of all other documents supporting this claim and the injunction application) have been placed online at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> (the “**HS2 Land Plans**”), but for ease of reference are also referred to in this statement as **Exhibit JAD1**. The Claimants have also produced spreadsheets setting out the basis of the Claimants’ right to possession of the HS2 Land. These also run into hundreds of pages and accordingly have also been placed online at the same link. For ease of reference, these are referred to in this statement as **Exhibit JAD2**. These documents are related only to the Claimants’ application for an injunction. The details of the First Claimant’s right to possession of the Cash’s Pit Land (over which the First Claimant seeks a possession order) are set out in the Particulars and in this Witness Statement and copies of the relevant notices and other evidence in support of the claim for possession are at **Exhibit JAD3**, a copy of which will be served in hard copy with the proceedings in accordance with CPR r.55.6. The evidence in support of the possession claim will also be placed online at <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> and will therefore also be available electronically to anyone who wishes to have a copy.

29. The First or the Second Claimant are the owner of the land coloured pink on the HS2 Land Plans, with either freehold or leasehold title (the “**Pink Land**”). The Claimants’ ownership of much of the Pink Land is registered at HM Land Registry, but the registration of some acquisitions has yet to be completed. The basis of the Claimants’ title is explained in the spreadsheets named “**Table 1**” and “**Table 3**” at **JAD2**. Table 1 reflects land that has been acquired by the GVD process and Table 3 reflects land that has been acquired by other means. A further table (“**Table 2**”) has been included to assist with cross referencing GVD numbers with title numbers. Where the Claimants’ acquisition has not yet been registered with the Land Registry, the most common basis of the Claimants’ title

is by way of executed GVDs under Section 4 of the HS2 Acts, with the vesting date having passed.

30. Some of the land included in the Pink Land comprises property that the Claimants have let or underlet to third parties. At the present time, the constraints of the First Claimant's GIS data do not allow for that land to be extracted from the overall landholding. The Claimants are of the view that this should not present an issue for the present application as the tenants of that land (and their invitees) are persons on the land with the consent of the Claimants.
31. The Claimants' interest in the Pink Land excludes any rights of the public that remain over public highways and other public rights of way and the proposed draft order deals with this point. The Claimant's interest in the Pink Land also excludes the rights of statutory undertakers over the land and the proposed draft order also deals with this point.
32. The First Claimant is the owner of leasehold title to the land coloured blue on the HS2 Land Plans (the "**Blue Land**"), which has been acquired by entering into leases voluntarily, mostly for land outside of the limits of the land over which compulsory powers of acquisition extend under the HS2 Acts. The details of the leases under which the Blue Land is held are in **Table 3**.
33. The First Claimant has served the requisite notices under the HS2 Acts and is entitled to temporary possession of that part of the HS2 Land coloured green on the HS2 Land Plans ("the **Green Land**") pursuant to section 15 and Schedule 16 of the Phase One Act and section 13 and Schedule 15 of the Phase 2a Act. A spreadsheet setting out the details of the notices served and the dates on which the First Claimant was entitled to take possession pursuant to those notices is at **Table 4 of JAD2**.
34. A variety of works for the HS2 Scheme are taking place or are scheduled to take place on the HS2 Land at any given time and throughout the years that it will take to construct the HS2 Scheme, which include (depending on the stage which that part of the project has reached) initial site clearance, the diversion of utilities, access road construction, demolition works, survey and environmental mitigation works and main works construction operations.

35. On site, there is a large amount of heavy plant and more will be added as works progress. The dangers posed by that machinery to unauthorised individuals entering onto the HS2 Land are obvious. All staff and contractors working on the site are provided with intensive training and inductions so they understand the hazards posed by working on site. They are provided with appropriate personal protective equipment, including high visibility clothing. Without such familiarisation anyone entering the site puts themselves at risk when in the vicinity of hazardous operations. The Claimants are acutely aware of the hazards associated with major construction sites and wish to ensure that only those competent to do so and with a full understanding of all site hazards enter the sites. Again, the Claimants have serious concerns that if the activities of the Defendants continue, there is a high likelihood that someone will be seriously injured. As set out in **Jordan 1**, it is very often the case that the Defendants do not simply enter onto the HS2 Land, but that they actively seek to interfere with the heavy plant on site during operation.
36. Further, the activities that the Defendants undertake on land ahead of The First Claimant's construction operations also pose a significant risk of injury or death. The Defendants have engaged in the digging of very deep and dangerous make-shift tunnels which carry a high risk of collapse or issues such as carbon-monoxide / dioxide poisoning. They have engaged in the erection of large make-shift structures both from ground level and in trees, which are unstable and risk collapse or a fall from height. These structures are also often "booby-trapped" by the Defendants with material such as razor wire in order to hamper the work of teams trying to remove the Defendants from them and which risk causing serious injury to both the Defendants and those seeking to remove them. Examples of this conduct are set out in **Jordan 1**.

#### **Consolidation of other injunctions**

37. There are currently two injunctions in place over areas of the HS2 Land to restrain unlawful activity by those opposed to the HS2 Scheme.
38. The first relates to land in the Harvil Road area of Hillingdon and was first imposed by the High Court in February 2018 in proceedings under claim number

PT-2018-000098. The Court reviewed the injunction and extended it both in terms of the land covered and in duration by way of an order dated 4 September 2020, a copy of which is at **pages 4 to 16 of JAD3** (the “**Harvil Rd Injunction**”). Those proceedings are awaiting the listing of a CMC to set directions to take the matter to trial. Named Defendants D28; D32 to D34; and D36 to D59 are the named defendants to those proceedings.

39. The second relates to land at South Cubbington Woods, Crackley Wood, Birches Wood and Broadwells Wood in Warwickshire and was first imposed by the High Court in March 2020 in proceedings under claim number PT-2020-BHM-000017. The Court reviewed and extended it by way of an order made on 13 April 2021, a copy of which is at **pages 17 to 29 of JAD1** (the “**Cubbington & Crackley Injunction**”). Those proceedings are stayed with liberty to apply. Named Defendants D32 to D35 are the named defendants to those proceedings.
40. The Court will note that the terms of the Harvil Rd Injunction and the terms of the Cubbington & Crackley Injunction are not the same.
41. Should the Court see fit to grant the injunction sought by way of application in these proceedings, the Claimants are of the view that it would be expedient and would assist with certainty for those affected by the injunctions and would ensure efficient use of Court time going forward for the land covered by the Harvil Rd Injunction and the Cubbington & Crackley Injunction to be included in the new injunction and for these two pre-existing injunctions to be discharged and the proceedings relating to them discontinued. The Claimants consider that there would be no prejudice to the named defendants in claim numbers PT-2018-000098 and PT-2020-BHM-000017 in this course of action and their rights to challenge the injunction (even if they only wished to challenge it in relation to the land comprised in the pre-existing injunctions) will remain under the proposed new injunction. The Claimants apply accordingly.

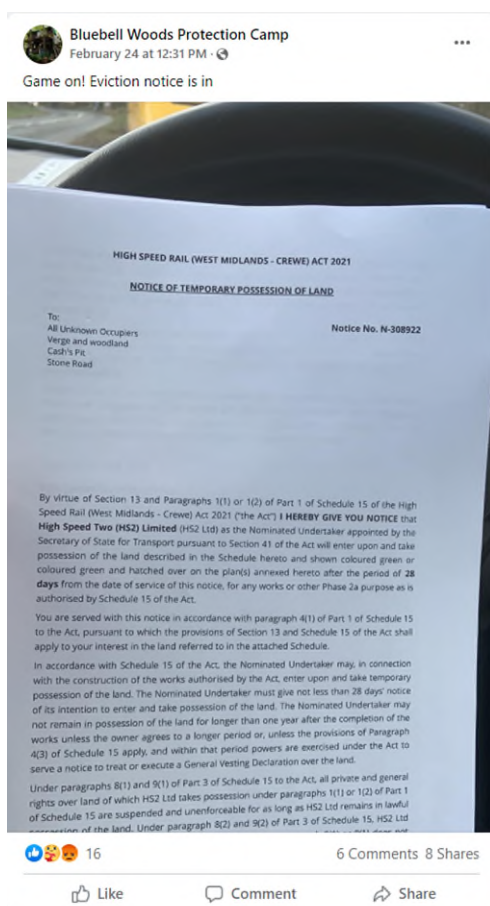
#### **Named Defendants**

42. The Claimants have named as Defendants to this application individuals known to the Claimants (sometimes only by pseudonyms) the following categories of individuals:

- 42.1 Individuals identified as believed to be in occupation of the Cash's Pit Land whether permanently or from time to time (D5 to D20, D22, D31 and D63);
- 42.2 The named defendants in the Harvil Road Injunction (D28; D32 to D34; and D36 to D59);
- 42.3 The named defendants in the Cubbington and Crackley Injunction (D32 to D35); and
- 42.4 Individuals whose participation in incidents is described in the evidence in support of this claim and the injunction application and not otherwise named in one of the above categories.
43. It is, of course open to other individuals who wish to defend the proceedings and/or the application for an injunction to seek to be joined as named defendants. Further, if any of the individuals identified wish to be removed as defendants, the Claimants will agree to their removal upon the giving of an undertaking to the Court in the terms of the injunction sought. Specifically, in the case of D32, who (as described in **Jordan 1**) has already given a wide-ranging undertaking not to interfere with the HS2 Scheme, the Claimants have only named him because he is a named defendant to the proceedings for both pre-existing injunctions. If D32 wishes to provide his consent to the application made in these proceedings, in view of the undertaking he has already given, the Claimants will consent to him being removed as a named defendant.
44. This statement is also given in support of the First Claimant's possession claim in respect of the Cash's Pit Land and which the Cash's Pit Defendants have dubbed: "Bluebell Wood". The unauthorised encampment and trespass on the Cash's Pit Land is the latest in a series of unauthorised encampments established and occupied by various of the Defendants on HS2 Land (more details of which are set out in **Jordan 1**).
45. The possession proceedings concern a wooded area of land and a section of roadside verge, which is shown coloured orange on the plan at **Annex A** of the Particulars of Claim ("**Plan A**"). The HS2 Scheme railway line will pass through

the Cash's Pit Land, which is required for Phase 2a purposes and is within the Phase 2a Act limits.

46. The First Claimant is entitled to possession of the Cash's Pit Land having exercised its powers pursuant to section 13 and Schedule 15 of the Phase 2a Act. Copies of the notices served pursuant to paragraph 4(1) of Schedule 15 of the Phase 2a Act are at **pages 30 to 97 of JAD3**. For the avoidance of doubt, these notices were also served on the Cash's Pit Land addressed to "the unknown occupiers". Notices requiring the Defendants to vacate the Cash's Pit Land and warning that Court proceedings may be commenced in the event that they did not vacate were also served on the Cash's Pit Land. A statement from the process server that effected service of the notices addressed to "the unknown occupiers" and the Notice to Vacate is at **pages 98 to 112 of JAD3** and copies of the temporary possession notice addressed to the occupiers of the Cash's Pit Land and the notice to Vacate are exhibited to that statement.
47. Following service of the notices at the Cash's Pit Land, the Defendants posted on social media acknowledging receipt of the notices as follows:



D6 also filmed service as it was taking place (see **Jordan 1**). Since the Notices were served there have been further Facebook posts about the Notices and indicating an intention not to vacate and to resist eviction. Examples of further Facebook posts exhibited to **Jordan 1**.

48. The Cash's Pit Land abuts the A51 highway and part of the verge of the highway forms part of the Cash's Pit Land, to which the First Claimant is entitled to possession as described above. The Cash's Pit Defendants have also occupied part of the verge. To the extent that there were any public rights of way over the verge, any such rights have been temporarily stopped up pursuant to section 3 and Schedule 4, Part 2 of the Phase 2a Act. Copies of the relevant documents relating to the temporary stopping up of public rights over the verge land are at **pages 113 to 115 of JAD3**.
49. As detailed in the Particulars of Claim, the Cash's Pit Land is heavily wooded and has been occupied by individuals who are opposed to the HS2 Scheme and

whom the First Claimant understands to have been occupying since early 2021. Persons unknown come and go at the Cash's Pit Land and as such there is a fluctuating population of trespassers. The First Claimant believes that the Cash's Pit Defendants are in occupation of the Cash's Pit Land, either permanently or from time to time, in addition to a number of persons unknown.

50. Access to the Cash's Pit Land is currently restricted due to the ongoing trespass, but the Defendants have posted comments and pictures on social media and on a website: <https://www.aggravatedtrespass.com/blog/bluebell-woods-protection-camp-staffordshire> that show large make-shift structures erected on the land and indicate that tunnels are being dug. The local planning authority has informed the First Claimant that complaints have been received about unauthorised development on the land in breach of planning regulations in respect of the unauthorised encampment. Pictures of the unauthorised encampment, which give an indication of the nature and scale of the trespass are at **pages 113 to 124 of JAD3**.
51. In addition to occupying the Cash's Pit Land with the express intention of delaying the First Claimant in taking possession and commencing works, since October 2021, the Cash's Pit Defendants have been using the Cash's Pit Land as a base from which to launch action to disrupt works being carried out on the HS2 Scheme by the First Claimant's contractor Balfour Beatty ("BB") from a nearby works compound. The Cash's Pit Defendants regularly post on social media about their actions to obstruct and disrupt access to and works at the BB compound and encourage others to engage in obstructive and disruptive action. Examples of such social media posts are exhibited to **Jordan 1**. Typically, the Cash's Pit Defendants assemble in the entrance to the BB compound each day for around two hours at a time and obstruct vehicles seeking to enter and leave the compound. On 17.03.2021 BB obtained an injunction from the High Court to restrain interference with their access to and egress from their site compound and a copy of the order made by the High Court is at **pages 125 to 133 of JAD3**.
52. The encampment on the Cash's Pit Land Land was also used as a base to launch action to disrupt HS2 Scheme works on the M42 in December 2021. That action included D6 climbing onto a lorry delivering tarmac for the works, preventing it



from moving for an hour or so and jeopardising the viability of the load. The details of this and other disruptive actions are set out in detail in **Jordan 1**.

53. The First Claimant is entitled to possession of the whole of the Cash's Pit Land and accordingly seeks a possession order forthwith and a declaration from the Court to that effect, in the hope that it may assist in simplifying any further processes to recover possession of the Cash's Pit Land if they are dispossessed by further acts of trespass in the future

#### **Ongoing risk of unlawful conduct and need for injunctive relief**

54. The Claimants consider that there is a real risk that the Cash's Pit Defendants will not comply with an order for possession made by the Court and that an injunction is required mandating that the Cash's Pit Defendants leave the Cash's Pit Land immediately. The Claimants reasonably fear that having been evicted from the Cash's Pit Land, the Cash's Pit Defendants will either seek to re-enter the Cash's Pit Land or trespass upon or obstruct access to other parts of the HS2 Land. By way of example, D17 to D20 and D22, who are believed to be or have been in occupation of the Cash's Pit Land, were all trespassers on Phase One HS2 Land at Small Dean in Wendover (which is on Phase One of the HS2 Scheme) before then moving to occupy the Cash's Pit Land (which is on Phase 2a of the HS2 Scheme and is some 130 miles by vehicle from the Wendover site). D22 resisted eviction and obstructed High Court Enforcement Officers executing a writ of possession at Wendover by placing himself in a lock-on device. D18, D19 and D20 occupied and continued to dig tunnels underground at the same site to resist eviction and obstruct High Court Enforcement Officers executing a writ of possession. These incidents are described in more detail in **Jordan 1**.
55. The Claimants also consider that there is a real risk that other Defendants will trespass on or obstruct access to the Cash's Pit Land or other parts of the HS2 Land and the reasons for this belief are set out in **Jordan 1**.
56. Accordingly, the Claimants ask the Court to impose an injunction in the terms sought in the Application Notice.

#### **Service**

57. In so far as these proceedings are simply possession proceedings against trespassers who are persons unknown, a means for service is set out in CPR r.55.6.
58. In addition to an order for possession, however, the Claimants seek inter alia injunctive relief restraining future trespass and declaratory relief confirming their right to possession (I note here for completeness that the purpose of seeking that declaratory relief is that it may assist in securing possession more swiftly in the future if there is a future trespass, as it was suggested by Lord Rodger in *SoS for the Environment -v-v Meier* [2009] UKSC 11 at [93] that a party with the benefit of such a declaration could obtain the benefit of a writ of restitution in the event of future trespass.
59. In addition, injunctive relief on an interim basis is sought by the application notice which accompanies the claim. It will therefore be necessary to serve the Application as well as the Claim. Further:
- 59.1 It is necessary to serve the documents on the Named Defendants as well as the persons unknown.
- 59.2 It will be necessary to serve any order made upon the hearing on those defendants as well.
60. In those circumstances, the Claimants propose to ask the Court retrospectively to approve the steps taken to draw these proceedings to the Defendants' attention (to the extent necessary) under CPR r.6.15 and 6.27. The Claimants also ask the Court to approve (prospectively) certain steps to serve any order that the Court makes upon the Defendants.
61. Service – particularly service on the Named Defendants – is far from straightforward in these proceedings. Many of the Named Defendants have no fixed address and move regularly between different protest camps up and down the country. They are a transient population. Many have given pseudonyms and are difficult to 'track down'. Accordingly, in the past, service by conventional means has been difficult to execute. The activists do not tend to live at their fixed abode, and even if their location can be established, often they are in difficult to


reach places, residing in trees, or in tunnels underground (examples of this conduct are set out in Jordan 1). Where service is physical and site notices are displayed, often the notices are ‘ripped down’. These, in my experience, are often attempts to frustrate effective service.

62. Ultimately, the question, for service, is whether all practicable steps have been taken to notify “the person” against whom relief is sought.
63. The steps that the Claimants intend to take to serve these proceedings are similar to those they intend to take to serve any order made by the Court following the hearing as set out at paragraph 11 of the draft order accompanying the application. Once these proceedings have been served, updated evidence will be filed to confirm what has been done. The rationale for the steps proposed is broadly self-explanatory, but to expand briefly:
  - 63.1 The claimants wish to seek to ensure so far as possible that the proceedings and relief sought in them come to the attention of all those in occupation of HS2 Land at the moment as well as those who can reasonably be expected to want to trespass upon HS2 Land in the future.
  - 63.2 The Cash’s Pit Land has an unauthorised encampment on it at the present time. Documents left at that camp will no doubt come to the attention of those who occupy it. It is proposed to leave copies of the Court proceedings addressed to the occupiers at the camp on the Cash’s Pit Land and addressed individually by name to D5 to D20, D22, D31 and D63.
  - 63.3 In addition, it is proposed to leave copies of the Court proceedings in conspicuous locations around the perimeter of the Cash's Pit Land so that persons who might be coming onto the land or considering doing so can access them.
  - 63.4 The proceedings will also be advertised on the HS2 section of the .gov website at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> and copies of all documents in these proceedings will be available on that website.

- 63.5 The claimants are also in possession of service information provided by D28; D32 to D34; and D36 to D59 in respect of the proceedings for the Harvil Rd Injunction and D32 to D35 in respect of proceedings relating to the the Cubbington & Crackley Injunction and will effect service of copies of these Court proceedings on those defendants using the information provided by them for service in those other proceedings.
- 63.6 In addition, emails will be sent two email addresses for two of the groups who are involved in coordinating action against the HS2 Scheme using the following email addresses (which are publicised by those groups as a method of contacting them): [HS2Rebellion@gmail.com](mailto:HS2Rebellion@gmail.com) and [info@stophs2.org](mailto:info@stophs2.org) .
64. For completeness, I should add that the Claimants have considered whether steps might be taken to draw these proceedings to the attention of affected parties via social media. In my experience of seeking to effect such service in similar cases in the past, however, those steps are regularly unsuccessful in that the intended recipients will often block messages from unknown or (from their perspective) undesirable contacts. However, the claimants will consider whether a link to the website hosting all of the Court documents can be placed on social media via a Facebook post and / or a Tweet from the accounts of the First Claimant. An update on this will be provided to the court along with an update on all methods of service affected, ahead of the hearing.

#### 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:.....25 March 2022.....

On behalf of: Claimants  
J.A.Dilcock  
2nd statement of witness  
Exhibits: JAD4 and JAD5  
Date: 1 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 ORANGE ON PLAN A ANNEXED TO THE PARTICULARS OF CLAIM ("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, GREEN AND BLUE ON THE PLAN ANNEXED TO THE APPLICATION NOTICE ("THE HS2 LAND")**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND 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**

---

**SECOND 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 Second Witness Statement, on behalf of the Claimants.

2. Defined terms used in the Particulars of Claim, my First Witness Statement (“**Dilcock 1**”) and **Jordan 1** have been adopted in this statement with the same meanings.
3. I make this statement, in support of the First Claimant’s claim for possession and the Claimants’ application for an injunction dated 25.03.2022 (the “**Proceedings**”) and in order to further update the Court on:
  - 3.1 the steps taken by the Claimants to serve the Proceedings and supporting documents; and
  - 3.2 additional matters that have arisen since I gave **Dilcock 1**.
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 the Witness Statement of Richard Jordan (“**Jordan 1**”).
6. There are now shown and produced to me marked **JAD4** 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 **JAD5**. The videos can be viewed at: <https://vimeo.com/showcase/exhibit-jad5> 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 38**. A copy of this statement and Exhibit JAD4 and a link to **JAD5** are being uploaded to:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> .

### **Service of the Proceedings**

7. The detail of service of the Proceedings is set out in the Certificates of Service and accompanying statements given by the process servers and HS2's Solicitors, all of which will be filed with the Court ahead of the hearing on 5.04.2022 and copies of which will be in the Hearing Bundle.
8. In summary, however:
  - 8.1 The Court issued Notice of Hearing to HS2's Solicitors on the afternoon of 30.03.2022. That document was uploaded to the website: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> along with all of the other documents in the Proceedings and that website went live at around 15:24 that afternoon. The website contains the following documents freely available for anyone to download (a screen shot of website is at **pages 1 to 3**):
    - (a) Sealed Claim Form
    - (b) Particulars of Claim
    - (c) Plan A
    - (d) Schedule of Defendants
    - (e) Sealed N244 Application Notice
    - (f) Draft Order
    - (g) HS2 Land Plans – Part 1
    - (h) HS2 Land Plans – Part 2
    - (i) Table 1 – HS2 Acquired Land GVDs
    - (j) Table 2 – HS2 GVDs with Title Numbers
    - (k) Table 3 – HS2 Acquired Land non-GVDs
    - (l) Table 4 – HS2 Temporary Possession



- (m) Witness Statement of Julie Dilcock
- (n) Exhibit JAD3
- (o) Witness Statement of Richard Jordan
- (p) Exhibit RJ1
- (q) Notice of Hearing on 5 April 2022
- (r) Text with link as follows: Video exhibit RJ2 can be found by following this link: [Exhibit RJ2](#). The following exhibits contain strong and/or abusive language and scenes of violence that some viewers may find disturbing. Viewer discretion advised.

Clicking on the [Exhibit RJ2](#) link takes the user to the following site: <https://vimeo.com/showcase/exhibit-rj2> where the video exhibits to **Jordan 1** can be viewed. The web host identified that the videos may contain “mature” content and requires that users log in or create a free account before viewing the material. The Claimants also considered that both the written and video evidence contained material that some people may find disturbing or offensive and an appropriate warning has been placed both on the .gov website and on the Vimeo website.

- 8.2 Hard copies of the Proceedings were finalised for handing over to couriers to deliver for service by process servers.
- 8.3 At 19:34, HS2’s Solicitors sent an email to the contacts listed on the website: <https://stophs2.org/contacts> and to: [HS2Rebellion@gmail.com](mailto:HS2Rebellion@gmail.com) and to email addresses provided by or obtained for certain of the named defendants to the Harvil Road Injunction proceedings and to the email address of the solicitor that represented D24, D25, D26, D30 and D32 in contempt proceedings in respect of Euston Square Gardens (as set out in the relevant Certificates of Service filed with the Court). The text of that email was as follows:

To whom it may concern

Take notice that High Speed Two (HS2) Limited and the Secretary of State for Transport ("the Claimants") have issued proceedings in the High Court seeking an order for possession over land at Cash's Pit, Staffordshire and an injunction over land on the route of the High Speed Rail project known as HS2. A hearing has been listed on 5 April 2022 at:

Birmingham High Court District Registry  
Birmingham Civil and Family Justice Centre  
Priory Courts  
33 Bull Street  
Birmingham, B4 6DS

There is no requirement that you attend, but you may do so if you wish.

Copies of all of the documents filed with the Court in this case are available at:  
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>

The Claimants' solicitors can be contacted using the following details:

The Treasury Solicitor,  
Government Legal Department,  
102 Petty France,  
Westminster,  
London SW1H 9GL

E: [HS2Injunction@governmentlegal.gov.uk](mailto: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

Regards,

**For the Treasury Solicitor**

A copy of the email is at **page 4**.

- 8.4 That email was delivered to all recipients, save for as indicated by the bounce-backs received, none of which were for email addresses held for specific named defendants. Copies of the bounce-backs can be provided separately to the Court if required.
- 8.5 Hard copies of the Proceedings as follows:
- (a) Notice of Hearing
  - (b) Sealed Claim Form
  - (c) Particulars of Claim
  - (d) Plan A
  - (e) Schedule of Defendants
  - (f) Sealed N244 Application Notice

- (g) Draft Order
- (h) Witness Statement of Julie Dilcock containing link to the website mentioned above and explaining that the HS2 Land Plans and Tables could be found at that website.
- (i) Exhibit JAD3
- (j) Witness Statement of Richard Jordan, containing link to the website mentioned above and explaining that Exhibit RJ1 could be found there and a direct link to the Vimeo site hosting Exhibit RJ2.

were delivered to process servers by courier on the morning of 31.03.2022. Service was effected that same day as set out in the Certificates of Service and is summarised below.

- 8.6 Service was effected on D24, D25, D26, D32, D34, D36, D40, D43, D44, D47 and D56 by hand delivering copies to postal addresses they had provided in the Harvil Rd Injunction proceedings or which had been obtained during the contempt proceedings relating to Euston Square Gardens. The details of these addresses are set out in the individual Certificates of Service, along with the time of service. Service by this method was completed by 16:30 on 31.03.2022, save for D26 whose package was delivered at 17:54. These service packs also contained covering letters addressed to each of these Defendants with the following wording:

**Service of Possession proceedings in relation to the land known as Cash's Pit, Staffordshire and injunction proceedings relating to land on the route of the High Speed Two Rail Scheme (commonly referred to as HS2)**

**Claim No QB-2022-BHM-000044**

**Date of Hearing 5 April 2022**

By way of service, please find enclosed:

1. Notice of Hearing
2. Claim Form, Particulars of Claim and enclosures
3. Application Notice (please note that the plans referred to are at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>)
4. Draft Order
5. Witness Statement of Richard Jordan (please note that the exhibits to this statement are at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>)
6. Witness Statement of Julie Dilcock and Exhibit JAD 3 (please note that exhibits JAD1 and JAD2 are at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>)

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

The Claimants' solicitors can be contacted at the above postal address, by email to [hs2injunction@governmentlegal.gov.uk](mailto:hs2injunction@governmentlegal.gov.uk) or telephone call to 020 7210 3000.

We strongly recommend you seek independent legal advice immediately.

Yours sincerely,

**For the Treasury Solicitor**

**Encs**

Copies of the covering letters placed in each pack are appended to the relevant Certificates of Service.

8.7 On 31.03.2022 copies of the Proceedings in clear plastic wallets with a cover sheet addressing them: "To the Occupiers" were served on the Cash's Pit Land as follows (photographs are appended to the relevant Certificate of Service):

8.7.1 At around 10:04, four copies were attached to wooden stakes in the ground along the front of the unauthorised encampment situated on the Cash's Pit Land and known by the Defendants as "Bluebell Wood Protection Camp", adjacent to the road.

8.7.2 At around 10:15, three copies were attached to posts and trees on the west side of the wood.

8.7.3 At around 10:21, two copies were attached to trees on the east side of the wood. During the placement of these copies, the process server

noticed D18 on the tower structure at the back of the encampment and shouted up to him that papers had been placed in the post box and that he should read them.

- 8.8 At around 10:09 copies of the Proceedings in individual envelopes addressed by name to each of the Cash's Pit Named Defendants (i.e. D5 to D20, D22, D31 and D63) were left in the "post box" constructed by the Cash's Pit Defendants at the front of the encampment. A copy of the papers in a clear plastic wallet addressed "To the Occupiers" was also left in the post box. Photographs are appended to the relevant Certificate of Service. Each envelope also contained a covering letter addressed to the respective defendants, the content of which was the same as set out at paragraph 8.6 above.
- 8.9 The process server encountered D17 filming on his mobile phone during service, who indicated to the process server that he understood that papers were being served. The process server informed him that papers for him had been placed in the post box and that he should read them as soon as possible.
- 8.10 At around 10:50 10 copies of the Proceedings in clear plastic wallets were served by affixing to the fences in prominent positions close to the entrance gates at the land covered by the Harvil Rd Injunction.
- 8.11 At around 14:00 10 copies of the Proceedings in clear plastic wallets were served by affixing to the fences in prominent positions at the land covered by the Cubbington & Crackley Injunction.
9. Accordingly, the Claimants have made extensive efforts to ensure that the Proceedings have come to the attention of those who may be interested in them, and the Claimants believe that they have taken all practicable steps to draw these proceedings to the attention of those who may be affected by them.
10. In the remainder of my statement I will endeavour to update the Court on other matters which may relevant to the possession claim and injunction application.

## **Unauthorised encampment on Cash's Pit Land**

11. The First Claimant became entitled to possession of the Cash's Pit Land on 24 March 2022, following expiry of the period of notice given in the temporary possession notices served pursuant to paragraph 4(1) of Schedule 15 of the Phase 2a Act (copies of which are at **pages 30 to 97 of JAD3** exhibited to **Dilcock 1**) The Cash's Pit Defendants have been preparing the encampment to resist eviction and have given interviews to the media and posted on social media about this. Copies of relevant social media posts and articles are at **pages 4 to 25**. The Cash's Pit Defendants have confirmed that they have dug tunnels under the encampment as part of their resistance and provided footage of the tunnels (and D18 in them) to ITV (a copy of the ITV news report is **Video 1 of JAD5**. Stills from the report showing the tunnels and the satellite encampment referred to below are at **pages 16 to 21**). The Cash's Pit Defendants have barricaded and blocked the entrances into the encampment and a number of them who had been perpetrating unlawful acts of trespass and obstruction on HS2 Land in the vicinity of the encampment have not been seen over the last few days and are believed to be barricaded inside awaiting the commencement of an eviction operation. D6 was interviewed by ITV and appears in **Video 1**, where he says: *"We've got tunnels everywhere, we've got people everywhere, we've got treehouses everywhere, we've got people ready to lock-on"*. D7 also appears in **Video 1** and says: *"That camp is fully prepared for an eviction. Like, it's built for so many reasons. The line is going straight through that woodland. It's obliterating it. So, we know they're gonna want it, like, they're desperate to have it for their train, but it's heartbreaking."*
12. As a result of the attention of the Defendants turning to the preparation for a possible eviction and also as a result of the appreciable effect of the injunction obtained by Balfour Beatty on 17.03.2022 (referenced in and exhibited to **Dilcock 1**), activity levels in the area have decreased in the last few days. Notably, the obstruction of the entrance to the Balfour Beatty compound has ceased.

## **Satellite encampment and interference with works**

13. A number of the Defendants, including D6 and D17, have begun to establish a satellite encampment on land adjacent to the Cadent Gas Land. The approximate

location of this encampment is shown marked with a cross on the plan at **page 26**. A number of structures have been erected both at ground level and in the trees and tents have been pitched. The encampment is currently on land in third party ownership and adjacent to other land in respect of which the First Claimant has served notices pursuant to paragraph 4(1) of Schedule 15 of the Phase 2a Act.

14. The Defendants have been using the satellite encampment as a base to trespass on the Cadent Gas Land and to interfere with works on that land. For example, on 25 March 2022 in action that lasted for a number of hours, the Defendants interfered with fencing operations on the Cadent Gas Land at the boundary between that land and the land on which the satellite encampment is situated. D6 and D17 took a number of videos during this and posted them on Facebook. D17's posts included the words: "Numbers needed" and "Numbers would be amazing!", which I understand to be him encouraging others to come and join the incident. Copies of the posts are at **pages 24 to 25**.
15. In a video posted by D17 at 09:46 and another by D6 at 9:51 (copies at **Video 2 and Video 3 of JAD5**) D19 (wearing a grey hoodie) can be seen interfering with the fencing. D6 speaks over **Video 3** throughout and towards the end says: "*If you wanna come down here and have a little bit of a game of touch rugby, you can. If you wanna come film it, if you wanna come document it, if you wanna come support the other camp, Bluebell that's gonna get imminently evicted, you can. We've got lots of building to do, lots of digging to do, we've got all the wood, all the food, all the accommodation, all the lock-ons, all the trick and surprises, so get yourself down here. If you can't, donate to our go fund me and we'll use that for our tricks and surprises. Thank you.*"
16. In a further video (copy at **Video 4 of JAD5**) posted by D6 at 11:18, D19 can again be seen interfering with the fencing works and D6 speaks over the video, saying: "*Obviously we don't want any work to [sic] be done... it's just about the delay and cost, time and showing them for what it is*" he then goes on to talk about the satellite encampment: "*So this is part of the new camp, Bluebell B, it's beautiful, it's just massive, so many beautiful trees. All these oaks like, I can't wait til the summer. Also got lots of bluebells just about to poke through and so that's why we've chose this place as a secondary camp base because the Bluebell*

*original is just at the top of the hill, not far away, that's just about to get evicted, but that's all ready to go. I mean if anyone wants to come and support that, they're welcome. Everything, there's food, there's water, there's all the structures, there's tunnels, you can build your own structure, you can come just support, do livestreams, do cooking. Just be present, but yeah, or you can come here and help us build a new camp, which is also going to have all the tricks and surprises. So yeah, nuts, anyway, please tune in later and let us give you updates. If you'd like to share, that would be great. If you could also donate to our fundraiser, that goes towards our nails, tools, poly prop, things like that we need to build tunnels and all that stuff, so thank you."*


17. In a video taken by D17 and posted at 11:27 (copy at **Video 5 of JAD5**) a number of individuals (including D6, D7 and D19) can be seen trespassing and heard acknowledging that they are trespassing. There is a heated exchange as the First Claimant's security and the police try to get the trespassers to leave the land. The trespassers and D17 hurl foul-mouthed abuse at the First Claimant's security personnel.
18. At a hearing on 28.03.2022, Linden J approved the terms of an Order agreed between the First Claimant and the ESG Defendants in respect of contempt proceedings brought against them for breach of injunctions imposed by the High Court in relation to their occupation of tunnels under Euston Square Gardens. A copy of the order is at **pages 27 to 29**. The ESG Defendants admitted breaching the injunctions in question and apologised to the Court for their contempt. They gave undertakings in the terms set out in the Order not to interfere with the HS2 Scheme. In respect of D32, these undertakings replace the ones referred to at paragraph 42 of **Jordan 1**. In view of these undertakings, the Claimants are willing to agree that any of the ESG Defendants who wish to be removed as a named Defendants to the present application may be so removed.
19. The Claimants are aware that the HS2 Scheme is not the only target of direct action protest at the moment, and similar protective and wide-ranging interim injunctive relief has been granted recently in respect of oil refineries by Butcher J. A copy of that Order, which was made on 21.03.2022 is at **pages 30 to 37**. The annexures are too large to exhibit here, but are publicly available at:



[https://www.dropbox.com/sh/t46plo3shfzuce4/AADX3thH5X\\_6JF8aCCFr2vZea?dl=0](https://www.dropbox.com/sh/t46plo3shfzuce4/AADX3thH5X_6JF8aCCFr2vZea?dl=0).

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:.....1 April 2022.....

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**:

<b>Group/Individual Name</b>	<b>Twitter Handle</b>	<b>No of followers</b>
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
<b>Total</b>		<b>265,268</b>

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**.



<b>Group Names</b>	<b>No of Members</b>
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
<b>Total</b>	<b>62,121</b>

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
<b>Totals</b>	<b>47196</b>	<b>564,028</b>

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):

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

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**):

<a href="https://www.hs2rebellion.earth/">https://www.hs2rebellion.earth/</a>	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> ”
<a href="http://www.en.squat.net">www.en.squat.net</a>	
<a href="http://www.anarchistfederation.net">www.anarchistfederation.net</a>	
<a href="https://www.bucks.radio/news/local-news/hs2-seeks-140-mile-long-injunction-to-deter-protesters/">https://www.bucks.radio/news/local-news/hs2-seeks-140-mile-long-injunction-to-deter-protesters/</a>	

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](http://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.....

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.....