

**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**

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**BUNDLE D**  
(Volume A)  
*for hearing on 26 and 27 May 2022*

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**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**

# Notice of change of legal representative

**Note:**

You should tick either box A **or** B as appropriate **and** box C. Complete details as necessary.

In the	Claim No.
Name of Claimant <i>(including ref.)</i>	
Name of Defendant	

I (We) give notice that

A  my legal representative *(insert name and address)*

has ceased to act for me and I shall now be acting in person.

B  we *(insert name of legal representative)*

have been instructed to act on behalf of the claimant (defendant) in this claim in place of *(insert name and address of previous legal representative)*.

C  I (we) have served notice of this change on every party to the claim (and on the former legal representative).

Address to which documents about this claim should be sent (including any reference)

Postcode <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	If applicable	
	Telephone no.	
	Fax no.	
	DX no.	
	Your ref.	

E-mail	
--------	--

**Signed**

(Claimant)(Defendant)(’s legal representative)  
(Litigation friend)

**Position or office held**

If signing on behalf of firm or company

**Date**  /  /

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal)

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

101 Princess Road  
Moss Side  
Manchester  
M14 4RB

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

DX: 14315 MANCHESTER

Tel: 0161 227 7777  
Fax: 0161 227 7788  
Email: [info@robertlizar.com](mailto:info@robertlizar.com)

Please reply to: Nicola Hall

Quote: KNA001/001/Knaggs/NH2/LF

8 April 2022

Dear Sirs

**HS2 Injunction  
Birmingham High Court: 4<sup>th</sup> April 2022**

I act on behalf of Mr Knaggs alone .I do not act for any of the other 63 Defendants or the wide class of persons unknown who may have relevant information.

Pursuant to directions made by the court on 05.04.22 attempts have been made to obtain further evidence in relation to the possession proceedings. My client has been informed that Lord Stafford is out of the country, and he is unable further to contact him, so we are unable to provide further information at this point in time.

As matters stand, Mr Knaggs will not seek to oppose the making of a possession order on Monday 11<sup>th</sup>April 2022 subject to submissions regarding the time period for enforcement.

Yours faithfully

*Nicola Hall*

**Robert Lizar Solicitors**

**For 24 Hour Emergency Police Station Advice call: 07900 998 999**

Robert Lizar Solicitors is the trading name of Robert Lizar Solicitors Limited (Company Number 06631097)  
Registered Office: 101 Princess Road, Manchester M14 4RB

Directors: Robert Lizar, Adam Foster, Adam Brown

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(We do not accept service of document via facsimile or email)

[www.robertlizar.com](http://www.robertlizar.com)



**D005**

16<sup>th</sup> May 2022

To: Whom It May Concern,

Regarding: HS2 Route-Wide Injunction.

Defendant no. 07, Leah Oldfield

Of No Fixed Abode and previous resident of Cash's Pitt, A51, Swynnerton, ST150QS.

I am writing this statement as a defense against the HS2 route-wide injunction on which I have been named.

I do not believe my actions, regarding the construction of HS2, step beyond my legal and human right to protest as I have no prior convictions or arrests and have peacefully protested within the law. The evidence put forward against me is minimal and shows no evidence of unlawful activity therefore, I do not believe this to warrant an injunction or subsequent costs to be placed upon me.

I believe peaceful protest of the HS2 project is necessary as its construction is outdated, undemocratic, and ignores the declaration of a climate change emergency that this country made in 2019, The Paris Agreement, and COP26, by continuing to demolish ancient woodland, sites of special scientific interest, wildlife corridors, nature reserves, stand-alone trees, and hedgerows. This project does not meet the terms of these agreements and is predicted to not be carbon neutral in its estimated 120-year lifespan. I believe my right to peacefully campaign against Europe's largest infrastructure project to be legitimate and legal.

Contrary to my peaceful campaigning I have been subjected to a range of tactics from HS2 and its contractors to scare me and prevent me from partaking in my legal right to protest. For example, I have been personally filmed numerous times alone, and at night walking to bed on a public highway. I have had my van door opened by a security guard early in the morning whilst I was in bed and have been pushed into barbed wire trying to get to my partner who was being punched in the head and having his beard pulled by the National Eviction Team. Furthermore, HS2 staff near Wendover falsely told Thames Valley Police I was seen with a missing person, and I was subjected to 3-4 months of harassment from the police, going as far as to report me as a missing person at one point.

I have stuck within the bounds of lawful protest and have been pleasant and respectful to staff and employees of HS2 during such time. I am seeking to have my name removed from this injunction on the grounds the evidence shows I have not committed acts of aggravated trespass or public nuisance and should not be sued over such false claims.

I believe this statement to be a true and honest account to the best of my knowledge and I am happy for it to be forwarded as evidence.

Leah Oldfield

16/05/2022

**D006**

## Mary Barraclough

---

**From:** Tepanie Greycat <[REDACTED]>  
**Sent:** 16 May 2022 15:04  
**To:** qb.birmingham@justice.gov.uk  
**Cc:** Aaron.mooney@justice.gov.uk; HS2injunction@governmentlegal.gov.uk  
**Subject:** QB-2022-BHM-00044. About HS2's route-wide injunction

**\*\*EXTERNAL\*\***

---

Hello,

This is about HS2's route-wide injunction, reference number QB-2022-BHM-00044.

My name has been used in HS2's injunction proceedings schedule of defendants.

Defendant 8: Tep aka Tepcat Greycat (aka Nettle). I would like to have my name removed from the schedule of defendants and all injunction proceedings.

I have found only 3 references to D8 in the injunction proceedings documents on the government website and I am not sure than any of them are actually referring to me, Tep. Here is why:

The first in Richard Jordans statement says that D8 was escorted from Leather Lane in the Leather Lane eviction. I think I may be mistaken for someone else because there may have been some people staying at the camp that night and may have been some people escorted from that site but I had stayed somewhere else that night and arrived to Leather Lane later that morning. I have not found any evidence showing anyone being escorted off the site on that day.

The second reference to D8 in Richard Jordans statement says 'D8 and D24... in battle of beancan... Jones Hill Woods, described paragraph 44'. Later in Richard Jordans statement says something about the same moment but 'D18 and D24... in battle of beancan' and so I think the first bit is a mistake missing out a 1 and so D8 is written by accident.

Exhibit JAD3 page 7 says (ix) 'the email to the court dated 2 June 2020 from D8' I have no idea what this is about and haven't been able to find the email in the injunction proceedings documents. I am guessing this is also a mistake as I don't remember ever emailing a court before now and can't think of any reason I would have done then. I have not been able to find this email in evidence to check if it was me or not.

If I need to, to have my name removed, I agree to sign an undertaking. Before I do sign an undertaking, I want assurance that my name will be removed, that I will not be pursued for costs, and that HS2 will not pursue me any further.

Thank you,  
Tep Greycat

## Mary Barraclough

---

**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** 16 May 2022 22:07  
**To:** [REDACTED]  
**Subject:** RE: [EXTERNAL] D8 - QB-2022-BHM-00044. About HS2's route-wide injunction  
**Attachments:** Tep Greycat draft undertaking.pdf

**\*\*EXTERNAL\*\***

---

Dear Tep Greycat

I refer to your email below regarding our injunction application, which has been forwarded to me by our solicitors.

You were named as a defendant to these proceedings as you had been reported by security teams as having been observed at the unauthorised encampment on the Cash's Pit Land – indeed, you are in the photograph that remains as the main image of the Facebook page: Bluebell Woods Protection Camp, which continues to encourage the unauthorised occupation of HS2 Land.

If it is the case that you do not intend to trespass on the HS2 Land again, we would be prepared to reach an agreement with you that would remove you as a Named Defendant to these proceedings and confirm that we would not seek a costs order against you if those terms are agreed. I have attached a draft of the form of undertaking to the Court that we would be prepared to agree in order to remove you as a defendant to these proceedings with no order as to costs. The same form of undertaking has been offered to and accepted by other Named Defendants. In order to complete the drafting, please confirm your name, as we are unable to complete this based purely on pseudonyms.

I look forward to hearing from you.

Kind regards

Julie

---

**Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd**

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited , Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA | [www.hs2.org.uk](http://www.hs2.org.uk)

*I sometimes choose to manage my e-mails in the evening and on weekends because I find this works best for me. I do not expect you to do the same. If you receive an e-mail from me outside working hours, I do not expect a response outside of your own working routine.*

---

**From:** Tepanie Greycat [REDACTED]  
**Sent:** 16 May 2022 15:04  
**To:** [qb.birmingham@justice.gov.uk](mailto:qb.birmingham@justice.gov.uk)

Cc: [Aaron.mooney@justice.gov.uk](mailto:Aaron.mooney@justice.gov.uk); [HS2injunction@governmentlegal.gov.uk](mailto:HS2injunction@governmentlegal.gov.uk)

Subject: QB-2022-BHM-00044. About HS2's route-wide injunction

**\*\*EXTERNAL\*\***

---

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This is about HS2's route-wide injunction, reference number QB-2022-BHM-00044.

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If I need to, to have my name removed, I agree to sign an undertaking. Before I do sign an undertaking, I want assurance that my name will be removed, that I will not be pursued for costs, and that HS2 will not pursue me any further.

Thank you,  
Tep Greycat

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-

([D NUMBER]) [DEFENDANT NAME]

Defendant

---

FINAL ORDER AND UNDERTAKINGS

---

PENAL NOTICE

If you the within named Defendant disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.

IMPORTANT NOTICE TO THE DEFENDANT

This order prohibits you from doing the acts set out in paragraph 5 below. You should read it very carefully.

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

AND UPON the parties having agreed to an order in the terms set out below;

AND UPON [Defendant Name] accepting that they have previously trespassed on the HS2 Land without consent; and

AND UPON [Defendant Name] giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. The Claimants' application as against [Defendant name] (DX) only is dismissed.
2. The Claimants have permission to amend the Schedule to the Particulars of Claim which lists the named defendants to remove [Defendant Name].
3. There be no order for costs between the parties.
4. Service of this Order may be effected, as an alternative, by electronic means by email to [Defendant Name] at [email address] and such service shall be deemed to be good and sufficient service on the Defendants.

**UNDERTAKINGS TO THE COURT**

In this Order 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 at:

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

5. [Defendant Name] undertakes to the Court promising as follows:-
  - a. Not to enter or remain upon the HS2 Land;
  - b. Not to obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - c. interfere with any fence or gate on or at the perimeter of the HS2 Land.

**AND TO BE BOUND BY THESE PROMISES UNTIL 31 MAY 2025.**

6. [Defendant Name]'s promises at paragraph 5 do not prevent [Defendant Name] from:
  - a. Exercising their rights over any open public right of way over the HS2 Land; or
  - b. Exercising their lawful rights over any public highway.

**STATEMENT**

**I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

---

[DEFENDANT NAME]

Date:

**We consent to an order in these terms**

---

DLA Piper (UK) LLP  
Solicitors for the Claimants

Date:

## Mary Barraclough

---

**From:** Hazel Ball <[REDACTED]>  
**Sent:** 13 May 2022 16:04  
**To:** HS2Injunction  
**Subject:** Urgent re unsubstantiated claims

**\*\*EXTERNAL\*\***

---

Please find below my response to the HS2 injunction application - I believe I should not be named on this document and would like confirmation that my name is removed; or clear evidence of why my name has been included.

Correspondence -

Please correspond to this email address, I do not consent to my email address / data being used for any other matters and request that you do not store my details for any other reason than relating to the injunction application.

Claim number - QB-2022-BHM-000044

For the urgent attention of Julie Dilcock

I am writing in relation to HS2 Limited's application for a route wide injunction.

It's been brought to my attention that I've been named in this document; a document which has never been served to me. I have carefully read your papers and can not see any reason why I have been named, and believe I should not be put to the time, effort or cost of defending these unsubstantiated claims.

Hazel Ball / D9 - In Julie Dilcocks statement it is suggested that I live at the Bluebell Woods Camp, this is not and never has been the case. I spent two nights at the camp early this year - at that time the land remained in the ownership of Lord Stafford, not HS2. I'm aware that possession of the Cashes Pit (Bluebell) Land was granted to HS2, and that the land was subsequently injuncted and have since not returned to the cashs pit land.

Further reference is made to me regards Harvil Road - a place I have never been to.

As these allegations against me are untrue and unfounded, I ask that you remove my name from the application; or urgently supply evidence to support your claims so that I may consider defense if necessary.

I do not wish to incur the expense of defending these accusations, nor do I wish HS2 Ltd to incur further expense in pursuing this claim against me for which you appear to have no factual evidence.

Sincerely

H. Ball

## Mary Barraclough

---

**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** 16 May 2022 15:39  
**To:** [REDACTED]  
**Subject:** RE: [EXTERNAL] D9 - Urgent re unsubstantiated claims  
**Attachments:** Hazel Ball Undertaking.pdf

**\*\*EXTERNAL\*\***

---

Dear Ms Ball

I refer to your email below regarding our injunction application.

In terms of service, the Court dealt with that question on 28 April 2022 and confirmed that service had been effected. I note that you have read some of the documents and it would therefore appear that you have been able to access them. As I expect you are aware, the documents can be viewed and downloaded here: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>

Your email suggests that you do not intend to trespass on the HS2 Land again. Assuming that is the case, we would be prepared to reach an agreement with you that would remove you as a Named Defendant to these proceedings and confirm that we would not seek a costs order against you if those terms are agreed.

Please find attached the form of undertaking to the Court that we would be prepared to agree in order to remove you as a defendant to these proceedings with no order as to costs. The same form of undertaking has been offered to and accepted by other Named Defendants.

Please do take any independent legal advice that you consider that you need and let me know if you have any queries.

Otherwise, I look forward to receiving the undertaking from you – signed and dated where indicated – along with confirmation that you are content for us to submit it to the Court for approval once it has been signed by our solicitors on our behalf.

Kind regards

Julie

---

**Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd**

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA | [www.hs2.org.uk](http://www.hs2.org.uk)

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---

**From:** Hazel Ball [REDACTED]  
**Sent:** 13 May 2022 16:04  
**To:** HS2Injunction <[HS2Injunction@dlapiper.com](mailto:HS2Injunction@dlapiper.com)>  
**Subject:** Urgent re unsubstantiated claims

**\*\*EXTERNAL\*\***

---

Please find below my response to the HS2 injunction application - I believe I should not be named on this document and would like confirmation that my name is removed; or clear evidence of why my name has been included.

Correspondence -

Please correspond to this email address, I do not consent to my email address / data being used for any other matters and request that you do not store my details for any other reason than relating to the injunction application.

Claim number - QB-2022-BHM-000044

For the urgent attention of Julie Dilcock

I am writing in relation to HS2 Limited's application for a route wide injunction.

It's been brought to my attention that I've been named in this document; a document which has never been served to me. I have carefully read your papers and can not see any reason why I have been named, and believe I should not be put to the time, effort or cost of defending these unsubstantiated claims.

Hazel Ball / D9 - In Julie Dilcocks statement it is suggested that I live at the Bluebell Woods Camp, this is not and never has been the case. I spent two nights at the camp early this year - at that time the land remained in the ownership of Lord Stafford, not HS2. I'm aware that possession of the Cashes Pit (Bluebell) Land was granted to HS2, and that the land was subsequently injuncted and have since not returned to the cashs pit land.

Further reference is made to me regards Harvil Road - a place I have never been to.

As these allegations against me are untrue and unfounded, I ask that you remove my name from the application; or urgently supply evidence to support your claims so that I may consider defense if necessary.

I do not wish to incur the expense of defending these accusations, nor do I wish HS2 Ltd to incur further expense in pursuing this claim against me for which you appear to have no factual evidence.

Sincerely

H. Ball



**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-**

**(D9) HAZEL BALL**

**Defendant**

---

**FINAL ORDER AND UNDERTAKINGS**

---

**PENAL NOTICE**

**If you the within named Defendant disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.**

**IMPORTANT NOTICE TO THE DEFENDANT**

**This order prohibits you from doing the acts set out in paragraph 5 below. You should read it very carefully.**

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

**AND UPON** the parties having agreed to an order in the terms set out below;

**AND UPON** Hazel Ball accepting that they have previously trespassed on the HS2 Land without consent; and

**AND UPON** Hazel Ball giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. The Claimants application as against Hazel Ball (D9) only is dismissed.
2. The Claimants have permission to amend the Schedule to the Particulars of Claim which lists the named defendants to remove Hazel Ball.
3. There be no order for costs between the parties.
4. Service of this Order may be effected, as an alternative, by electronic means by email to Hazel Ball at hazelball@hotmail.co.uk and such service shall be deemed to be good and sufficient service on the Defendants.

**UNDERTAKINGS TO THE COURT**

In this Order 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 at:

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

5. Hazel Ball undertakes to the Court promising as follows:-
  - a. Not to enter or remain upon the HS2 Land;
  - b. Not to obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - c. interfere with any fence or gate on or at the perimeter of the HS2 Land.

**AND TO BE BOUND BY THESE PROMISES UNTIL 31 MAY 2025.**

6. Hazel Ball’s promises at paragraph 5 do not prevent Hazel Ball from:
  - a. Exercising their rights over any open public right of way over the HS2 Land; or
  - b. Exercising their lawful rights over any public highway.

**STATEMENT**

**I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

---

HAZEL BALL

Date:

**We consent to an order in these terms**

---

DLA Piper (UK) LLP  
Solicitors for the Claimants

Date:

I am writing the following in response to HS2 route-wide injunction proceedings as per <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.

My name is I.C. Turner (incorrectly given in the Schedule of 'Defendants' as 'IC Turner') and I am currently of no fixed abode due to the combination of Brexit and the pandemic, but I am from approximately twenty kilometres away from Cash's Pit.

I will cover three aspects in ascending order of importance: (1) the specific inappropriateness of my inclusion in these proceedings; (2) the broader inappropriateness of these proceedings in general; (3) the inappropriateness of the HS2 project itself.

- (1) I have previously campaigned peacefully, legitimately and lawfully against HS2. However, I have had no involvement with the campaign this year whatsoever, i.e. since long before HS2 took legal possession of Cash's Pit. My inclusion as a 'defendant' is absurd and egregious. It indicates that HS2 is either incompetent in its identification of targets or cynical in its use of blunt intimidation tactics, or more likely both. Furthermore, I have never been arrested or cautioned, let alone charged, let alone convicted of any crime in my entire life. I have never even been involved in any civil proceedings or fined for any reason of any kind. I am an upstanding, law-abiding citizen and HS2's crude and baseless attempt to criminalize me is ethically offensive to me personally and ought to be to the court. In addition, since I am from near the route of HS2, regularly travel home from the South-East and rely on public transport rather than a car, restricting my freedom of movement within its vicinity would be a grotesque imposition. I demand to be removed from this injunction.
- (2) These entire proceedings are an abuse of process. The right to protest is a fundamental civil liberty and perhaps above all else defines where a nation falls on the spectrum of democracy to authoritarianism. Dissent is patriotic. HS2 is a highly financially and legally powerful corporation, bottomlessly bankrolled by the state and with an unprecedentedly swingeing law at its disposal. It is sinister in the extreme for it to abuse the weight of its resources in order to attempt to terrorize and coerce a small number of campaigners of very modest means into submission. Forcing people who have broken no law (or even those who may have broken laws at other times) into being 'defendants', with the risk of personal financial ruin that entails, is a shamelessly cynical tactic that should not be allowed to take further root in this country. Weaponizing the judicial system so that a corporate entity can bulldoze ordinary members of the public must not be permitted.
- (3) HS2 is the Emperor's New Trainline, a vanity project of the worst order. Although if it could be magicked into place and other trainlines and the Internet didn't exist it would be a good idea, none of these things is true. The contribution to the climate crisis of its construction, were it ever to happen, in terms of both the resources used and the ecological destruction would be so vast that it could never be justified. The time and space taken would be devastating to local communities, who have been very inadequately consulted; no insignificant number of livelihoods and lives have already been destroyed by it in some localities. I have travelled between London and Stafford by train many times a year for decades: there are two excellent rail companies and no need for any other provision. Nationwide, upgrading the existing network and reopening lines that were closed in less powerful areas makes far more environmental, social and economic sense than slicing an airport shuttle service for business passengers through much of our minuscule remaining coverage of woodlands. The experience of the pandemic makes it wholly clear that meetings and other work can readily be done online, which not only reduces carbon emissions but

increases people's wellbeing by freeing up time for them to spend with loved ones or on personal interests. The array of HS2's redundancy is almost impressive.

## Mary Barraclough

---

**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** 17 May 2022 16:03  
**To:** [REDACTED]  
**Subject:** RE: HS2 injunction proceedings  
**Attachments:** I.C. Turner draft undertaking.pdf

**\*\*EXTERNAL\*\***

---

Dear Mr Turner

I refer to your email below and attached submissions regarding our injunction application, which has been forwarded to us by the Court (having not been served on us by yourself).

Firstly, I wanted to address the points you have raised in your submissions about the curbs that you perceive that the proposed injunction would place on your movements. It appears that you have misunderstood the proposed injunction (or have been provided with incorrect information by others about the terms of the proposed injunction). For clarity, the proposed injunction does not affect:

- any person's rights to use any open public right of way;
- any person exercising their lawful rights over any public highway

You were named as a defendant to these proceedings as you had been reported by security teams as having been observed at the unauthorised encampment on the Cash's Pit Land. I note that you wish to be removed as a Named Defendant to the proceedings. Your submissions suggest that you intend only to engage in peaceful and lawful protest and, again, such protest is specifically not prohibited by the terms of the proposed injunction. That being the case, I assume that you do not intend to trespass upon the HS2 Land again (trespass being unlawful) and if that is the case, we would be prepared to reach an agreement with you that would remove you as a Named Defendant to these proceedings and confirm that we would not seek a costs order against you if those terms are agreed. I have attached a draft of the form of undertaking to the Court that we would be prepared to agree in order to remove you as a defendant to these proceedings with no order as to costs. The same form of undertaking has been offered to and accepted by other Named Defendants. In order to complete the drafting, please either confirm that your correct full first name is "I.C." or confirm your actual first name, as we are unable to complete this undertaking on the basis of your initials.

I look forward to hearing from you so that we may proceed with the undertaking.

Kind regards

Julie

---

**Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd**

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited , Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA |  
[www.hs2.org.uk](http://www.hs2.org.uk)

*I sometimes choose to manage my e-mails in the evening and on weekends because I find this works best for me. I do not expect you to do the same. If you receive an e-mail from me outside working hours, I do not expect a response outside of your own working routine.*

---

**From:** I.C. Turner [REDACTED]  
**Sent:** 16 May 2022 12:23  
**To:** Mooney, Aaron <aaron.mooney@Justice.gov.uk>; nhall@robertlizar.com  
**Subject:** HS2 injunction proceedings

Dear both,

Please see the attached response to my being named as a so-called 'defendant' in the above proceedings.

Yours,

I.C. Turner



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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-

(10) [DEFENDANT NAME]

Defendant

---

FINAL ORDER AND UNDERTAKINGS

---

PENAL NOTICE

If you the within named Defendant disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.

IMPORTANT NOTICE TO THE DEFENDANT

This order prohibits you from doing the acts set out in paragraph 5 below. You should read it very carefully.

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

AND UPON the parties having agreed to an order in the terms set out below;

AND UPON [Defendant Name] accepting that they have previously trespassed on the HS2 Land without consent; and

AND UPON [Defendant Name] giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. The Claimants' application as against [Defendant name] (DX) only is dismissed.
2. The Claimants have permission to amend the Schedule to the Particulars of Claim which lists the named defendants to remove [Defendant Name].
3. There be no order for costs between the parties.
4. Service of this Order may be effected, as an alternative, by electronic means by email to [Defendant Name] at [email address] and such service shall be deemed to be good and sufficient service on the Defendants.

**UNDERTAKINGS TO THE COURT**

In this Order 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 at:

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

5. [Defendant Name] undertakes to the Court promising as follows:-
  - a. Not to enter or remain upon the HS2 Land;
  - b. Not to obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - c. interfere with any fence or gate on or at the perimeter of the HS2 Land.

**AND TO BE BOUND BY THESE PROMISES UNTIL 31 MAY 2025.**

6. [Defendant Name]'s promises at paragraph 5 do not prevent [Defendant Name] from:
  - a. Exercising their rights over any open public right of way over the HS2 Land; or
  - b. Exercising their lawful rights over any public highway.

**STATEMENT**

**I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

---

[DEFENDANT NAME]

Date:

**We consent to an order in these terms**

---

DLA Piper (UK) LLP  
Solicitors for the Claimants

Date:

Tony Carne (Named Defendant D11)

12<sup>th</sup> May 2022

DLA PIPER UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX  
[HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk)

Your Ref: Z2202274/CAN/DS3

To Whom It May Concern,

**Re: Submission by Named Defendant D11**

1. I have been advised by a colleague that I have been named in this Case by the Claimant as a Named Defendant.
2. Having at no time received a hard copy of the supporting documentation as suggested by the Claimant, I have subsequently reviewed the documents online. I can, however, find no specific evidence, as submitted by the Claimant, of having ever been "*identified as believed to be in occupation of the Bluebell Wood Land whether permanently or from time to time*" as has been claimed by the Claimant erroneously, in any of their Witness Statements or supporting Exhibits.
3. I have been a permanent resident at my home address in East Staffordshire for more than 10 years. I deny having been an occupier of the Bluebell Wood Land at any time in this period.
4. I would therefore request that any reference to myself as a Named Defendant is removed from the Claim with immediate effect and that I am no longer liable for any future consideration of payment of Costs, due to this clear and disturbing misrepresentation by the Claimant.
5. I would be grateful if you could confirm formally and in writing, by return email, that all references to myself as a Named Defendant in this Case, without exception, have been removed from the Claim as well as acknowledgement that I will not be liable for any Costs arising from the Claim.
6. Should the Claimant continue with these erroneous, mis-informed and threatening allegations against myself as a Named Defendant in this Case, I shall consider further rebuttal following further consultation with my Legal Representative.

I look forward to your confirmation and acknowledgement, as requested above.

Yours sincerely,

Tony Carne  
Named Defendant D11  
[tonycarne1@gmail.com](mailto:tonycarne1@gmail.com)

Copy:  
[aaron.mooney@justice.gov.uk](mailto:aaron.mooney@justice.gov.uk)  
[Resist-HS2Bluebell@protonmail.com](mailto:Resist-HS2Bluebell@protonmail.com)

**D027**

## Mary Barraclough

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**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** 16 May 2022 15:56  
**To:** [REDACTED]  
**Subject:** RE: [EXTERNAL] FW: Your Ref: Z2202274/CAN/DS3 - Submission by Named Defendant D11  
**Attachments:** Tony Carne Undertaking.pdf

**\*\*EXTERNAL\*\***

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Dear Mr Carne

I refer to your email below and attached submissions regarding our injunction application.

In terms of service, the Court dealt with that question on 28 April 2022 and confirmed that service had been effected. I note that you have read some of the documents and it would therefore appear that you have been able to access them. As I expect you are aware, the documents can be viewed and downloaded here: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>

You were named as you had been reported by security teams as having been observed at the unauthorised encampment on the Cash's Pit Land. If it is the case that you do not intend to trespass on the HS2 Land again, we would be prepared to reach an agreement with you that would remove you as a Named Defendant to these proceedings and confirm that we would not seek a costs order against you if those terms are agreed.

Please find attached the form of undertaking to the Court that we would be prepared to agree in order to remove you as a defendant to these proceedings with no order as to costs. The same form of undertaking has been offered to and accepted by other Named Defendants.

Please do take any independent legal advice that you consider that you need and let me know if you have any queries.

Otherwise, I look forward to receiving the undertaking from you – signed and dated where indicated – along with confirmation that you are content for us to submit it to the Court for approval once it has been signed by our solicitors on our behalf.

Kind regards

Julie

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**Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd**

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited , Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA |  
[www.hs2.org.uk](http://www.hs2.org.uk)

*I sometimes choose to manage my e-mails in the evening and on weekends because I find this works best for me. I do not expect you to do the same. If you receive an e-mail from me outside working hours, I do not expect a response outside of your own working routine.*

---

**From:** Tony Carne [REDACTED]  
**Sent:** 13 May 2022 14:11  
**To:** [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk)  
**Cc:** [Resist-HS2Bluebell@protonmail.com](mailto:Resist-HS2Bluebell@protonmail.com); [aaron.mooney@justice.gov.uk](mailto:aaron.mooney@justice.gov.uk)  
**Subject:** Your Ref: Z2202274/CAN/DS3 - Submission by Named Defendant D11

**\*\*EXTERNAL\*\***

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Please find attached a submission from Named Defendant D11 in response to Claim Z2202274/CAN/DS3.

Best regards,  
Tony Carne

**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-**

**(D11) TONY CARNE**

**Defendant**

---

**FINAL ORDER AND UNDERTAKINGS**

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**PENAL NOTICE**

**If you the within named Defendant disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.**

**IMPORTANT NOTICE TO THE DEFENDANT**

**This order prohibits you from doing the acts set out in paragraph 5 below. You should read it very carefully.**

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

**AND UPON** the parties having agreed to an order in the terms set out below;

**AND UPON** Tony Carne accepting that they have previously trespassed on the HS2 Land without consent; and

**AND UPON** Tony Carne giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. The Claimants' application as against Tony Carne (D11) only is dismissed.
2. The Claimants have permission to amend the Schedule to the Particulars of Claim which lists the named defendants to remove Tony Carne.
3. There be no order for costs between the parties.
4. Service of this Order may be effected, as an alternative, by electronic means by email to Tony Carne at [tonycarne1@gmail.com](mailto:tonycarne1@gmail.com) and such service shall be deemed to be good and sufficient service on the Defendants.

**UNDERTAKINGS TO THE COURT**

In this Order 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 at:

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

5. Tony Carne undertakes to the Court promising as follows:-
  - a. Not to enter or remain upon the HS2 Land;
  - b. Not to obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - c. interfere with any fence or gate on or at the perimeter of the HS2 Land.

**AND TO BE BOUND BY THESE PROMISES UNTIL 31 MAY 2025.**

6. Tony Carne's promises at paragraph 5 do not prevent Tony Carne from:
  - a. Exercising their rights over any open public right of way over the HS2 Land; or
  - b. Exercising their lawful rights over any public highway.

**STATEMENT**

**I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

---

TONY CARNE

Date:

**We consent to an order in these terms**

---

DLA Piper (UK) LLP  
Solicitors for the Claimants

Date:

## Mary Barraclough

---

**From:** Clare Dougherty [REDACTED]  
**Sent:** 16 May 2022 14:06  
**To:** HS2Injunction@governmentlegal.gov.uk  
**Subject:** Fwd: QB-2022-BHM-00044 HS2 Route Wide Injunction

**\*\*EXTERNAL\*\***

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----- Forwarded message -----

**From:** Clare Dougherty [REDACTED]  
**Date:** Mon, 16 May 2022, 14:05  
**Subject:** Fwd: QB-2022-BHM-00044 HS2 Route Wide Injunction  
**To:** <[qb.birmingham@justice.gov.uk](mailto:qb.birmingham@justice.gov.uk)>

----- Forwarded message -----

**From:** Resist-**HS2-Bluebell** <[Resist-\*\*HS2-Bluebell\*\*@protonmail.com](mailto:Resist-<b>HS2-Bluebell</b>@protonmail.com)>  
**Date:** Mon, 16 May 2022, 13:55  
**Subject:** QB-2022-BHM-00044 HS2 Route Wide Injunction  
**To:** [REDACTED]

QB-2022-BHM-00044  
HS2 Route Wide Injunction  
D26 Daniel Hooper

I am applying to have my name removed from these injunction proceedings and do not know why I was named in the first place as I have already agreed to sign a wide ranging undertaking.

In Julie Dilcock's 1st Witness Statement in paragraph 43 she states that another defendant who has signed an undertaking can remove his name, "In view of the undertaking he has already given, the Claimants will consent to him being removed as a named defendant" and I do not understand why this offer has not been extended to me. I am requesting that this is also extended to me.

I would like assurance by the 20th May that a) My name is being removed from proceedings b) I will not be pursued for costs and c) HS2 is not continuing proceedings against me.

Thank you Daniel Hooper

## Mary Barraclough

---

**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** 16 May 2022 15:21  
**To:** [REDACTED]  
**Subject:** RE: [EXTERNAL] FW: QB-2022-BHM-00044 HS2 Route Wide Injunction  
**Attachments:** Final Order dated 28 March 2022.pdf

**\*\*EXTERNAL\*\***

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Dear Mr Hooper

Thank you for your email below, which has been forwarded to me for consideration.

My first witness statement dated 25 March 2022 (to which you refer) was produced and filed with the Court before you gave your attached undertaking (dated 28 March 2022) and that is why the same comments were not made about you as were made about D24 (Dr Maxey). Dr Maxey had given a previous undertaking, which was in place at the date of my statement – referred to in the following recital in the attached undertaking:

**UPON** the undertaking to the Court given by the **First Defendant** in similar terms to those set out below on 8 November 2021 (recorded in the order of Mr Justice Marcus Smith dated 10 November 2021) in action number PT-2020-BHM-000017 being discharged in accordance with paragraph 4 below.

and which was then replaced with the attached undertaking.

Following your request below and noting that you remain bound by the attached undertaking, we are prepared to agree that you be removed as a Named Defendant to these proceedings on the basis there be no order as to costs between the Claimants and you.

Assuming that this is acceptable to you, I should be grateful if you would confirm by return email and our solicitors will submit this email exchange to the Court as evidence of our agreement.

I look forward to hearing from you.

Kind regards

Julie

---

**Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd**

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited , Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA | [www.hs2.org.uk](http://www.hs2.org.uk)

*I sometimes choose to manage my e-mails in the evening and on weekends because I find this works best for me. I do not expect you to do the same. If you receive an e-mail from me outside working hours, I do not expect a response outside of your own working routine.*

---

----- Forwarded message -----

From: **Clare Dougherty** [REDACTED]  
Date: Mon, 16 May 2022, 14:05  
Subject: Fwd: QB-2022-BHM-00044 HS2 Route Wide Injunction  
To: <[HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk)>

----- Forwarded message -----

From: **Clare Dougherty** [REDACTED]  
Date: Mon, 16 May 2022, 14:05  
Subject: Fwd: QB-2022-BHM-00044 HS2 Route Wide Injunction  
To: <[qb.birmingham@justice.gov.uk](mailto:qb.birmingham@justice.gov.uk)>

----- Forwarded message -----

From: **Resist-HS2-Bluebell** <[Resist-HS2-Bluebell@protonmail.com](mailto:Resist-HS2-Bluebell@protonmail.com)>  
Date: Mon, 16 May 2022, 13:55  
Subject: QB-2022-BHM-00044 HS2 Route Wide Injunction  
To: [REDACTED]

QB-2022-BHM-00044  
HS2 Route Wide Injunction  
D26 Daniel Hooper

I am applying to have my name removed from these injunction proceedings and do not know why I was named in the first place as I have already agreed to sign a wide ranging undertaking.

In Julie Dilcock's 1st Witness Statement in paragraph 43 she states that another defendant who has signed an undertaking can remove his name, "In view of the undertaking he has already given, the Claimants will consent to him being removed as a named defendant" and I do not understand why this offer has not been extended to me. I am requesting that this is also extended to me.

I would like assurance by the 20th May that a) My name is being removed from proceedings b) I will not be pursued for costs and c) HS2 is not continuing proceedings against me.

Thank you Daniel Hooper

(1) HIGH SPEED TWO (HS2) LIMITED  
(2) THE SECRETARY OF STATE FOR TRANSPORT Claimant

-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**

Defendant

---

Defendants (Jessica Maddison) written submission  
for hearing on the 26th & 27th May 2022

---

1. Firstly, I would like to start off by noting that I have not been informed of my naming upon this potential injunction. I was not made aware or served papers by the proper bodies. I was informed by a friend at 2am

on Saturday 14th May 2022 that I am a named defendant. This gave me less than 3 days to read through the documents and evidence submitted and therefore submit my defence. Due to this, I believe that I have been left at a severe disadvantage.

- 1.1. I am not liable for any cost of damage.
2. Although I am technically of No Fixed Abode, I do reside around the area of Euston, whether that be at a friend's house due to my ill-health or along the canal. If this injunction was to be put in place, it would physically prevent me from accessing the closest station to not only me but my GP surgery and hospital too. Much of the land that is highlighted as permanent possession upon the map has public footpaths running through it that are still open. Being named would severely restrict my ability to be able to walk and reside in the area of Euston and the borough of Camden. Thus making me street homeless.
  - 2.1. In addition to this, while some of it is, much of the land around Euston is not clearly marked and fenced. Therefore, someone could be in breach of the injunction without even knowing it.
3. I would like to highlight the lack of evidence for my naming upon this injunction. The referenced incidents of my involvement are the lock-ons at Maple Cross and the Euston Square Gardens Tunnel. It is imperative to note that the court cases for me personally, on both incidents, were discontinued before going to Trial due to a lack of evidence. I am aware the Verdict for the Euston Tunnel case is being appealed, however this does not include my case.
  - 3.1. The claimant also makes reference to a Facebook post of mine from the Anniversary of the beginning of the Euston Square Gardens eviction, in which they highlighted the ending that 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*". Making a post on Facebook as a working class person about the damage HS2 has done to your community and their reliance on the exploitation of the working class is in fact entirely legal. There are many ways in which one could lawfully resist HS2 (i.e. petitions, processions, gatherings etc) and all would be in direct opposition to classism as is highlighted by the figure of speech "*Smash classism in the face*". Encouraging people to take lawful resistance against HS2 is also not a crime.
4. Furthermore, I believe an injunction would be a blatant overreach of power and a bid to conceal the unlawful and questionable activity that

goes on within HS2 compounds. On multiple occasions we have seen HS2 employees disregard health and safety.

- 4.1. An incident occurred at Denham Country Park, whereby employees felled a tree within a compound. The tree fell through the compound fence and gate, marginally missing the heads of staff and public. When reported, this incident was never followed up or investigated and all staff involved, to our knowledge, were allowed to carry on working. Footage of the incident is attached below (4.2).
- 4.2. Denham, tree felling incident.mp4
- 4.3. On another occasion, I (a 17 year old at the time) and another female were surrounded by several male security workers on a public footpath. We were then pushed and intimidated and accused of being involved in a previous event that day. They did this with their body cameras turned off and the knowledge that we didn't have any means to record this. After a number of minutes of being shouted at and intimidated, one of the workers confirmed it was in fact not us and they all walked away. Incidents like this are not uncommon.
- 4.4. On multiple occasions, I and others have been subject to racially motivated verbal abuse from HS2 employees. I have also been witness to homophobic and transphobic slurs being used against protestors. When reported, these kinds of incidents are never investigated. If HS2 was allowed to secure an injunction, this kind of thing would be allowed to slip through the net more frequently.

The aforementioned reasons are why I, Jessica Maddison, do not agree with my naming upon this potential injunction and furthermore do not believe it reasonable to grant HS2 an injunction.

[Here is how HMCTS uses personal data about you.](#)

**From:** terry sandison [REDACTED]  
**Sent:** 07 April 2022 09:44  
**To:** Morgan, June <[june.morgan2@Justice.gov.uk](mailto:june.morgan2@Justice.gov.uk)>  
**Cc:** Michael Fry <[Michael.Fry@ftbchambers.co.uk](mailto:Michael.Fry@ftbchambers.co.uk)>; Jonathan Welch <[Jonathan.Welch@ftbchambers.co.uk](mailto:Jonathan.Welch@ftbchambers.co.uk)>; Sioned Davies <[sda@no5.com](mailto:sda@no5.com)>; Owen Greenhall <[oweng@gclaw.co.uk](mailto:oweng@gclaw.co.uk)>  
**Subject:** Re: FW: Urgent to Adjourn Case 5-4-2022

I do not have enough time to deal with this case.  
I have filed EX160  
And filed N244  
I have requested for case notes and evidence against my self and proof of HS2s Claims.  
I also have no idea of the case which was heard on Tuesday 5th 2022  
This is unlawful and against my human rights.  
I will not give up and go away.  
I will be thinking private prosecution on individuals including the courts staff and acting solicitors etc.  
Unless I get further time and help with what I am supposed to next.  
Sending me information I already no with no clarification of facts or minutes about what was discussed by the judge and acting parties.  
Is un helpful especially when again I have less than a day to study research finding facts of law scientific reports proof of claims etc etc.  
And I am not legally trained and you cannot get solicitors to act for defence against government schemes.  
I therefore am claiming that this case is rigged in favour for HS2 and will not be a fare hearing.  
Unless I am granted further time and evidence is give in full to myself.  
My email is [REDACTED]  
My telephone number is [REDACTED]  
There is no excuse not to give help and advice including evidence and further time minimum of a month.

On Wed, 6 Apr 2022, 10:25 Morgan, June, <[june.morgan2@justice.gov.uk](mailto:june.morgan2@justice.gov.uk)> wrote:

Dear Mr Sandison

Thank you for your email.

The hearing yesterday was fully contested and has been adjourned to Monday @10:30am at Birmingham Civil & Justice Family Centre, 33 Bull Street, Birmingham B4 6DS.

Any evidence on which you seek to rely at the adjourned hearing must be filed and served on the other parties by noon tomorrow. I have copied Claimant's counsel and Mr Greenhall, Counsel for the 6<sup>th</sup> Defendant, Mr James Knaggs, into this email so that you have their email addresses for service of any documents/evidence you file in court.

The hearing Monday will take at least a further half a day (depending on the further evidence served). The Judge intends to give an extempore judgment at the end of the hearing on Monday. This hearing will deal with one urgent aspect of what HS2 rail are asking for (possession of a large protesters camp).

If any of the above information is incorrect no doubt counsel will let me know.

Please Note: You are entitled to attend the hearing Monday but it may be an idea to arrive at least an hour before the hearing starts to ensure you get through security and up to Court 205 in good time for the start of the hearing @10:30am prompt.

**Please see my response to your questions, highlighted for ease of reference:**

I was wanting to know what the outcome of this case. **As above.**

Did it still happen. **In part, see above.**

Did the court grant the injunction. **No.**

Can I appeal against the court order from HS2 and its false accounts against myself. **I cannot advise you on whether to appeal the court order made yesterday, I am not entitled to give legal advice.**

Or prosecute them privately and how would I do this. **I cannot advise you regarding this matter, I cannot give legal advice.**

As I wasn't able to read or get any evidence into the court on time.

Because the paperwork for the injunction court case was served late and I found out through my brother and not the Legal services hired for HS2. Which new my email address, my solicitor's address and my last known address Crackley woods protection camp in Kenilworth. **The court does not have any solicitors on the record as acting for you, if you have solicitors acting for you please supply their details for service of documents.**

I deserve have a fare hearing as they have accused me of all sorts.

If I can be of any further assistance please do not hesitate to contact me.

Kind Regards

*June*

**June Morgan**

**Clerk to the Hon. Mr Justice Cotter**

**Landline: 020 7947 6458**

**Mobile: 07817069959**

**Please note new email address:** [june.morgan2@justice.gov.uk](mailto:june.morgan2@justice.gov.uk)

<https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>



*For information on how HMCTS uses personal data about you please see:*

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

**[Here is how HMCTS uses personal data about you.](#)**

**From:** terry sandison [REDACTED]  
**Sent:** 05 April 2022 17:43  
**To:** Morgan, June <[june.morgan2@Justice.gov.uk](mailto:june.morgan2@Justice.gov.uk)>  
**Subject:** Re: FW: Urgent to Adjorn Case 5-4-2022

Hi

I was wanting to know what the outcome of this case.

Did it still happen.

Did the court grant the injunction.

Can I appeal against the court order from HS2 and its false accounts against myself.

Or prosecute them privately and how would I do this.

As I wasn't able to read or get any evidence into the court on time.

Because the paperwork for the injunction court case was served late and I found out through my brother and not the Legal services hired for HS2. Which new my email address,my solicitor's address and my last known address Crackley woods protection camp in Kenilworth.

I deserve have a fare hearing as they have accused me of all sorts.

Yours Sincerely

Terry Sandison

[REDACTED]

[REDACTED]

On Mon, 4 Apr 2022, 17:21 Morgan, June, <[june.morgan2@justice.gov.uk](mailto:june.morgan2@justice.gov.uk)> wrote:

Dear Mr Sandison

I have forwarded your email to Counsel for the Claimant.

Regards

*June*

**June Morgan**

**Clerk to the Hon. Mr Justice Cotter**

Clerk to HM Judges | HMCTS | Room W101 | Royal Courts of Justice | London | WC2A 2LL

**Landline: 020 7947 6458**

**Mobile: 07817069959**

**Please note new email address: [june.morgan2@justice.gov.uk](mailto:june.morgan2@justice.gov.uk)**

<https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>

**Error! Filename not specified.**

*For information on how HMCTS uses personal data about you please see:*

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

**[Here is how HMCTS uses personal data about you.](#)**

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**From:** QB.Birmingham <[QB.Birmingham@justice.gov.uk](mailto:QB.Birmingham@justice.gov.uk)>  
**Sent:** 04 April 2022 16:40  
**To:** Morgan, June <[june.morgan2@Justice.gov.uk](mailto:june.morgan2@Justice.gov.uk)>  
**Cc:** Birmingham Cty, Diary Mgr <[birmingham.cty.dm@Justice.gov.uk](mailto:birmingham.cty.dm@Justice.gov.uk)>  
**Subject:** FW: Urgent to Adjourn Case 5-4-2022

This might be a duplicate email

Kind regards

Mrs J Maan

Birmingham Civil Justice Centre

High Court Queens Bench Division/Business & Property Courts

Birmingham

B4 6DS

0121 681 3033

Email: [BPC.Birmingham@justice.gov.uk](mailto:BPC.Birmingham@justice.gov.uk)

Email: [QB.Birmingham@justice.gov.uk](mailto:QB.Birmingham@justice.gov.uk)

Email: [Jaswinder.maan@justice.gov.uk](mailto:Jaswinder.maan@justice.gov.uk)

**Error! Filename not specified.**

**Here is how HMCTS uses personal data about you**

**Coronavirus (COVID-19): courts and tribunals planning and preparation**

**Error! Filename not specified.**

**From:** terry sandison [REDACTED]  
**Sent:** 04 April 2022 14:16  
**To:** QB.Birmingham <[QB.Birmingham@justice.gov.uk](mailto:QB.Birmingham@justice.gov.uk)>  
**Subject:** Urgent to Adjorn Case 5-4-2022

Case Reference

QB2022-BHM-000044

To Whom This Concerns.

This is a Urgent Request For the Judge

Her Honour Judge Kelly

on this Case.

I have not received the papers or email from the Courts.

This was given to me by a different defendant ie my Brother. He also received the papers to late to be able to file for defence as it was handed to him on Friday 1st of April 2022.

Which was the Deadline date given in the papers served.

this could possibly be to hide evidence and pervert the course of Justice to a Fare Trail Hearing.

I therefore Request a Month to be able to try and present a Defence about the case for an injunction.

Yours Sincerely

Terry Sandison

Telephone [REDACTED]

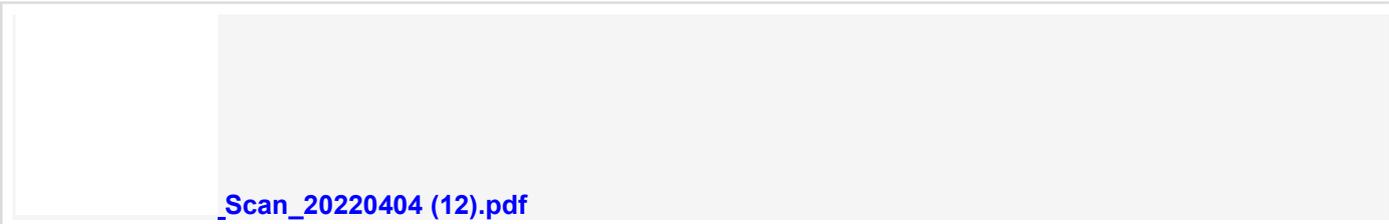
Email [REDACTED]



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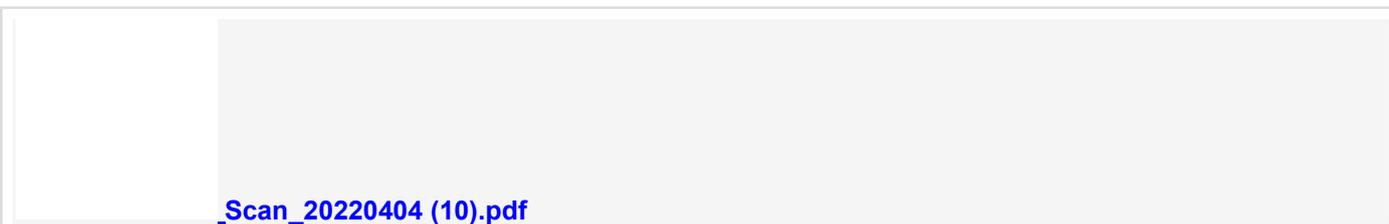
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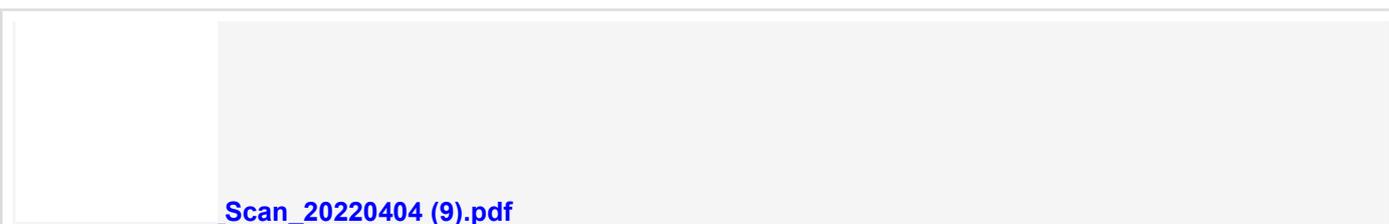
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**Michael Fry**

**Please consider the environment before printing this email**

**Francis Taylor Building**

Inner Temple

London EC4Y 7BY

**DX:** 402 LDE **Tel:** 020 7353 8415 **Fax:** 020 7353 7622

clerks@ftbchambers.co.uk

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Hs2 route wide injunction

Just to start i am sorry for my spelling and grammar, it is not the best

I am Pirate aka Iain Oliver. I have been on the protest against hs2 three years now I am a named defendant in this injunction. i am dead against this injunction for a few reasons which i will start

1. Water pollution
2. Wildlife crimes
3. Theft and intimidation on hs2 behalf

1. This area in harefield is important. 22% of londons drinking water could be affected by the drilling, causing the New years green landfill to leak in to the water table and their pumping station could be closed forever due to pile driving. This is the link to my statement regarding the water pollution

file:///media/fuse/drivefs-0bcf267aac232f1bebc683a53826aa3/root/Ian%20Oliver%20statement.pdf

2. Wildlife crimes against local area to hs2 that have committed

Hs2 has committed wildlife crimes up and down line during nesting season and at times that badgers are having young, like in the lichfield area < ravens farm >, netting of badger sets with one way door systems that are cruel and wrong on so many levels. These one way systems allow adults out but the young get trapped underground to starve to death. If you grant this injunction, things like this would have been swept under the rug. The qualifications of the wildlife people who hs2 have used to do surveys on the trees hs2 are cutting down are questionable as shown in court. At heights team for the net at wendover when they chopped down the trees around the area known as the bird cage which is the location on a small bridge over the train line to deans lane farm, using an endoscope in to a tree they left standing. These tree surgeons/ bailiffs do not have qualifications to look at bats, in itself which is a crime without proper bat licence, which is a big fine then in which bring us to natural england allowing this to happen and police too

Also the ecologist for denham was not a fully qualified ecologist .....

Also another ecologist at Grims ditch lied in court .....<> so i think the behaviour of hs2 and the wildlife crimes committed by their ecologists. If it was not for us being there or around watching them they would have got away with it. Alot of things are coming to light, like hs2 in crackley woods saying they are not in the way of wildlife. This was proven wrong when a wildlife guy, a moth expert, filmed the wildlife stuck behind fences when hs2 said no wildlife is being blocked

3 theft / intimidation

As regards to this matter on June 16th 2020, the HOAC protest camp eviction was a big theft from myself personally. On the date of the eviction i was not in the area when it first happened but i was staying on the on the camp with my belongings. When i got there i

was not allowed access to get my belongings back. I was given a number by the NET to phone, to arrange to pick up my stuff. Upon getting the number which i phoned repeatedly to no answer, I went to said HOAC, phoning the number and a NET person had the phone ringing in his pocket, not answering it. When he did he cancelled the call and put it back in his pocket. I then made a complaint to the PLO for the Met who went to speak to the persons for the net. She said we could get it back at 7 30 am which she said she would facilitate. Next day arrived at 7 30, no PLO officer. Spoke to Net who said you will have to contact hs2s security which i tried, which was Glen ??? could not get through to. I tried the solicitor from Eversheds, a Shona jenkins. I was told to write a description of my belongings, which i did repeatedly. Then was told need two forms of id which i no longer had because it was in my stolen belongings, as i told her repeatedly in phone calls and emails. This went on for a few weeks, then we had a phone call saying there was stuff to pick up but it was only solar panels and batteries, not my belongings. In my belongings was all my personal details bank accounts court papers from previous case in my history, a tablet which was a gift, every stitch of clothing i owned, my home, a tent maybe but my home, bedding. By the time we got answer from this, according to the security company to sort my stuff, said that it had been destroyed but from the emails you can see i was sent to pillar to post before find out what was going on

There have been many assaults against activists which never come to light. When they are reported nothing ever happens. i have had my finger broken on the moors on harvill road. I have had my mobile stolen by hs2 security on harvil road it was logged with the police it took the police 3 to 4 weeks to get a statement from then i was told time had elapsed and i would need another crime number then a officer would come out again and some point hmmm ?? then i was informed after by an ex employee , the supervisor from gate 3 as i know it had my phone in his car in the glove box. i had asked about if anyone found a phone for a long period of time

Also the scare tactics hs2 use against people to stop them speaking against them always out lining they can take your MONEY HOME AND ANY ASSETS that you own this is a crappy thing to do because i know alot of people who were willing to speak up but soon as there hear this bit they are like no i can not risk it hs2 is crappy for doing this

Sum up As a protester against the destruction of our wildlife, woodland and water supplies was all of us a being intimidated in to shutting up against

Hs2 s injunction is wrong. People willing to stick their head over parapet, will not because this injunction is a gagging order if granted. hs2 can get people s money stuff and life ducked.

prison sentencing and the scale of this is unprecedented and wrong you will give hs2 the power to destroy standing woodlands. They may be saying they will plant saplings, but saplings will not replace trees that are 300 years plus. Carbon neutral my arse, for 100 years before it is well over the life span of hs2. We are in a climate crisis now, not to long before we ducked in the ear i am sorry for this rant but it comes to this so voice are heard in the legal world

---

From: Tom Dalton <[REDACTED]>  
Sent: 05 April 2022 08:29  
To: hs2 injunction <hs2injunction@governmentlegal.gov.uk>  
Subject: Re: Damage caused

Hello

Thank you for getting in touch, as I'm sure you're aware this is a cause of significant frustration and annoyance for myself and my family as the door will need to be redecorated.

Can I have the contact information of a senior member of staff or the agent(s) responsible?

Furthermore I am happy to promise to not violate or contest the injunction as I am not involved in the anti HS2 campaign and Haven't been for a number of years.

Regards Tom

On Fri, Apr 1, 2022, 21:41 hs2 injunction <[hs2injunction@governmentlegal.gov.uk](mailto:hs2injunction@governmentlegal.gov.uk)> wrote:

Dear Mr Dalton,

Thank you for your email and bringing this to our attention.

Your complaint has been passed on to the agents and they have been informed they are investigating.

Kind regards,

For the Treasury Solicitor

From: Tom Dalton <[REDACTED]>  
Sent: 01 April 2022 19:22

To: hs2 injunction <[hs2injunction@governmentlegal.gov.uk](mailto:hs2injunction@governmentlegal.gov.uk)>  
Subject: Fwd: Damage caused

----- Forwarded message -----

From: Tom Dalton <[REDACTED]>  
Date: Fri, Apr 1, 2022, 16:57  
Subject: Damage caused  
To: <[HS2Injunction@governmentlegal.co.uk](mailto:HS2Injunction@governmentlegal.co.uk)>

Hi

I have received some injunction papers delivered to my door.

The papers were left clearly visible on the doorstep

There was also a notice fixed to my front door. This was gaffataped on and has caused damage to the paintwork.

This had just been repainted and will be costly to repair.

I am giving you 48 hours to respond or I will be forced to report this to the police as a representative of yourself has caused criminal damage by being reckless.

Regards Tom Dalton

---

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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-

(47) TOM DALTON

Defendant

---

FINAL ORDER AND UNDERTAKINGS

---

PENAL NOTICE

If you the within named Defendant disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.

IMPORTANT NOTICE TO THE DEFENDANT

This order prohibits you from doing the acts set out in paragraph 5 below. You should read it very carefully.

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

AND UPON the parties having agreed to an order in the terms set out below;

AND UPON Tom Dalton accepting that they have previously trespassed on the HS2 Land without consent; and

AND UPON Tom Dalton giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. The Claimants application as against Tom Dalton (D47) only is dismissed.
2. The Claimants have permission to amend the Schedule to the Particulars of Claim which lists the named defendants to remove Tom Dalton.
3. There be no order for costs between the parties.
4. Service of this Order may be effected, as an alternative, by electronic means by email to Tom Dalton at [tdalton344@gmail.com](mailto:tdalton344@gmail.com) and such service shall be deemed to be good and sufficient service on the Defendants.

**UNDERTAKINGS TO THE COURT**

In this Order 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 at:

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

5. Tom Dalton undertakes to the Court promising as follows:-
  - a. Not to enter or remain upon the HS2 Land;
  - b. Not to obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - c. interfere with any fence or gate on or at the perimeter of the HS2 Land.

**AND TO BE BOUND BY THESE PROMISES UNTIL 31 MAY 2025.**

6. Tom Dalton’s promises at paragraph 5 do not prevent Tom Dalton from:
  - a. Exercising their rights over any open public right of way over the HS2 Land; or

- b. Exercising their lawful rights over any public highway.

**STATEMENT**

**I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

\_\_\_\_\_ Thomas Dalton \_\_\_\_\_

TOM DALTON

Date: 12/05/2022

**We consent to an order in these terms**



DLA Piper (UK) LLP

Solicitors for the Claimant

Date: 18 MAY 2022

**From:** Hayley Pitwell <[REDACTED]>

**Sent:** 04 April 2022 15:29

**To:** Birmingham Cty, Diary Mgr <[birmingham.cty.dm@Justice.gov.uk](mailto:birmingham.cty.dm@Justice.gov.uk)>

**Subject:** HS2 Injunction- defendant 54.

For the attention of the Judge and Court.

2

**D057**

I am writing to you as an ordinary person with no legal training or experience so please excuse any inaccurate terminology or language suitable for court hearings.

I am named as D54 Hayley Pitwell.

I am writing to you regarding case QB- 2022- BHM- 000044 and i am requesting that an adjournment and extension be made to

1. submit any arguments
  2. for a hearing
- and;
3. My name be removed as a defendant

This is based on the following reasons:

I was made aware by a friend on April 1st that i had possibly received an email that appeared to be a possession order for land somewhere in staffordshire. I have no idea why i was sent a possession order for land I don't own. I currently do not and have never lived in Staffordshire.

I am unsure the exact content of this email as i received a "recall" email from HS2 so i can not see the original that was sent to me. (I will attach screenshots of said emails).

This email said I was sent information about a possession order and injunction proceedings, but that I had to delete immediately the email because it was sent in error with other people's information attached which appears to be a breach of GDPR.

I am unsure if this means my privacy has been breached by HS2 and the several dozen others it was sent to; I need to get advice on this.

Nonetheless I wasn't able to find out what this was all about and if it affected me until late on Friday April 1st as they never sent the original email.

This application was posted on the Gov website on the 30th March and arguments to be submitted by 4pm April 1st. This is completely unreasonable to expect an ordinary person like myself to be able to read approximately 1400 pages of legal texts and watch 24 videos and get legal advice AND then submit any defence or arguments should I wish to!

Let alone being emailed it but then had the email recalled so i was put at a huge disadvantage to be able to find out what, if any this had an implication on my life and my family.

I then find out i am to appear in court in Birmingham on April 5th which is just 6 days after the application was published online!

This is completely unreasonable. I have done nothing wrong. I am a new mother to a 7 month old breastfed baby, i live over 200 miles from Birmingham and can not afford not only financially to travel at such short notice but to be able to find someone familiar to my baby to come with me to support my baby while I attend a civil hearing.

6 days is just completely unfair, I have a full clean record and this is a civil case.

I also believe it should be extended on the basis of the completely incompetent abilities and poor communication of HS2 to serve me this paperwork and then recall it the next day.

This has completely reduced my ability to be able to make any informed decision on the situation and how I want to proceed if at all. I really do need to be able to get legal advice on this serious case that could affect my ability to travel as i often visit Wales to see family and not sure if i will have to take massive diversions to avoid the injunction; its just so vague and I dont understand it all. I dont know if this is land that is injuncted now or also lans set to be aquired? I dont know why the entire route needs an injunction it's absolutely unbelievable and like i said very ambiguous considering the HS2 project is estimated to take 30/40 years to complete! Is this how long the injunction will be in situ? I really need more time to read the documents and decide if i wish to argue this as a defendant. The maps are very complex and difficult to decipher. Ive managed to get a few hours childcare just to be able to skim read and to compose this email. Having glanced at a handful of pages i think appear relevant to me it seems i am named as a defendant "D54" and the only "evidence" against me is a copy and paste from the Harvil road injunction paperwork from 2020 under Robert Jordan. I am extremely angry about the witness statement of Robert Jordan - paragraph 29.1.10 C - as this is a slanderous and libellous allegation, I had not trespassed on their land whatsoever. The security entered council land where I was standing observing a wildlife crime and they surrounded me. They alleged i spat at them through shouting at them to get away from me as i was distressed and intimidated. They jumped on me (several males) and carried me 400 metres through their land to a gate where they rang the police. They falsely claimed to be High Court Enforcement officers to

the police in their statements in order to have me arrested. I attended court for that allegation and not only had the security falsely claimed to be high court enforcement officers they also had no evidence and the case was thrown out and I was awarded costs. That was October 2020, and i find it very upsetting that its been included in these proceedings as "evidence". Therefore I demand either way that the paragraph be removed from this paperwork.

The only other example is that I am named on the Harvil road injunction. I defended myself in that case in June 2020 because of the disgraceful water pollution by HS2 at the london borough of Hillingdon sites and into the chilterns. I was a peaceful protestor and wanted to raise awareness of the damage to the chalk aquifer which is something i am passionate about as clean fresh drinking water is an absolute privilege not only in this country but in the world and to damage it is in my eyes unforgivable. The judgement was given as an extension for i think the third time on an interim basis and ends in September this year. I have not even set foot in the london borough of hillingdon since May 2020 and therefore i don't believe i should be added to this injunction purely on the basis i was on a previous one that is about to run out. There is no new evidence against me.

Not only that, since the judgement for the harvil road area was granted, a member of the public took HS2 and the information commissioner to court to request water risk assessments in the area and the judge granted her access. These documents are now public. I can provide these documents if required.

To the best of my knowledge it is my understanding that this shows that the water is in fact being polluted by HS2. Four water pumping stations are being closed down in the london borough of hillingdon due to the fresh drinking water from the chalk aquifer being damaged by HS2. Allegedly HS2 now have to source 48.5 million litres of water per DAY from thames valley and other places. This affects approximately 22% of londons fresh drinking water who will now have to have treated water. On this basis i would be surprised if the Harvil road injunction was to be extended yet again, and even if it was i would be requesting my name be removed from that.

Lastly I am concerned there is a conflict of interest in naming me on this injunction as I am currently a claimant against HS2 security contractor for damages after breaking the coronavirus act on 3rd April 2020, putting my life at risk, damaging my property and falsely imprisoning me under a false arrest. I believe over 30 cases against protestors were dropped after the High Court Enforcement Group (otherwise known as The National Eviction Team whom were contracted by HS2 as security at the Crackley woods site) broke the coronavirus act under practice direction 55z between March 28th 2020 and April 20th 2020.

To conclude I have not had reasonable time to properly go through this paperwork and make an informed decision on the contents and submit any sort of arguement by 4pm on April 1st.

I request an adjournment for myself, all defendants and the public whom anyone in the public can be persons unknown, to be able to read this properly and get legal advice to make an informed decision as to whether we wish to submit an argument. Especially as it covers around 150 miles of land across the core of the country and has very ambiguous terms of what the injunction actually sets out. Is this the land that HS2 currently possess or is it the land they seek to aquire too? As such its far too much to understand with such little notice.

I also request my name removed based on the above statements I have set out and the paragraph 29.1.10 C of Witness statement of Robert Jordan.

Many thanks

Hayley Pitwell

QB-2022-BHM-00044

High Speed Two (HS2)Ltd & Secretary of State for Transport

V

Persons Unknown and Ors

Witness Statement of Jacob Harwood, Defendant D55

I would like you to take into consideration that I have diagnosed dyslexia. This means you will have to be patient with me. Also, my sentence structure may not be quite right.

Am I or am I not a free person? When I was a child I was told that I was free. Many laws say that I should be free but this injunction says I Should not be free. "To be free is not to merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others" that was a quote from Nelson Mandela.

Am I not free to go to Euston station? By placing this injunction, I will not be able to use the public land around the station. This next bit of text is from the government website. "Use public roads and pavements or public right of way, for example footpaths or bridleway" according to this site we all have use of public rights of way. I think it is obscene that you would allow such things as this to go ahead. I frequently use this public station to go from London to get to my parents. I can only use this station as I would have to spend more time on the trains, spend more money and get on more trains. By me not using the places that HS2 are wanting to restrict this is the facts and figures. From London Kings cross to Leeds is £40.50 with a time frame of 2 hours and 13 minutes. After this train I would have to transfer onto another train to Manchester which then I would need to transfer on another to Widnes in north cheshire. For the next segment of my train journey here is the cost of the train and how long it will take. The costs for this are £23.50 and the timings are 1 hour and 59 minutes which means in this timeframe there is a change of trains in Manchester so overall will have to pay £73 and take my time of 3 hours and 12 minutes but this is an irregular cost of the cheaper. So this is the regular costs and timings for the train service. From London Kings cross to Leeds it will cost £64.60 and the timing of the train is 2 hours and 13 minutes this is only the first part of my train journey to get to my parents home in Widnes. From Leeds to Widnes the costs are £29 and for the timings it will take 1 hour and 59 minutes. Overall the costs for this will total up to £93.60 which is too much for me to pay on a regular basis on my lifestyle. The timings for the train journey are 2 hours and 13 minutes.

If it wasn't enjoined I could directly go to Runcorn either get collected by a family member or get on one bus to my parents home. For me and my dyslexia the easiest, quickest and most direct route is best as it would be a lot less confusing for me which I also have anxiety which makes me worried and stressed.

The costs and timings for the train from Euston to Runcorn. This is only one train and the time it takes is £50 one train at the cheapest or £68.60 at the most regular price. The timings of the trains are 2 hours and 4 minutes which is a lot easier for me to do. Right not and for the

**D060**

foreseeable future with the cost of living crisis. You can find all these facts and figures on the trainline website or the app of the trainline.

If land gets injunctioned around Euston station and other major areas like Birmingham Moor Street station. Does this mean all people who look a bit alternative will be arrested under contempt of court? I believe they could be as the name "Unnamed Defendants" if on the court proceedings and injunction documents. So please explain to me what the definition of "Unnamed Defendants" is please, is that the population of the people near the land maybe the United Kingdom or even the whole world? So to me this seems that nobody can use public transport that encompasses that will be injunctioned.

Now I will move onto the right to peacefully and non-violently protest. The right to protest is part of any democracy. I believe that I have been peaceful and non-violent in all my protests against High Speed 2 limited. If this goes ahead I and many others will be silenced. I do not believe this part of any democracy, do you? Peacefully protesting can change things whether that's a good thing or a bad thing. By listening to other people I have the aspect of both sides of the argument which means having multiple sides of a point of view which makes it part of the democracy.

I am part of the faith and church community. By being part of this community they have the backing of fellow Methodists when explaining this to them they were deeply saddened that this happen. This does not need to happen. A quote from the bible "The wild animals honour me, the jackals and the owls, because I provide water in the wilderness and streams in the wasteland, to give to my people, my chosen" Isaiah 43:20 from the bible. This quote from the bible I believe references me and all the other people named on this injunction protecting the land for nature and future generations to come. If there are no trees then there are no animals from God's creation. Then the young and people will have to grow up with no animals as we will not be able to protect this land. A quote about land, "not free to enjoy England's green and pleasant land as I see fit." This has come from a song called Jerusalem and the melody was composed by Sir Hubert Parry during World War One

My finances are not good as I do not have a sustainable job there for any cost put against me I will not be able to pay. I do not have any assets in my name so you can't take them away from me because I don't own any. Please take this into consideration.

This injunction will prohibit me exercising on my bike as I go along canals for peace and quiet. Alarmingly this will stop me doing this as canals could be injunctioned. If this happens I won't be able to go to some of my favourite places anymore which is a big limitation on a person's life. As I used to live on a boat I won't have the option to do this anymore and I would be stuck in very small areas. The Grand Union Canal will have major areas injunctioned then that stops me travelling on about if I wish to do so in the future. I would be quite disheartened to see this happen which is bound to affect my mental health. The Canal and River Trust states on their website that 'walking by water can make you happier and healthier' which underlines the importance for me to have access.

If I choose to get a driving licence and a car I would not be allowed the use of some major motorways to do the position of the land being used for HS2. I have not protested on the motorway. When I'm in a car with someone else driving I won't be able to use them then.

If you choose to implement this you have chosen to take away the freedom of many people but also yourself as this will prohibit you too!

I know where I stand, do you stand with the population of the country or with the greed of the big corporations that do not care for us and people civilians.

I notice that there is no evidence against me so I would like you to take my name of this as I haven't protested HS2 for a long while and by having my name on it I will not have the widest of opportunities for me to seek new work and experiences.

I have been targeted as I am different which is why I'm on this injunction because I'm part of the LGBTQ+ community and therefore I think this is unjust in what is happening with this. I have the backing of my fellow community who say this is obsessed too. HS2 deem it acceptable that they can choose and pick on who they like for this injunction.

If you choose to implement this you have chosen to take away the freedom of many people but also yourself as this will prohibit you too!

I know where I stand, do you stand with the population of the country or with the greed of the big corporations that do not care for us civilians?

Thanks and god's blessings

Jacob Harwood

## Mary Barraclough

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**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** 16 May 2022 22:41  
**To:** [REDACTED]  
**Subject:** RE: QB-2022-BHM-00044 High Speed Two (HS2) Ltd & Secretary of State for Transport V Persons Unknown and Ors  
**Attachments:** Jacob Harwood Undertaking.pdf

**\*\*EXTERNAL\*\***

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Dear Mr Harwood

I refer to your email below and attached submissions regarding our injunction application.

Firstly, I wanted to address the points you have raised in your submissions about the curbs that you perceive that the proposed injunction would place on your movements. It appears that you have misunderstood the proposed injunction (or have been provided with incorrect information by others about the terms of the proposed injunction). For clarity, the proposed injunction does not affect:

- the use of canals;
- any person's rights to use any open public right of way;
- any person exercising their lawful rights over any public highway

You were named as a defendant to these proceedings because you were a named defendant to the proceedings for the injunction at Harvil Road. The current application includes a proposal to discharge the Harvil Road injunction and to instead include that land in the proposed route wide injunction and as a result, we were obliged to name you as a defendant.

I note in your submissions that you say that you "haven't protested HS2 for a long while" and that you wish to have your name removed. If it is the case that you do not intend to trespass on the HS2 Land again, we would be prepared to reach an agreement with you that would remove you as a Named Defendant to these proceedings and confirm that we would not seek a costs order against you if those terms are agreed.

Please find attached the form of undertaking to the Court that we would be prepared to agree in order to remove you as a defendant to these proceedings with no order as to costs. The same form of undertaking has been offered to and accepted by other Named Defendants.

Please do take any independent legal advice that you consider that you need and let me know if you have any queries.

Otherwise, I look forward to receiving the undertaking from you – signed and dated where indicated – along with confirmation that you are content for us to submit it to the Court for approval once it has been signed by our solicitors on our behalf.

Kind regards

Julie

---

**Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd**

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited , Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA | [www.hs2.org.uk](http://www.hs2.org.uk)

*I sometimes choose to manage my e-mails in the evening and on weekends because I find this works best for me. I do not expect you to do the same. If you receive an e-mail from me outside working hours, I do not expect a response outside of your own working routine.*

-----Original Message-----

From: Jacob Harwood <[REDACTED]>

Sent: 16 May 2022 15:36

To: [Aaron.mooney@justice.gov.uk](mailto:Aaron.mooney@justice.gov.uk); [Nhall@robertlizar.com](mailto:Nhall@robertlizar.com); [qb.birmingham@justice.gov.uk](mailto:qb.birmingham@justice.gov.uk); [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk); HS2Injunction <[HS2Injunction@dlapiper.com](mailto:HS2Injunction@dlapiper.com)>

Cc: Mark Keir <[REDACTED]>

Subject: QB-2022-BHM-00044 High Speed Two (HS2)Ltd & Secretary of State for Transport V Persons Unknown and Ors

**\*\*EXTERNAL\*\***

Jacob Harwood's statement, defence D55

**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-**

**(55) JACOB HARWOOD (AKA GROOVELLA DEVILLE)**

**Defendant**

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**FINAL ORDER AND UNDERTAKINGS**

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**PENAL NOTICE**

**If you the within named Defendant disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.**

**IMPORTANT NOTICE TO THE DEFENDANT**

**This order prohibits you from doing the acts set out in paragraph 5 below. You should read it very carefully.**

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

**AND UPON** the parties having agreed to an order in the terms set out below;

**AND UPON** Jacob Harwood accepting that they have previously trespassed on the HS2 Land without consent; and

**AND UPON** Jacob Harwood giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. The Claimants' application as against Jacob Harwood (D55) only is dismissed.
2. The Claimants have permission to amend the Schedule to the Particulars of Claim which lists the named defendants to remove Jacob Harwood.
3. There be no order for costs between the parties.
4. Service of this Order may be effected, as an alternative, by electronic means by email to Jacob Harwood at jacobharwood18@icloud.com and such service shall be deemed to be good and sufficient service on the Defendants.

**UNDERTAKINGS TO THE COURT**

In this Order 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 at:

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

5. Jacob Harwood undertakes to the Court promising as follows:-
  - a. Not to enter or remain upon the HS2 Land;
  - b. Not to obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - c. interfere with any fence or gate on or at the perimeter of the HS2 Land.

**AND TO BE BOUND BY THESE PROMISES UNTIL 31 MAY 2025.**

6. Jacob Harwood's promises at paragraph 5 do not prevent Jacob Harwood from:
  - a. Exercising their rights over any open public right of way over the HS2 Land; or
  - b. Exercising their lawful rights over any public highway.

**STATEMENT**

**I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

---

JACOB HARWOOD

Date:

**We consent to an order in these terms**

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DLA Piper (UK) LLP  
Solicitors for the Claimants

Date:

## Mary Barraclough

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**From:** Elizabeth Farbrother <[REDACTED]>  
**Sent:** 12 May 2022 09:33  
**To:** Julie Dilcock  
**Cc:** Robert Shaw  
**Subject:** Re: Claim no: QB-2022-BHM-000044  
**Attachments:** Doc May 12 2022.pdf

**\*\*EXTERNAL\*\***

---

Good morning, Julie,

Please find the undertaking attached, signed and dated.  
I can confirm this can be submitted to the court.

Kind regards,

Beth

---

**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** Wednesday, May 11, 2022 11:03 AM  
**To:** Elizabeth Farbrother <[REDACTED]>  
**Cc:** Robert Shaw <Rob.Shaw@dlapiper.com>  
**Subject:** Claim no: QB-2022-BHM-000044

Without prejudice save as to costs

Dear Beth

Further to previous exchanges, please find attached the form of undertaking to the Court that we would be prepared to agree in order to remove you as a defendant to these proceedings with no order as to costs.

Please do take any independent legal advice that you consider that you need and let me know if you have any queries.

Otherwise, I look forward to receiving the undertaking from you – signed and dated where indicated – along with confirmation that you are content for us to submit it to the Court for approval once it has been signed by our solicitors (in copy) on our behalf.

Kind regards

Julie

---

**Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd**

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited , Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA | [www.hs2.org.uk](http://www.hs2.org.uk)

*I sometimes choose to manage my e-mails in the evening and on weekends because I find this works best for me. I do not expect you to do the same. If you receive an e-mail from me outside working hours, I do not expect a response outside of your own working routine.*

STATEMENT

I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.



ELIZABETH FARBROTHER

Date: 12/05/22

We consent to an order in these terms



DLA Piper (UK) LLP  
Solicitors for the Claimant

Date: 18 MAY 2022

**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-**

**(56) ELIZABETH FARBROTHER (AKA LIBBY / BETH)**

**Defendant**

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**FINAL ORDER AND UNDERTAKINGS**

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**PENAL NOTICE**

**If you the within named Defendant disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.**

**IMPORTANT NOTICE TO THE DEFENDANT**

**This order prohibits you from doing the acts set out in paragraph 5 below. You should read it very carefully.**

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

**AND UPON** the parties having agreed to an order in the terms set out below;

**AND UPON** Elizabeth Farbrother accepting that they have previously trespassed on the HS2 Land without consent; and

**AND UPON** Elizabeth Farbrother giving undertakings to the Court as set out below.

**IT IS ORDERED THAT:**

1. The Claimants application as against Elizabeth Farbrother (D56) only is dismissed.
2. The Claimants have permission to amend the Schedule to the Particulars of Claim which lists the named defendants to remove Elizabeth Farbrother.
3. There be no order for costs between the parties.
4. Service of this Order may be effected, as an alternative, by electronic means by email to Elizabeth Farbrother at beth,farbrother@hotmail.co.uk and such service shall be deemed to be good and sufficient service on the Defendants.

**UNDERTAKINGS TO THE COURT**

In this Order 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 at:

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

5. Elizabeth Farbrother undertakes to the Court promising as follows:-
  - a. Not to enter or remain upon the HS2 Land;
  - b. Not to obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - c. interfere with any fence or gate on or at the perimeter of the HS2 Land.

**AND TO BE BOUND BY THESE PROMISES UNTIL 31 MAY 2025.**

6. Elizabeth Farbrother’s promises at paragraph 5 do not prevent Elizabeth Farbrother from:
  - a. Exercising their rights over any open public right of way over the HS2 Land; or
  - b. Exercising their lawful rights over any public highway.

**STATEMENT**

**I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.**

---

ELIZABETH FARBROTHER

Date:

**We consent to an order in these terms**

---

DLA Piper (UK) LLP  
Solicitors for the Claimant

Date:

## Mary Barraclough

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**From:** Ins waters <[REDACTED]>  
**Sent:** 14 May 2022 12:59  
**To:** hs2injunction@governmentlegal.gov.uk  
**Subject:** STATEMENT OF TRUTH; End the roof wide injunction\_reference named defendant

**\*\*EXTERNAL\*\***

YOUR HONOR and whom this concerns;

This is my statement of truth as experienced through me and with example of the crane case being used to uphold the root wide injunction and to extract monetary value.

Why has the crane case been put forth as justification to have this injunction when the outcome of this case has yet to be heard and no conviction has been made? Therefore if no conviction has been made how can this be used as evidence for HS2's root wide injunction?

Why when HS2 totally disregards lawful boundaries with illegal evictions, felling and excessive use of government backed forces have they not been held properly accountable?

And why when asked how corporate law applies to a man in the sense of who exactly is making the claim that governs the faceless entity that is HS2 was no satisfactory answer?

Given that this injunction not only effects those 'named' upon the injunction including 'PERSONS UNKNOWN' how can the injunction actually; the ACT being the operative term here apply in reality to those involved in giving a voice to the species whom don't get to have a say...those that lose their habitats and those whom have no idea about what this injunction could mean?

Your HONOR I ask you to consider whom does this injunction actually serve? Clearly from what has been observed thus far not the taxpayer, the everyday man or woman or the species and landscape under threat from this entity.

The crane banner drop was simply used to draw attention to who HS2 as a corporate entity are and to bring awareness to a wider populous...How can something done with peaceful intent be turned into something aggravated then criminalised?

Please consider HS2s (A CORPORATION); conduct thus far with their illegal eviction at Jones wood, habitat loss and their need to have such layers of force for those whom are part of ending this project peacefully. These are just a few of the ways HS2 have behaved outside of the boundaries they are looking to place upon those they assume as violating their boundaries.

flowery zebra

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-

(1-4) VARIOUS PERSONS UNKNOWN

(5-63) MR ROSS MONAGHAN AND 58 OTHER NAMED DEFENDANTS

Defendants

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**FIRST WITNESS STATEMENT OF JOE RUKIN**

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I, Joe Rukin [REDACTED] WILL SAY as follows:

1. Between 2010 and 2020 I was the full-time campaign manager of Stop HS2 Ltd, the main email address of which (info@stophs2.org) is named in the witness statement of Julie

Dilcock on behalf of the Claimant. I was initially named as the 4<sup>th</sup> defendant in claim number PT-2020-BHM-000017, which was the original injunction hearing on the 17<sup>th</sup> of March 2020 concerning the Cubbington and Crackley lands (specifically Crackley in my case), but I was removed as a named defendant by the judge in that case at the start of proceedings.

2. It was around that time that I stepped back as Stop HS2 campaign manager, following the Oakervee Review of HS2 and the project being given 'Notice to Proceed' by government. The only significant piece of work concerning HS2 I remained involved in after this time was a Judicial Review application (CO/2470/2020), which was rejected in March 2021. After ten years, I was not replaced as campaign manager and it was in 2020 that Stop HS2 Limited ceased day-to-day operations. I am now nominally treasurer of the limited company which remains a micro-entity, and I am on occasion asked to help out on an unpaid consultancy basis around issues which benefit for my unique experience and expertise. For example, I acted as a Roll B Parliamentary Agent throughout years of the parliamentary petitioning process on Phase 1, so I was recently asked to explain the details of this process for residents, landowners and campaigners along Phase 2b of the proposed HS2 route.
  
3. At paragraph 63.6 of the statement of Julie Dilcock, it is being claimed that emailing [info@stophs2.org](mailto:info@stophs2.org) should be considered to be part of the attempt of the Claimant to serve notice, as it is claimed the group is “..coordinating action against the HS2 scheme”. **This is simply not true.** Whilst the Stop HS2 social media accounts are still active (they have not been used to provide links to the court documents concerning this application), and the Stop HS2 website is occasionally updated (whereas previously there had been a new article pretty much every day for a decade), Stop HS2 Ltd has had no part in organising or coordinating any campaigning activity for the last two years. A separate organisation called Stop HS2 North is conducting activity on Phase 2b of the route, which is not covered by the proposed injunction. Due to the strong branding of Stop HS2, established in 2010, many of the current activists use the Stop HS2 logo in publicity materials, banners, clothing and social media, but Stop HS2 Ltd has no role whatsoever in the organisation or coordination of current activists. The logo is my intellectual property and I have been happy for people opposed to the scheme to use it, even including political candidates for parties as varied in the past as UKIP and The Green Party, but this use of the logo should in no way be taken to infer association to Stop HS2 Ltd. This has been the case since I devised the original branding in 2010. Whilst

it may be understandable that an individual activist opposed to HS2 does not appreciate the distinction between campaigning against HS2 and taking part in actions directed by Stop HS2 Limited, the Government Legal Department and Treasury Solicitors should.

4. Paragraph 63.6 of the statement of Julie Dilcock on behalf of the Claimant is effectively stating that the Claimant believes it is the job of Stop HS2 Limited, a third party which is not a named Defendant in these proceedings, to serve papers on behalf of the Claimant by publicising this case to both the Named Defendants and Persons Unknown. Whilst we (Stop HS2) have commented about the sheer incompetence of the Government Legal Department and Treasury Solicitors concerning the matter of service via our Twitter account (detailed in paragraphs 7 to 9 below), we have specifically and deliberately made no attempt whatsoever to inform anyone in any manner about the particulars of this case, save my direct and individual contact with Mr Andrew Jones of Burton Green, as an individual case study detailed in this statement in paragraphs 10 and 11. I have used Mr Jones as a case study for the court as he is one of thousands of respectable people who is easily identified as a potential 'Defendant 2' in this case. The scope of 'Defendant 2' in this case would include hundreds of thousands of people on a daily basis, and the Claimant is clearly downplaying the reality of the full scope of the proposed injunction. In terms the scale of the land and individuals covered, this would surely be the most far-reaching, yet least publicised, injunction in UK legal history. This statement, particularly paragraph 15 demonstrates that the Claimant has deliberately and wilfully failed to take reasonable, obvious and easily practicable steps to notify persons against whom relief is sought.
  
5. On behalf of Stop HS2 Limited, and with absolute agreement from the company chair Mrs. Penny Gaines, I wish to make it completely clear that we object in the strongest possible terms to the utter fabrication that Stop HS2 Ltd is organising and coordinating what the Claimant believes to be illegal actions along the route of HS2. No officers, directors or employees of Stop HS2 Ltd (there are no employees of Stop HS2 Ltd) have been involved in the coordination or planning of any actions against the HS2 project for approximately two years. Stop HS2 also disputes the insinuation that the organisation has ever been involved in any illegal activity. Even when I was involved with the original Crackley Woods protest camp in 2019, which was initiated to prevent permanent damage happening before the HS2 project got the final go-ahead, I had permission from the landowner and a land registry

search demonstrated clearly that HS2 Ltd had not taken legal possession of the site of the camp at that time. When the injunction was granted for the same Claimants as in this case on 17<sup>th</sup> March 2020, the camp had already been moved to an adjacent site with permission from the same landowner. It was around this time that I stepped back after ten years involvement in helping coordinate the campaign against HS2.

6. It is completely unreasonable and without any merit whatsoever for the Claimant to suggest that their responsibility to serve papers concerning a proposed injunction, which covers approximately 165 miles of the overland route of HS2, has in part been discharged by sending emails to myself and Mrs Gaines. We completely refuse to accept any responsibility to act as proxy for the Claimant in the matter of fulfilling their obligation to serve papers, and we have no intention of covering for their incompetence, unprofessionalism and laziness at such late notice for such a wide-reaching and scatter-gun injunction.
  
7. At 3:37pm on 31<sup>st</sup> March 2022, I received an email to my address [REDACTED] from [hs2injunction@governmentlegal.gov.uk](mailto:hs2injunction@governmentlegal.gov.uk). On the same circulation list were [info@stophs2.org](mailto:info@stophs2.org) and [REDACTED], both of which go to Stop HS2 Chair, Penny Gaines. 110 email addresses had been put in the 'to' box instead of the 'bcc' box, so everyone receiving that email could see who else had been contacted. The Claimant then attempted to recall the email, and later asked that we should all 'double delete' it, i.e. delete it and then delete it from our deleted folder, a clear admission that this email was sent in breach of GDPR. At a glance, it was clear that the majority of these email addresses had been taken directly from the Stop HS2 website contacts page at <https://stophs2.org/contacts>, with others relating to the named defendants. The contacts page on the Stop HS2 website has not been properly updated since 2013 and contains email addresses of people who have not been involved with the campaign for years, have moved away, and have died. It is also the case that the contacts on that page represent a different stage of the campaign, when the people involved were residents in action groups, and not individuals engaging in direct action. Before the 'double delete' request had been received, I had replied to all recipients of that email and received notifications that the eight email addresses below no longer exist (so clearly putting them in this document cannot be a breach of GDPR): [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

This list does not include the email address of at least one person who I know to be dead.

8. The email referred to above was the first contact I received regarding this case (I later got an email saying the whole thing was a reply to an email sent on 30<sup>th</sup> March which I did not receive). Which read *"To whom it may concern, Further the below email, please find attached form N11 – Defence form. Regards, For the Treasury Solicitor."*, with form N11 attached. Besides the fact the whole thing came across as junk, I did not understand why I (or most of the circulation list) was being sent an N11 form as neither I nor Stop HS2 Limited are named defendants in this case. It is only because Mrs Gaines did a search in the statement of Julie Dimmock for the word 'stop' that we found it included the email address '[info@stophs2.org](mailto:info@stophs2.org)' in para 63.6, and from that we realised it was the expectation of the Claimant that we would do their job for them in terms of service.
  
9. The email I received at 3.37pm on the 31st included a forward of an email intended for Mr. Steve Rodrick, stating *"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."*, which went on to provide details of the court, a link to the documents and contact details for the GLD. I believe it was intended for Steve Rodrick, as the email address it was originally sent to was [brodrick@chilternsaonb.org](mailto:brodrick@chilternsaonb.org). The fact is that Steve Rodrick retired as the boss of the Chiltern Conservation Board in December 2014, over seven years ago, yet the Claimant seems to have treated him as the primary contact for service, and even if he was still working for the CCB he still would not have got the email because the 'r' has been missed out of his name, something which in these days of copy and paste I would have thought to have been near enough impossible. While these issues probably do not impact the substantive points of this case, they do speak volumes as to the competence and credibility of the Claimants and the abysmal and slapdash efforts of the GLD to effectively make service in this case.
  
10. Later on 31<sup>st</sup> March 2022, I decided to contact Mr Andrew Jones of Hodgetts Lane in Burton Green as a piece of empirical research, to see if he had been made aware of the proposed injunction by the Claimants, as he makes for a perfect case study. It was no surprise to me that he had no knowledge of the proposed injunction. Both of Mr Jones' neighbours

(numbered as plots 1428 and 3963 on map 97) have been bought out by HS2 Ltd, and he owns a smallholding opposite his house which was subject to a temporary possession order, referenced in the map books as N114\_059\_02, all of which would be subject to the proposed injunction, as are sections of the roads he uses every day. While his land is subject to a temporary possession order, a change in design has meant that HS2 Ltd do not need it anymore and he has been told he can continue using it. However, as the HS2 Hybrid Act gives no provision to legally release any of the land held temporarily by HS2 Ltd until the scheme is completed, his land legally remains in the possession of HS2 Ltd. In addition, this land is next to Burton Green Village Hall, which is still in use, but will be demolished by the proposed scheme and the Claimants are currently building a replacement village hall. Besides what you might expect a village hall to be used for, this one was in the past used to host meetings for people opposed to the HS2 project, not just local meetings but national meetings for action group representatives as well. It is also a favoured location for broadcast media to come to when reporting on the HS2 project, as it is relatively easy to get to and has car park next to everything the media seem to like to see when reporting such stores. I have been interviewed in the village hall car park over a dozen times. This injunction would seek to make all of these activities (indeed *any* activities) at Burton Green Village Hall illegal at the whim of the Claimant. No notices have been posted at Burton Green Village Hall. The Claimant has stated that this failure is because activists who have never been there would tear any such notices down.

11. So Mr Jones is boxed in on both sides by properties to be enjoined, the roads he uses every day will be subject to injunction, the village hall he uses (and its replacement when it opens) is on the map of land to be covered by the injunction, he is using land which he is the legal owner of that would be subject to the proposed injunction, and HS2 Ltd have made no effort whatsoever to contact him, despite the fact that they clearly have his contact details and they have posted no notices despite having an active workforce in his village. Based on the witness statement of Julie Dilcock, it is clear that this situation, whereby the Claimant has made no attempt whatsoever to contact residents, neighbours, and landowners such as Mr Jones about the fact that their daily lives would be directly impacted by what I believe would be the largest injunction in UK legal history, has been repeated along the entire 165 overland route of Phases 1 and 2a of HS2.

12. The land which the Claimant seeks to injunct is every single piece of land HS2 will ever work or have already worked on along Phases 1 and 2a. This does not simply include HS2 worksites and where the track bed will go, but significant lengths of almost every road, pavement and footpath that the overland route of HS2 crosses. Also included is every single house which HS2 Ltd have bought and are renting out, and land away from the route which has been used for purposes such as utility diversions or environmental mitigation. Besides land which HS2 are currently using, also included are places where work has already been completed, but the land remains in the temporary legal possession of HS2 Ltd until the various phases of the scheme are complete, and land where work has not begun and is fully accessible by members of the public. There are many instances where land will be required by HS2 Ltd on a temporary basis, and this land is not yet enclosed or has been used and is no longer enclosed, so there would be no physical demarcation barrier between injuncted and uninjuncted land. This includes the gardens of members of the public, some of whom have been and remain vocal opponents of the project. Whilst these people have not been involved in direct action that I am aware of, they continue to be of 'general irritation' to the Claimant in their attempts to hold them to account and make them comply with the things they have promised. This injunction would give the Claimant easy means to criminalise peaceful and otherwise lawful opponents and critics of the project for the 'crime' of walking into their own back garden. Whilst the Claimant will obviously try and suggest that they would not use their power in this way, this is the blanket power which they are applying for.
13. Given that there have already been situations whereby staff working for the Claimant have suggested that people could be arrested for the most innocuous reasons, including instances when members of the public have been trying to go down the only road that leads to their house, or to take photographs from the public highway, it is worrying that under the definition of the Second Defendant, such people would be liable for arrest having committed contempt of court.
14. Amongst the land covered in the proposed injunction are many roads and pavements including those surrounding Euston station, and large areas in Birmingham and around Wormwood Scrubs in London. Significant tracts of land including sections of motorway and junctions of the M6 and M42 (HS2 land plans part 2 map 104) are included, as well as other major strategic and trunk routes which are under the control of Highways England.

Hundreds of other local and rural roads, which in the case of some farms, homes and settlements are the *only road* would be subject to this injunction, including new roads which HS2 Ltd have constructed or will construct in the future. What this means is that for the sake of fewer than 60 people whom the Claimant has been able to identify over a period of five years, the legal everyday actions of at least hundreds of thousands of people would be criminalised. Given the potential consequences of this injunction, it is clearly disproportionate, and surely a far greater effort over a far greater notice period should have been put in to inform the public, whose innocent actions the Claimant is seeking to criminalise.

15. In paragraph 62 of Julie Dilcock's statement, it is stated that the question is whether 'all practicable steps' have been taken to notify defendants, with the Claimant attempting to evidence that they have done so. Given that I believe this application represents the most far-reaching injunction in UK legal history in terms of the amount of land it covers, this is clearly not the case. In fact, I believe that it is clear that the Claimant has attempted to deliberately minimise the number of people aware for these proceedings. I wish to draw specific attention to these facts:

- a. Points 12 and 16 of the Dilcock statement points to the fact that 3500 parliamentary petitions were received in relation to phase 1 and 340 in relation to phase 2a of HS2. By definition, everyone who appeared in front of these parliamentary committees had locus standi, meaning they were deemed to have a direct and material interest in land to be used in the scheme. The Claimant has made no attempt to contact these individuals with regard to this injunction. These petitioners included all the parish, town, district, borough, city and county councils along the route.
- b. In response to a Freedom of Information Request<sup>1</sup> I submitted in April 2021, HS2 Ltd stated that they had taken temporary possession of 3,798 parcels of land, all of which (and any land taken since then) are included in the proposed injunction. This is in addition to 7,617 parcels of land which are required permanently. Much of this land is farmland where the original owner is still in possession of the adjacent land.

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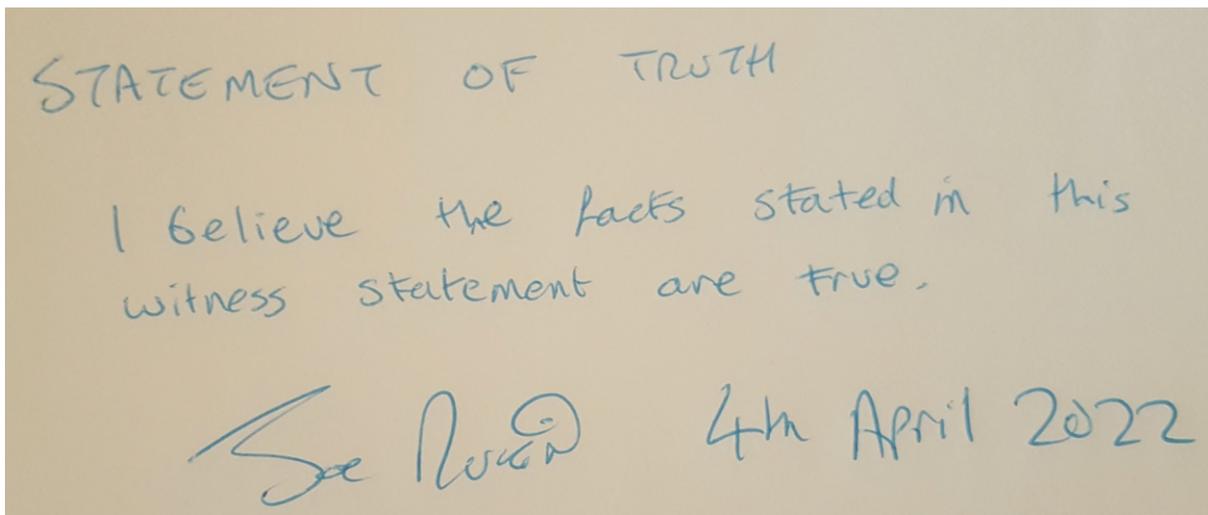
1

<https://www.whatdotheyknow.com/request/749446/response/1794384/attach/html/3/4167%20Response.pdf.html>

The Claimant is in possession of the contact details of all of these landowners, who are clear and obvious concerned parties who could easily all under the auspices of Defendant 2, yet the Claimant has made no attempt to contact them with regard to this injunction.

- c. The overland route of Phases 1 & 2a is approximately 165 miles and the 'HS2 Land' as defined by the proposed injunction maps includes almost every single road, pavement and footpath which crosses the route, yet the Claimant has made no attempt post notices which would serve Defendant 2 at these locations. The reason given for this in paragraph 61 of the Dilcock statement is that the Claimant seems to believe that because there are small number of activists, fewer than 60 of whom have been identified, and who the Claimant admits to be operating in a limited area, then there would be no point posting notices of service as somehow they would all get torn down in an area the size of a city, spread out over in excess of 150 miles. This is clearly absurd.
- d. In Paragraph 63.4 of Julie Dilcock's statement, it is stated that all of the papers are 'being advertised' on the HS2 section of the Government website. While they are available there, this is far from 'being advertised' and is clearly part of a deliberate attempt to make sure as few people as possible are aware of the proposed injunction. If the Claimant intended to 'advertise' the documents, they would be on the HS2 Ltd website, which is where people actually go if they want to find out about the HS2 project. This website has a large 'in your area' section, which can be found at <https://www.hs2.org.uk/in-your-area/>. As of Monday 4th April 2022, no mention of the proposed route-wide injunction can be found in any of the sections linked from this page, which includes topic headings such as: "Land affected by the planning or delivery of HS2"; "Community engagement"; and "Managing impacts of construction". HS2 Ltd also has 15 "Find out about HS2 in your area" subsections to their website, which can be accessed from <https://www.hs2.org.uk/in-your-area/local-community-webpages/>. There is no information concerning the injunction on any of these pages.
- e. For several years, users of the HS2 Ltd website have had the option to sign up to a mailing list, whereby individuals can choose to receive email updates about things HS2 is doing in their area. As far as I am aware, no attempt to inform people via this mechanism has been made.

- f. No information concerning the proposed injunction is available via the HS2 media centre. Given the wide-ranging nature of this injunction which seeks to cover approximately 165 miles of the overland route of HS2, and potentially criminalise the actions of hundreds of thousands of people every day under the auspices of Defendant 2, coupled with the far-reaching media and communication strategies HS2 Ltd have employed when they have messages which *they want* to get out into the public domain, I feel it is only appropriate that the Claimant should have attempted to make their intentions know via the press.
  
- g. In Paragraph 64 of Julie Dilcock's statement, it is suggested that people never look at the social media accounts of their political opponents, and as such it would be completely pointless for the Claimant to make any attempt whatsoever to publicise the court documents in this manner. I believe this is an insult to the intelligence of all concerned, and there can probably be no better example that there has been a deliberate attempt by the Claimant to keep these proceeding as a secret as possible than this. It is seriously being claimed that it was simply not worth the effort to post the information on Twitter, when by definition any such Tweet would have to be a maximum of 280 characters, and as such take no more than a couple of minutes to create. To suggest that it was not worth the time to do something which would require less effort than making a cup of tea is beyond ludicrous.



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-

(1-4) VARIOUS PERSONS UNKNOWN

(5-63) MR ROSS MONAGHAN AND 58 OTHER NAMED DEFENDANTS

Defendants

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**SECOND WITNESS STATEMENT OF JOE RUKIN**

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I, Joe Rukin of [REDACTED] WILL SAY as follows:

1. As outlined in my first statement dated 4<sup>th</sup> April 2022, the Claimants have specifically included me in this action by considering that emailing me at [REDACTED], along with

other @stophs2.org email addresses, and other contacts listed on the contacts page of www.stophs2.org counted towards legitimising their attempt to serve notice in this case. This is specified at paragraph 8.3 of **Dilcock 2**.

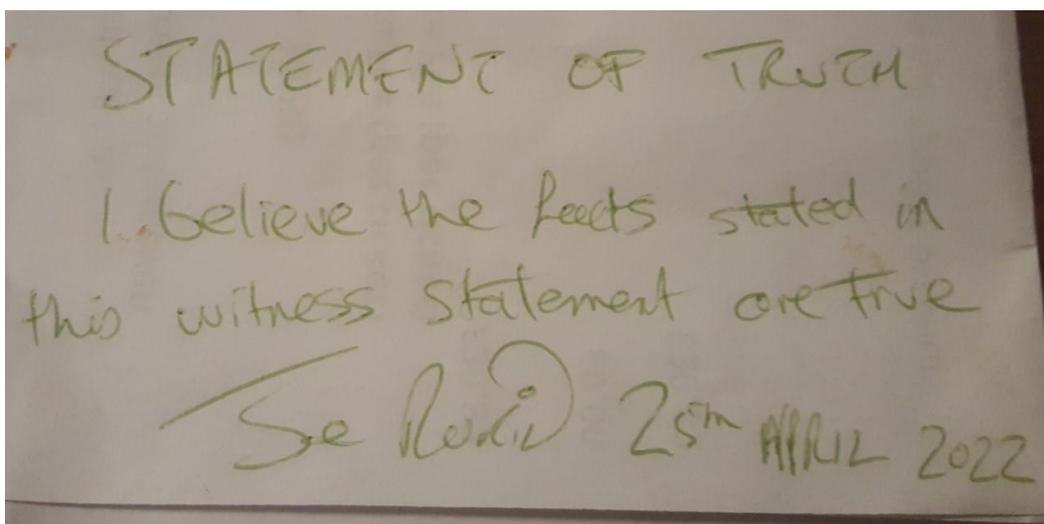
2. Regarding the above, I make this statement on behalf of myself and Stop HS2 Ltd, with the full authorisation of Mrs Penny Gaines, chair of Stop HS2 Ltd, as the Claimants have specifically and deliberately drawn Stop HS2 Ltd into these proceedings. The Claimants have tried to use Stop HS2 Ltd as part of their attempt to claim they have served notice of proceedings, despite not thinking it necessary or courteous to tell around four thousand legal landowners whose land they may or may not take temporary possession of, that it would become a criminal offence for them to enter their own land in the future.
3. I was also asked by Mr Mark Keir, Defendant Number 36, to provide a photographic report on the current state of affairs in and around the Crackley Land, which has been subject to injunction since 24<sup>th</sup> March 2020. This is because none of the named defendants live there or are involved in any activities in the area. I am a local resident and the area is in walking distance for me.
4. I have not looked at the Cubbington Land, as that is miles away. While the Claimant has in the past tried to treat the Cubbington and Crackley Lands as one, this is because the two original protection camps were founded about a fortnight apart, due to the Claimant wishing to continue clearing ancient woodland in 2019 despite the fact a full stop/go review of the HS2 project (The Oakervee Review) was ongoing. The two sites are miles apart and bunching them together in terms of service as stated in point 8.11 of **Dilcock 2** strikes of a failure to understand the physical and geographical realities of the situation.
5. I was originally the only Defendant named by the Claimants regarding the original Crackley Land injunction in 2020, with Mr Matt Bishop being the only person named regarding the corresponding Cubbington injunction, though both of us were removed by Justice Andrews as she felt we had clearly and deliberately been singled out by the Claimants (the same Claimants as in this case). Both areas have been subject to further orders in December 2020, January 2021 and May 2021.
6. As the current order states that *“Nothing... shall prevent any person from exercising their rights over any open public right of way over the land. Those public rights of way shall, for the purposes of this Order.”*, I have taken the opportunity to document the current state the

injunctioned land using those rights of way, and from other accessible points which are not covered by the injunction.

7. The purpose of the attached annex is to provide photographic evidence to contradict some of the claims being made by the claimant concerning active protests and the need for security in that area, both of which have been more or less non-existent since the clearing of natural habitats such as ancient woodland and hedgerows. It is not just that security over the injunctioned land is close to zero, many areas have no form of physical barriers whatsoever between injunctioned and non-injunctioned land, and many physical barriers are completely insecure.
8. I had solely intended to provide photographic evidence to demonstrate this complete lack of security, however having since read paragraph 8.11 of **Dilcock 2**, which states *“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.”*, this statement should be regarded as clear photographic evidence that at least in regard to the Crackley Land, this is simply not the case, as over the 16<sup>th</sup> and 17<sup>th</sup> of March I visited every part of the Crackley Land, and found absolutely no evidence whatsoever of any notices having ever been posted regarding the current proceedings.
9. I want to make it absolutely clear that regarding in Crackley Land, it is not just that there are no notices in plastic wallets concerning the current injunction proceedings, as stated were placed in prominent places in **Dilcock 2**, there is no sign whatsoever that any such notices had previously been posted and removed. I saw none of the things which you might expect to see if such notices had been torn down, such as broken cable ties, bits of paper stuck in vegetation, snapped wooden stakes or anything like that. At the same time, there were plenty of notices relating to other things which have been there for years.
10. In **Dilcock 1**, it is claimed that protestors tear down notices of service. I suspect the Claimant may choose to rely on this argument, but there is simply no protest activity taking place in this area at this time, a fact which is clearly evidenced throughout the suite of photographs contained in the Annex by the complete lack of security fencing throughout the site.
11. Perhaps the most significant piece of evidence to support my assertion that no notices of service have been posted on the Crackley Land is contained in Suite 2 of the Annex, where the Claimant erected a very large sign in 2020, displaying a map of the land covered by the original order. This is the only place where there is a readable notice relating to any of the

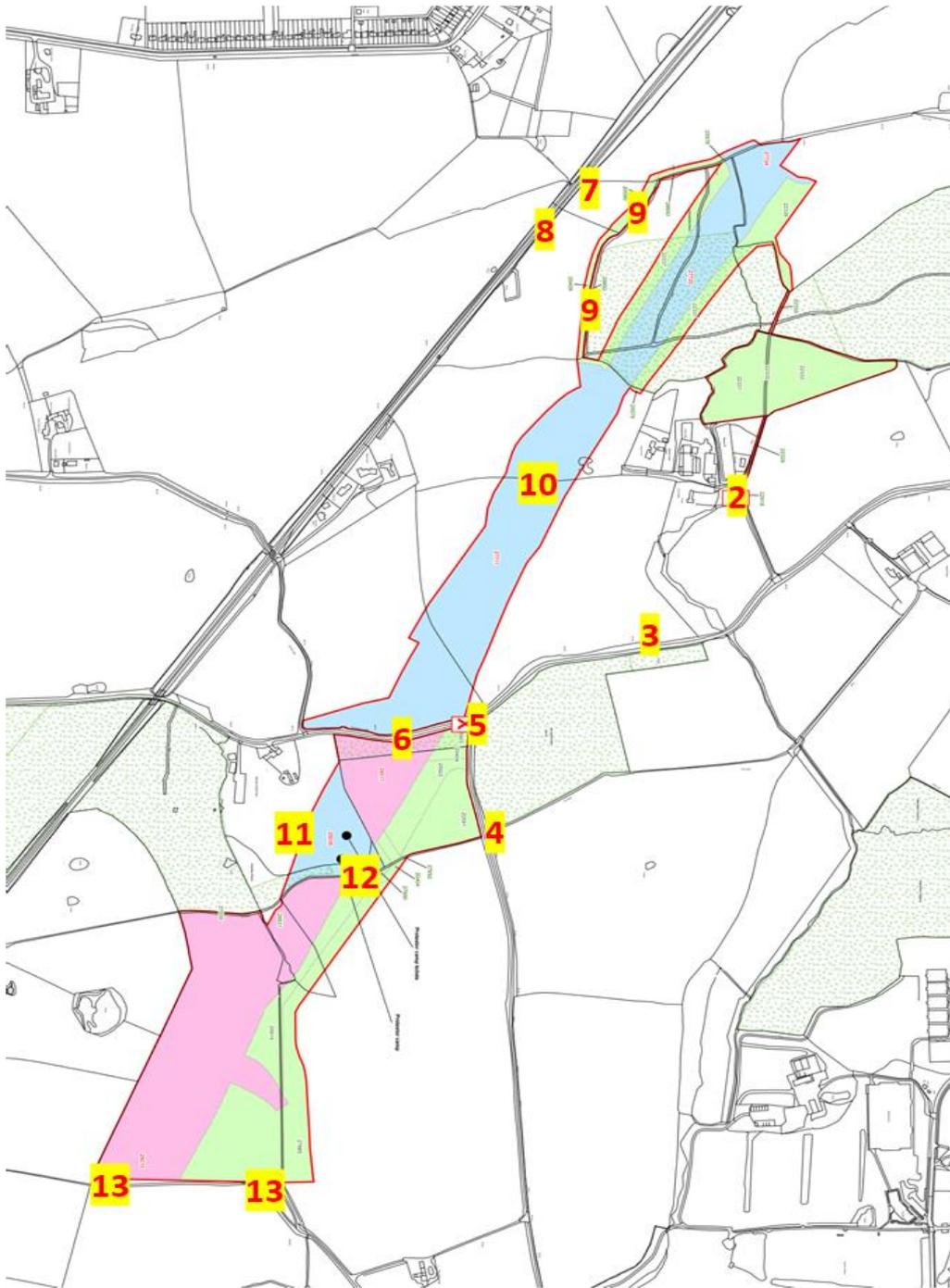
orders made regarding the Crackley Land, and next to it papers are still on display relating to the original March 2020 order. These papers are mostly intact, save the fact there has been understandable weather damage in the interim.

12. The fact that papers have been in place at the Crackley Land for over two years, both dismisses any argument that notices relating to injunctions get torn down by protestors, and it also demonstrates that not only were there no papers served by the Claimants regarding the proposed orders, but also can be taken as evidence that no papers were ever served by the Claimant on this site for the various renewals of the March 2020 order.
13. I also find it rather contradictory that the Claimant has produced reams of photographic evidence in an attempt to back up their case against the named defendants, but they have provided no photographic evidence whatsoever to back up their claims of service. The Annex connected to this statement provides significant photographic evidence of the reality surrounding the Crackley Land, which shows just how easy it would have been for someone genuinely serving notice to provide photographic evidence of such.
14. To ensure there could be no suggestion that my activities in taking the photographs in the attached Annex might be construed as an attempt to hamper any works or activities being undertaken by the claimants, the photographs were taken over the Easter weekend when no work was taking place. I first visited sites by road on Saturday 16<sup>th</sup> March (Suites 1-6), and then on foot on Sunday 17<sup>th</sup> March (Suites 7-14). While at no point was I in breach of the current order, at some points my dog was, which I believe sufficiently illustrates how easy this is.



# CRACKLEY PHOTOGRAPHIC ANNEX

Below, the position of each set of images is marked on the current (May 2021) injunction map.



14

14

## CRACKLEY IMAGE SUITE 1

These photographs show the Northernmost work access to the Crackley Land, which is just off the map used to illustrate the current order. The vantage point is the corner of Crackley Lane and Bockendon Lane (to the left and rear of the photo). On the left is the entrance to the HS2 compound, on the right the entrance to Bockendon Grange Farm. There are no signs of notices relating to the proposed order,



## CRACKLEY IMAGE SUITE 2

These photographs are taken on a farm road which accesses three residential properties and some disused agricultural buildings at South Hurst Farm. This is not a through route, save for a public footpath which crosses the injuncted land (Image Suite 10) from South Hurst Farm toward the Blind Lane for the Kenilworth Greenway.

The first photo is of what historically was a livestock holding compound (marked with an 'X' on the current May 2021 injunction order maps). This land is under injunction, but there is no fencing around it whatsoever. This is typical along the route, that the Claimant have identified bits of land which they thought at the time they might need, but as of yet have made no real use of.

The other photographs are taken facing the other way, with all documents and notices referring to the March 2020 order.

This is the only place that any notice concerning any injunction can be read by a member of the public in and around the Crackley Land (there are two other signs that I found: one is near the former protest camp, but it can only be read if you have already scaled a six foot fence, shown in Image Suite 11; and the other is so faded as to be completely illegible as seen in Image Suite 5).

There are no signs of notices relating to the proposed order anywhere in this area, whilst there is a bundle of documents relating to the original order, clearly dated on the 18<sup>th</sup> of February 2020 in a wooden structure directly to the left of the red sign. The presence of this document clearly dismisses any suggestion by the Claimants that protestors have torn down the notices which they claim to have served in this area.





**IF YOU THE WITHIN-NAMED DEFENDANTS OR A  
ORDERS YOU MAY BE HELD TO BE IN CONTEMPT  
IMPRISONED, FINED OR HAVE YOUR A**

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FROM 4PM 24 MARCH 2020, THIS INJUNCTION PROHIBITS THE  
ENTERING OR REMAINING UPON THE LAND COLOURED GREEN, &  
ON PLAN B ("THE CRACKLEY LAND") SET OUT IN THIS NOTICE, SA  
SHALL NOT:

- PREVENT ANY PERSON FROM EXERCISING THEIR RIGHTS O  
RIGHT OF WAY OVER THE CRACKLEY LAND;
- AFFECT ANY PRIVATE RIGHTS OF ACCESS OVER THE CRACKLE  
SICHTOURING LANDOWNER.

For: Claimant  
A.R. Pay  
Statement No. 1  
Exhibit: "ARP1-ARP12"  
Date: 18th February 2020

No: \_\_\_\_\_

ES

NSPORT

Claimants

WITHOUT THE CONSENT OF THE  
SOUTH OF RUGBY ROAD,  
GREEN, BLUE AND PINK AND  
PARTICULARS OF CLAIM  
WITHOUT THE CONSENT OF THE  
HES WOOD AND BROADWELLS  
COURED GREEN, BLUE AND PINK  
THE PARTICULARS OF CLAIM



HIGH COURT CLAIM NO: PT-2020-BHM-000017

# HIGH COURT INJUNCTION IN FORCE

## NOTICE OF HIGH COURT ORDERS

FULL COPIES OF THE ORDERS CAN BE FOUND VIA WEBLINK LISTED BELOW

TO: PERSONS UNKNOWN AS MORE PARTICULARLY DEFINED IN AND DESCRIBED AS THE SECOND DEFENDANT IN THE ORDERS (THE "DEFENDANTS")

FROM: (1) THE SECRETARY OF STATE FOR TRANSPORT AND (2) HIGH SPEED TWO (HS2) LIMITED (THE "CLAIMANTS")

PLAN B



**IF YOU THE WITHIN-NAMED DEFENDANTS OR ANY OF YOU DISOBEY THESE ORDERS YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

FROM 4PM 24 MARCH 2020, THIS INJUNCTION PROHIBITS THE DEFENDANTS FROM:  
ENTERING OR REMAINING UPON THE LAND COLOURED GREEN, BLUE AND PINK EDGED IN RED ON PLAN B ("THE CRACKLEY LAND") SET OUT IN THIS NOTICE, SAVE THAT THIS INJUNCTION SHALL NOT:

- PREVENT ANY PERSON FROM EXERCISING THEIR RIGHTS OVER ANY OPEN PUBLIC RIGHT OF WAY OVER THE CRACKLEY LAND;
- AFFECT ANY PRIVATE RIGHTS OF ACCESS OVER THE CRACKLEY LAND HELD BY ANY NEIGHBOURING LANDOWNER.

Court communications: all communications about these Orders should be sent to the Court Manager, High Court of Justice (Ref:PT-2020-BHM-000017) (details at: <https://courtribunalfinder.service.gov.uk/courts/birmingham-civil-and-family-justice-centre>)  
Any queries in relation to the Orders, or requests for copies of the orders, should be directed to the Claimants' solicitors: DLA Piper UK LLP, whose address is 1 St. Paul's Place, Sheffield S1 2JX - Ref: RKS/380900/346. Tel: 0114 283 3312. Email: [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com)  
Weblink to Orders can be found at <https://www.gov.uk/government/organisations/high-speed-two-limited>

### CRACKLEY IMAGE SUITE 3

These photographs are of a compound on Crackley Lane which is not meant to be there, in that it is outside the limits of the Hybrid Act. The Claimant did not apply for planning permission for the two-storey structure, which as this site is outside the limits of the High Speed Rail (London to West Midlands) Act 2017, is a legal requirement, and it is believed they have not since applied for retrospective planning permission. This was the only place over in the entire area where a staff member was seen to be active, with a security guard asking why I was taking photos.



#### CRACKLEY IMAGE SUITE 4

These pictures show what was in 2019/2020 the main entrance to the Crackley Compound on Cryfield Grange Road. The compound has long since become an environmental planting area and there are no notices referring to current or past injunctions. The first photo is a recreation of a photo submitted in evidence relating to the March 2020 order whereby the Claimants had used a tight-angled image to claim I was using my car (on the right) to block in one of their lorries when it was actually parked completely in a layby on the other side of the single-tracked road.



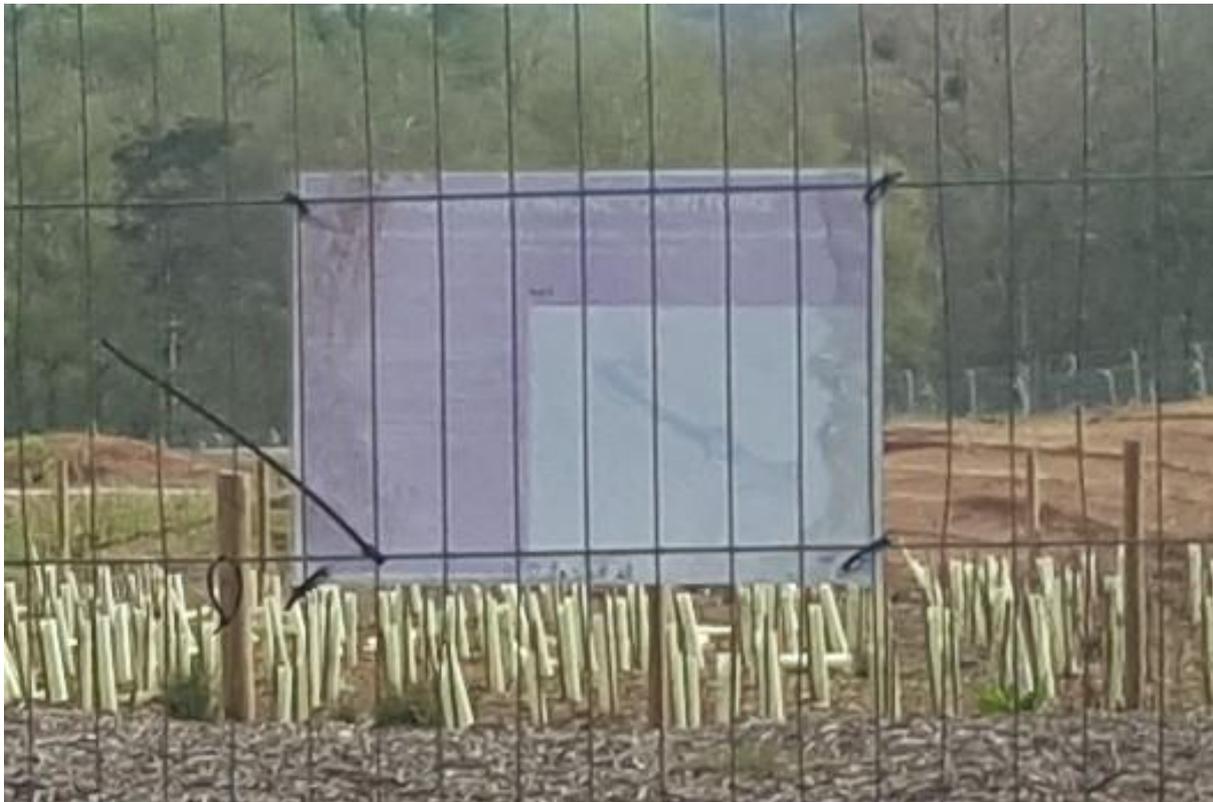
## CRACKLEY IMAGE SUITE 5

These photographs are taken around the junction of Cryfield Grange Road and Crackley Lane.

The first two photos show what was the secondary entrance to the Crackley compound in 2019/2020. The first photo specifically shows an incredibly sun-bleached notice of the map of the original March 2020 injunction order. When originally put in place, this poster looked exactly like the sign in Suite 2. This poster has survived for the last two years, despite the fact it is simply a piece of laminated paper affixed to Heras fencing with cable ties because it is sheltered from the prevailing wind by the trees seen in the fifth image in this suite of photographs.

The third photo shows the fences have been secured together with a single cable tie. The fourth photograph shows the entrance to Roughknowles Wood, a well-known cottaging spot, with there only being a fence frame to the left of the gate and no actual fence. The final photograph shows the remains of Birches Wood.

There are no signs of any notices ever being in place relating to the proposed order at these locations.







## CRACKLEY IMAGE SUITE 6

These photographs show where the trace of HS2, currently being used as a construction haul route, crosses Crackley Lane. The first two photographs show the high security gates on both sides of the road. The subsequent photos show that these have been secured to the adjoining Heras fences with plastic cable ties. There are no signs of any notices ever being in place relating to the proposed order,





## CRACKLEY IMAGE SUITE 7

These photographs are taken from outside the area covered by the Crackley Orders, and show a footpath leading from the Kenilworth Greenway which the Claimant have apparently closed. It is clear from where the soil is visible that this footpath has remained in use by local residents despite this with there clearly having been no attempt by the Claimant to keep the footpath closed.

Photographs include the Heras fencing that had been used to close off the footpath, which has got brambles growing through it. In the last photo in this suite, it is clear this has been the case since last year, as the lighter coloured growth is this years, the darker growth being last years. If the fence was not being proper up by a sign, there would be considerably more vegetation growing through it, with the notice on the fence says the footpath was closed in March 2021.

The recently planted woodland either side of the footpath is not included the in current order, but would be included in the one which is being proposed by the Claimants. It is in my view inconceivable how a member of the public being in a recently planted woodland should legitimately be considered by the Claimants as something which should become a criminal offence.

There are no signs of any notices ever being in place relating to the proposed order,









## CRACKLEY IMAGE SUITE 8

These photographs are taken adjacent to the supposedly-closed footpath off the Kenilworth Greenway. Again it is clear, as I has been for years, that locals have been entering the field this way. The second photo shows there are no physical barriers whatsoever preventing entry in the Broadwells Wood, which is covered by the existing order.



## CRACKLEY IMAGE SUITE 9

These photographs are taken in various points at the side of a track which is subject to the current order. To be clear, *only* the track which the dog has wandered across in the first photo is subject to an order at this point. There are no physical barriers in place apart from a handful of panels fixed together in a triangle which if there is a purpose to them must be preventing vehicular access at one point.

The red signs which warn that land is in the possession of HS2 Ltd were erected before the original March 2020 injunction order. After that order was issued, the Claimant attached laminated paper maps of the injuncted area, such as those seen in suites 5 and 11 to the bottom of those signs. Photos 2 and 3 on page 24 show remnants of these notices which were pinned to the hard plastic signs. Whilst the Claimant might argue that these notices have been removed by people opposed to the HS2 project, it is simply impossible that a laminated piece of paper attached at two points would survive after two years.

There are no signs of any notices ever being in place relating to the proposed order.











## CRACKLEY IMAGE SUITE 10

These images are all taken where the footpath joining South Hurst Farm to the Kenilworth Greenway/Blind Lane crosses the HS2 construction route. In line with the stipulation of the current order, this footpath has been kept open and a pedestrian crossing has even been set up. The photos show several areas where there is no fencing whatsoever and others where the fencing is pitiful. There are no notices whatsoever informing people about any of the orders over the land, but there are some signs telling people not to enter land due to environmental concerns.

Again, there are high security gates, but they are not locked and are connected to small wire fences which have been damaged, probably by HS2 Ltd staff nipping over them. While the gates must have been intended for access for construction vehicles, they are not being used for this purpose and there is a separate route being used for vehicles, which is completely open. The dog is standing on the land subject to the current order, on the construction haul route in the last two photos in this section.

There are no signs anywhere within any of these photos that there have ever been any notices ever being in place relating to the proposed order,





















## CRACKLEY IMAGE SUITE 11

These show the second Crackley protection camp which was set up in March 2020 on land adjacent to the previous camp which was subject to the original order. It has long since been abandoned. The first photograph shows a notice relating to an order covering the Crackley Land (in the centre of the photo and coming down on the right-hand side). However, it is impossible to be completely sure what it says as it is on the secondary fence and you'd have to get over the first fence to see it. There are no signs of any notices ever being in place relating to the proposed order,







## CRACKLEY IMAGE SUITE 12

This set of photos are taken where the footpath that connects Cryfield Grange Road to the Kenilworth Greenway crosses the HS2 construction route. This land is adjacent to the second Crackley protection camp, and on the actual site of the original Crackley protection camp, founded in October 2019. As such, it would be imagined that this would be the most secure area, but again the photos show high security gates connected on three sides to Heras fencing with cable ties, and on one side the gate post is not connected to anything at all.

There are absolutely no signs at all of the slightest hint of any notices ever being in place anywhere near here which relate to the order proposed in these proceedings.

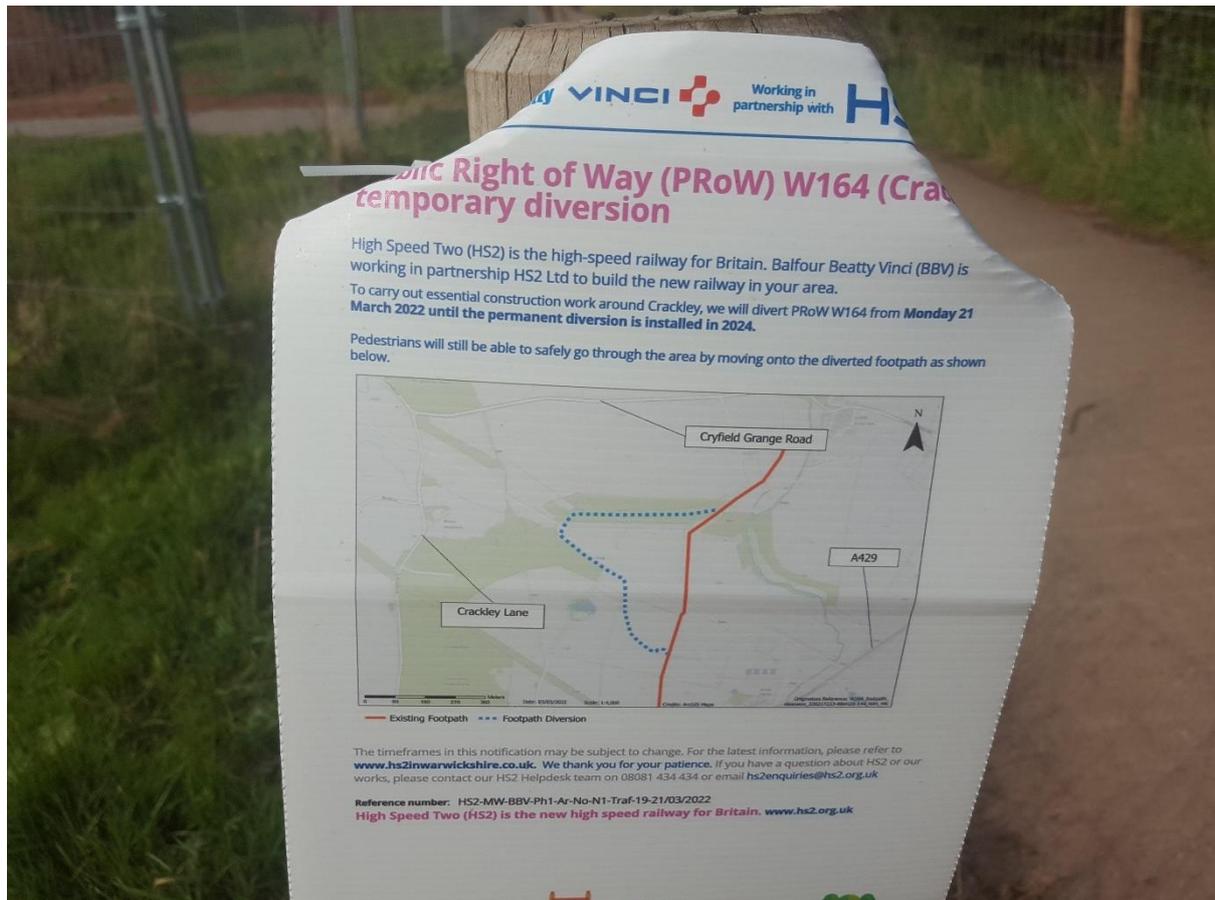






### CRACKLEY IMAGE SUITE 13

These photos are all taken along footpath W164, which marks the edge of the current order. This footpath should have been closed and diverted a month before these photographs were taken. Again, they show high security gates flanked with three-foot wire fences, Heras fences on the actual haul route which are neither locked or even bound with cable ties over a bank holiday weekend when no work is happening, and the last three photographs show land covered by the existing order with no signs indicating such, and only a three-foot wire fence in place.













#### CRACKLEY IMAGE SUITE 14

These images are taken from outside the map covered by the current Crackley order. They are all taken along the A429 Coventry Road at the northern end of Kenilworth, which is the Southern end of the injunction map. Everything seen in these photographs, besides the land and buildings beyond the wooden fence the first three photos and the land in the far distance in the fourth, would be included in the proposed order. This includes the full length of road and pavement and all of the land, whether it has been fenced off or not.

It should be noted that the Claimants have actually made it easier/possible to trespass on their land here by removing all of the hedgerows, much of which was completely unnecessary. There has been no attempt to serve notice in relation to the proposed order to any person using the road or pavement, residents or indeed the farmer whose access road the Claimant is using and whose land at Milburn Grange Farm they have temporary possession of. I believe this is a typical of both all of the HS2 road crossings and places where the Claimants have the right to take temporary possession of land.

The very last photo in this suite perfectly illustrates the problem. The road on the right is the only access to Milburn Grange Farm, which would be subject to the injunction as written. But more than that, the barriers in that photo are not on land HS2 needs, but there to point out where the transmission lines above them are. So it'll become a criminal to be there under this scattergun legislation...













## Mary Barraclough

---

**From:** Maren Strandevold <[REDACTED]>  
**Sent:** 04 April 2022 16:31  
**To:** Michael Fry  
**Cc:** hs2 injunction; Jonathan Welch; Sioned Davies  
**Subject:** Re: QB-2022-BHM-000044 - hearing 5 April

Dear Mr Fry

Thank you for your email.

I appreciate your clarifications regarding the order sought, however, given the lack of clarity around how HS2 is operating the temporary possession scheme and the fact that the permission we have to use our garden (and for the sake of clarity, it is only the garden to the rear of our property that is affected) was received in an email over a year ago, we consider that the order as drafted puts us in a vulnerable position. In the event that HS2 were to email us tomorrow revoking consent for any reason whatsoever, that would appear to bring us within the scope of the injunction. This would leave us (and our neighbours who are all in the same situation) in a precarious situation. Unless HS2 is willing to exclude temporary possession land from the order, there needs to be clear and unequivocal permission given in writing to all affected residents on Wells House Road to use their gardens and a mechanism needs to be agreed whereby notice has to be given in the event that HS2 intends to revoke that permission. In the absence of this, we remain of the view that the scope of the draft order is disproportionate and I do not currently see how this can be addressed through the recitals (although of course I have not seen what it is that you propose).

Unfortunately, I have not been able to arrange legal representation for the hearing and as I have COVID I am unable to attend court in person. In the circumstances, I see no option but to await the outcome of the hearing and reserve my rights to apply to have the order amended should I feel that it is necessary to do so.

Regards

Maren Strandevold

On 4 Apr 2022, at 14:36, Michael Fry <Michael.Fry@ftbchambers.co.uk> wrote:

Dear Ms Strandevold

Thank you for your email of this afternoon. I am acting for HS2 at the hearing tomorrow, and I will ensure that your email, and this response are provided to the Court. Although I note your wider concerns regarding HS2's possession of your property, those issues are beyond my instructions in this matter, so I am unable to comment.

Although you ought to take your own legal advice as you consider necessary, I have taken instructions and can comment briefly on the concerns you raise in respect of the proposed injunction order. From the position you have set out in your email, you would not come within the description of the "persons unknown" who are listed as the First to Fourth Defendants, nor are you a named defendant (i.e. one of the Fifth to Fifty Ninth Defendants). In particular, you have explicit consent to remain in your property from HS2. Further, private rights of access are carved out of the proposed order at paragraph 5(b). The same would apply in respect of leasehold properties which you identify as a concern.

Nevertheless, in light of the concerns you have raised, I will discuss further with my client and with the Court ways in which that position can be made clearer in the proposed injunction order if the Court considers that that is necessary. My initial view is that a simple recital (which are the

statements at the start of the order) may be sufficient to address your expressed concerns.

Please do let me know if you instruct legal representation - I would be happy to discuss further with them overnight or tomorrow morning.

Yours sincerely

Michael Fry

Michael Fry  
Barrister

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-----Original Message-----

From: Maren <[REDACTED]>  
Sent: 04 April 2022 12:33  
To: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk)  
Cc: Michael Fry <Michael.Fry@ftbchambers.co.uk>; Jonathan Welch <Jonathan.Welch@ftbchambers.co.uk>; [sd@no5.com](mailto:sd@no5.com)  
Subject: QB-2022-BHM-000044 - hearing 5 April

Dear Sir/Madam

I write in relation to the application dated 25 March 2022 and the draft proposed order.

I am one of the owners of [REDACTED] registered with title number NGL128637 together with [REDACTED]. This application concerns us as the proposed order affects our property which features on the HS2 Land Plans - Part 1 at page 14 described as S411\_034 which also appears on page 5 of "Table 4 HS2 Temporary Possession - Schld16 and SCHd15" by virtue of being a property in respect of which HS2 has sent a notice indicating it might at some point in the future take temporary possession.

There are a few significant points in relation to this:

1. We have always maintained that the notice given is not good notice. I raised this with HS2 in an email dated 5 March 2021 on the basis that the notice is open ended and gives no details of the nature or duration of the temporary possession, nor the timing. According to HS2, sending this open ended notice means that they are entitled to take temporary possession at any point in the future with no further notice. We dispute that this is correct and that valid notice has been given.
2. Further and in any event, we received notice in October 2020. On 12 February 2021 I received an email stating in response to queries that I raised stating that "HS2 have not taken possession of the gardens at present. The Scheduled 16 notice has been served, but physical possession has not yet been enacted. 27 January was the earliest date that possession could have occurred, however, has not taken place at present, and HS2 will advise further if possession of your garden is required for the works. To confirm, you would not be trespassing if you entered your garden at this time". HS2 has at no point since this correspondence indicated that they are going to "enact physical possession" (which is not a phrase found in Schedule 16, but which seems to indicate that HS2 draws a distinction between giving notice of potential need to take physical possession and actually taking possession)
3. As a matter of fact, HS2 has nearly completed the work that was said to be the

reason for temporary possession without in fact needing any access to our land. In its correspondence regarding this, it has made much of the fact that it has been able to do so without the need to intrude on residents gardens. At present, they are not using our land for any purpose.

In light of the above, HS2 has no current use, nor any intention to use, our garden. Despite this, it is seeking an order which would prevent us from using our garden without being at risk of being in contempt of court.

Given that the real issue in dispute in their claim is trespass on HS2 land more than 100 miles away from our property, with no connection whatsoever to our property, this order is inappropriate and wildly disproportionate to any legitimate purpose that HS2 may have for seeking the order.

The most simple way in which to address this issue would be to remove references to temporary land from the definition of HS2 Land in the draft order, however, in the event that HS2 wishes to consider any other ways in which to limit the order so as not to affect residents' legitimate use of land we would be content for other proposed amendments to be made.

Given the shortness of time, we have not investigated the practical impacts in respect of other land, but we do understand that there are other instances where land included in the definition of HS2 Land is subject to legitimate use which would be compromised by this order, for example where HS2 has purchased property and are leasing it back to the original owners. Whilst this is a matter for HS2 and the Court to resolve, it is submitted that serious scrutiny is required of the impact of HS2's draft order on legitimate users of the land they are now seeking to include in this injunction.

In terms of the way in which HS2 has proceeded with this application, we would note that despite having listed all the relevant properties and notices to the affected properties in the schedules to its application, it has made no attempt to notify the owners of the affected properties, it has simply pressed ahead with this wide reaching application. It appears that details first appeared online on 30 March and it first came to our attention on 2 April. We are seeking legal representation to appear in court on our behalf, although it seems unlikely that this will be possible to arrange.

We would take the opportunity at this stage to remind HS2 of its obligation to give full and frank disclosure when applying for an injunction. We should be grateful that in the event that we are unable to have legal representation to attend the hearing on our behalf, you bring this correspondence to the attention of the judge. In the event that the order is made in its current form, we will seek to have it set aside at the earliest opportunity.

We will be passing this correspondence to the HS2 community engagement team as well as our MP and relevant officers from Ealing Council.

Regards

Maren Strandevold

Michael Fry

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HS2 matter for tomorrow hearing

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 HM Courts & Tribunals Service

**Here is how HMCTS uses personal data about you**

**Coronavirus (COVID-19): courts and tribunals planning and preparation**



**From:** [REDACTED] >  
**Sent:** 04 April 2022 16:35  
**To:** [nhall@robertlizar.com](mailto:nhall@robertlizar.com); [QB.Birmingham <QB.Birmingham@justice.gov.uk>](mailto:QB.Birmingham@justice.gov.uk);  
[hs2injunction@governmentlegal.gov.uk](mailto:hs2injunction@governmentlegal.gov.uk)  
**Subject:** HS2 injunction defence statement claim no. QB-2022-bHM-000044

Please find attached my witness statement for tomorrows hearing at Birmingham.  
I will be attending the court and happy to speak as a witness.  
The documents and videos relating to my statement are too large to send as an attachment  
Please can you tell me where to upload these.  
If there are any issues please get in contact  
Regards  
Sally Brooks

Sent with [ProtonMail](#) secure email.

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Statement by Sally Brooks in defence against the injunction being taken by HS2, out against 58 named defendants and any unnamed persons

I have been actively surveying protected wildlife for the last 2 years, which started when I lived at Jones' Hill Woods in Buckinghamshire in May 2020. There I worked with other protectors to monitor the bats and later on the badger setts, of which there were large numbers north and south of the woods that would be affected by HS2. I became familiar with laws protecting bats and badgers when an ecologist, **Eileen Robley**, visited Jones' Hill woods in September 2020, and did an induction into surveying for badgers, bats and dormouse. She gave me a signed certificate to say I had undertaken this training. (see document attached). My main concern with the HS2 project was the detrimental affect on the environment and the wildlife. It was, and still is important to try and save the wildlife that HS2 are destroying, by holding them to account and reporting wildlife crimes to the police. This injunction will completely stop any independent surveying to take place and allow HS2 to continue destroying wildlife areas that would normally be highly protected, such as SSSI, biodiverse active sites and ancient woodlands, with no one able to check if they are carrying out the correct licence mitigations, or any surveys. Natural England (NE) have made it clear that it is not their job to check that ecologists are carrying out work correctly to the letter of the licences that NE issue. So who will be checking, who will be reporting on any illegal felling if 'persons named or unnamed' are not allowed to go into any of the woodlands or SSSI sites without fear of getting arrested. Hypothetically, evidence given to the police showing a wildlife crime taking place on an HS2 site, would then allow the police to arrest the person who has submitted it, as they had been on injuncted land?

**Here are four of the many examples of Wildlife crimes that I was a first hand witness to:**

**1. Incident on HS2 site, close to Rocky Lane, near Jones' Hill Wood, Buckinghamshire  
Police log number 532 150321**

I was able to prevent a wildlife crime taking place on an HS2 site by HS2 workers:

As a preliminary to this episode these are the current laws protecting badgers:

Badgers are protected under the the Protection of Badgers Act 1992 consolidates past badger legislation and, in addition to protecting the badger itself from being killed, persecuted or trapped, makes it an offence to damage, destroy or obstruct badger setts. Where badgers pose a problem, licences can be issued to permit certain activities:

HS2 have an organisational licence from Natural England that is route wide and allows qualified Ecologists working for HS2, between **1st July and 30th November** to:

-Have construction work no closer than 10 meters away in normal practice this would be a 30 meter exclusion zone.

-Remove vegetation with hand tools, this includes chainsaws and strimmers

-install one-way gates on sett entrances and install chain link mesh over the sett mounds to prevent badgers entering and digging new holes.

-These gates have to remain open for first 3 days then monitored for 21 days before they the setts entrances can be filled and covered with chain link mesh if no badgers have been able to return.

On the 7th March 2021 I found an active badger sett close to Rocky lane. I then went back on the 12th March and set up a wildlife cam to capture any badger footage.

**While there I saw that HS2 had felled a hedge line, with a heavy tree grabber machine within 5metres of un-gated badger setts we have been monitoring. We had been taking photos with w3w of the sett entrances showing they were open and therefore potentially in use.**

On the 13th March I returned to collect the wildlife cam and found footage of a badger/badgers entering/ exiting the sett

On the 14th I logged a wildlife crime onto the police website and have an email as evidence, (see attached) I described the badger sett positions and that the tree grabber had been too close. (This was for the setts further towards the London road not the sett where I had put the badger cam)

-On the **15th March** I went back to Rocky Lane to see if they were continuing the felling. When arrived there around 10am I saw the ecologist walking very quickly along the other side of one of the hedgerows from me. I could also see about 4 men in orange following behind her. As she walked she glanced into the hedgerow, which I presumed was a very quick check for bird's nests. My attention was then drawn to HS2 workers with chainsaws moving towards the hedge with the new badger sett I have discovered. I managed to get to the sett position before them, after a lot of walking back and forth with the security trying to stop me, and sat down and called Thames Valley police. I asked the HS2 security if they could ask if the ecologist could come over and speak to me, but they said they couldn't do that. They asked me to move away and then they would go and ask her. I refused on the grounds that they would simply carry on working if I did and I would then not be able to stop a wildlife crime. On my 2nd call to the police I was given **log number 532 150321** and reassured me they took wildlife crime seriously and would have officers there shortly.

On the 3rd time of calling I was concerned for my safety as the tree grabber was very close by, within 5 meters, and HS2 were threatening to remove me- I told them if they touched me that would be assault. I relayed this on the 999 call and soon after the police turned up. As soon as the Police were on site all work stopped and the machinery was moved away, as the HS2 workers knew that working with heavy machinery so close to a member of the public was illegal.

When the Police arrived I was so relieved that I didn't ask them if they were going to talk to the workers about their bad health and safety practices. I was more concerned with proving that there was indeed an active badger sett. I showed the police a W3W photo on my phone that showed the wildlife camera set up, pointing at the sett entrance, and they were able to locate the sett. I said I had footage from just one night before and they agreed it did appear to be active. Then I asked them if I could speak to the ecologist on site as I had been denied that. They went away briefly and came back with the ecologist who was happy to talk as long as I didn't video our conversation. She looked at the sett entrance and agreed to mark an area around the sett that could not be felled.

My conversation with the ecologist was helpful and I felt I could finally speak to someone who seemed to listen to my concerns. She said that the Durham farm bridleway was out of bounds to HS2 because of the badger setts located there, until the beginning of July 2021. I also spoke to her about the fact that we had found a very rare species of bat, the Barbastelle at Jones' Hill woods and HS2 were looking to fell half of it without carrying out surveys over the next summer season or putting in any kind of mitigation. She seemed genuinely surprised, and said she was not working in that area. However she would pass on my concerns. She appeared genuinely to care about the wildlife and wanted to keep HS2 within the law, **but she had not seen the badger sett that I had found without difficulty, and her inspection of the hedgerows for nesting birds was very hurried, and she could easily have missed them.**

**I was dismayed to see her 2 weeks later in Jones' Hill woods directing HS2 workers in marking of trees to be felled.**

After that I told the police about the other wildlife crime I had reported online on the 14<sup>th</sup> March and they went to look at it with the ecologist. I was not allowed to go with them, and I was never informed about the outcome.

The Police didn't ask me for the evidence at the time, although I still have it. In retrospect I should have insisted that I send it to them, as now they probably have very little on their records about the incident. I was so pleased to have actually stopped HS2 from destroying a badger sett and a hedgerow, that I was in shock. Of course, the police 'Rocket team' would not have wanted evidence of a potential crime, they didn't contact me for a statement about the incident and I was so concerned about the imminent felling at JHW that I didn't follow it up. I did video this incident on a Facebook live stream (see attached) although some of the footage is missing. This account I wrote in an email to our legal team for JHW at that time (see attached).

## **2. Barbastelle Bats at Jones's Hill Woods (JHW) October 2020**

During the summer of 2020, when I was living at JHW I started dusk bat surveys when **Barbastelle bat calls were identified. This was very exciting because they are so rare.** Kevin Hand, a professional ecologist, witnessed these bats fly out from a tree at JHW 2 nights before the illegal eviction of protestors on the 1<sup>st</sup> of October 2020.

HS2 deliberately had strong spotlights directly pointing at the oak tree where Kevin Hand had seen/heard the Barbastelle bat leave from. These lights were put up on the 1<sup>st</sup> October 2020, and those lights stayed there until the **Chiltern Conservation Board** sent an open letter to Mark Thurston CEO HS2 (see attached) on the 30<sup>th</sup> October, complaining about these lights, and the disturbance to the bats and other wildlife, that the lights were finally removed. We had previously made numerous complaints about this to HS2 and nothing had been done.

A case against Natural England (NE) taken out by wildlife protestors at JHW, which protestors won, was overturned when HS2 appealed the judgement a week later. However HS2 were forced to carry out far more mitigation measures for roosting bats, than if there had been no one there to challenge them about the lack of survey in this ancient woodland!

## **3. Red Kite Fairford Lys, Aylesbury, Buckinghamshire**

I would also like to give another example of wildlife crime prevention on a HS2 site near **Fairford Lys**, Aylesbury. A woman, living locally in that area had contacted me to say that HS2 were felling trees near the A418 Oxford road and that she and her husband had spotted a Red Kite's nesting in one of the trees that would be felled. I gave them advice to film the birds on the nest (without disturbing them) and then inform HS2 enquires about the nest. **The Red Kite is a schedule 1 listed bird** and so both the bird and the nest are protected. Best practice is to leave the birds alone until after the bird nesting season at the end of August. HS2 said they were not aware of the nest so therefore they would have likely continued to fell that tree and destroy a protected bird's nest and their eggs. Luckily the local woman kept monitoring the nest and made sure the birds were not disturbed.

## **4. Bats at Fairford Lys, Aylesbury, Buckinghamshire**

At that point a small group of protectors carried out bat monitoring (02/06/21) and we were able to identify and video **Soprano Pipistrelle** bats flying out of a roost (probably a maternity roost as there were so many) and use an echo bat monitor with GPS location evidence, which I sent to PC Underwood of Thames Valley police and I informed HS2 enquiries. Within the next few days we went to the area being felled on the A418, there were ecologists present, the majority of the trees in the area were felled but the bat roost tree we had identified was left for sometime.

### **Cash's Pit (Bluebell woods)**

In the spring/summer of 2021 I visited Cash's Pit (Bluebell woods). Initially I went there to meet up with professional ecologist **Kevin Hand**, an ecologist I had first met at JHW. Kevin led some wildlife walks to identify any protect species in Bluebell woods and other wildlife areas that were going to be affected by HS2. We saw a whole variety of woodland birds. Some were nesting in Bluebell woods, and nearby Clifford's wood where we saw buzzard nests and a large Badger sett, that will be disturbed by HS2 when they come to fell part or all of these woodlands. While there I was able to carry out dusk surveys, using an Echo touch bat monitor, heterodyne bat monitor and Anabat Express monitor. These various monitors record bat's ultrasonic calls and location. The Anabat Express was left out over night at various locations, within Bluebell woods, where we had seen bats on previous evenings and the zero crossing files show a variety of different species of bats and I have evidence of potential bat roost trees and badger sett locations using the What 3 Words application which gives the GPS location of where the photograph was taken and when. All this evidence needs to be collated, but with the very short notice for this hearing I have been unable to present it here, but this can be provided at a later date, if required.

### **In Summary**

In my experience over the last 2 years as an activist protesting about HS2, there simply are not enough ecology surveys being carried out at HS2 sites, and when ecologists are present they are not being rigorous enough in their surveys, resulting in protected species being lost. Where activists or people living locally have been able to inform police or HS2 by being able to witness potential wildlife crimes, through access to an un-fenced HS2 site, have been prevented, but what about the countless areas that are being destroyed where there is no one there to prevent these crimes?

With this injunction there will be no one left to protest against this horrendous project and there will be no witnesses to any wildlife crimes.

I, Sally Brooks, to the best of my knowledge I believe that the facts in this witness statement are true.

Signed

*Sally Brooks*

Sally Brooks

---

**From:** BPC.Birmingham <[BPC.Birmingham@justice.gov.uk](mailto:BPC.Birmingham@justice.gov.uk)>  
**Sent:** 04 April 2022 15:56  
**To:** Birmingham Cty, Diary Mgr <[birmingham.cty.dm@Justice.gov.uk](mailto:birmingham.cty.dm@Justice.gov.uk)>  
**Subject:** FW: HS2 injunction: skeleton argument

HS2 matter

**From:** Caroline Thomson-Smith <[REDACTED]>  
**Sent:** 04 April 2022 15:46  
**To:** BPC.Birmingham <[BPC.Birmingham@justice.gov.uk](mailto:BPC.Birmingham@justice.gov.uk)>  
**Subject:** HS2 injunction: skeleton argument

Hon Mr Justic Cotter,

Dear Sir,

I would like to appear in court tomorrow as a person unknown in the injunction being brought by HS2.

My skeleton submission is as follows:

I would like to object and argue against the awarding of costs to named defendants and persons unknown who wish to submit defence and argument against this injunction.

Although I am not a named defendant, 2 video Exhibits are of my livestreams and obviously feature me heavily. By including them the prosecution clearly believes that they illustrate why this injunction is necessary and hence all the persons in the videos and I are implicated in transgressing the terms of this injunction. In fact, the videos show very peaceful protests in which all interaction with HS2 workers, contractors, service providers and security (i.e. IRT ) and the police is polite and congenial. The protests were all legal. No arrests were made at the afternoon protest on Gawcott Road (video 14) or the protest on "Edgcott" Road (video 13) of any of the members of the public protesting on the public highway which this injunction seeks to include in part 3 of the injunction. This in and case will be covered by the Police Crimes Sentencing and Courts Bill currently going through Parliament and therefore it seems unnecessary to include it in this injunction.

Therefore, I would like to submit my objection to this injunction as it prevents my right to freedom of expression and right to peaceful protest under articles 10 and 11 of the European Convention of Human Rights.

However, I am terrified of doing do as my circumstances are such that for various reasons I cannot tolerate awarding of costs against me.

Yours sincerely,  
Caroline Thomson-Smith  
[REDACTED]

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**From:** deborah mallender <[REDACTED]>  
**Sent:** 04 April 2022 08:54  
**To:** BPC.Birmingham <[BPC.Birmingham@justice.gov.uk](mailto:BPC.Birmingham@justice.gov.uk)>  
**Cc:** Birmingham County, Hearings <[hearings.birmingham.countycourt@justice.gov.uk](mailto:hearings.birmingham.countycourt@justice.gov.uk)>  
**Subject:** Dept of Transport HS2 v Persons Known and Unknown

Hon. Mr. Justice Cotter

Thank you for hearing my plea.

I am a former teacher and I also undertook research positions for the Chair of The Select Committee on The Environment Audit and at a university. I am retired with a disability.

I am very concerned about the case you are to hear. I know little about it except that it involves HS2 and Persons Unknown. That is a very concerning point, and I have placed my comments in the attached document sent in Word and as a pdf..

I am grateful for the typing assistance I have received to compile the information attached at such short notice, my hands are too sore to use a keyboard for long and sitting reading long documents on a computer is difficult and painful. Any errors or omissions within the document, are purely my own.

With Regards

Deborah

Deborah Mallender BA Hons,MA, PGCE, LLB, PGcert Law

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**Michael Fry**

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# Plea

## Before The Hon. Mr. Justice Cotter

### Relevant Background

1. That HS2 has from the outset refused to allow residents along the path of HS2 to petition parliament. Unless there was imminent nuisance, ie the railway is going through your front lawn, others, just a little further away were prevented from speaking to M.P.s in the Houses of Parliament at all – we were effectively banned from the process of providing good technical information and asking pertinent questions of HS2. Only now do we understand that HS2 is riddled with vested interests from dubious contractors.<sup>1</sup> I was one of those people prevented from petitioning on behalf of a citizens group.
2. . Further we have evidence that local representation in lieu of direct petitioning of parliament, was subsequently interfered with in a significant way. Numerous emails are in hand. Further there is now evidence that HS2 and or its contractors bribed councillors to remain silent. (Please see Annex 1) There is also evidence that both organised crime and the interference of Russian Oligarchs money, together with their political interference in this country's democratic process, is apparent in the lobbying by foreign controlled contractors for HS2.<sup>2 34</sup>With the ultimate end for HS2's stream of lucrative public money.<sup>5</sup> In effect the public purse has paid Oligarch's companies

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<sup>1</sup> [https://www.controlrisks.com/who-we-are/our-experts/expert-bio/alexey-eremenko?fbclid=IwAR1UduurbqeZ9mnSVLXGfIbIPThXIUis5B4wR\\_JvDRuR0LpvxBPyOY1IIs](https://www.controlrisks.com/who-we-are/our-experts/expert-bio/alexey-eremenko?fbclid=IwAR1UduurbqeZ9mnSVLXGfIbIPThXIUis5B4wR_JvDRuR0LpvxBPyOY1IIs) one of the companies who control HS2 security firm the National Eviction Team.

<sup>2</sup> [https://www.building.co.uk/news/government-sanctions-oligarch-with-stake-in-hs2-firm-because-of-close-association-to-putin/5116447.article?fbclid=IwAR3LFJShH8KwgkDEBNGPtGPs69\\_fH8x2QxTd67mfuUa2ZhX6CEW\\_dhynjkY](https://www.building.co.uk/news/government-sanctions-oligarch-with-stake-in-hs2-firm-because-of-close-association-to-putin/5116447.article?fbclid=IwAR3LFJShH8KwgkDEBNGPtGPs69_fH8x2QxTd67mfuUa2ZhX6CEW_dhynjkY)

<sup>3</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmfa932/932.pdf>

<sup>4</sup> <https://www.chathamhouse.org/sites/default/files/2021-12/2021-12-08-uk-kleptocracy-problem-heathershaw-mayne-et-al.pdf>

<sup>5</sup> <https://www.opendemocracy.net/en/dark-money-investigations/revealed-the-lobbyist-who-helps-russian-elites-get-access-to-boris-johnson/>

millions of pounds, money which have been funnelled right back to Putin via those contractors<sup>6</sup>.

3. Only now is all the evidence coming together since the beginning of the Russian war with Ukraine and the release of information by the intelligence services to investigative journalists, and hence to a whole variety of media outlets.<sup>7</sup> <sup>8</sup>Suddenly we know about Derispaska and his money in a HS2 contracting firm Strabag. We have information about Russian money connected to HS2, organised crime and Putin's *War Machine*<sup>9</sup> *That means there was lobbying by organised crime for a government contract connected to HS2.*
4. There is evidence law firms have used legal devices to silence those trying to speak out and that is certainly true in this case.<sup>10</sup> There is further evidence that London, that is the financial system in London, has allowed organised crime to flourish and government policy has hitherto turned blind eyes to the trail of destruction left .<sup>11</sup><sup>12</sup>

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<sup>6</sup> Ibid ay 2 and clear it is not the journalist from a building trade journal originating this material.

<sup>7</sup> <https://www.gov.uk/government/publications/upholding-standards-in-public-life-published-report>

<sup>8</sup> [https://www.opendemocracy.net/en/opendemocracyuk/how-the-uk-helps-the-worlds-kleptocrats-and-crooks-deliberately/?utm\\_source=oD%20Daily%20SEGMENT&utm\\_medium=email&utm\\_campaign=How%20the%20UK%20helps%20the%20world%E2%80%99s%20kleptocrats%20and%20crooks&\\_kx=CZLMaW67VpgaUPz7Vtag-VG1TO42h5ndKyrH9isKpeM%3D.YjCYwm&fbclid=IwAR08UdQdO-SNigfl5eyODJ8dz5CEdsSPrCLtc0YeBm95X6BZla9iTqBnFDg](https://www.opendemocracy.net/en/opendemocracyuk/how-the-uk-helps-the-worlds-kleptocrats-and-crooks-deliberately/?utm_source=oD%20Daily%20SEGMENT&utm_medium=email&utm_campaign=How%20the%20UK%20helps%20the%20world%E2%80%99s%20kleptocrats%20and%20crooks&_kx=CZLMaW67VpgaUPz7Vtag-VG1TO42h5ndKyrH9isKpeM%3D.YjCYwm&fbclid=IwAR08UdQdO-SNigfl5eyODJ8dz5CEdsSPrCLtc0YeBm95X6BZla9iTqBnFDg)

<sup>9</sup> [https://www.building.co.uk/news/government-sanctions-oligarch-with-stake-in-hs2-firm-because-of-close-association-to-putin/5116447.article?fbclid=IwAR3LFJShH8KwgkDEBNGPtGPs69\\_fH8x2QxTd67mfuUa2ZhX6CEW\\_dhynjkY](https://www.building.co.uk/news/government-sanctions-oligarch-with-stake-in-hs2-firm-because-of-close-association-to-putin/5116447.article?fbclid=IwAR3LFJShH8KwgkDEBNGPtGPs69_fH8x2QxTd67mfuUa2ZhX6CEW_dhynjkY)

<sup>10</sup> [https://consult.justice.gov.uk/digital-communications/strategic-lawsuits-against-public-participation/?fbclid=IwAR22Ws9n0\\_U3WY\\_8uNYpEhm12wW3E3elhvNbc3golUaKVm-sMFmumS1N92s](https://consult.justice.gov.uk/digital-communications/strategic-lawsuits-against-public-participation/?fbclid=IwAR22Ws9n0_U3WY_8uNYpEhm12wW3E3elhvNbc3golUaKVm-sMFmumS1N92s)

<sup>11</sup> <https://www.occrp.org/en/29leaks/?fbclid=IwAR2bWQGdhhJQsFiv0sN3vXHcfJpoQ8G9JAsF8fTKcptjegJVK9lbncD6Msk>

<sup>12</sup> <https://newlinesmag.com/reportage/britain-risks-danger-in-flirting-with-putins-friends/>

5. I have no doubt that organised crime and foreign state actors have their eyes set on land grabs throughout this country and specifically along the route of HS2. They have used every underhand, corrupt device available to do this from the outset.<sup>13</sup>
  
6. People lawfully protesting have been injured some seriously with broken bones by black paramilitary style uniformed security.<sup>14</sup> In other incidents, police from Staffordshire look on when protesters are deliberately pulled through fences by HS2 security. Police have claimed not to have seen anything.

Yet there is multiple filmed evidence of unbadged security and unbadged police wearing almost exactly the same paramilitary style uniform working together in close cooperation. Indeed there is evidence that police leave the force to work within private security firms, muddying the waters between the two constantly.<sup>1516</sup> The question the court must ask has that happened? and has that happened with former members of The Staffordshire Police Force? This is a witness statement that indeed that has happened as part of my own experience.. This is subject of a complaint to Staffordshire police.

The impartiality of evidence from Staffordshire Police Force unit involved with Protest Removal is questioned. What is the policy and operating rules associated with this irregular unit? Where are they to be found yet we have it on film and audio that such a unit exists. I do not assume all police in Staffordshire are involved in these dubious activities and it is believed there is some disquiet among local police surrounding the use of this unit and paramilitary styled police. This is a witness statement to the fact that while constructive conversations can be had with local police, the paramilitary styled

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<https://apnews.com/article/climate-london-boris-johnson-lobbying-scotland-7aff81421e6301d1194193ae4df4687f>

<sup>14</sup> <https://metro.co.uk/2020/10/09/hs2-bailiffs-investigated-for-breaking-protesters-jaw-while-off-duty-13395738/>

<sup>15</sup> <https://www.standard.co.uk/lifestyle/london-life/private-police-london-a4523916.html>

<sup>16</sup> <https://sectech-uk.com/2012/10/26/why-a-high-quality-security-company-should-employ-ex-police/>

police appear to have their minds firmly fixed on their next lucrative role in the Oligarch funded private police force.<sup>1718192021</sup>

The impartiality of evidence from The Department of Transport and/or HS2' and/or the para military police, who indeed may still have an Russian Oligarch with a controlling interest in their activities, is questioned.

Put another way: Can either public authority behind this case; deny Russian Oligarch and hence Russian State involvement, in lobbying for HS2 contracts? What precisely is the role of these companies now in HS2?

Hence

The content of the injunction and eviction notice has NOT been provided to all unknown persons and is challenged. I certainly have not read the content of those documents I believe have been put before the court. Indeed I am to only realise many of the following points from second hand conversations with other local residents.

So:

I challenge HS2 and The Department of Transport to produce documentation that they in fact own the land known as Bluebell Wood (also known as Cash's pit) . Where are the deeds to this property in their name?.

I believe the land is in fact Lord Stafford's property and he is not bringing any action against the lawful occupiers.

---

<sup>17</sup> [https://www.facebook.com/madeleyandwhitmore/?ref=pages\\_you\\_manage](https://www.facebook.com/madeleyandwhitmore/?ref=pages_you_manage) photographic evidence of unbadged police with managers of a private security firm. In private discussions.

<sup>18</sup> <https://metro.co.uk/2020/10/09/hs2-bailiffs-investigated-for-breaking-protesters-jaw-while-off-duty-13395738/>

<sup>19</sup> <https://www.controlrisks.com/>

<sup>20</sup> <https://www.controlrisks.com/who-we-are/our-experts/expert-bio/alexey-eremenko?fbclid=IwAR2XEKPO3aDoRkDscDfHMVR6ESPckIHZv7IUVkj7GMawp4cuapD63zYnd0s>

<sup>21</sup> <https://www.stokesentinel.co.uk/news/stoke-on-trent-news/staffordshire-police-blasted-investigation-failures-6886148?fbclid=IwAR3ovD5TRHKDMvLlclEiiuycfKEynj2FIL6VAIUq4NF6COe71wGLPRiBHBw>

That other landowners and occupiers of land in the locality have not had to vacate their property in order for ecological surveys to be undertaken by HS2. Evidence is in hand on that point, and via witness statements. This statement is just one example of that.

So, I challenge HS2 to produce evidence that any other land owner or occupier has been asked to vacate land on a temporary basis from live stock or persons, in Staffordshire, whilst ecological surveys take place.

Neither The Department of Transport or HS2 have admitted to the lobbying tactics and decision making of corrupt individuals connected with organised crime in connection with HS2 yet it is all there. Corruption has taken place. Links with organised crime has taken place. Lobbying of government by those with organised crime connections has taken place in relation to HS2. Lobbying by successful contractors took place before decisions about HS2 were made by those politicians approached.

## Questions

- 1) Under Article 8 of The Human Rights Act a public authority has to make alternative accommodation provision for those displaced. Why hasn't that happened? The 'eviction' is temporary so I hear, what arrangements have been made to hand back that land afterwards?
- 2) The Equality Act 2010 applies. Some of the people unknown are elderly, some are disabled and some are both so I hear, all protected characteristics. What reasonable adjustments have been made for them by the public authority? Where was the consultation with those people affected?
- 3) The injunction refers to persons unknown under The Equality Act 2010 many of those persons may not use or be able to access a computer or navigate difficult web sites. What provisions has the public authority made to inform those people of the documents involved in this court case today? Did they notify person's unknown up and down the line who may be affected with a paper copy of the documents laid before the court today? This public authority is quick to send out Public Relations material to all those affected. Why has it omitted to send out these court papers to all those potentially affected?
- 4) How could persons unknown be able to defend this matter if the public authority did not inform them of the details of this case?
- 5) Article 10 and 11 of The Human Rights Act applies. Each parcel of land involved with HS2 has complex ownership, a blanket injunction would be inappropriate. .Again when did the public authorities concerned intend to consult all known and unknown persons about this case before you?

## Finally

It is clear citizens have been let down by the very democratic systems in place that are supposed to protect them.

My plea today is that the court upholds our democratic principles to the right to lawfully protest.

In light of that citizens must have the rights of Article 10 and 11 upheld in order that their land is not stolen from them by a more powerful party possibly/probably with organised crime connections.

It is believed the above information surrounding criminality by lobbying companies connected with HS2, politicians and wider corruption has come from the intelligence services and merely disseminated by investigative journalists. That means the background information provided comes from a knowledgeable and reliable source.

## References

<https://www.newyorker.com/magazine/2022/03/28/how-putins-oligarchs-bought-london?fbclid=IwAR1o4E00Rq0ivTvf1NXpVrWvh1h5FFbRuH8jsXz0dBNUxYZHLpJYRag6CC0>

[https://www.thetimes.co.uk/article/watchdog-investigates-russia-linked-downside-up-charity-that-lists-boris-johnson-as-a-patron-lpcqfnpvk?fbclid=IwAR0A5\\_JjYUEZVMOgg3QVP\\_Ta\\_qdRL9dTDwhPomsI8d5fjNcumOFAd-ct\\_KA](https://www.thetimes.co.uk/article/watchdog-investigates-russia-linked-downside-up-charity-that-lists-boris-johnson-as-a-patron-lpcqfnpvk?fbclid=IwAR0A5_JjYUEZVMOgg3QVP_Ta_qdRL9dTDwhPomsI8d5fjNcumOFAd-ct_KA)

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<https://consult.justice.gov.uk/digital-communications/strategic-lawsuits-against-public-participation/?fbclid=IwAR3khF5xCqIjL1KRsnimV3HJ4T4XwFb83cUve7VblGuJqwbJXaEhiU6Lf2g>

<https://www.building.co.uk/news/government-sanctions-oligarch-with-stake-in-hs2-firm-because-of-close-association-to-putin/5116447.article?fbclid=IwAR2nKMETCFF6vtssHpvgtFMcqrD59JWbr5dJM3vca8Hm4ZB9-4XFnoWH4YQ>

<https://www.standard.co.uk/lifestyle/london-life/private-police-london-a4523916.html>

<https://www.controlrisks.com/who-we-are/our-experts/expert-bio/alexey-eremenko?fbclid=IwAR1QuUZHjyJOjDiQnMW7sQW5qz1NiRL3dxtWHVg3OuWVK7eP-ZoXg5wdfKaY> – controls the company called the National Eviction Team..

<https://sectech-uk.com/2012/10/26/why-a-high-quality-security-company-should-employ-ex-police/>

[https://www.facebook.com/madeleyandwhitmore/?ref=pages\\_you\\_manage](https://www.facebook.com/madeleyandwhitmore/?ref=pages_you_manage)

<https://www.stokesentinel.co.uk/news/stoke-on-trent-news/staffordshire-police-blasted-investigation-failures-6886148?fbclid=IwAR3ovD5TRHKDMvLIclEiiuycfKEynj2FIL6VAIUq4NF6COe71wGLPRiBHBw>

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<https://www.bbc.co.uk/news/uk-england-london-60747882>

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<https://publications.parliament.uk/pa/cm201719/cmselect/cmcaff/932/932.pdf>

<https://www.chathamhouse.org/sites/default/files/2021-12/2021-12-08-uk-kleptocracy-problem-heathershaw-mayne-et-al.pdf>

Dear June,

Please see the submissions attached for Mr Justice Cotter's hearing today.

Kind regards

*Lorna Rowe-Bent*  
*Diary Managers Section*  
*Birmingham Civil & Family Justice Centre*  
|  HM Courts & Tribunals Service

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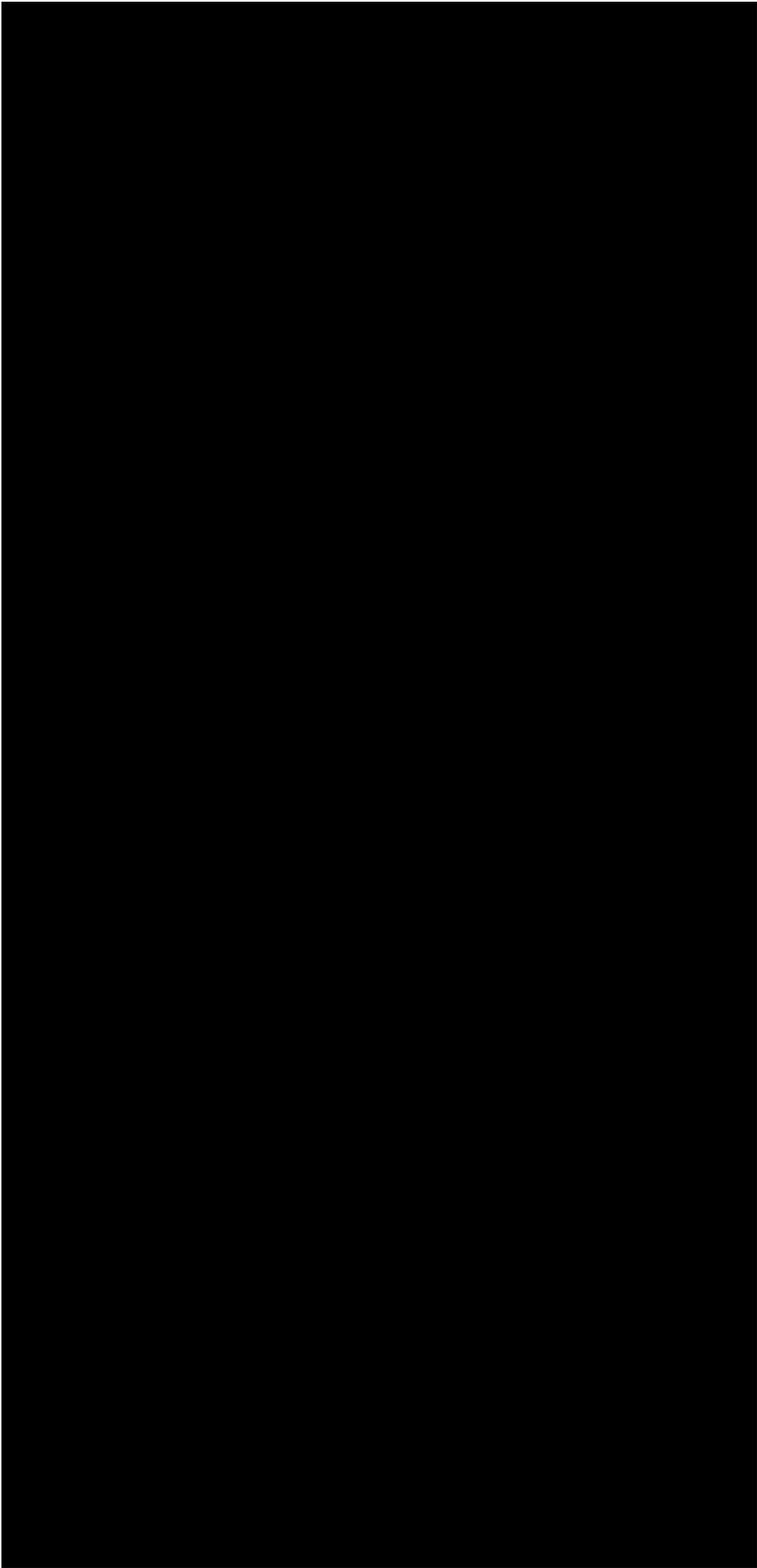
**From:** haydn chick <[REDACTED]>  
**Sent:** 05 April 2022 09:23  
**To:** BPC.Birmingham <BPC.Birmingham@justice.gov.uk>  
**Cc:** Birmingham Cty, Diary Mgr <birmingham.cty.dm@Justice.gov.uk>  
**Subject:** URGENT: Submissions for HS2 vs named/persons unknown

Please find attached submissions which I wish to present to the court on the 05/04/22, as a person unknown.

[https://cdn.fsbx.com/v/t59.2708-21/274364176\\_627379635012248\\_8094707818682469553\\_n.docx/HS2-Misconduct-in-Public-Office-Timetable.docx?\\_nc\\_cat=104&ccb=1-5&\\_nc\\_sid=0cab14&\\_nc\\_ohc=om1NZhDqZ1YAX990-7C&\\_nc\\_ht=cdn.fsbx.com&oh=03\\_AVLurujYdYtDhb2mn9KwTjl2gENu-9GIdd\\_S\\_TL1m0VjWQ&oe=624CC4C7&dl=1](https://cdn.fsbx.com/v/t59.2708-21/274364176_627379635012248_8094707818682469553_n.docx/HS2-Misconduct-in-Public-Office-Timetable.docx?_nc_cat=104&ccb=1-5&_nc_sid=0cab14&_nc_ohc=om1NZhDqZ1YAX990-7C&_nc_ht=cdn.fsbx.com&oh=03_AVLurujYdYtDhb2mn9KwTjl2gENu-9GIdd_S_TL1m0VjWQ&oe=624CC4C7&dl=1)

[https://tonyberkeley.co.uk/index\\_htm\\_files/rh210709%20to%20Cabinet%20Secretary%20on%20HS2.pdf](https://tonyberkeley.co.uk/index_htm_files/rh210709%20to%20Cabinet%20Secretary%20on%20HS2.pdf)

[Exclusive: Cabinet Office wont investigate ministers who 'broke' the ministerial code over HS2 scandal](#)





**Exclusive: Cabinet Office wont investigate ministers who ‘broke’ the ministerial code over HS2 scandal**

Documents show the cabinet secretary ignored allegations sent by a members of the House of Lords. Meanwhile the estimated cost of HS2 rises to £142.02bn.

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07710 431542, [berkeleyafg@parliament.uk](mailto:berkeleyafg@parliament.uk)

Simon Case Esq CVO  
Cabinet Secretary  
Cabinet Office, London SW1

9 July 2021

Dear Simon,

**Ministers have broken the Ministerial code by misleading Parliament on costs and timescales of HS2.**

I write to request you to investigate allegations in this letter and its attachment that ministers have failed to comply with the Ministerial Code paragraph 1.3 by:

- failing to 'give accurate and truthful information to Parliament',
- 'knowingly misleading Parliament', and
- failing to be 'as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest'

in respect of HS2, a project which is now estimated to cost £142.02 bn.

I also attach a summary of statements, issues and authors entitled 'HS2 Misconduct in Public Office.'

Although I generally support rail investments and improvements, I have challenged ministers and HS2 over many years on their failure to provide meaningful estimates of demand, costs or forecasts. I was Deputy Chair of the Oakervee Review but felt it necessary to resign when it became clear to me that the Department for Transport was unwilling to share the necessary information to enable an independent report to be produced. I have been helped by Cost Engineer Michael Byng, whose methodology in preparing cost estimates is now the rail industry standard, having been adopted by Network Rail and many others. I use his figures in this letter unless states otherwise.

The current estimated cost of the HS2 Project including trains, at 4th Quarter 2015 prices, is £142.02 bn. This compares with a Government Funding Envelope of £55.70 bn, given to the House of Commons when Nus Ghani MP was Rail Minister. This appears to be the only figure given to Parliament for its scrutiny.

It appears that ministers and officials have omitted to inform or misled parliament on many occasions:

- The first time was as a result of a meeting of Government officials and ministers at the Saïd Business School in Oxford in 2015/6 when it was concluded that HS2 could not be built for the money proposed to Parliament.
- The advice is corroborated by a PowerPoint presentation made in January 2018 by Jeremy Harrison, then HS2 Director of Risk and Assurance, to the Association of Project Managers – now in the public domain - which stated that the total of all contracts for the project was £84 bn. If one adds the risk allowance of 40% shared by HS2 Limited with the Oakervee Review in 2019, the total estimated cost came to £117.60 bn.
- Present and former employees of HS2 Limited have also confirmed that the advice given in 2015/16 was reaffirmed to the present Prime Minister when he assumed office in 2019.
- It is clear that the Prime Minister, his predecessors and other ministers were made aware of the probable outturn cost, but none chose to inform parliament when it was considering the HS2 Phase 1 Bill before it received Royal Assent on 23<sup>rd</sup> February 2017; nor did the present Prime Minister share the information with parliament or with The Oakervee Review in 2019.

I refer to the attached paper ‘HS2 Misconduct in Public Office’; Parliament was not informed about the conclusions of the advice given at the meetings in 2015/16 and in 2019, although perhaps the reason for this failure was a comment made to a parliamentary committee by an HS2 employee that ‘if we had given the true costs to Parliament, they would probably have refused to authorise the project.’

Ministers misinformed parliament right up to Royal Assent of this Bill for Phase 1, when Nus Ghani MP, then Transport Minister responsible for HS2, repeatedly told the Commons that there was no change to the budget when she and officials must have known of the £20bn increase in costs.

The misrepresentation of costs has been perpetuated by senior officers of HS2 Limited, by: -

- Mark Thurston, Chief Executive of HS2 Limited, in the interview shown on the BBC TV “Panorama” programme in December 2018, when he repeated the claim that the project was “*on time and on budget*”.
- Allan Cook, the erstwhile Chairman of HS2 Limited, published his “Stocktake Report” in August 2019, suggesting the likely cost of the project was £88 bn.

During the work on the Oakervee Review, of which I was Vice-Chairman, KPMG, acting for DfT, were unable to reconcile the Chairman’s Stocktake Report with the scope of the project and the Government Funding Envelope in the absence of a structured estimate for the project, which HS2 Limited was unable to provide. The same failure to provide a structured estimate was also noted by the then Transport Minister Lord Ahmad of Wimbledon at a meeting which Michael Byng and I held with him and HS2 officials on 18th January 2017

There are documents, recently obtained under Freedom of Information Act from the DfT, which record internal minutes of meetings attended by Mr. Cook and other senior HS2

Limited officer in 2018. In these meetings, HS2 Limited advises DfT officials that it cannot deliver the project within its allotted budget, £55.70 bn.

This same misleading of parliament has continued through the passage of the HS2 Phase 2A Bill as also described in the attached paper which notes that, based on many public statements both in parliament and elsewhere, ministers, DfT officials and including Allan Cook, former HS2 Chairman and Mark Thurston HS2 CEO have acted in a way that prevented parliament from undertaking proper scrutiny of the HS2 project. This is in spite of the Treasury-led Infrastructure and Projects Authority giving HS2 seven years in its amber/red and last year red category, meaning that the *'successful delivery of the project appears to be unachievable. There are major issues with project definition, schedule, budget, quality and/or benefits delivery, which at this stage do not appear to be manageable or resolvable. The project may need re-scoping and/or its overall viability reassessed.'*

This process of misinformation is still continuing. DfT Permanent Secretary Bernadette Kelly's letter to the Public Account Committee dated 22 June 2021 in respect of the budget for Old Oak Common Station, states *'we do not recognise the £1.7bn figure'* when Baroness Vere in the Lords had stated in a written Answer, HL14250, to me on 25 March, referring to the costs of Old Oak Common that, 'the budget allocated by HS2 Ltd for Old Oak Common station, including contingency for risk, is £1.67bn (2019 prices)'. So, what does Bernadette Kelly know that was hidden from her minister?

Unfortunately, the apparent confusion within the DfT on costs is to be compared with Michael Byng's estimate of the costs of Old Oak Common station, based on the plans submitted for planning permission, at £6.99 bn. Ministers and colleagues regularly state that the DfT does not recognise Michael's cost estimates but refuse to meet to discuss them. Unsurprisingly, these generally turn out to be correct a few months or a year or two later. For the record, his total costs of HS2 Phases 1, 2A and 2B East and West is now £142.02 bn at 2015 prices.

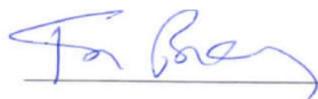
I therefore believe that the project has been promoted and procured by deception and possibly fraud from the start ten years ago, a process that has allowed the project to proceed in stages to ensure that the true costs will only come out when it is too late to change or cancel. Parliament would expect that Ministers would have complied with the Ministerial Code by ensuring that the true costs and time for project delivery were placed before it for its scrutiny and debate in a timely manner during the Hybrid Bill process, so that it could have an opportunity to affirm its support for the project or otherwise.

**I therefore conclude that the HS2 Phase 1 Bill received Royal Assent only because Ministers misled Parliament multiple times, either by omission or misinformation, and that this misleading has continued with Phase 2A - for a project now expected to cost £142 bn, ten times the original estimate.**

I look forward to your comments.

I am copying this letter to Rt Hon Grant Shapps MP, Secretary of State for Transport.

Yours Tony,



Tony Berkeley

## Mary Barraclough

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**From:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>  
**Sent:** 05 April 2022 14:13  
**To:** Sioned Davies; Jonathan Welch  
**Subject:** FW: Case no - QBD-2022-BHM-000044 - Swynnerton Estates -

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### Julie Dilcock | Litigation Counsel (Land & Property) | HS2 Ltd

Tel: 0121 720 4884 | Mob: 07795 062507 | [Julie.Dilcock@hs2.org.uk](mailto:Julie.Dilcock@hs2.org.uk) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited , Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA | [www.hs2.org.uk](http://www.hs2.org.uk)

*I sometimes choose to manage my e-mails in the evening and on weekends because I find this works best for me. I do not expect you to do the same. If you receive an e-mail from me outside working hours, I do not expect a response outside of your own working routine.*

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**From:** James Tyler-Morris <James.Tyler-Morris@hs2.org.uk>  
**Sent:** 05 April 2022 13:50  
**To:** Julie Dilcock <Julie.Dilcock@hs2.org.uk>; michael.fry@ftbchambers.co.uk; june.morgan2@justice.gov.uk  
**Cc:** Anthony Shepherdson <Anthony.Shepherdson@hs2.org.uk>; Peter Sollitt <Peter.Sollitt@hs2.org.uk>  
**Subject:** Case no - QBD-2022-BHM-000044 - Swynnerton Estates -

Please see below confirmation from the estate in regard to occupation of their land by objectors to the scheme.

Regards

James

**James Tyler-Morris BSc (Hons) MRICS | Phase 2 Acquisition Lead | HS2 Ltd**  
**Tel:** 0207 944 4165  
**Mobile:** 07584 640818

# HS2

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**From:** Estate Office <[REDACTED]>  
**Sent:** Tuesday, April 5, 2022 1:26:18 PM  
**To:** Anthony Shepherdson <[Anthony.Shepherdson@hs2.org.uk](mailto:Anthony.Shepherdson@hs2.org.uk)>  
**Subject:** [EXTERNAL] Swynnerton Estates

Dear Anthony

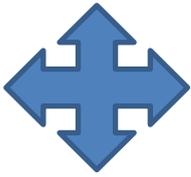
Further to our conversation, as agent for Swynnerton Estates, I confirm that there is no formal agreement as to occupation of any part of Swynnerton Estates by persons objecting to the construction of HS2 phase 2A.

Regards  
Russell Poole

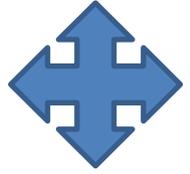
**Russell Poole**  
BSc (Hons) MRICS  
Chartered Surveyor

RPLA Ltd  
The Estate Office

Tel: [REDACTED] / Mobile: [REDACTED]



Stephen and Roslyn Colclough



Family and Civil Law Court,

4<sup>th</sup> May 2022

**Subject. HS2 route wide injunction hearing 26<sup>th</sup> and 27<sup>th</sup> May 2022**

Attention: Aaron Mooney, Clerk to the Court

Dear Aaron

It has been brought to our attention that a hearing is taking place on the 26<sup>th</sup> and 27<sup>th</sup> May 2022, to be heard by Justice Julian Knowles, regarding an application made by HS2 seeking a route wide injunction against 63 known HS2 protesters and also persons unknown. Could you pass this letter to Justice Knowles please.

My wife and I live in a small village in Staffordshire which is due to be crushed by the largest part of the HS2 phase 2b construction phase. We face upwards of ten years of hell whilst they tunnel through Whitmore. We definitely fall into the "persons unknown" category as the tunnel construction is approximately half a mile from our cottage, just outside of the compensation zone, but sufficiently near to have our retirement ruined. The area comprises land owned largely by the Mainwaring Estate. It contains many bridle ways, public walkways, open fields and wildlife wetlands. The Mainwaring family allow us to walk their land with our dogs as they do many other persons. We are aware that a large portion of the Mainwaring land is being taken either temporarily or permanently from the estate by HS2 but it is totally unclear to ourselves and other "persons unknown" where the boundaries lie. Also, Bent Lane which is adjacent to our cottage is being taken, in part, by HS2. It seems absurd that an injunction can be taken against ourselves and other people who will not know about this proposed injunction, that could put us in peril of unwittingly committing trespass and be subject to fines or even imprisonment.

We therefore wish to place on record to the court that we fiercely object to this injunction on the basis of its anonymity to thousands of effected householders and landowners to whom it has consequences. Why have HS2 not written to everyone on the route informing them of this hearing thus giving them the opportunity to object? HS2 cannot argue that this is not possible because everyone on the route gets regular letters from them on other matters thus the mailing list does, in fact, exist ! In conclusion we strongly object to this draconian action and ask that this letter is passed to the Judge for consideration.

Yours Faithfully

*Steve and Ros Colclough*

**D171**

Stephen and Roslyn Colclough

My statement in support of the Defence against the Claim QB-2022-BHM-00044, HS2 Ltd & SoS for Transport V Persons Unknown and Ors

Timothy Chantler

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

I believe the following to be a true and honest account.

I am a computer systems architect for a major financial services provider by profession. I am not an environmental activist, I am a concerned taxpayer and member of the public.

On Friday the 13<sup>th</sup> May 2022, at a time between 11am and 12am, I was walking along the A51 near Swynnerton in Staffordshire.

I was seriously concerned for the welfare for a number of individuals who were effectively unable to obtain food and water, due to HS2 surrounding their home with a temporary purchase order and a metal fence, having seen footage on the news. I was visiting the site on this day with the intention of ensuring the health and safety of those in the fenced off area, and assisting with any vital supplies or care they might need.

Taking great care to avoid the HS2 land, even though there were no markings or signs whatsoever to indicate which land was owned by HS2, and which was not, I walked along the public highway to a point level with a fenced area of woodland to the South of the A51.

I explained to the HS2 staff present that I was concerned for the welfare of various individuals, and explained clearly to the HS2 staff present that I was not intending to step onto their land at all, that I was not intending to enter the fenced area, and that I was only there to speak to the people behind the fence.

At this point I was surrounded by approximately 8-12 HS2 employees wearing NET badges, black uniforms and whole face coverings. They formed a line between me and the fenced area, and stood to my sides and behind me. I was still on public land, and this made me feel extremely intimidated being completely surrounded. The NET staff filmed me constantly, took photos of me throughout the encounter, and took photos of and loitered around my car (which I had spoken to the police liaison about and they had confirmed it was fine to park in the location I had parked)

I asked the HS2 / NET staff if I could pass water to the people behind the fence, approx. 3-4 metres away from my position. The HS2 / NET staff refused to allow me to do so.

I asked HS2 / NET staff if I could pass water to the HS2 / NET staff to pass to the people behind the fence. The HS2 / NET staff refused to do so.

I asked why HS2 / NET staff were effectively denying people the ability to obtain water and food on a sunny day where the temperature hit approximately 20c, and was given no answer.

One member of HS2 / NET staff asked me to leave the location. I asked why, and declined to do so unless asked to do so by the police, as I was on a clearly marked public highway and believed I had every right to be there. The HS2 / NET demand to move was made in a seemingly official capacity, and no mention was made by HS2 / NET that I would not have to comply. The police community liaison officer also confirmed later that I was completely within my right to be where I was.

I slowly and carefully moved myself a metre or so away from the HS2 / NET members directly between myself and the fence, so I could clearly see the people the other side of the fence, in order to talk to them. I remained on the public highway at all times.

After I had moved myself fractionally away from the HS2 / NET staff, approximately 4 of them moved directly between me and the fence again, blocking my visibility, preventing effective communication with the people behind the fence.

One member of HS2 / NET staff moved himself to a point where his chest was touching my arms, which were folded in front of me. He then immediately and repeatedly asked if I could move myself to provide him with 'personal space' as we were now touching. I politely refused, as I had been in plenty of clear space, and he had chosen to move himself to a position where he was touching me, against my will. This was extremely threatening and intimidating, and occurred while I was entirely on public land. Not HS2 land. The police community liaison present confirmed this at the time.

After an extremely stressful and intimidating few minutes with an HS2 NET employee pressed physically against me, against my will, while I was on public land, one of his colleagues called him away and he was replaced in the line in front of me by another NET member, who thankfully made no attempt to touch me, and did maintain at least a few inches of space away from my body.

Despite the wall of NET employee's blocking my view and ability to communicate with the residents of the fenced area, I managed to talk loudly enough to speak to the people the other side of the fence, and establish that they did indeed need water, and food. At this point I returned to my car, remaining on public land the entire time, and shortly thereafter departed to the nearest supermarket for water and food.

I returned from the shops to the same location on the A51 just after lunchtime on the 13<sup>th</sup> May 2022, and carried the water and food from my car, parked some way away on public land, back to the fenced area. I again remained on public land at all times.

The HS2 / NET staff once again followed me the entire time, formed a line between myself and the fenced area, filmed me, and took photos of me.

The HS2 / NET staff again refused to allow me to pass the water over the fence myself

The HS2 / NET staff again refused to pass the water and food over the fence on my behalf

At this point, the only option left to me was to throw the items of food over the fence. This was a difficult proposition due to the line of HS2 / NET employees in front of me.

I informed the NET employees of my intentions to throw the food and bottles of water over, and moved myself onto public land with a clear view of the fence and no NET staff obstructing me to avoid any potential injury to anyone.

Once again, the NET staff formed a line between me and the fence, placing themselves deliberately in a position obstructing my throwing of the food and water.

I informed the NET staff that I was about to throw the items, and took great care to throw the food and water over their heads without causing any injury, despite the difficult position the NET staff had put me in, and their constant obstruction.

This process of water and food delivery took some time, but I delivered approximately 30 litres of water and a substantial amount of fruit and other food stuffs and supplies to the people behind the fence. Despite the determined efforts by NET staff to prevent me from doing so.

This was an extremely stressful situation for me. I was intimidated constantly by NET staff. I was actively prevented from delivering water to people in need on a hot day by NET staff. I was followed by NET staff. I was photographed by NET staff. I was filmed by NET staff. I was asked to leave a location where I had every legal right to be by NET staff. I was physically touched against my will by NET staff.

At no point in the entire encounter did I step foot on HS2 land.

As the entire encounter was filmed by HS2, There is video evidence to corroborate my story. At one point a man with a camera walked past, and took several photos of the HS2 staff intimidating me, providing photographic evidence.

If this is how HS2 and NET behave on land they do not own, I can only imagine the distress or potential harm they will cause to untold numbers of members of the public if this injunction is allowed to go ahead. HS2 / NET staff clearly have no qualms making physical contact with members of the public on public land. HS2 / NET do not follow any of the same independent oversight procedures as the Police, nor are they as well trained or vetted. The potential for serious injury or harm to members of the public if the injunction goes ahead is, in my opinion, and based on my experience with the apparently unprofessional and intimidating NET staff, significant.

If the right to protest against HS2 is removed, the HS2 / NET staff who physically touched/assaulted and intimidated me on public land in Staffordshire, will be effectively free to do the same to any member of the public who either knowingly or unknowingly strays close to or onto HS2 land. HS2 / NET staff clearly have no respect for the boundaries of public land. HS2 / NET staff operate without oversight, without recourse. As a law-abiding citizen I find this idea abhorrent. The right to protest is the fundamental core of democracy – even if we do not like the protesters message or actions. We must not allow this injunction to proceed.

Timothy Chantler

The Chiltern Society was formed approximately 60 years ago with the remit to improve and protect the Chilterns AONB. The Society is active in a number of areas

- Maintaining 2,200 mile of footpaths and Public Rights of Way (PROW)
- Managing woodland, clearing streams and protecting the countryside for wildlife. This includes managing 12 sites across the Chilterns
- Promoting access to the Chiltern through walking, cycling and other events
- Promoting the heritage of the Chilterns through our annual heritage festival
- Over 600 volunteers on maintenance and development of footpaths, sites etc.

HS2 impacts the Chilterns AONB crossing the AONB at it widest point. This has had a severe impact on the footpath network crossing the MIsbourne Valley reducing the connectivity of the PROW network. Since the HS2 Act was passed the Society has worked with HS2's contractors, Align and EKFB to try to reduce the impact of the railway on the Chilterns, its inhabitants and other users. This has involved working to keep open the footpath network impacted by the development, including altering the signs for the footpaths closed to the paths which are being kept open. We regularly inspect the footpaths to ensure that they are safe to use. For the footpaths that cross the HS2 route, this means that our volunteers need to be able to access them on a regular basis. There are examples of footpaths being changed but the changes not being adequately signed.

The Society is maintaining a photographic record of the work on the HS2 line through the Chilterns AONB. To ensure this is adequate requires access to land controlled by HS2. As far as possible we agree our access to the HS2 'land', but this is not always possible. There are also issues with Security Staff not being adequately informed as to who is permitted to enter HS2 'land'.

We are of the opinion that a blanket injunction on 'persons unknown' would be unfair as

- There is no adequate method to ensure that a person using a footpath across HS2 'Land' would be aware of a potential infringement.
- Maintenance work on footpaths often requires accessing land on either side of the footpath. Would this result in an 'infringement'? As far as we are aware HS2 has not made adequate provision to ensure that footpaths crossing their 'land' are properly maintained.

**Mary Barraclough**

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**From:** [REDACTED]  
**Sent:** 16 May 2022 19:27  
**To:** Mooney, Aaron; QB.Birmingham  
**Subject:** HS2 Route Wide Injunction Application

**Importance:** High

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**I write to challenge this application:**

- **It cannot be lawful nor practical to stop anyone accessing all land acquired (or intended to be acquired) by HS2.**
- **Maps created are impossible to decipher - land ownership is not well defined.**
- **Miles and miles of central England are affected, leaving a route wide sterile desert.**
- **Notification of all relevant landowners is impossible.**
- **Residents of houses purchased by HS2 cannot move freely around their own homes.**
- **Members of the public cannot visit the above.**

**I ask the court please dismiss this punitive and so oppressive application.**

**With thanks**

**N. Woodhouse**