

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

UPON the Claimants' application by Application Notice dated 25 April 2019 ("the **Application**")

AND UPON the Claimants withdrawing their application to add Laura (aka Lora) Hughes as the Ninth Defendant to these proceedings

AND UPON hearing: (i) Tom Roscoe, counsel for the Claimants; (ii) the Third Defendant, Sarah Green, in person; (iii) Paul Powlesland, counsel for the Fourth Defendant; and (iv) the Eighth Defendant, Vajda Robert Mordechaj, in person, and Sarah Green, Mark Keir and Vajda Robert Mordechaj being present in Court upon the making of this Order

AND UPON the Court accepting the Claimants' undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the court finds that the Defendant ought to be compensated for that loss

AND UPON the Claimants confirming that this Order is not intended to prohibit continued occupation of the "Protestor Encampment" on Harvil Road, marked on the Plan annexed to this order ("the **Plan**")

AND UPON the Claimants confirming that they were not seeking their costs of the hearing on 13th, 14th and 16th May 2019 against any named defendant

IT IS ORDERED THAT:

Amendment & Parties

1. The Claimants have permission: (i) to amend the names of the First and Second Defendants to the form set out in the heading to this Order; and (ii) to amend the Claim Form in these proceedings to the form of the draft Amended Claim Form appended to the Application.

2. The Third to Eight Defendants be removed as parties, with no order as to costs of the proceedings against them.
3. The said amendments and additional and removal of parties shall take effect immediately, and further service of the Amended Claim Form is dispensed with.

Service by Alternative Method

4. Pursuant to CPR r. 6.27, the steps that the Claimant has taken to bring the Application to the attention of the Defendants, as outlined in the Fourth Witness Statement of Ms Julie Dilcock dated 8 May 2019 shall amount to good and proper service of the proceedings on the Defendants and each of them.

Injunctions

5. Upon service of this Order in accordance with paragraphs 10 to 14 below, the injunctions at paragraphs 2 to 4 of the Order of this Court in these proceedings dated 19 February 2018 shall be discharged and shall be replaced with the injunctions at paragraphs 6 to 9 below.
6. With immediate effect, and save in exercise of a right to pass and repass over public footpaths or bridleways crossing the land and save for passage over the lane known as and marked on the Plan annexed to this order (“the **Plan**”) as Dews Lane, the First Defendant and each of them are forbidden, without the consent of the First or Second Claimant, from entering or remaining upon “Land at Harvil Road”, being the land shaded green, blue and pink and outlined red on the Plan (“the **Harvil Road Site**”). Further:
 - 6.1 This paragraph of this Order shall, for the avoidance of doubt, apply to the splays, or bell-mouth areas, for access and egress between the Harvil Road Site and the public highway at the vehicular entrances marked on the Plan as “West Gate 3 Entrance”, “North Compound Entrance” and “South Compound Entrance” (“the **Vehicular Entrances**”).
 - 6.2 For the purposes of this Order the areas of concrete hard standing immediately adjacent to the main carriageway of the public highway at each of the Vehicular Entrances shall **NOT** be treated as part of the

Harvil Road Site, but the areas of the bell-mouths between that concrete hard standing and the gates at the Vehicular Entrances **SHALL** be treated as part of the Harvil Road Site and covered by this paragraph of the Order.

- 6.3 The Claimants shall seek, so far as reasonably practicable, to demark that boundary by some physical line or mark or other feature on the ground.
7. With immediate effect, the Second Defendant and each of them are forbidden from substantially interfering with the Claimants' and/or their agents', servants', contractors', sub-contractors', group companies', licensees', invitees' or employees' access to (or egress from) the Harvil Road Site (or any part of it) from (or to) the public highway at Harvil Road, Harefield in the London Borough of Hillingdon.
8. For the purposes of paragraph 7, acts of substantial inference shall include (but not necessarily be limited to):
- 8.1 climbing onto or underneath vehicles;
- 8.2 attaching persons or objects to vehicles;
- 8.3 standing, sitting or lying in front of vehicles;
- 8.4 attaching persons to other persons or objects so as to create an obstruction of the public highway or the splay or bell-mouth areas at the Vehicular Entrances;
- 8.5 attaching persons or objects to the gates at the Vehicular Entrances.
9. The orders at paragraphs 6 to 8 above shall:
- 9.1 apply to the individuals who were formerly the Third to Eighth Defendants if and to the extent that their actions bring them within the descriptions of the First and/or Second Defendants; and
- 9.2 remain in effect until trial or further order or, if earlier, a long-stop date of 1 June 2020.

Service of the Order

10. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows:
 - 10.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Harvil Road Site, including at and opposite the Vehicular Entrances.
 - 10.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.
 - 10.3 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked on the Plan.
 - 10.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites: (i) <https://hs2inhillindon.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>, together with a link to download an electronic copy of this Order.
11. The taking of such steps shall be good and sufficient service of this Order on the First and Second Defendants and each of them.
12. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
13. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 5.1 and 5.2 remain in place and legible, and, if not, shall replace them as soon as reasonably practical.
14. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).

Further directions

15. No Defendant shall be required to file an acknowledgment of service. Further:

15.1 Any Defendant (or individual who does or may by their future acts or conduct fall within the definition of the First or Second Defendant) who wishes to contest the claim as amended shall file and serve on the Claimant's solicitor an acknowledgement of service on the Claimant's solicitors (whose details are set out below) and a witness statement outlining their interest in this matter and the nature of or grounds for that contest by 4pm on 13 June 2019.

15.2 In the case of an individual who is not already named as a Defendant, that person must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.

16. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).

17. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.

18. In the event that any acknowledgments of service or applications are filed or served pursuant to paragraph 15 above, the Claimants shall notify the Court in writing and seek the listing of a directions hearing.

19. The Claimants have liberty to apply to extend or vary this Order or for further directions.

20. Save as provided for above, the Claim be stayed generally with liberty to restore.

Costs

21. There shall be no order as to the costs of these proceedings to date.

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

Communications with the Court

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

Court Manager
High Court of Justice
Chancery Division
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL

The telephone number is 020 7947 7501. The officer are open weekdays 10.00am to 4.30pm.

The out of hours telephone number (for urgent business only) is 020 7947 6260.

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

Eversheds Sutherland (International) LLP of:

1 Callaghan Square
Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Ref: DILCOCJ/335547-000045

AND UPON the Fourth Defendant's application, made orally by Mr Powlesland, for permission to appeal

25. Permission to appeal is refused

26. **This order will be served by the Claimant on the Defendants**

Service of the order

The Court has provided a sealed copy of this order to the serving party:

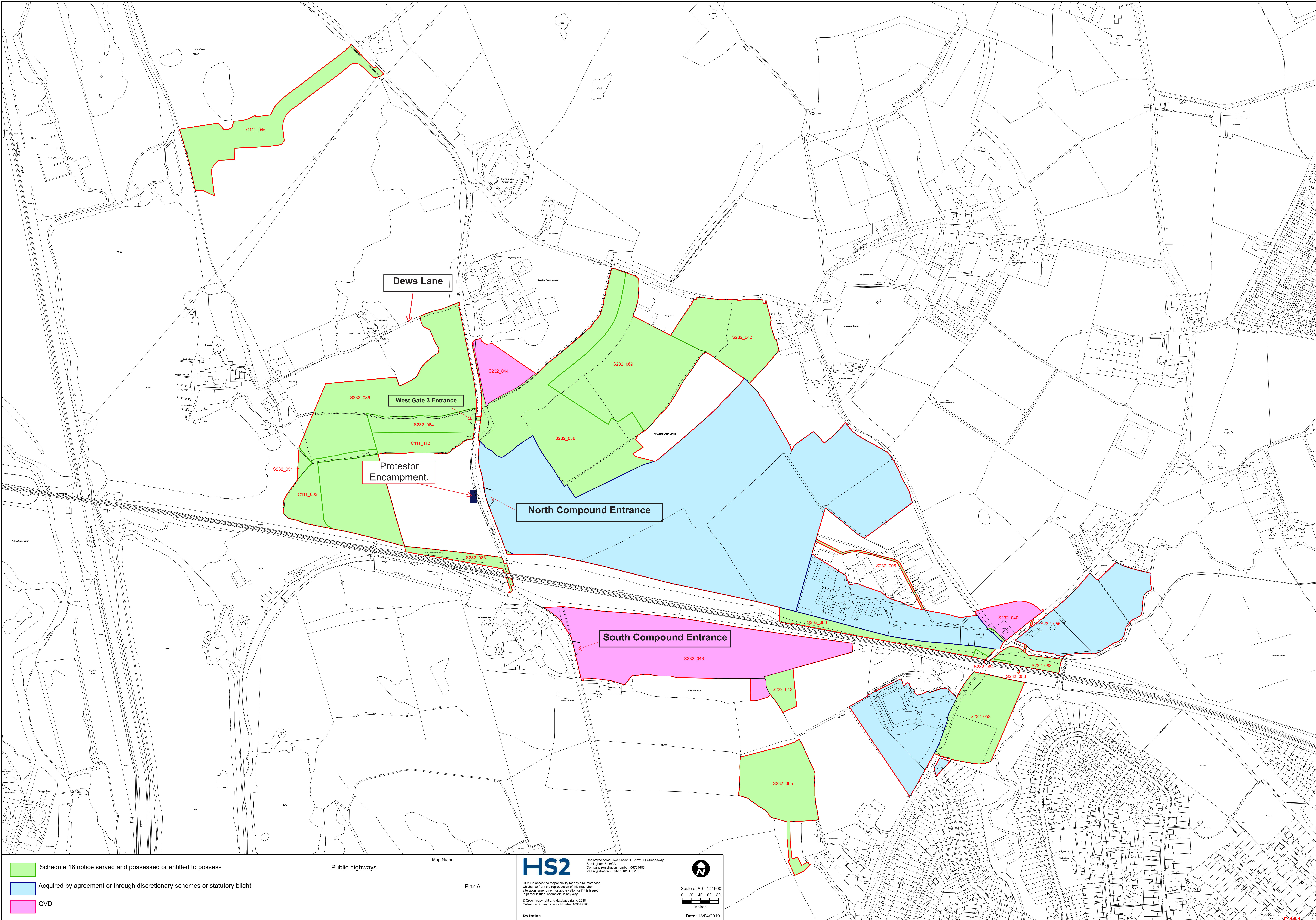
Eversheds Sutherland (International) LLP of:

1 Callaghan Square
Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Ref: DILCOCJ/335547-000045



<div style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black;"></div> Schedule 16 notice served and possessed or entitled to possess	Public highways	Map Name	<div>HS2</div> <p>HS2 Ltd accept no responsibility for any circumstances, whatsoever, from the reproduction of this map after alteration, amendment or abbreviation or if it is issued in part or issued incomplete in any way.</p> <p>© Crown copyright and database rights 2018 Ordnance Survey Licence Number 100049190.</p> <p>Doc Number:</p>	<div></div> <p>Scale at A0: 1:2,500</p> <div><div style="width: 80px; height: 10px; background: linear-gradient(to right, black 40%, white 40%, white 60%, black 60%);"></div><div style="display: flex; justify-content: space-between; width: 80px;">020406080</div><p>Metres</p></div> <p>Date: 18/04/2019</p>
<div style="display: inline-block; width: 15px; height: 15px; background-color: #ADD8E6; border: 1px solid black;"></div> Acquired by agreement or through discretionary schemes or statutory blight		Plan A		
<div style="display: inline-block; width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></div> GVD				



Claim No: PT-2019-000798
(Transferred from the County Court at
Uxbridge with Claim No. F01UB002)

PT-2019-000798

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

**Mr David Holland QC
(Sitting as a Deputy Judge of the High Court)**

Dated this 28th November 2019

B E T W E E N:

HIGH SPEED TWO (HS2) LTD

Claimant

and

**(1) PERSONS UNKNOWN
(2) MARK KEIR
(3) SARAH GREEN
(4) ALAN LOFTING**

Defendants

ORDER

UPON the Claimant's claim for possession dated 3 September 2019 under claim number F01UB002 ("the Possession Claim") against the First Defendant.

AND UPON an order in the County Court at Uxbridge dated 16 September 2019 (i) adding the Second, Third and Fourth Defendants as Defendants to the Possession Claim, (ii) transferring the Possession Claim from the County Court at Uxbridge to the High Court, and (iii) adjourning the Possession Claim generally with liberty to restore.

AND UPON the Claimant's application by application notice dated 30 September 2019 to restore the Possession Claim and for an order for possession and a declaration

AND UPON hearing Jonathan Chew, Counsel for the Claimant, Paul Powlesland, Counsel for the Second Defendant and the Third and Fourth Defendants appearing in person on 16 October 2019

AND UPON HEARING Ms Laura Hughes in person in respect of her denial of allegations made about her in the Claimant's witness evidence but neither (i) joining Ms Hughes as a party nor (ii) making a finding in respect of the said allegations.

AND UPON READING the N244 application, Claim Form, Particulars of Claim, First and Second Witness Statements of Sean Robert Armstrong, the First Witness Statement of Robert William McCrae and the Certificate of Service of Mark Seymour dated 10 September 2019, the Certificate of Service of Mark Seymour dated 14 October 2019 and the Certificate of Service of Raymond Finch dated 14 October 2019

AND UPON the Court giving judgment at a hearing on 28 November 2019

IT IS ORDERED THAT:-

1. The claim be restored.
2. The Claimant does recover possession forthwith of land at and adjacent to Dews Farm, Harvil Road, Harefield, Uxbridge, Hillingdon as shown edged red on the plan attached to this Order ("the Land").
3. There be no order as to the costs of these proceedings.
4. Pursuant to CPR r.6.27, the Claimant shall serve a copy of this Order upon the Defendants as follows:
 - 4.1. on the First Defendant by delivering to and leaving sealed copies of this Order on parts of the Land such that they are visible to those occupying it and at Harvil Road Wild Life Protection Camp, UB9 6JW;
 - 4.2. on the Second Defendant by post or hand delivery to 31 Winnock Road, West Drayton, UB7 7RH;
 - 4.3. on the Third Defendant by post or hand delivery to 73 Iver Lane, Cowley, Uxbridge, UB8 2JE; and
 - 4.4. on the Fourth Defendant by leaving a copy addressed to him at Harvil Road, Wild Life Protection Camp, UB9 6JW (or such other address as shall be notified to the Claimant's solicitors in writing in advance).

Service of the Order

The Court has provided sealed copies of this Order to the Claimant's solicitors for service whose details are:

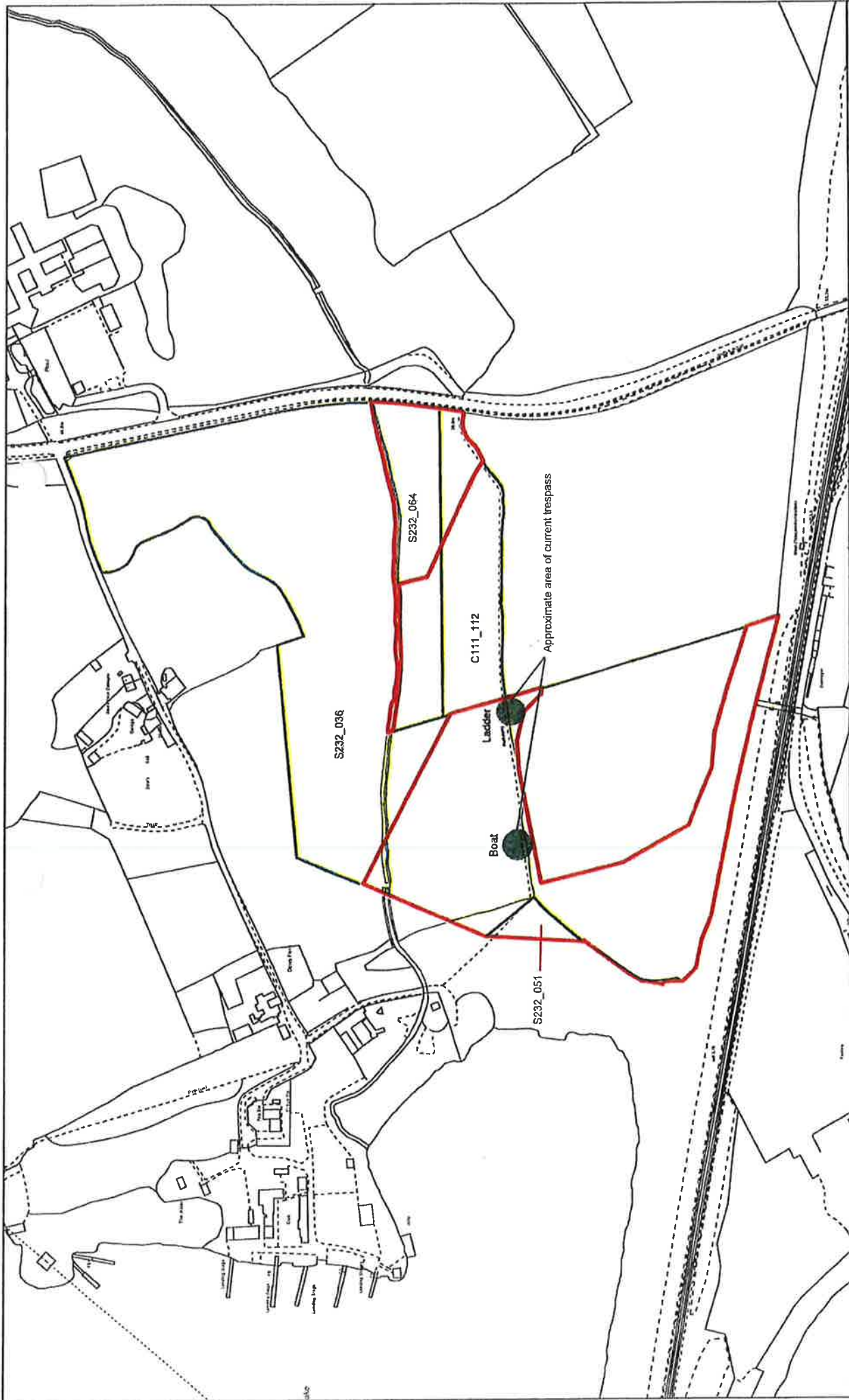
Eversheds Sutherland (International) LLP:

1 Callaghan Square, Cardiff, CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Ref: JENKINSW/335547-000116



Legend

Possession Order Land

Schedule 16 land

High Speed Two
Schedule 16 Land
and
Possession Order Land

Harvil Road

Internal

NOT A SOURCE OF INFORMATION FOR ANY CLAIMANTS, WHICH, AND IN THE EVENT OF ANY CLAIM, THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PROVIDED.

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HS2

High Speed Rail (Great Britain) Bill 2017

High Speed Rail (Great Britain) Bill 2017

Scale at A3: 1:2,500

North Arrow

Doc Number: P1C-HS2-GH-MAP-C001-000003-P01

Date: 30/08/19



Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

**Before: the Hon Mr Justice Fancourt
21 May 2020**

PT-2018-000098

B E T W E E N:

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

Claimants/Applicants

-and-

- (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM
- (2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM
- (3) to (33) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE HERETO

Defendants / Respondents

ORDER

EXTENDING THE DURATION OF THE INJUNCTION MADE BY DAVID HOLLAND QC (SITTING AS A DEPUTY JUDGE OF THE HIGH COURT) ON 16 MAY 2019

PENAL NOTICE

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

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

FURTHER TO the Order made in these proceedings by Mr David Holland QC (sitting as a Deputy Judge of the High Court) on 16 May 2019 (“the **2019 Order**”).

AND UPON the Claimants’ application by Application Notice dated 18 May 2020, pursuant to the liberty to apply provisions at paragraph 19 of the 2019 Order, to extend the duration of the injunctions contained at paragraphs 6 to 9 of the 2019 Order (“the **Extension Application**”)

AND UPON hearing in public by remote Skype hearing: (i) Tom Roscoe and Daniel Scott, counsel for the Claimants; (ii) Sailesh Mehta, counsel for Sarah Green (previously the Third Defendant to these proceedings); (iii) Leo Smith, a member of the public interested in the Extension Application wishing to be joined as a Defendant to these proceedings or as a Respondent to the Extension Application to make representations on behalf of others; and (iv) Caroline Thomson-Smith, a person interested in opposing the Extension Application and wishing to be joined as a Defendant to these proceedings and as a Respondent to the Extension Application.

AND UPON the Claimants indicating that they are content to provide to Mr Smith copies of further evidence or other documents filed in these proceedings from time to time at the email address provided by him in advance of the hearing.

AND UPON there being no appearances or representation by or on behalf of any other person, notwithstanding the indications in advance of the hearing: (i) from Mark Kier (previously the Fourth Defendant in these proceedings) that he was instructing counsel to attend; and (ii) from an individual named “Conner” purporting to speak for “Dews Lane residents” that he together with “several dozen individuals” wished to attend the hearing.

AND UPON the Claimant indicating that it intends in due course to bring a further application to amend its claim and vary and extend the form of the 2019 Order so that it: (i) covers additional land; (ii) extends for a longer period; and (iii) is directed

against particular named defendants (“the **Substantive Amendment Application**”).

AND UPON the Court directing that the Claimants should identify and seek to join as defendants those persons now alleged to be threatening or intending to act unlawfully after 1 June 2020, whose names are known to them, on the basis that the correct defendants and respondents to the Extension Application may and should be reviewed from time to time, as circumstances change.

AND UPON the Court accepting the Claimants’ renewed undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the court finds that the Defendant ought to be compensated for that loss

AND UPON the Claimants confirming that this Order is not intended to prohibit continued occupation of the “Protestor Encampment” on Harvil Road, marked on the Plan annexed to this order (“the **Plan**”)

IT IS ORDERED THAT:

Parties

1. The persons listed in the schedule hereto shall be added as parties to these proceedings as the Third to 33rd Defendants (together, “the **Named Defendants**”) and each shall be a respondent to the Extension Application.
2. Leo Smith shall not be a Named Defendant or a respondent to the Extension Application.

Continuation of 2019 Order

3. The injunctions set out in paragraphs 6 to 8 of the 2019 Order shall continue after the long-stop date of 1 June 2020 specified at paragraph 9.2 of the 2019 Order and shall continue until after the hearing of the Extension Application on the Return Date (as provided for by paragraph 16 below) and after the Return Date to the extent that the Court so orders on that occasion. At the hearing of the Extension Application on the Return Date, the further continuation of the injunctive relief beyond the date of that hearing is to be reconsidered.

4. The injunction at paragraphs 6 to 8 of the 2019 Order (as amended by paragraph 3 above) shall from the date of service of this Order apply to the Named Defendants as well as to the First and Second Defendants. Accordingly, the injunction which continues against the First and Second and Named Defendants is – for the avoidance of doubt – as set out in paragraphs 5 to 7 of this Order.

Injunction in force

5. With immediate effect, and save in exercise of a right to pass and repass over public footpaths or bridleways crossing the land and save for passage over the lane known as and marked on the Plan annexed to the Amended Claim Form and re-attached to this order (“the **Plan**”) as Dews Lane, the First Defendant, the Named Defendants and each of them are forbidden, without the consent of the First or Second Claimant, from entering or remaining upon “Land at Harvil Road”, being the land shaded green, blue and pink and outlined red on the Plan (“the **Harvil Road Site**”). Further:
 - 5.1 This paragraph of this Order shall, for the avoidance of doubt, apply to the splays, or bell-mouth areas, for access and egress between the Harvil Road Site and the public highway at the vehicular entrances marked on the Plan as “West Gate 3 Entrance”, “North Compound Entrance” and “South Compound Entrance” (“the **Vehicular Entrances**”).
 - 5.2 For the purposes of this Order the areas of concrete hard standing immediately adjacent to the main carriageway of the public highway at each of the Vehicular Entrances shall **NOT** be treated as part of the Harvil Road Site, but the areas of the bell-mouths between that concrete hard standing and the gates at the Vehicular Entrances **SHALL** be treated as part of the Harvil Road Site and covered by this paragraph of the Order.
 - 5.3 The Claimants shall seek, so far as reasonably practicable, to demark that boundary by some physical line or mark or other feature on the ground.

6. With immediate effect, the Second Defendant, the Named Defendants and each of them are forbidden from substantially interfering with the Claimants' and/or their agents', servants', contractors', sub-contractors', group companies', licensees', invitees' or employees' access to (or egress from) the Harvil Road Site (or any part of it) from (or to) the public highway at Harvil Road, Harefield in the London Borough of Hillingdon.
7. For the purposes of paragraph 6, acts of substantial inference shall include (but not necessarily be limited to):
 - 7.1 climbing onto or underneath vehicles;
 - 7.2 attaching persons or objects to vehicles;
 - 7.3 standing, sitting or lying in front of vehicles;
 - 7.4 attaching persons to other persons or objects so as to create an obstruction of the public highway or the splay or bell-mouth areas at the Vehicular Entrances;
 - 7.5 attaching persons or objects to the gates at the Vehicular Entrances.

Service

8. Pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Extension Application on the First and Second Defendants (as set out in the Second Witness Statement of Ms Shona Jenkins dated 20 May 2020, and the Certificate of Service dated 21 May 2020 and witness statement of Mr Raymond Finch) shall amount to due service of the Extension Application on the First and Second Defendants. The deemed date of service is 21 May 2020.
9. Pursuant to CPR r. 6.27 and r. 81.8, service of this Order on the First and Second Defendants shall be dealt with as follows:
 - 9.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Harvil Road Site, including at and opposite the Vehicular Entrances.

- 9.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.
- 9.3 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked on the Plan.
- 9.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites: (i) <https://hs2inhillington.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>, together with a link to download an electronic copy of this Order.
10. The taking of such steps shall be good and sufficient service of this Order on the First and Second Defendants and each of them.
11. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
12. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 9.1 and 9.2 remain in place and legible, and, if not, shall replace them as soon as reasonably practical.
13. The Claimants shall also make available an electronic copy of the 2019 Order available at the websites listed in paragraph 9.4 above.
14. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
15. The Claimants must use reasonable endeavours forthwith to serve the Named Defendants with the Extension Application and this Order. The Claimants have liberty to apply for orders for alternative service of those documents upon the Named Defendants under CPR r.6.27 and/or r.81.8, which application may be heard at the Return Date.

The Return Date Hearing

16. A further hearing of the Extension Application (“the **Return Date**”) is to be listed on the first available date in the weeks commencing 15 June 2020 or 22 June 2020 (though avoiding 16, 23 and 24 June 2020), or on the first available date thereafter, with a time estimate of one day.
17. The Court shall provide a notice of hearing to the Claimants’ solicitors, which the Claimants are to publicise by sending a copy to any known email addresses of Ms Green, Mr Mehta, Mr Smith, Ms Thomson-Smith, Mr Kier and Connor, and by posting a copy on the websites at paragraph 9.4 above, and by giving a copy to each of the Named Defendants whom the Claimants have been able to serve (or do later serve) with the Extension Application and this Order.
18. Any Named Defendant who wishes to contest the Extension Application at the Return Date may file and serve on the Claimants’ solicitors (whose details are set out below) a witness statement outlining their interest in this matter, the grounds on which they will contest it and any facts relied on by no later than 4pm on 2 June 2020. Any Named Defendant who files and serves a witness statement must include in his or her witness statement with a postal address for service or email address at which they are prepared to accept electronic service of documents.
19. Any other individual who wishes to contest the Extension Application or who otherwise wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants’ claim or the Extension Application may by no later than 4pm on 2 June 2010:
 - 19.1 file and serve a witness statement outlining their interest in this matter, the grounds on which they will contest it and any facts relied on; and
 - 19.2 must in their witness statement provide a postal address for service or email address at which they are prepared to accept electronic service of documents.
20. The Claimants may file by 4pm on 9 June 2020 evidence in response to the evidence filed by any Defendant and if they do so they must send a copy to any known email addresses of Ms Green, Mr Mehta, Mr Smith, Ms Thomson-

Smith, Mr Kier and Connor, and post a copy or link on the websites at paragraph 9.4 above, and provide a copy to each of the Named Defendants whom the Claimants have been able to serve (or do later serve) with the Extension Application and this Order.

Further directions

21. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
22. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
23. The Claimants have liberty to apply to extend or vary this Order or for further directions.
24. Costs reserved.

Communications with the Court

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

Court Manager
High Court of Justice
Chancery Division
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL

The telephone number is 020 7947 7501. The officer are open weekdays 10.00am to 4.30pm.

The out of hours telephone number (for urgent business only) is 020 7947 6260.

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

Eversheds Sutherland (International) LLP of:
1 Callaghan Square

Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Ref: JENKINSW/335547/000169

The Court has provided a sealed copy of this Order to the Claimants' solicitors at the above address for service.

SCHEDULE OF NAMED DEFENDANTS

3. Sarah Green
4. Mark Keir
5. *[No longer used]*
6. *[No longer used]*
7. Thorn Ramsey
8. Vajda Robert Mardechaj
9. Iain Oliver
10. Elliott Cuciurean
11. Jess Walker
12. Matt Atkinson
13. Scott Breen
14. Hannah Bennett
15. James aka "Jimmy" Ruggles
16. Nick Grant aka "Potts"
17. Stuart Ackroyd
18. Wiktorina Zieniuk
19. Paul Sandison
20. Tom Dalton
21. Conner Nichols
22. Dr Ian "Larch" Maxey
23. Sebastian Roblyn Maxey
24. Jessica Heathland-Smith
25. Ella Dorton
26. Karl Collins
27. Sam Goggin
28. Hayley Pitwell
29. Jacob Harwood
30. Tom Holmes
31. Libby Fairbrother
32. Sam Smithson
33. Caroline Thomson-Smith



Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

Before: David Holland QC (sitting as a Deputy Judge of the High Court)

On: 22 June 2020

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) [THE NAMED DEFENDANTS LISTED IN THE SCHEDULE HERETO]

(36) 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

ORDER

***RESTRAINING TRESPASS ON AND OBSTRUCTION OF ACCESS TO AND
FROM THE LAND DESCRIBED HEREIN***

PENAL NOTICE

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

IMPORTANT NOTICE TO THE DEFENDANTS

- (1) This Order (and paragraphs 6 to 10 in particular) prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.
- (2) Electronic copies of the applications and evidence filed in these proceedings are available electronically at (i) <https://hs2inhillington.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>. Any person who is unable to obtain electronic copies of documents at that address, or who wishes to obtain hard copies of documents, should contact the Claimants' solicitors (Eversheds Sutherland (International) LLP) using the contact details at the end of this Order.
- (3) A further hearing in these proceedings is to be listed for four days in the High Court in the week commencing 24 August 2020. Details of the hearing will, when known, be advertised at the websites indicated in the paragraph above. Any person interested in attending the hearing should therefore monitor those websites.

FURTHER TO the Order of Mr David Holland QC (sitting as a deputy judge of the High Court) on 16 May 2019 ("the **2019 Order**").

AND UPON the Claimants' application by Application Notice dated 18 May 2020 to extend the duration of the injunctions contained at paragraphs 6 to 9 of the 2019 Order ("the **Extension Application**") pending the bringing of the Substantive Amendment Application (defined below).

AND FURTHER TO the extension and variation of the 2019 Order by further order of Mr Justice Fancourt on 21 May 2020 ("the **May 2020 Order**") pursuant to the Extension Application, and the listing of this 22 June 2020 hearing as the return date of the Extension Application.

AND UPON the Claimants having served the Extension Application and May 2020 Order personally on the following Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020): the 3rd, 4th, 8th, 9th, 10th, 13th, 17th, 18th, 21st, 30th, 31st, 32nd Defendants on 29 May 2020; the 31st Defendant on 30 May 2020; and the proposed 34th Defendant on 16 June 2020.

AND UPON the Claimants' application by Application Notice dated 15 June 2020: (i) to amend their claim to include additional parcels of land within the injunction they seek; (ii) to add and remove defendants to the Claim; and (iii) for further interim injunctive relief ("the **Substantive Amendment Application**").

AND UPON the Claimants having served the Substantive Amendment Application personally on the following Named Defendants on 16 June 2020 (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020): the 8th, 10th, 22nd and 23rd Defendant and the Proposed 34th Defendant.

AND UPON the Court having read: (i) the first witness statement of Shona Ruth Jenkins dated 18 May 2020; (ii) the second witness statement of Shona Ruth Jenkins dated 20 May 2020; (iii) the first witness statement of the 3rd Defendant, Sarah Green, dated 1 June 2020; (iv) the undated statement of the 4th Defendant, Mark Kier, at pp.52-57 of Volume 1 of the hearing bundle; (v) the statement of the 8th Defendant, Robert Mordechaj, in an email dated 2 June 2020 (p.58 of Volume 1); (vi) the statement of the 9th Defendant, Iain Oliver, in an email dated 2 June 2020 (p.59 of Volume 1); (vii) the first and second witness statements of Rohan Perinpanayagam dated 9 June 2020 and 15 June 2020 respectively; (viii) the second witness statement of Richard Joseph Jordan dated 15 June 2020; and (ix) the portions of the third witness statement of Shona Ruth Jenkins dated 19 June 2020 to which the Court was referred during the hearing

AND UPON hearing in public by remote Skype hearing: (i) Tom Roscoe and Daniel Scott, counsel for the Claimants; (ii) Sailesh Mehta, counsel for the 3rd Defendant; (iii) Paul Powlesland, counsel for the 4th Defendant; and (iv) the 8th to 9th Defendants, the 18th Defendant, the 21st to 23rd Defendants, the 26th to 29th Defendants, the 31st to 32nd Defendants and the Proposed 35th Defendant, all appearing in person.

AND UPON the 3rd, 4th, 8th, 9th, 18th, 21st, 22nd, 23rd, 26th, 27th, 28th, 29th, 31st, 32nd Defendants and Proposed 35th Defendant being present at the remote hearing upon the making of this Order.

AND UPON each of those Named Defendants present, save for the 27th Defendant, having provided to the Claimants at or before the hearing an address or other location or email address at which future service in these proceedings may be effected.

AND UPON the 27th Defendant indicating at the hearing that he would provide to the Claimants' solicitors an email address for service.

AND UPON the Court accepting the Claimants' renewed undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the court finds that the Defendant ought to be compensated for that loss.

AND UPON the Claimants confirming that this Order is not intended to prohibit continued occupation of the "Protestor Encampment" on Harvil Road, marked on Plan A annexed to the draft Re-Amended Claim Form and re-attached to this order ("**Plan A**").

AND UPON the Claimants indicating via counsel at the hearing that the Claimants intend to seek an order for costs against any Named Defendant who opposes unsuccessfully the Substantive Amendment Application at the Further Hearing provided for by paragraph 21 of this Order.

IT IS ORDERED THAT:

Parties

1. The names of the First and Second Defendants be amended to the form set out in the header to this Order.
2. The third to 35th Defendants to these proceedings (together, "the **Named Defendants**") shall be as set out on the Schedule to this Order, and each shall be a respondent to the Substantive Amendment Application. Accordingly:

- 2.1 the spelling of the name of the Eighth and 32nd Defendant be corrected to the form in the said Schedule;
 - 2.2 the 33rd Defendant be removed as a defendant to these proceedings; and
 - 2.3 the 34th to 35th Defendants be added as defendants to these proceedings.
3. The 36th Defendant shall be as set out in the header to this Order, and shall be both a defendant to these proceedings and a respondent to the Substantive Amendment Application.

Amendment to Claim Form

4. The Claimants have permission to re-amend the Part 8 Claim Form issued on 5 February 2018 in the form of the draft Re-Amended Claim Form appended to the Substantive Amendment Application, to be updated to reflect the addition, removal and amendment of parties as set out in paragraphs 1 to 3 above.
5. The said amendments to the Claim Form and addition, removal and changes to the names of parties shall take effect immediately, and further service of the Re-Amended Claim Form is dispensed with.

Injunction continuing in force

6. With immediate effect the First Defendant, the Named Defendants and each of them are forbidden, without the consent of the First or Second Claimant, from entering or remaining upon “Land at Harvil Road”, being the land shaded green, blue and pink and outlined red (“the **Harvil Road Site**”) on Plan A. Further:
 - 6.1 This paragraph of this Order shall, for the avoidance of doubt, apply to the splays, or bell-mouth areas, for access and egress at the following vehicular entrances to the Harvil Road Site (all together, “the **Vehicular Entrances**”).
 - (i) between the Harvil Road Site and the public highway known as the Harvil Road, Harefield in the London Borough of Hillingdon (“**Harvil**

Road") at the vehicular entrances marked on Plan A as "Gate 1", "Gate 2", "West Gate 3 Entrance", "Fusion Dews Lane Compound HQ" and "Gate 4" ("the **Harvil Road Entrances**"); and

- (ii) between the Harvil Road Site and the adjoining land in the vicinity of the Hillingdon Outdoor Activity Centre ("the **HOAC**") marked on Plan A at "Dews Lane West" ("the **Dews Lane West Entrance**").

6.2 For the purposes of this Order the areas of concrete hard standing immediately adjacent to the main carriageway of the public highway at each of the Harvil Road Entrances shall **NOT** be treated as part of the Harvil Road Site, but the areas of the bell-mouths between that concrete hard standing and the gates at the Harvil Road Entrances **SHALL** be treated as part of the Harvil Road Site and covered by this paragraph of the Order.

6.3 The Claimants shall seek, so far as reasonably practicable, to demark that boundary by some physical line or mark or other feature on the ground.

7. With immediate effect, the 36th Defendant, the Named Defendants and each of them shall not: (i) cut, damage, move, climb on or over, dig beneath or remove any item affixed to any temporary or permanent fencing or gates on or at the perimeter of the Harvil Road Site; or (ii) damage, apply any substance to or interfere with any lock on any gate at the perimeter of the Harvil Road Site without the consent of the Claimants.

8. With immediate effect, the Second Defendant, the Named Defendants and each of them are forbidden from substantially interfering with the Claimants' and/or their agents', servants', contractors', sub-contractors', group companies', licensees', invitees' or employees' access to (or egress from) the Harvil Road Site (or any part of it):

8.1 from (or to) the Harvil Road or other public highway; and/or

8.2 from (or to) adjacent land in the vicinity of the HOAC via the Dews Lane West Entrance.

9. For the purposes of paragraph 8, acts of substantial interference shall include (but not necessarily be limited to):
 - 9.1 climbing onto or underneath vehicles;
 - 9.2 attaching persons or objects to vehicles;
 - 9.3 standing, sitting or lying in front of vehicles;
 - 9.4 attaching persons to other persons or objects so as to create an obstruction of the public highway or the splay or bell-mouth areas at the Vehicular Entrances;
 - 9.5 attaching persons or objects to the gates at the Vehicular Entrances.
10. The injunctions at paragraphs 5 to 9 above shall continue until after the Further Hearing in the Substantive Amendment Application (as provided for by paragraph 21 below) to the extent that the Court orders on that occasion. At that Further Hearing, the further continuation of injunctive relief beyond the date of that hearing is to be reconsidered.

Service on First and Second Defendants

11. Pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Substantive Amendment Application on the First and Second Defendants (as set out in the third witness statement of Ms Shona Jenkins dated 19 June 2020) shall amount to due service of the Substantive Amendment Application on those defendants. The deemed date of service is 17 June 2020, and the period of service be abridged to the extent necessary to allow the hearing of the Substantive Amendment Application to have been effective.
12. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
13. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First, Second and 36th Defendants shall be dealt with as follows:
 - 13.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations

around the Harvil Road Site, including at and opposite the Vehicular Entrances.

13.2 The Claimants shall position in the same locations signs, no smaller than A3 in size, advertising the existence of this Order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.

13.3 The Claimants shall also leave sealed copies of this Order at the Protestor Encampment marked on Plan A.

13.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites: (i) <https://hs2inhillington.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>, together with a link to download an electronic copy of this Order.

14. The taking of such steps shall amount to due service of this Order on the First, Second and 36th Defendants and each of them.

15. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.

16. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 13.1 and 13.2 above remain in place and legible, and, if not, shall replace them as soon as reasonably practical.

Service on the Named Defendants

Past service

17. In addition to the Named Defendants served personally (as recorded in the recital to this Order), and pursuant to CPR r. 6.27 and r.81.8:

17.1 the steps taken by the Claimants to serve the Extension Application and the May 2020 Order on the 3rd to 33rd Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020) shall amount to good and sufficient service of the Extension Application

and the May 2020 on those Named Defendants, with the deemed date of service being 30 May 2020; and

17.2 the steps taken by the Claimants to serve the Extension Application and the May 2020 Order on the individuals who are now the 34th and 35th Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020) shall amount to good and sufficient service of the Extension Application and the May 2020 on those Named Defendants, with the deemed date of service being 17 June 2020.

18. In addition to the Named Defendants served personally (as recorded in the recital to this Order), and pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Substantive Amendment Application on the Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020) shall amount to good and sufficient service of the Substantive Amendment Application on those Named Defendants, with the deemed date of service being 17 June 2020. The period of service be abridged to the extent necessary to allow the hearing of the Substantive Amendment Application to have been effective.

Future service

19. The Claimants must use reasonable endeavours forthwith to serve the Named Defendants with this Order. Pursuant to CPR r.6.27 and r.81.8, service on those Named Defendants who appeared at the hearing of this Order and any future documents in these proceedings shall be effected: (i) by leaving hard copies addressed to them at the address or other physical location they indicated for that purpose; and/or (ii) by emailing electronic copies to the email addresses provided for those purposes. Such service shall be deemed effective on the date the relevant step is taken, and shall be verified by a Certificate of Service.

20. The Claimants have liberty to apply for orders for alternative service of this Order or any other documents in these proceedings upon the other Named Defendants under CPR r.6.27 and/or r.81.8, which application may be heard at the Further Hearing provided for by paragraph 21 below.

The Further Hearing

21. A further hearing of the Substantive Amendment Application (“the **Further Hearing**”) is to be listed in the week commencing 24 August 2020, with a time estimate of four days.
22. The Court shall provide a notice of hearing to the Claimants’ solicitors, which the Claimants are to publicise by:
 - 22.1 sending a copy to any email addresses provided by the Named Defendants to the Claimants for the purposes of these proceedings; and
 - 22.2 posting a copy on the websites at paragraph 13.4 above.
 - 22.3
23. Any Named Defendant who wishes to contest the Substantive Amendment Application at the Further Hearing may file and serve on the Claimants’ solicitors (whose details are set out below) a witness statement outlining their interest in this matter, the grounds on which they will contest it and any facts relied on by no later than 4pm on 13 July 2020. Any Named Defendant who files and serves a witness statement, and who has not provided such details previously, must include in his or her witness statement with a postal address for service or email address at which they are prepared to accept electronic service of documents.
24. Any other individual who wishes to contest the Substantive Amendment Application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants’ claim or the Substantive Amendment Application shall by 4pm on 13 July 2020:
 - 24.1 file and serve a witness statement outlining their interest in this matter, the grounds on which they will contest it any fact relied on; and
 - 24.2 must in their witness statement provide a postal address for service or email address at which they are prepared to accept electronic service of documents.
25. The Claimants may file by 4pm on 27 July 2020 evidence in response to the evidence filed by any Defendant and if they do so they must:

- 25.1 send a copy to any email addresses provided by the Named Defendants to the Claimants for the purposes of these proceedings;
- 25.2 where Named Defendants have given a physical address or location for service, leave or sending hard copies addressed to that Named Defendant to or at that address or location; and
- 25.3 post a copy or link on the websites at paragraph 13.4 above.
26. Any person who wishes to obtain an electronic copy of the hearing bundle should contact Claimants' solicitors via the contact details at paragraph 32 below by 17 August 2020 so that necessary arrangements can be made.

Further directions

27. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
28. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
29. The Claimants have liberty to apply to extend or vary this Order or for further directions.
30. Costs reserved.

Communications with the Court & Claimants' Solicitors

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

Court Manager
High Court of Justice
Chancery Division
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL

The telephone number is 020 7947 7501. The officer are open weekdays 10.00am to 4.30pm.

The out of hours telephone number (for urgent business only) is 020 7947 6260.

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

Eversheds Sutherland (International) LLP of:

1 Callaghan Square
Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Email: ShonaJenkins@eversheds-sutherland.com

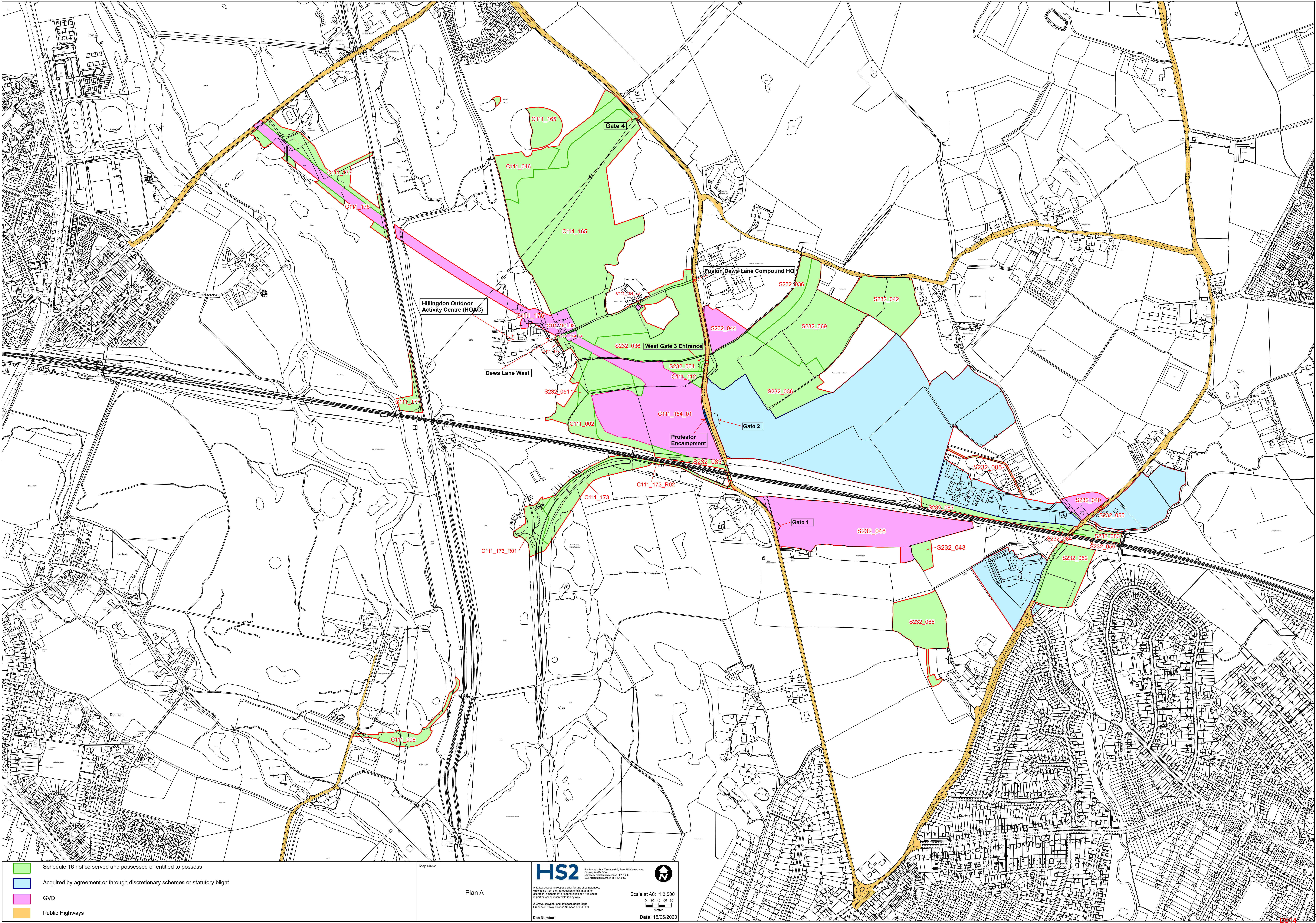
Ref: JENKINSW/335547/000169

The Court has provided a sealed copy of this Order to the Claimants' solicitors at the above address for service.

Dated: 22 June 2020

SCHEDULE OF NAMED DEFENDANTS

3. Sarah Green
4. Mark Keir
5. *[No longer used]*
6. *[No longer used]*
7. Thorn Ramsey
8. Vajda Robert Mordechaj *(Spelling corrected by this Order)*
9. Iain Oliver
10. Elliott Cuciurean
11. Jess Walker
12. Matt Atkinson
13. Scott Breen
14. Hannah Bennett
15. James aka "Jimmy" Ruggles
16. Nick Grant aka "Potts"
17. Stuart Ackroyd
18. Wiktorina Zieniuk
19. Paul Sandison
20. Tom Dalton
21. Conner Nichols
22. Dr Ian "Larch" Maxey
23. Sebastian Roblyn Maxey
24. Jessica Heathland-Smith
25. Ella Dorton
26. Karl Collins
27. Sam Goggin
28. Hayley Pitwell
29. Jacob Harwood
30. Tom Holmes
31. Libby Farbrother *(Spelling corrected by this Order)*
32. Samantha Smithson *(name changed by this Order)*
33. ~~Caroline Thomson-Smith~~ *(Removed as a Defendant by this Order)*
34. Jack Charles Oliver *(Added as a Defendant by this Order)*
35. Charlie Inskip *(Added as a Defendant by this Order)*



Schedule 16 notice served and possessed or entitled to possess

Acquired by agreement or through discretionary schemes or statutory blight

GVD

Public Highways

Map Name

Plan A

HS2

Registered office: Two Shovells, Stone Hill Quonians,
Birmingham B4 6JA.
Company registration number 06791886.
VAT registration number 914 612 282

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Metres

Date: 15/06/2020

DB14 246

Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:

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

Name of court High Court of Justice Business and Property Courts Property, Trusts and Probate List (ChD)	Claim no. PT-2018-000098 18 May 2020
Fee account no. PBA0087211	Help with Fees – Ref. no. (if applicable) PT-2018-000098
	H W F - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
Warrant no. (if applicable)	
Claimant's name (including ref.) (1) THE SECRETARY OF STATE FOR TRANSPORT (2) HIGH SPEED TWO (HS2) LTD (Ref: JENKINSW/335547/000169)	
Defendant's name (including ref.) PERSONS UNKNOWN & ORS	
Date	18 May 2020

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

EVERSHEDS SUTHERLAND (INTERNATIONAL) LLP

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

If you are a legal representative whom do you represent?

CLAIMANTS

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

The Claimants seek:

1. The extension of the existing Injunction dated 16 May 2019 and sealed on 24 May 2019 (the "Current Order") to extend the date at paragraph 9.2 of the Current Order to 1 September 2020;
2. Directions for service of this order; and
3. Further case management directions as appropriate.

The terms of the order sought are as per the draft order filed herewith.

The reasons for seeking the order are set out in the witness statement of Shona Ruth Jenkins filed in support of the application.

4. Have you attached a draft of the order you are applying for? ☒ Yes ☐ No
5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing
☐ at a telephone hearing

6. How long do you think the hearing will last?

Hours

Minutes

Is this time estimate agreed by all parties?

☐

Yes

☒

No

7. Give details of any fixed trial date or period

NONE

8. What level of Judge does your hearing need?

HIGH COURT JUDGE

9. Who should be served with this application?

Claimants to take steps to draw application to attention of interested parties.

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

N/A

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

☒

the attached witness statement

☐

the statement of case

☐

the evidence set out in the box below

If necessary, please continue on a separate sheet.

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed _____ Dated _____
Applicant('s legal representative)('s litigation friend)

Full name _____

Name of applicant's legal representative's firm _____

Position or office held _____
(if signing on behalf of firm or company)

11. Signature and address details



Signed _____ Dated 18 May 2020

Applicant('s legal representative)(~~s litigation friend~~)

Position or office held Partner
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Eversheds Sutherland (International) LLP 1 Callaghan Square Cardiff Postcode <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td>C</td><td>F</td><td>1</td><td>0</td> <td>5</td><td>B</td><td>T</td><td></td> </tr> </table>		C	F	1	0	5	B	T		If applicable	
		C	F	1	0	5	B	T			
		Phone no.	02920 477 223								
		Fax no.	02920 477 333								
		DX no.	33016 Cardiff								
Ref no.	JENKINSW/335547/000169										
E-mail address											

1.	Claimants
2.	Shona Ruth Jenkins
3.	First
4.	SRJ1
5.	Date: 18 May 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM

Defendants

FIRST WITNESS STATEMENT OF SHONA RUTH JENKINS

I, **SHONA RUTH JENKINS**, of Eversheds Sutherland (International) LLP, 1 Callaghan Square, Cardiff, CF10 5BT, WILL SAY as follows:-

Introduction

1. I am a solicitor of the Senior Courts of England and Wales and a Senior Associate at Eversheds Sutherland (International) LLP with day-to-day conduct of this matter under the supervision of my partners.
2. I am authorised to make this Witness Statement on behalf of the Claimants in this claim in support of the Claimants' application for a three-month extension of the injunction granted by Mr David Holland QC (sitting as a Deputy Judge of the High Court) on 16 May 2019 ("the **2019 Injunction**"), which is otherwise due to expire on 1 June 2020.

1.	Claimants
2.	Shona Ruth Jenkins
3.	First
4.	SRJ1
5.	Date: 18 May 2020

3. As I explain below, the reason that this temporary extension is sought is that the Claimants are intending to make an application to vary the 2019 injunction more substantively ((i) for a longer period; (ii) in respect of additional land brought within the relevant HS2 development site; and (iii) against a number of proposed named respondents), but a combination of factors and recent developments have meant that it is neither practicable nor convenient for this substantive application to be made at this juncture. This application is therefore intended to maintain the *status quo* for a reasonably short period until that substantive application can be brought, and arrangements made for a full hearing of that application. The purpose of this statement is to:
 - 3.1 provide a brief background to these proceedings and to update the Court on relevant proceedings and matters that have taken place since these proceedings were last before the Court;
 - 3.2 explain why the Claimants' consider that there is a continuing and ongoing risk of trespass and obstruction of access to the "**Land**" which is the subject of the 2019 Injunction so as to justify a temporary extension to that relief; and
 - 3.3 set out the Claimants' intention to make a substantive application on notice and to explain why that application is not being made at this juncture.
4. The matters I set out in this statement are within my own knowledge, unless stated otherwise, gained from reviewing incident reports, photographic and video footage made by the Second Claimants' contractors and its own specialist security team, my discussions with several members of the Second Claimant's team – including individuals from the legal, construction, security and land and property teams and reports from specialist process servers and agents instructed on behalf of the Second Claimant. The contents of this statement are true to the best of my knowledge and belief.
5. There is now shown to me a paginated clip of documents which I exhibit hereto as SRJ1. Page numbers without qualification refer to that exhibit.

Earlier Proceedings

6. These proceedings concern a development site for the HS2 railway project off the Harvil Road in Hillingdon, West London ("the **Harvil Road Site**").
7. The Harvil Road Site is being developed by the Claimants and their contractors as part of the scheme of works authorised by the High Speed Rail (London – West Midlands) Act 2017 ("the **Act**"). The Second Defendant ("**HS2 Ltd**") is the statutory undertaker for the HS2 project. The

1.	Claimants
2.	Shona Ruth Jenkins
3.	First
4.	SRJ1
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whole of the Harvil Road Site is within the Act limits, and the works being carried out on the site are either works for the construction of Phase One of the HS2 railway, or works consequent on, or incidental, to those works.

8. The Scheme is a controversial one, and works at the Harvil Road Site have attracted (and continue to attract) extensive direct action protest for a number of years on environmental and other grounds. Some of that protest activity has been lawful but, largely, the Harvil Road Site is impacted by regular and persistent unlawful action severely disrupting the enabling works at this site.
9. These actions have been considered on three previous occasions by the High Court. As can be seen from its terms, the 2019 Injunction at **pp. 1 - 9** was granted by Mr David Holland QC in order to seek to prevent that unlawful conduct.

The Original Injunction

10. The Claimants commenced these proceedings on 5 February 2018. The land which was the subject of that Claim as originally brought was the land which then comprised the Harvil Road Site. The Claim was brought against two categories of persons unknown (the First and Second Defendants), and six named defendants (the Third to Eighth Defendants).
11. The Claimants also applied for interim injunctive relief to prevent trespass to and obstruction of the site, in circumstances where there had been a lengthy history of such conduct. A full-day hearing took place before Mr Justice Barling on 19 February 2018:
 - 11.1 The Third Defendant, Ms Green, was represented by counsel (Mr Powlesland of Ely Place Chambers). The Fourth, Fifth, Sixth and Eighth Defendants appeared in person, with assistance from counsel pursuant to the Chancery Litigants in Person Scheme.
 - 11.2 The Defendants raised numerous arguments about their opposition to the Scheme, which were considered by Mr Justice Barling in his judgment of that date ([2018] EWHC 1404 (Ch)). I exhibit that judgment at **pp. 10 - 22**.
 - 11.3 Mr Justice Barling granted the “**Original Injunction**” on that day. It was subject to a long-stop date of 1 June 2019. A copy of that injunction is at **pp. 23 – 29**.

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The 2019 Injunction

12. Although the Original Injunction was successful in moderating the extent of unlawful protest activities at the Harvil Road Site, a material risk of such activity continued at the time the Original Injunction was shortly due to expire. In addition, by this stage some additional land had been brought into the scope of the Harvil Road Site. Finally, the Court of Appeal gave judgment in the case of *Ineos v Persons Unknown* [2019] EWCA Civ 515, which judgment had (or may have had) an impact on the appropriate form of order in cases such as this involving persons unknown.
13. In those circumstances, the Claimants made an application on 25 April 2019 to amend the Injunction Claim to include the additional land within the Harvil Road Site at that date, and to extend the Original Injunction (in time and area) subject to certain modifications to take into account the *Ineos* decision.
14. That application was heard by Mr David Holland QC (sitting as a Deputy Judge of the High Court). He gave a detailed judgment on 16 May 2019 ([2019] EWHC 1437 (Ch)), following a two-day hearing over 13 and 14 May 2019. I exhibit that judgment at **pp. 30 - 59**. As can be seen from that judgment:
 - 14.1 The (then) Fourth Defendant (Mr Kier) was on that occasion represented by counsel (again Mr Powlesland of Ely Place Chambers). The (then) Third and Eighth Defendants appeared in person.
 - 14.2 The learned Judge gave a detailed explanation of a number of background matters, including: (i) the **extensive** consultation and legislative process which led to the Act (paragraphs 15 to 23); and (ii) the various acts of unlawful activity which the Claimants had been subject to by the date of that application (paragraphs 37 to 72). Extensive arguments against the Scheme were again considered by the Court on that occasion.
 - 14.3 The Claimants on that occasion proposed (and the Court agreed) that the Fifth to Eighth Defendants should be removed as defendants. This was because those individuals had not been seen at or in the vicinity of the Harvil Road Site recently, and so there was not considered to be a risk of unlawful conduct by them. Initially, the Eighth Defendant did not wish to be removed as a defendant (see paragraph 143 of the judgment), but he changed his mind as the order was being prepared and so was removed.
 - 14.4 The judge was not minded to remove the Third and Fourth Defendants as defendants (paragraph 144), but was content for them to be removed with the Claimants' consent

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(paragraph 146) as the 2019 Injunction provided that they would be caught by the order if they did actions which would bring them within the categories of “persons unknown”. They were removed as defendants on that occasion in those circumstances.

14.5 As a result of those orders, these proceedings have continued henceforth as being solely against the First and Second Defendants, being two categories of persons unknown.

14.6 The 2019 Injunction was granted until trial or further order, with a longstop date of 1 June 2020. The judge indicated that *“Thereafter the Claimants will be at liberty as they have done here to apply for an extension in the circumstances as they exist at that date”* (paragraph 142).

14.7 As can be seen from the detailed directions at paragraphs [15] to [20] of the 2019 Injunction, the proceedings were effectively stayed unless and until any named person sought substantively to challenge the Claimants’ entitlement to injunctive relief or the form of the order. I can confirm that no person has sought to do so since the 2019 Injunction was made.

14.8 The Claimants also had liberty to apply to extend or vary this Order, and that is the basis for this application.

The 2019 Possession Proceedings

15. For completeness, though it is not centrally relevant to the present application, I explain a third substantial hearing which related to this site in November 2019.

16. A portion of the Land which was subject to the 2019 Injunction was, notwithstanding the terms of the 2019 Injunction, subject to **occupation** by protestors – who included previously named defendants to the Injunction – **Mr Mark Keir** and Ms Sarah Green (together with an Alan Lofting and persons unknown).

17. The Claimants opted to bring separate county court possession proceedings on 30 September 2019 to recover that parcel of land in the hope that this would be the most efficient way of dealing with this particular act of trespass. A complicating factor was the fact that protest (which included the positioning of a boat and a step-ladder on the land) largely took place on a footpath. The Defendants to those proceedings insisted the footpath remained open, whereas the Claimants argued **it had been closed pursuant to their statutory powers.**

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18. In the event, the proceedings were transferred to the High Court and heard (again) before Mr David Holland QC over a full day on 16 October 2019. Ms Green represented herself at this hearing, and Mr Kier was again represented by Mr Powlesland of Ely Place Chambers. Again, a wide range of submissions against the Scheme were raised by the Defendants and considered by the Court.
19. Judgment for the Claimants was given on 28 November 2019, some two months after the proceedings had been issued. A copy of the judgment is at **pp. 60 - 96**. The possession order that was made is at **pp. 97 - 100**.
20. It ought to be noted that the Defendants failed to comply with the Possession Order failing to vacate the land and it was therefore necessary for High Court Enforcement Officers to enforce it by way of a writ of possession (this is detailed further at paragraphs 46 - 49 below).

Opposition to the Scheme works on the Land and Claimants' Intention of Substantive Application

21. Since the imposition of the 2019 Injunction on 16 May 2019, protestor activity in opposition to the Claimants' works at the HS2 site has continued.
22. The focus of that activity has been a 'roadside' protest camp on Harvil Road (opposite the North Compound Entrance – which is identified on the plan to the 2019 Injunction at **p. 9**). This camp is situated on local authority land on or next to the public highway. On the whole, this protest is peaceful and / or does not impact the Claimants and their contractors. It is also permitted by the terms of the 2019 Injunction, and no part of this application is intended to affect that.
23. However, in recent months, the Claimants have experienced increasing numbers of incidents of trespass on to the Harvil Road Site, and other unlawful conduct:
 - 23.1 Certain of those incidents have been on the Land covered by the 2019 Injunction. There have been approximately 31 acts of trespass to the Land (of which the Claimants are aware) since the 2019 Injunction was made. Separate proceedings for contempt of court are being contemplated in respect of such breaches. For the purposes of this statement, however, I raise those incidents solely in order to explain why the Claimants perceive there to be an ongoing risk of unlawful conduct. Whilst (as these incidents show) the injunction has not been *wholly* successful in stopping trespass, the Claimants believe that the amount of trespass would have been much greater *but for* the Injunction.
 - 23.2 There has also been an increasing number of incidents of trespass on the wider Harvil Road Site on land that is not 'protected' by the Injunction. It is convenient to describe this land

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as “the Additional Land”. No part of this application is intended to extend the 2019 Injunction to the Additional Land, but – as I indicated in the introduction to this statement – the Claimants do intend to seek injunctive relief over this Additional Land in due course. Trespass to this Additional Land has included more permanent acts of trespass via the setting up of protest camps, together with shorter lived incursions across wider areas of the site. Aside from the protest camps, there have been at least 21 acts of trespass on land on the wider Harvil Road Site (of which the Claimants are aware) since the 2019 Injunction was made, however this number continues to increase almost on a daily basis.

23.3 There have also been a number of incidents where protesters have sought to interfere with / block access to the Harvil Road Site, which I also explain further below.

23.4 It is not realistic to attempt to give an account of each and every incident that has been recorded at the site. This statement therefore sets out a number of the more significant incidents, and a range of examples of the sort of protest activity that the Claimants continue to be subject to.

24. The Claimants continue to recognise that the HS2 Scheme is a controversial one, and that those engaged in protest or demonstrations against it may have genuine and sincere concerns. The Claimants do not seek to stifle anti-HS2 views, but seek the Court’s assistance to try to ensure that the protestors do not resort to unlawful direct-action protest. Not only is that conduct unlawful, but it is extremely disruptive (and therefore expensive), dangerous and – in many instances – unpleasant and difficult for those engaged in work at the site. In outline:

24.1 The HS2 site is an active construction works site. The works timetable requires coordination between numerous different contractors and sub-contractors of different specialisations. The mere presence of unauthorised protestors on the Harvil Road Site is unsafe when heavy works are planned, and usually requires those works to be paused. Where, as is often the case, protestors actively interfere with works, the problem is even more acute. The knock-on effect and cumulative effect of these delays is severe. They serve to increase costs, and require increased security and legal costs. All of these costs are ultimately borne by the public purse.

24.2 The acts of trespass and obstruction are often accompanied by incidents of verbal harassment and physical intimidation of contractors including some violent acts.

24.3 Very considerable police resources have been required to assist with incidents on the Harvil Road Site, again at considerable public expense.

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- 24.4 Attempts to maintain order at the Harvil Road Site are further hindered by the fact that temporary metal Heras-style fencing is regularly moved, damaged or tampered with – and the Court-mandated notices warning of the existence of the 2019 Injunction are regularly defaced or torn down.
- 24.5 The Covid-19 pandemic has not noticeably reduced the level of protest at the site. It has, however, made it difficult for the Claimants’ security contractors to seek to engage constructively with trespassers and ask them to leave – as protestors are often remonstrating about the lack of “social distancing” by the security personnel in those circumstances.
25. More generally, there continues to be opposition to the Scheme and the works on the Land and other land on the Harvil Road Site which is not yet subject to an injunction.
26. In addition to ‘one-off’ incidents of trespass, protest camps have been set up on the wider Harvil Road Site severely disrupting works such that there is an ongoing risk to parts of the site which are not currently subject to the 2019 Injunction.

Obstacles to substantive application

27. In the circumstances, the Claimants’ intention is to make a substantive application to:
- 27.1 include additional parcels of land which have been brought into the Scheme since these proceedings were last before the Court:
- 27.2 add a number of named defendants to the proceedings, who have been involved in such direct action protest and whom the Claimants believe they have now been able to identify; and
- 27.3 further extend the injunction in time.
28. However, whilst the preparation of the substantive application and evidence is in progress, the Claimants are not at present in a position to finalise and make the substantive application, nor do they consider that it would be practicable. The reasons for that are as follows.
29. First, until very recently four protest camps were situated on parts of the Harvil Road Site – on what I have described as the Additional Land. Inevitably, these formed the base for a number of the more temporary incursions on to other parts of the Land and the Additional Land. In the event, however, the Claimants had in recent weeks been preparing a large scale and complex operation with High Court Enforcement Officers to remove those protest camps and recover the land under

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‘self-help’ relief without the need to seek assistance of the Court. Those matters significantly complicated the ability to frame a more substantive injunction:

29.1 Whether that operation was successful would have had a significant impact on how proceedings ought to be framed. Happily, that operation took place successfully on the 12 and 13 May 2020 which resulted in the Claimants successfully recovering the land in question.

29.2 I should mention in this context that two individuals in occupation of a disused garage as part of one of the protest camps brought an urgent injunction before Mr Justice Swift in the Queen’s Bench Division on the morning of 13 May 2020 seeking to halt the eviction as unlawful. That application was dismissed (and I exhibit a copy of the order made at pp. 101 - 102). Those two individuals were represented by Mr Powlesland on a direct access basis. Their names are Stuart Ackroyd and Wiktoria Zieniuk. Whilst, as I mention above, the Claimants had identified a number of proposed named defendants to add to these proceedings, those two individuals had not featured amongst them. Consideration is now being given to whether they ought to be added to the proceedings when a substantive application for an extension is made.

29.3 Generally, the question of which named persons should properly be added as named defendants is being kept under review: as will be seen from the account of incidents I give below, the Claimants have now been able to identify a number of the individuals involved in previous unlawful protests – though a difficult judgment call is sometimes required as to whether their involvement was a ‘one off’, or is evidence of a continued risk of future unlawful conduct.

29.4 A further complicating factor which arose from the existence of these protest camps was how any injunctive relief should be framed whilst they remained *in situ*. Practice Direction 51Z which stayed possession proceedings generally was not amended so as to exclude possession claims against trespassers until 17 April 2020. Even then, while the camps remained in place there were procedural complexities in framing relief in a way which dealt with them because: (i) additional Part 55 proceedings needed to be brought to deal with them; and (ii) any form of injunction preventing access to the Additional Land would also need to have catered for those already on the land, at least until they were removed.

30. Second, the Claimants do not believe that the removal of these protest camps will prevent or significantly reduce the risk of unlawful trespass activities. In fact, HS2 security contractors are

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reporting that new protest encampments have been and are in the process of being established on other land in the nearby vicinity to the Harvil Road Site, including on land which the Claimants intend to (but have not yet) taken possession of under their statutory powers and bring into the Scheme in the coming weeks. The Claimants also intend to take possession of other land in the vicinity and given the ongoing protests and the fluid nature of areas of occupation, it is likely that this further land will also be at risk of further trespass as soon as it is brought into the Scheme such that the Claimants will want to seek to amend the claim to add in this additional land also. The Claimants therefore consider it sensible to have a short period following these recent evictions to review the position on the ground and see how matters settle down (or escalate) so that any future substantive application can be framed properly by reference to the up-to-date position on the ground.

31. Third, and relatedly, the Claimants' neighbouring landowner, the London Borough of Hillingdon has issued an application for injunctive relief in the Queen's Bench Division of the High Court (Claim No. QB-2020-0001222) ("the **Council's Proceedings**") to **prevent trespass** on to land within its ownership in connection with protests against the neighbouring HS2 site. The first hearing in the Council's Proceedings took place on the same date as this witness statement, namely 18 May 2020. I have been informed that this hearing has been adjourned because a number of protesters attended the hearing seeking to be joined in as defendants. The Council's Proceedings are likely to have an impact on the relief the Claimants will seek in the substantive application. In particular, the Court is likely to want to have regard as to how injunctions covering two neighbouring parcels of land might interact with one another.
32. Fourth, **due to the Covid-19 pandemic, the practicalities** of collating and putting together the necessary evidence and paperwork have been inherently more difficult:
 - 32.1 The representatives from the Claimants who are able to give relevant instructions and evidence are, largely, working from home and / or their available time has been impacted by practical changes which have been required on the ground.
 - 32.2 It has been particularly difficult more recently to obtain full factual evidence from the Second Claimant and its agents because of the logistical constraints which we are now working within as well as other pressures on the available time of those who are involved in this process (which involves obtaining up to date evidence from a number of different contractors and sub-contractors of different specialisations).

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- 32.3 The Claimants' right to possession of the Additional Land arises via a combination of routes: in particular, General Vesting Declarations (a form of compulsory purchase under the Act), and the taking of temporary possession under particular statutory powers under Schedule 16 of the Act. Collating and ordering the relevant title documents and preparing clear and composite plans showing the extent of the Additional Land covered so as to assist the Court and allow an extended injunction to be framed clearly is inherently more difficult as a result of all professionals involved striving to work from home offices.
33. Fifth, the Claimants fully recognise and respect that persons who they name as defendants to these proceedings on the intended substantive application will likely wish to be heard in response. Some of those persons are likely to be litigants in person. It is also anticipated (by reference to the Claimants' experience at previous hearings of this nature) that there may be others who wish to apply to be joined as named defendants or otherwise make representations, and that there may be significant local or press interest – with such persons wishing to attend the hearing. Given the Covid-19 situation there are obvious constraints associated with arranging a physical hearing, and arrangements for a remote hearing will require planning as between the Claimants' representatives and the Court so as to facilitate access by all those who may wish to be heard. It is indented that the three month extension being sought by the Claimants should give sufficient time for a listing of a hearing of a substantive hearing to be arranged, and for arrangements to be put in place to facilitate remote access to that hearing from anyone who may wish to be heard on it.
34. As such, there have been a number of complex 'moving' parts and practical difficulties – including matters outside of the Claimants' control - which have prevented the Claimants from realistically being in a position to file the substantive application before the expiry of the existing relief on 1 June 2020.
35. In the circumstances, and given the continued threat to the Land, the Claimants urgently seek a temporary extension of the 1 June longstop date in order to maintain the existing protection that they have been afforded by the Court, pending the Claimants' intention to file and serve the substantive application.
36. The current application seeks to obtain the minimum protection that is necessary to protect the Claimants' interests; the Claimants do not seek an injunction over any additional land at this stage, nor do they seek to extend the injunction in time beyond that they consider reasonably necessary to put in place arrangements for and have determined a substantive application.

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37. As things stand, there are no named defendants to these proceedings who need to be served with this application. As I noted above, no person has ever sought to challenge the 2019 Injunction or raise a defence to the Claimants' claim.
38. Nevertheless, it is the Claimants' intention to try to take steps to draw this extension application to interested parties. This application is comparatively urgent, but not – the Claimants accept – secret. The Claimants intend to file updated evidence at the hearing of this application to update the Court on those steps, and any response received.
39. I should note in this context that my firm has previously written to a number of persons against whom it is anticipated that the substantive application will be brought, both named and by description. I exhibit copies at **pp. 103 - 122**. The only response I have received has been from Ms Sarah Green (the previous Third Defendant), which I exhibit at **p. 123**.

Continued threat to the Land and Summary of Incidents since making of 2019 Injunction

40. Since the making of the Original Injunction and the 2019 Injunction there have been a number of incidents of trespass and obstruction that the Claimants consider amount to a breach of the terms of the respective injunction orders. Whilst the 2019 Injunction has not wholly prevented unlawful disruption, it has been broadly successful and remains of great assistance to the Claimants' activities.
41. Since the granting of such relief, whilst police assistance is still required at times, the police resources required in attending incidents at the Land continue to be lower than previously. The disruption to the flow of traffic along Harvil Road as a result of protest activity, whilst not eradicated, is lower than before relief was granted.
42. The fact that protest camps have more recently been set up (and continue to be set up) on the wider Harvil Road Site and not the Land also suggests that the injunction is having an effect. If the injunction is not continued, the Claimants' fear there is a significant risk that protesters will seek to re-enter the Land and seek to occupy it on a more permanent basis.
43. The Claimants believe that this shows that, should the 2019 Injunction not be continued, there is likely to be an increase in incidents of this type which would adversely impact the works required at site in order to implement a scheme which has been mandated by Parliament.
44. Moreover, the Second Claimant has recently, on 15 April 2020, issued 'Notice to Proceed' to its suppliers which will be undertaking the heavier construction works in due course (the Department for Transport issued an announcement confirming this on the same date, copy of this is attached

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at **pp. 124 – 126**). It is likely therefore that this may result in increased levels of protest and activity against any works which will be taking place at the site in the shorter term.

45. I set out below some specific examples of incidents which have taken place and which support the ongoing threat of unlawful conduct on or at the Land. The source of this information is from my own experience having dealt with earlier possession proceedings relating to the Land, reviewing incidents log, reports, reviewing material received from the Second Claimant’s agents, discussions with and taking instructions from individuals from the Second Claimant’s legal, security, land and property and construction teams.

The January 2020 Enforcement Operation

46. The first main protest incident following the 2019 Injunction was in connection with a protest set up on a (former) footpath on part of the Land (Plot U34), including the positioning of a boat on the site. It was that occupation which led to separate proceedings to recover possession of that Land in November 2019, which were contested on the basis that the footpath had not validly been closed.
47. For present purposes, I would note that a large number of incidents of wider trespass occurred in conjunction with that occupation. For ease of reference, and to avoid undue repetition and length in this statement, I attach at **pp. 127 – 142** the First and Second Witness Statements of Sean Armstrong (without exhibits save for the ‘Incident Plan’ which is also appended to illustrate the extent of the trespass) which were filed in support of the 2019 Possession Proceedings.
48. The writ of possession made in the 2019 Possession Proceedings was enforced at the same time as statutory warrants made in respect of other parcels of the land at the Harvil Road Site (“the **Enforcement Operation**”).
49. The occupiers of the Land (and other parcels of the Harvil Road Site) did not leave voluntarily when asked to do so by James Tyler-Morris (who is HS2’s Property Acquisition Lead for this area). They instead effectively “fortified” their encampment through the use of resistive devices such as platforms in trees, a tripod structure and a boat (albeit the boat was subsequently found to have been moved elsewhere), and through the use of “lock-on” devices designed to prevent or hamper the safe removal of persons using such devices. As a result, the operation to enforce the writ and statutory warrants lasted 9 days and involved 32 High Court Enforcement Officers (“HCEOs”), additional security and police presence throughout.

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50. The Claimants considered the land subject to that Enforcement Operation to be free of trespass on 16 January 2020 having secured most of the land with Heras type pre-fabricated fencing panels or CLD type semi-permanent modular fencing.

The XR, Stop HS2 and Save Colne Valley event on 18 January 2020

51. On the weekend commencing Friday 17 January 2020 (only a day after the Enforcement Operation had cleared the site of trespass), a substantial number of protestors (in excess of 100) attended a protest event in the Colne Valley in the vicinity of the Harvil Road Site. Information available on their respective websites suggests that the event was organised jointly by Extinction Rebellion (“XR”), Stop HS2 (a national campaign against the Scheme) and ‘Save Colne Valley’, a local protest group (“the **XR Event**”). Attached at **p. 143** are relevant extracts from an article on XR’s website and an article from Stop HS2’s website.
52. Attached at **pp. 144 – 159** is a report prepared by Fusion JV one of the Second Claimant’s contractors, providing an overview of the trespass and the damage that occurred to the Harvil Road Site during the events of that weekend and the following days. It also contains some photographs documenting the Enforcement Operation.
53. The incidents which took place over the weekend commencing 17 January 2020 included:
- 53.1 a mass incursion of over 100 (mostly) persons unknown onto the Harvil Road Site at various locations on plots C111_112; S232_064; S232_051, C111_002 (all parts of the Land) and other parts of the Harvil Road Site on 18 January 2020.
- (i) This incursion commenced at about 11:28hrs on Saturday 18 January 2020, when a large group of protesters were observed by HCEOs approaching the fence line at the western boundary of the site, adjacent to the HOAC lake. Approximately 30 to 50 protesters congregated at the rear of the fence, which the crowd of persons then overran by forcing the fence down through weight of numbers.
 - (ii) Unfortunately, whilst HCEOs on site tried to intervene, due to the numbers of protesters involved, it was impossible for them to prevent the re-entry taking place.
 - (iii) The group threatened to use force against the HCEOs if they continued to resist their re-entry.
 - (iv) Security was therefore breached, and this group forced their way onto the Harvil Road site through the CLD fencing.

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- 53.2 The re-establishment of protests camps on the Land and other land at the Harvil Road Site including the erection of tents, wooden tower structures and further tree platforms;
- 53.3 Significant damage to fencing and or fencing having been moved by persons unknown, padlocks cut to gain entry to property on the wider Harvil Road Site, damage by the cutting of a cable to the CCTV tower and Reconeix cameras thrown to the floor and antennas removed.
- 53.4 At **pp. 160 – 171** are photographs of parts of the Land and Additional Land which show parts of the site immediately following the Enforcement Operation on 17 January 2020 and the same areas of the site following the XR Event;
54. Due to the significant volume of protesters who breached the Harvil Road Site during this period, the majority of persons have not been identified. The Claimants were able to identify a Mr Elliott Cuciurean as he was known to the Claimants. He had been removed by the HCEO specialist climbing team from a tree on the Land on 7 January during the Enforcement Operation. Following the Enforcement Operation he was sighted again on the Land having climbed another tree.

Examples of trespass and obstruction on the Land since the 2019 Injunction

55. In addition to the incidents set out above including the trespass and incidents identified in the attached statements of Sean Armstrong, I set out some of the specific incidents of trespass on the Land since the 2019 Injunction. I focus, in particular, on the more serious and the most recent examples.
56. It will be apparent from the below that the government guidelines and regulations concerning ‘lockdown’ during the Covid-19 pandemic have not materially (if at all) discouraged or prevented unlawful protest activity at the site. This conduct is therefore exposing the Claimants’ contractors and sub-contractors working on the site to unnecessary risk. The reports from security contractors at the site, in particular, are that – whilst protestors remonstrate with them about not keeping adequate ‘social distance’ – the same courtesy is not extended in return.
57. **On 8 February 2020:**
- 57.1 Weekend works were planned on plot S232_083 to install fencing to allow for subsequent vegetation clearance. This included a full road closure on Harvil Road spanning approx. 300m near to the ‘roadside’ protest camp on Harvil Road. Prior to works commencing, a number of protesters established a presence on the planned work area which was easily

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accessible from the road. This included climbing trees on the Land and erecting tents on other land nearby.

57.2 Works commenced in the early hours of Saturday morning. Immediately protester numbers swelled, eventually reaching to approx. 60-70 persons. The protesters removed temporary fencing and forced their way through the road closure to bypass the security guards. At the peak of disruption, over 18 hours, some damage to fencing was caused, roads obstructed and some staff on site threatened. Police were called who prevented further breaches of the peace and removed some obstructions. No arrests were made. Due to the level of interference and the numbers of protesters on site, the works were eventually stopped on safety grounds.

57.3 Sarah Green was amongst those who were identified by the security patrol team members. Also identified were individuals known as Hannah Bennett, Caroline Thomson-Smith and Jess Walker, who have become familiar with the protesters and their actions, as being part of this group.

58. **On 18 February 2020:**

58.1 At 7:26 security officers on shift were called to reports of protest activity in the bell mouth at West Gate 3 on plot S232_064. A number of protesters (between 5-6) were in the bell-mouth with one male and one female protester seen to be sat on top of wooden structure which had been placed in front of the gates to obstruct it. By 07:45 the wooden structure had been removed from the gate by the protesters, who retreated back to the 'roadside' camp. Photographs of the incident are at **p. 172**. Those involved have not been identified.

58.2 Moments later on the adjacent plot C111_112, at 07:47, security became aware that protesters had climbed on to machinery in the area where works were being undertaken by the Second Claimant's contractor, Align JV. It was identified that three males had entered the Land by cutting the perimeter fence with bolt croppers.

58.3 Two of these males are now known to be Mr James Ruggles and Mr James Brown. They climbed onto Align's piling rig with Mr Brown staying there until approximately 14:00 and Mr Ruggles until 17:10 when there were eventually persuaded to come down by HCEOs (who had been deployed to site including specialist trained officers). That involved the HCEOs using fall arrest harness to climb safely to the deck of the piling rig in order to interact with the protesters.

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- 58.4 The third male who has not been identified exited the site, via the hole in the perimeter fence the group had previously cut, once he had assisted the other two gain access to the piling rig.
- 58.5 Police officers, who had earlier been called to site and were waiting nearby on the site, arrested both Mr Brown and Mr Ruggles when they descended.
- 58.6 Due to the presence of Mr Brown and Mr Ruggles on the roof of the piling rig the works were prevented from commencing for the rest of that day as to do so would have put their safety in jeopardy. Both staff and equipment were unable to work leading to a day's delay in the project programme and the financial loss of having staff and hired equipment idle which is estimated to be in the region of £27,000.
- 58.7 Photographs of this incident are at **pp. 173 – 176.**
- 58.8 I am aware as I have been in contact with the police officers leading the investigation that these individuals have been charged with Aggravated Trespass and Criminal Damage. As far as I am aware, the trial for these offences is listed to take place on 15 June 2020 at West London Magistrates Court.
- 58.9 Sarah Green and Iain Oliver were noted by the site security officers as being active at the site entrance gates (West Gate 3) and behaving in a disruptive manner during this incident, for example by attempting to obstruct the police vehicles entering and leaving the site when the arrests of Mr Brown and Mr Ruggles were made.
59. **On 20 February 2020:**
- 59.1 Again on plot C111_002 and at 05:55 a female, who was later identified by Jeremy Dawes (Align security manager) and David Asker (the Authorised HCEO) as Jess Walker, was observed by security officers to breach the compound fence and subsequently climb onto the winch platform of the piling rig. Ms Walker was equipped with a climbing fall arrest harness, ropes and associated climbing equipment. She proceeded to erect a 'Stop HS2' banner and hammock on the piling rig. Police attended on request by the Claimants' security but were unable to persuade Ms Walker to depart.
- 59.2 David Asker and CRG Security Supervisor Tony Norton were deployed to site and entered into discussion and negotiation with Ms Walker. Due to repeated attempts by Ms Walker to climb to height, and because of the deterioration in the weather (in terms of rain and temperature), a request was made to police to assist in bringing her down. However, the

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police failed to respond and subsequently following further lengthy discussions with Ms Walker, the officers persuaded her to descend. Whilst the police had requested that the officers detain Ms Walker until they arrived, due to the lack of police response a decision was taken not to prevent her leaving the site peacefully. Sarah Green and Mark Kier were on the bell-mouth at the compound gates and assisted Ms Walker with her equipment when she left the site at 17:05.

59.3 Like with the incident which took place on 18 February 2020, referred to at paragraph 58 above, this incident also lead to a day's delay in the project programme. The financial loss of having staff and hired equipment idle on this day is also estimated to be in the region of £27,000.

59.4 Photographs of this incident are at **pp. 177 – 178**.

60. **On 24 February 2020:**

60.1 at 12:02 the security team at the West Gate 3 compound which is on land falling within plots C111_112 and S232_064 reported that three protestors who have not been identified were obstructing the gate preventing vehicles from entering or leaving the Land. The Police were contacted (CAD2936.24.02.2020). At 12:12, the three protestors were joined by three others (being one female and two males, one of whom is known to the Claimants as Iain Oliver).

60.2 At c.12:35, protestors tampered with the rear of a cement mixer that was in the gateway attempting to depart the Land. Whilst the vehicle was able to depart by 12:45, damage was seen to the rear of the vehicle.

60.3 At 12:51 a contractor's vehicle entered the gate area while the protestors were still present. One of the male protestors walked into the side of vehicle and another repeatedly threw himself onto the bonnet. At 13:42 the Police arrived and engaged with the protestors about their conduct.

61. Overnight on **4 March 2020**, superglue was applied by persons unknown to a security lock on plot S232_036, causing permanent damage to the lock.

62. It is reported by Jeremy Dawes, Align JV security manager that the West Gate 3 entrance has been and regularly continues to be blocked by protestors to site traffic with a permanent presence from protestors in a gazebo type structure located on the highway land adjacent to West Gate 3. This disruption occurred from Monday 2 March 2020 to Tuesday 24 March 2020, on which date

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the site was demobilised due to the disruption caused by the protesters. Despite the demobilisation, a permanent protester presence remained with a gazebo type tent erected at the gate until 27 April 2020. During the first three weeks of March, the protesters prevented any work vehicle from entering, although they did eventually permit the passage of welfare vehicles.

63. On **23 March 2020** at c.14:40 hrs, one of the security teams reported that protesters had been present throughout the day at the main entrance to the HQ compound in Dews Lane on land falling within plot S232_036, at the junction with Harvil Road. They had been causing a general nuisance for the duration of the day's work including making access and egress difficult without physically obstructing the gateway. At 14:30 Mark Kier approached contractors along Dews Lane where de-vegetation works were taking place. He then managed to get his arm between two sections of Heras fencing and hold on to a tree that was due to be removed preventing further works being carried out for approximately 30 minutes. The Police were informed but were unable to attend the site due to resources (CAD number 3441/23/03/2020).

64. On **26 March 2020:**

64.1 at 08:46, Mark Kier accessed Dews Farm on land falling within plot S232_036, by scrambling underneath the Heras fencing. This was witnessed by one of the security team. The security officer sought to prevent Mr Kier from getting into the works area by moving towards him asking him to leave the works' area. Another security officer joined and Mark Keir sought to complain that the officers were in his personal space. When the officers took two steps back, Mr Keir advanced and took two steps towards them.

64.2 The security team then placed five barriers around Mr Kier for his own safety, but Mr Kier started to push up against the barriers and forcefully pushed the security manager on site. The security team then maintained their two metre social distancing gap.

64.3 At 09:16 Mr Kier left the site in the direction of the protester camp. The Police were contacted during the incident (CAD 077826032020).

65. On **1 April 2020:**

65.1 at 22:34 a member of the security team reported that protestors were pushing over the fence panels on land falling within plot S232_036. The Police were notified (CAD 6931/01/04).

65.2 One of the protesters were known to the security team as Elliott Cucuirean, despite having a covered face. Mr Cucuirean walked deliberately in front of the security vehicle to slow it down. The Police were again called and issued CAD 86/02/04.

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- 65.3 At 00:15hrs, another protester known to the security team as Nick Grant aka “Potts” came up to the vehicle and started fencing the vehicle in with the Heras fencing, such that by 00:19 the vehicle was fully surrounded by Heras fencing. The protestors then started to put cones in front vehicle and place fencing support blocks around front and back wheels so that it was prevented from moving. At 00:43hrs Mr Cucuirean was reported to have spat on a sponge and smeared the vehicle with it (which is particularly concerning given this incident occurred during the ongoing pandemic and the lock-down period). At 01:13 a protester whose identity was not reported (a male in his 20s) started taking photos of vehicle and the security staff. At 01:30 all protestors left the site and the security team were able to safely remove all the obstacles around the vehicle.
- 65.4 It was reported that twenty-seven Heras fencing panels had been removed, of which nine were damaged.
66. On **8 April 2020** it was reported by one of the security patrols at 09:16 that on land falling within plots C111_112 and S232_036, eighty percent of the fencing had been knocked down. While the security team were inspecting the damaged fencing protester known to the team as Iain Oliver started to chase after the security vehicle, whilst swearing at the camera, before falling over. The damaged fencing and trespass was reported to the Police (CAD- 0907895/20).
67. On **11 April 2020** at 08:40 one of the security teams reported that approximately seventy five newly planted trees had been pulled and thrown onto the ground along the track adjacent to Dews Farm on land falling within plot S232_036. The Police were informed (CAD number 27059 11/04/2020).
68. Also on **11 April 2020** at 18:51, it was reported by one of the security teams that a male protester known to the team as Thorn Ramsey pulled down the gate to the HQ compound at the junction of Dews Lane and Harvil Road on land falling within plot S232_036. Having gained entry to the site, he was escorted off at 18:53. Whilst under escort he snatched a body worn video camera from a guard and ran away from the site carrying it. This was reported to the Police (URN NUMBER 8141).
69. On **12 April 2020** at 22:30 hrs, Cadent Gas security staff reported that an individual male protester wearing orange coloured PPE attempted to break into Gate 2 Harvil Road at the North Compound Entrance. He was carrying a large bolt cutter and a large speaker playing loud music right in front of the gate. He was behaving aggressively and appeared to be under the influence of alcohol. At approximately 22:52hrs the individual male started to cut the bottom spikes of the front gate on

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the right-hand side and attempted to gain access. Security officers blocked his access to the inner gated “airlock” area of the gateway. At approximately 22:57hrs, the Site Security Supervisor called the Police and reported criminal damage and requested assistance (CAD Number 10553). At approximately 23:30hrs the protester left the Compound and made his way towards West Gate 3 on land falling within plot S232_064. The Police arrived at 23:39hrs and arrested the male protester. The reports do not identify the identity of the protester.

70. On 16 April 2020:

70.1 at c.10:15 a protestor known to the security team as Iain Oliver walked over from the roadside protest camp and stood in front of the access gates at Gate 2 at the North Compound Entrance and stopped a vehicle trying to enter site resulting in the vehicle driving away from site. The Security Officers present there warned him he was in breach of the 2019 Injunction and recorded this on body worn cameras. The Police were notified of the obstruction to the highway.

70.2 At c.10.15 hrs, Mr Oliver again prevented a vehicle from entering the site and a further injunction breach warning was given and recorded on body worn cameras, with a further warning given at 10.34. At approximately 10.41 hours, Mr Oliver returned to the roadside camp. The Police arrived at 10.50 hours leaving at 11.05 hours after speaking to Mr Oliver.

71. On 29 April 2020:

71.1 at c.13.30 hours, Iain Oliver crossed the road from the roadside protestor camp, climbed the fence panel on the right hand side of the gates at Gate 2 at the North Compound Entrance, and sat astride the fence shouting abuse at the staff carrying out earthmoving work.

71.2 Two security officers therefore positioned themselves within four metres of Mr Oliver and requested him to get down and step away from the fence. The incident required the contractors to pause works because of the proximity of Mr Oliver. A security officer informed Mr Oliver he was in breach of a High Court Injunction. At c.14.16 hours Mr Oliver climbed down from the fence.

71.3 At c.14.17 hours the Police arrived CAD no. 28925 29042020) and spoke with Mr Oliver and at c.14.30 hours he and the Police Officers walked back across the road to the camp. The contractors were able to recommence work at c.14.30 hours.

72. On 9 May 2020:

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72.1 At 20:30 one of the CCTV security teams reported activity around the fence line between the Align compound and the field behind the protester camp in Harvil Road on land falling within plots S232_064 and C111_112. Security Guards within the compound also noticed the activity, and an additional two guards were deployed to join the two on station at West Gate 3. Three persons, one of whom is known to the team to be the protester named “Larch” Maxey, were observed walking past carrying timber across their shoulders followed by a fourth pulling a handcart in the direction of the HQ compound in Dews Lane at the junction of Harvil Road, which site was warned and the CCTV camera tower activated at the HQ compound.

72.2 At 20:42 it was noticed by the team that the protestors had not reached the HQ compound on land falling within plot S232_036, so the CCTV camera was turned to follow the hedge line back to West Gate 3. The three protestors carrying timber were seen to cross the tree plantation towards the former West London Rangers Air Rifle Club land, on land falling within plot S232_036. They were seen to skirt this area of woodland and to climb over the fencing at the junction of the woodland and the Heras fencing line along Dews Lane, again on land falling within plot S232_036, throwing the timber over the fence onto the road. Two of the protestors were barefoot and were carried one by one by the third to the Heras fence which all three scaled, dropping onto the road. They collected the timber and were seen to proceed down Dews lane towards the former Ryalls’ garage (which is one of the sites which was evicted on 12 and 13 May 2020). The fourth protestor passed the HQ compound on land falling within plot S232_036 around 1 minute later, pulling the cart.

The Council’s Proceedings and Incidents on the wider Harvil Road Site

73. Protester activity not only continues on and at the Land but it is also prevalent on other parts of the wider Harvil Road Site as well as on adjoining land with the latter being demonstrated by the Council’s Proceedings. I attach at **pp. 179 – 208** the evidence (without exhibits) which has been filed in support of the Council’s Proceedings and whilst this evidence and other incidents which are taking place on the wider Harvil Road Site do not directly affect the Land, these incidents and the nature of the widescale trespass and number of incidents taking place in the vicinity does support the Claimants’ position that the Land continues to be at significant risk of further trespass should the Injunction not be continued.

Conclusion

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74. As has always been the Claimants' position – they have no desire to prevent and they continue to respect the Defendants' rights to peaceful protest. However, it is not necessary or lawful for the Defendants to trespass on the Land (or the wider Harvil Road Site) or to interfere with the rights of the Claimants to access to the Land in order to express their views. The Defendants have other means of expression and lawful protest. Unlawful activities by the protestors put themselves, the Police and the Claimants' contractors and employees at serious risk of physical harm.
75. It remains the case that the Defendants do not have the consent or permission of the Claimants to enter onto the Land and their presence continues to significant impact Scheme works causing disproportionate delay and expense which is ultimately borne by the public purse.
76. The Claimants reasonably fear that the Land remains at continuing risk of trespass and obstruction of access should the 2019 Injunction Order be allowed to lapse without a further injunction being imposed, given the large number of incidents of trespass and obstruction that were experienced by the Claimants prior to the making of the 2019 Injunction Order, the commitment of the Defendants to continue with protest activity at the Land and the targeting of the other land in the vicinity and which is not currently covered by the 2019 Injunction.
77. I confirm that the Claimants remain prepared to continue to offer the cross-undertaking in damages contained in the 2019 Injunction.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



SHONA RUTH JENKINS Dated: 18 May 2020

1.	Claimants
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5.	Date: 18 May 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR
REMAINING WITHOUT THE CONSENT OF THE
CLAIMANT(S) ON LAND AT HARVIL ROAD,
HAREFIELD IN THE LONDON BOROUGH OF
HILLINGDON SHOWN COLOURED GREEN, BLUE
AND PINK AND EDGED IN RED ON THE PLANS
ANNEXED TO THE AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY
INTERFERING WITH THE PASSAGE BY THE
CLAIMANTS AND THEIR AGENTS, SERVANTS,
CONTRACTORS, SUB-CONTRACTORS, GROUP
COMPANIES, LICENSEES, INVITEES OR
EMPLOYEES WITH OR WITHOUT VEHICLES,
MATERIALS AND EQUIPMENT BETWEEN THE
PUBLIC HIGHWAY AT HARVIL ROAD,
HAREFIELD IN THE LONDON BOROUGH OF
HILLINGDON SHOWN COLOURED ORANGE AND
THE LAND AT HARVIL ROAD SHOWN
COLOURED GREEN, BLUE AND PINK AND
EDGED IN RED ON THE PLANS ANNEXED TO
THE AMENDED CLAIM FORM

Defendants

FIRST WITNESS STATEMENT OF SHONA RUTH JENKINS

Eversheds	Sutherland	Tel 02920 477 223
(International) LLP		Fax 02920 477 333
1 Callaghan Square		Int +44 29 2047 7411
Cardiff		DX 33016 Cardiff
CF10 5BT		www.eversheds-sutherland.com
Ref: JENKINSW/335547-		
000139		

Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

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

Name of court High Court of Justice Business and Property Courts Property, Trusts and Probate List (ChD)	Claim no. PT-2018-000098 15 Jun 2020
Fee account no. (if applicable) PBA0087211	Help with Fees – Ref. no. (if applicable) PT-2018-000098 Hearing Date: 22 Jun 2020 10:30
Warrant no. (if applicable)	The Rolls Buildings - Court 10
Claimant's name (including ref.) (1) THE SECRETARY OF STATE FOR TRANSPORT (2) HIGH SPEED TWO (HS2) LTD	
Defendant's name (including ref.) (1) – (2) PERSONS UNKNOWN (3) – (35) See continuation sheet to draft Re- Amended Claim Form	
Date	15 June 2020

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

Eversheds Sutherland (International) LLP

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

If you are a legal representative whom do you represent?

Claimants

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

This is the “**Substantive Amendment Application**” which Cs indicated their intention to bring at the hearing of their “**Extension Application**” (app. Notice dated 18 May 2020) before Fancourt J on 21 May 2020. The “Return Date” of the Extension Application is listed for 22 June 2020. By para 3 of Fancourt J’s order of 21 May 2020 (“the **May 2020 Order**”), the Court is to reconsider the continuation of the injunctive relief in favour of Cs.

By this application, which Cs ask to be considered initially at the Return Date, Cs seek:

1. Permission to re-amend their Claim Form in the form of the supplied draft *inter alia* to include “Additional Land” within the “Harvil Road Site” over which injunctive relief is sought to prevent unlawful protest activity.
2. Directions for a two-day “Further Hearing” in this Substantive Amendment Application (with ½ day judicial pre-reading) to determine whether Cs should be entitled to injunctive relief over the Harvil Road Site for a further two years (or some other period) and the form of that relief.
3. The continuation, pending that Further Hearing, of injunctive relief over the Harvil Road Site, either over the whole of the Harvil Road Site (including the Additional Land) in the form of the draft Order provided herewith, alternatively in such form as the Court shall think just and convenient.
4. Retrospective orders for alternative service of the Extension Application, May 2020 Order and

this Substantive Amendment Application.

5. Orders for the alternative service of the Extension Application and May 2020 Order and Directions for service of this Substantive Amendment Application and any order(s) made.
6. Further case management directions as appropriate.

The terms of the order sought are as per the draft order filed herewith.

The reasons for seeking the order are set out in the second witness statements of Richard Jordan (“**Jordan 2**”) and Rohan Perinpanayagam (“**Perin 2**”) filed herewith. Evidence of service will be filed in addition in advance of the Return Date.

4. Have you attached a draft of the order you are applying for? ☒ Yes ☐ No
5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing
☐ at a telephone hearing
6. How long do you think the hearing will last? Hours Minutes
Is this time estimate agreed by all parties? ☐ Yes ☒ No
7. Give details of any fixed trial date or period

To be listed for first hearing at the Return Date of the Extension Application on 22 June 2020
8. What level of Judge does your hearing need?

High Court Judge
9. Who should be served with this application?

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

N/A
10. What information will you be relying on, in support of your application?
☒ the attached witness statement
☒ the statement of case
☒ the evidence set out in the box below

The detailed evidence in support of this Substantive Amendment Application is set out in the supporting witness statements. In summary, and by way of overview:

1. These proceedings were commenced on 5 February 2018 in order for the Claimants to seek interim injunctive relief to prevent trespass to and unlawful obstruction of access to the Claimants’ HS2 construction site at Harvil Road in West London. Mr Justice Barling granted an injunction against such conduct on 17 February 2018, which was to expire on 1 June 2019 (with liberty to apply).
2. Before its expiry, and in light of the continued threat of such unlawful protest activity, the Claimants applied successfully for its extension (both in time, and over the whole site as was being used by the Claimants at the time). That extension was granted by David Holland QC (sitting as a judge of the High Court) on 16 May 2019 (“the **2019 Injunction**”). That injunction was to expire on 1 June 2020, again with liberty to apply.
3. The Claimants continued to face a risk of unlawful protest activity, but were unable before 1 June 2020 to issue a substantive application for a further substantial extension of the 2019 Injunction to cover all of the land that is now within the Harvil Road Site. They, consequently, brought the short term Extension

Application in order simply to continue the 2019 Injunction until the more substantive application could be brought.

4. That application was determined by Mr Justice Fancourt on 21 May 2020, who ordered (by the May 2020 Order) the temporary continuation of the 2019 Injunction until a Return Date, which has now been listed for 22 June 2020. The May 2020 order records that the question of the further continuation of relief will be considered at the Return Date.
5. The Claimants are now in a position to bring this Substantive Amendment Application. They ultimately, by this application, seek the continuation of injunctive relief preventing trespass to and obstruction of access to the land which now comprises the site for a further period of two years. Such an injunction is justified by the long-running and determined campaign of unlawful 'direct action' protest at the site, which the Claimants estimate has led to costs (from delay and security measures) of nearly £16m.
6. The full hearing of that application for an extension will, the Claimants estimate, take approx. 2 days (if half a day's pre-reading is allowed). The time estimate is likely to be easier to assess at the Return Date, when the Defendants' position may become clearer.
7. Pending that further longer hearing, and at the hearing of the Return Date of the Extension Application, the Claimants seek the continuation of injunctive relief over the site. They ask that the continued injunctive relief, however, be varied from that granted on the Extension Application to cover the *whole* of the current Harvil Road Site, rather than just that part which was covered by the 2019 Injunction. The injunction sought also makes provision for the prohibition of interference with the fenced around the site, as there is evidence in the attached witness statement of regular damage to these security fences in connection with this protest activity.
8. If and to the extent that the application for this extended relief is on short notice or even *ex parte* to the Defendants at the Return Date of the Extension Application, the further hearing of the Substantive Application which the Claimants ask to be listed could operate in effect as a further return date.
9. Following Court of Appeal guidance in the *Canada Goose* case ([2020] EWCA Civ 303) as to the importance of including named defendants to 'person unknown' injunctions where they can be identified, 28 named defendants were added to these proceedings at the 21 May 2020 hearing of the Extension Application. The Claimants therefore will therefore seek appropriate case management directions to deal with a claim with this number of defendants, particularly relating to service of documents in these proceedings.
10. There are practical challenges associated with this, as the Claimants do not know all of their addresses, and many of the Defendants appear to be of no fixed address, and appear to move between protest camps directed against HS2 and other causes.
11. The Claimants intend to file an up-to-date witness statement ahead of the Return Date explaining the steps that they have managed to take by way of service of the Extension Application, the May 2020 Order and this Substantive Application and ask (to the extent that personal service or service by post has not provided possible) that retrospective orders be made for alternative service to the extent appropriate.

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Dated 15 June 2020

Applicants' legal representative

Full name Kathryn Mair Cook

Name of applicant's legal representative's firm Eversheds Sutherland (International) LLP

Position or office held Partner
(if signing on behalf of firm or company)

11. Signature and address details



Signed _____ Dated 15 June 2020
Applicant('s legal representative)(~~s litigation friend~~)

Position or office held Partner
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Eversheds Sutherland (International) LLP 1 Callaghan Square Cardiff		Postcode		C	F	1	0	5	B	T		If applicable	
												Phone no.	02920 477 223
												Fax no.	02920 477 333
												DX no.	33016 Cardiff
												Ref no.	JENKINSW/335547/000169
E-mail address													



Re-Amended Claim Form (CPR Part 8)

Amended pursuant to the order of David Holland QC
dated 16 May 2019

Re-Amended pursuant to the order of David Holland QC
dated 22 June 2020

In the HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST
(ChD)

Claim No.	PT-2018-000098
Fee Account No.	PBA0087211



Claimant

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

Defendant(s)

- (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE **RE-AMENDED** CLAIM FORM
- (2) PERSONS UNKNOWN **SUBSTANTIALLY** INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM TO, FROM, OVER AND ACROSS BETWEEN THE PUBLIC HIGHWAY IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND PURPLE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE **RE-AMENDED** CLAIM FORM
- (3) SARAH GREEN
OF: 73 INVER LANE, COWLEY, UXBRIDGE, LONDON, UB8 2JE
- (4) MARK KEIR
OF: 31 WINNOCK ROAD, WEST DRAYTON, UB7 7RH
- ~~(5) GRAHAM MARSH~~
~~OF: 2 SERRELLS BARN COTTAGES, LANGTON MATRAVERS, SWANAGE, BH19 3HX~~
- ~~(6) SOFIA KAZI~~
- (7) THORN RAMSAY
- (8) VAJDA ROBERT MORDECHAJ
- ~~(9) LAURA (aka LORA) HUGHES~~
- (9) – (36) See continuation sheet

Does your claim include any issues under the Human Rights Act 1998? ☒ Yes ☐ No

Details of claim (*see overleaf*)

Defendant's
name and
address

~~The addresses of D1, D2, D6, D7 and D8 are unknown. An application for service by an alternative method accompanies this Claim.~~

D3's address is: 73 Inver Lane, Cowley, Uxbridge, London, UB8 2JE

D4's address is: 31 Winnock Road, West Drayton, UB7 7RH

~~D5's address is: 2 Serrells Barn Cottages, Langton Matravers, Swanage, BH19 3HX~~

See continuation sheet **The Claimants will serve**

	£
Court fee	
Solicitor's costs	To be assessed
Issue date	

The court office at Royal Courts of Justice, Strand, London, WC2A 2LL

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number.

Details of claim (continued)

1. The Claimants have an immediate right to possession of all of the land at Harvil Road, Hillingdon, London shaded green, blue and pink and edged in red on the plan attached hereto as Plan A (“the Site”) (~~“the Land”~~) The land that has been added to the Harvil Road Site since 14 May 2019 is shaded green and pink on the plan attached hereto as “the Additional Land Plan”. The basis of that entitlement is explained at §§2-11 of the first witness statement of Robert McCrae in support (“McCrae 1”) and §§7 of his second witness statement (“McCrae 2”) and, so far as relates to “the Additional Land” §§23-28 of the second witness statement of Rohan Perin (“Perin 2”).
2. The Claimants are engaged in works on ~~at~~ the Site connected with the construction of “HS2”. They are described in more detail at §§12-15 of McCrae 1 and §§50-51 of Perin 2.
3. The Defendants are opposed to HS2 and have, since October 2017 variously: (i) trespassed upon the Site, including by interfering with fencing around the Site; (ii) obstructed and hindered the Claimants’ passage over the highways in the vicinity of the Site, thereby committing a public nuisance which causes particular damage to the Claimants; and (iii) obstructed and hindered the Claimants passage to and from the Site to the said highways and neighboring private land, thereby committing a private nuisance. Those incidents are described in more detail in McCrae 1 at §§19-27 and in the second witness statement of Julie Dilcock in support (“Dilcock 2”) and, as it relates to the period since the grant of an initial injunction in these proceedings on 19 February 2018 in the first witness statement of Richard Jordan (“Jordan 1”) and in the period since the continuation of that injunction on 16 May 2019 in the second witness statement of Richard Jordan (“Jordan 2”).
4. The said acts were carried out by the Defendants with the aim of preventing, delaying or disrupting the Claimants’ schedule of works, and the said acts have had that effect (as summarised at §54 of Perin 2). The Claimants fear that the Defendants, or some of them, will continue to commit the same or similar tortious acts in the future unless otherwise restrained.
5. The Claimants claim is for appropriate injunctive relief restraining D1 and D2 and D36 ~~(and the named Ds 3-8 to the extent that their conduct brings them within the descriptions of D1 and D2)~~ from: a. trespassing upon the Site (including by interfering with fencing); or b. substantially interfering with the Claimants’ (or their agents, servants, contractors, sub-contractors, group companies, licensees, invitees or employees) passage over the highway or access to and egress from the Site, in particular in the “exclusion zones” marked in purple on Plan A (and more particularly on Plans C, D, E and F).
6. The Claimants further seek an order making appropriate provision for their costs of this claim.
7. The Claimants, in addition to McCrae 1 and 2, Jordan 1 and Dilcock 2, rely further upon the first witness statement of Julie Dilcock, ~~and~~ the witness statement of Patricia Thompson, and Jordan 2 and Perin 2 filed herewith.
8. The Claimants bring ~~a~~ further application at the same time as seeking to re-amend this claim *inter alia* for revised appropriate injunctive relief on an interim basis, pending trial or further order. The terms of the injunction sought by this re-amended claim are the same as sought by that application; subject to such modification as the Court shall think fit.

Statement of Truth: The Claimants believe that the facts stated in these re-amended details of claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I am duly authorised by the Claimants to sign this statement of truth.

.....
Kathryn Mair Cook, Partner, Eversheds Sutherland (International) LLP, Solicitors for the Claimants

PT-2018-000098 - CONTINUATION SHEET: DEFENDANTS AT 22 JUNE 2020

3. Sarah Green - 73 Inver Lane, Cowley, Uxbridge, London, UB8 2JE
4. Mark Keir - 31 Winnock Road, West Drayton, UB7 7RH
5. – 6. *[No longer used]*
7. Thorn Ramsey
8. Vajda Robert Mordechaj
9. Iain Oliver
10. Elliott Cuciurean
11. Jess Walker
12. Matt Atkinson
13. Scott Breen
14. Hannah Bennett
15. James aka “Jimmy” Ruggles
16. Nick Grant aka “Potts”
17. Stuart Ackroyd
18. Wiktoria Zieniuk
19. Paul Sandison
20. Tom Dalton
21. Conner Nichols
22. Dr Ian “Larch” Maxey
23. Sebastian Roblyn Maxey
24. Jessica Heathland-Smith
25. Ella Dorton
26. Karl Collins
27. Sam Goggin
28. Hayley Pitwell
29. Jacob Harwood
30. Tom Holmes
31. Libby Fairbrother
32. Samantha Smithson
- ~~33. Caroline Thomson Smith~~
34. Jack Charles Oliver
35. Charlie Inskip
36. 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTEFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

**Before:
On: 22 June 2020**

B E T W E E N:

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM ~~BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND~~ THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) [THE NAMED DEFENDANTS LISTED IN THE SCHEDULE HERETO]

Defendants / Respondents

ORDER

***RESTRAINING TRESPASS ON AND OBSTRUCTION OF ACCESS TO AND FROM THE
LAND DESCRIBED HEREIN***

PENAL NOTICE

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

IMPORTANT NOTICE TO THE DEFENDANTS

- (1) This Order (**and paragraphs 5 to 10 in particular**) prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.
- (2) Electronic copies of the applications and evidence filed in these proceedings are available electronically at (i) <https://hs2inhillington.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>. Any person who is unable to obtain electronic copies of documents at that address, or who wishes to obtain hard copies of documents, should contact the Claimants' solicitors (Eversheds Sutherland (International) LLP) using the contact details at the end of this Order.
- (3) A further hearing in these proceedings is to be listed for [] days in the High Court on the first available date after []. Details of the hearing will, when known, be advertised at the websites indicated in the paragraph above. Any person interested in attending the hearing should therefore monitor those websites.

FURTHER TO the Order of Mr David Holland QC (sitting as a deputy judge of the High Court) on 16 May 2019 ("the **2019 Order**").

AND UPON the Claimants' application by Application Notice dated 18 May 2020 to extend the duration of the injunctions contained at paragraphs 6 to 9 of the 2019 Order ("the **Extension Application**") pending the bringing of the Substantive Amendment Application (defined below).

AND FURTHER TO the extension and variation of the 2019 Order by further order of Mr Justice Fancourt on 27 May 2020 ("the **May 2020 Order**") pursuant to the Extension Application, and the listing of this 22 June 2020 hearing as the return date of the Extension Application

AND UPON the Claimants having served the Extension Application and May 2020 Order personally on the following Named Defendants (as set out in the witness statement(s) of []) on or before []; [*Personally served Named Defendants*].

AND UPON the Claimants' application by Application Notice dated 15 June 2020: (i) to amend its claim to include additional parcels of land within the injunction it seeks; (ii) to add and remove defendants to the Claim; and (iii) for further interim injunctive relief ("the **Substantive Amendment Application**").

AND UPON the Claimants having served the Substantive Amendment Application personally on the following Named Defendants (as set out in the witness statement(s) of [] on or before []; [*Personally served Named Defendants*].

AND UPON hearing in public [by remote Skype hearing]: (i) Tom Roscoe and Daniel Scott, counsel for the Claimants; (ii) [*OTHER APPEARANCES*].

AND UPON the Court accepting the Claimants' renewed undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the court finds that the Defendant ought to be compensated for that loss.

AND UPON the Claimants confirming that this Order is not intended to prohibit continued occupation of the "Protestor Encampment" on Harvil Road, marked on Plan A annexed to the Re-Amended Claim Form and re-attached to this order ("**Plan A**").

IT IS ORDERED THAT:

Parties

1. The names of the First and Second Defendants be amended to the form set out in the header to this Order.
2. The third to 35th Defendants to these proceedings (together, "the **Named Defendants**") shall be as set out on the Schedule to this Order, and each shall be a respondent to the Substantive Amendment Application. Accordingly:
 - 2.1 the spelling of the name of the Eight Defendant be corrected to the form in the said Schedule;
 - 2.2 the 33rd Defendant be removed as a defendant to these proceedings; and
 - 2.3 the 34th and 35th Defendants be added as defendants to these proceedings.

Amendment to Claim Form

3. The Claimants have permission to re-amend the Part 8 Claim Form issued on 5 February 2018 in the form of the draft Re-Amended Claim Form appended to the Substantive Amendment Application.

4. The said amendments to the Claim Form and addition, removal and changes to the names of parties shall take effect immediately, and further service of the Re-Amended Claim Form is dispensed with.

Injunction continuing in force

5. With immediate effect the First Defendant, the Named Defendants and each of them are forbidden, without the consent of the First or Second Claimant, from entering or remaining upon “Land at Harvil Road”, being the land shaded green, blue and pink and outlined red (“the **Harvil Road Site**”) on Plan A. Further:

- 5.1 This paragraph of this Order shall, for the avoidance of doubt, apply to the splays, or bell-mouth areas, for access and egress at the following vehicular entrances to the Harvil Road Site (all together, “the **Vehicular Entrances**”).

- (i) between the Harvil Road Site and the public highway known as the Harvil Road, Harefield in the London Borough of Hillingdon (“**Harvil Road**”) at the vehicular entrances marked on Plan A as “Gate 1”, “Gate 2”, “West Gate 3 Entrance”, “Fusion Dews Lane Compound HQ” and “Gate 4” (“the **Harvil Road Entrances**”); and
- (ii) between the Harvil Road Site and the adjoining land in the vicinity of the Hillingdon Outdoor Activity Centre (“the **HOAC**”) marked on Plan A at “Dews Lane West” (“the **Dews Lane West Entrance**”).

- 5.2 For the purposes of this Order the areas of concrete hard standing immediately adjacent to the main carriageway of the public highway at each of the Harvil Road Entrances shall **NOT** be treated as part of the Harvil Road Site, but the areas of the bell-mouths between that concrete hard standing and the gates at the Harvil Road Entrances **SHALL** be treated as part of the Harvil Road Site and covered by this paragraph of the Order.

- 5.3 The Claimants shall seek, so far as reasonably practicable, to demark that boundary by some physical line or mark or other feature on the ground.

6. The Named Defendants shall not: (i) cut, damage, move, climb on or over, dig beneath or remove any item affixed to any temporary or permanent fencing or gates on or at the perimeter of the Harvil Road Site; or (ii) damage, apply any substance to or interfere with any lock on any gate at the perimeter of the Harvil Road Site without the consent of the Claimants.

7. Any other person who carries out the acts prohibited by paragraphs 5 and 6 shall be deemed to be within the definition of the First Defendant, trespassing upon the Harvil Road Site and therefore in breach of paragraphs 5 and 6 of this Order.
8. With immediate effect, the Second Defendant, the Named Defendants and each of them are forbidden from substantially interfering with the Claimants' and/or their agents', servants', contractors', sub-contractors', group companies', licensees', invitees' or employees' access to (or egress from) the Harvil Road Site (or any part of it):
 - 8.1 from (or to) the Harvil Road; and/or
 - 8.2 from (or to) adjacent land in the vicinity of the HOAC via the Dews Lane West Entrance.
9. For the purposes of paragraph 8, acts of substantial interference shall include (but not necessarily be limited to):
 - 9.1 climbing onto or underneath vehicles;
 - 9.2 attaching persons or objects to vehicles;
 - 9.3 standing, sitting or lying in front of vehicles;
 - 9.4 attaching persons to other persons or objects so as to create an obstruction of the public highway or the splay or bell-mouth areas at the Vehicular Entrances;
 - 9.5 attaching persons or objects to the gates at the Vehicular Entrances.
10. The injunctions at paragraphs 5 to 9 above shall continue until after the Further Hearing in the Substantive Amendment Application (as provided for by paragraph 21 below) to the extent that the Court orders on that occasion. At that Further Hearing, the further continuation of injunctive relief beyond the date of that hearing is to be reconsidered.

Service on First and Second Defendants

11. Pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Substantive Amendment Application on the First and Second Defendants (as set out in the Third Witness Statement of Ms Shona Jenkins dated [], and the Certificate of Services dated []) shall amount to due service of the Substantive Amendment Application on those defendants. The deemed date of service is [] June 2020.

12. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
13. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows:
 - 13.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Harvil Road Site, including at and opposite the Vehicular Entrances.
 - 13.2 The Claimants shall position in the same locations signs, no smaller than A3 in size, advertising the existence of this Order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.
 - 13.3 The Claimants shall also leave sealed copies of this Order at the Protestor Encampment marked on Plan A.
 - 13.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites: (i) <https://hs2inhillington.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>, together with a link to download an electronic copy of this Order.
14. The taking of such steps shall amount to due service of this Order on the First and Second Defendants and each of them.
15. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
16. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 13.1 and 13.2 above remain in place and legible, and, if not, shall replace them as soon as reasonably practical.

Service on the Named Defendants

Past service

17. In addition to the Named Defendants served personally (as recorded in the recital to this Order), and pursuant to CPR r. 6.27 and r.81.8, the steps taken by the Claimants to serve the Extension Application and the May 2020 Order on the following Named Defendants shall amount to good and sufficient service of the Extension Application and the May 2020 on those Named Defendants, with the deemed date of service being []:

17.1 *[Named Defendants so served]*.

18. In addition to the Named Defendants served personally (as recorded in the recital to this Order), and pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Substantive Amendment Application on the following Named Defendants shall amount to good and sufficient service of the Substantive Amendment Application on those Named Defendants, with the deemed date of service being []:

18.1 *[Named Defendants so served]*.

Future service

19. The Claimants must use reasonable endeavours forthwith to serve the Named Defendants with this Order and (to the extent not already served) the Substantive Amendment Application.
20. The Claimants have liberty to apply for orders for alternative service of those documents upon the Named Defendants under CPR r.6.27 and/or r.81.8, which application may be heard at the Further Hearing provided for by paragraph 21 below.

The Further Hearing

21. A further hearing of the Substantive Amendment Application (“the **Further Hearing**”) is to be listed (if possible) on the first available date in the weeks commencing [], or on the first available date thereafter, with a time estimate of two days (plus half a day’s judicial pre-reading).
22. The Court shall provide a notice of hearing to the Claimants’ solicitors, which the Claimants are to publicise by:
- 22.1 sending a copy to any email addresses provided by the Named Defendants to the Claimants for the purposes of these proceedings;
 - 22.2 posting a copy on the websites at paragraph 13.4 above;
 - 22.3 attaching copies to prominent locations to the perimeter fence of the Harvil Road Site in the vicinity of the Vehicular Entrances;
 - 22.4 leaving copies of the notice of hearing at the Protestor Encampment marked on Plan A; and

- 22.5 (if the notice of hearing is provided to the Claimants' solicitors before such personal service) including the said notice of hearing with copies of this Order served personally on any Named Defendant.
23. Any Named Defendant who wishes to contest the Substantive Amendment Application at the Further Hearing may file and serve on the Claimants' solicitors (whose details are set out below) a witness statement outlining their interest in this matter, the grounds on which they will contest it and any facts relied on by no later than 4pm on []. Any Named Defendant who files and serves a witness statement must include in his or her witness statement with a postal address for service or email address at which they are prepared to accept electronic service of documents.
24. Any other individual who wishes to contest the Substantive Amendment Application or otherwise who wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants' claim or the Substantive Amendment Application shall by 4pm on []:
- 24.1 file and serve a witness statement outlining their interest in this matter, the grounds on which they will contest it any fact relied on; and
- 24.2 must in their witness statement provide a postal address for service or email address at which they are prepared to accept electronic service of documents.
25. The Claimants may file by 4pm on [] 2020 evidence in response to the evidence filed by any Defendant and if they do so they must send a copy to any email addresses provided by the Named Defendants to the Claimants for the purposes of these proceedings, and post a copy or link on the websites at paragraph 13.4 above.

Further directions

26. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
27. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
28. The Claimants have liberty to apply to extend or vary this Order or for further directions.
29. Costs reserved.

Communications with the Court & Claimants' Solicitors

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

Court Manager
High Court of Justice
Chancery Division
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL

The telephone number is 020 7947 7501. The officer are open weekdays 10.00am to 4.30pm.

The out of hours telephone number (for urgent business only) is 020 7947 6260.

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

Eversheds Sutherland (International) LLP of:

1 Callaghan Square
Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

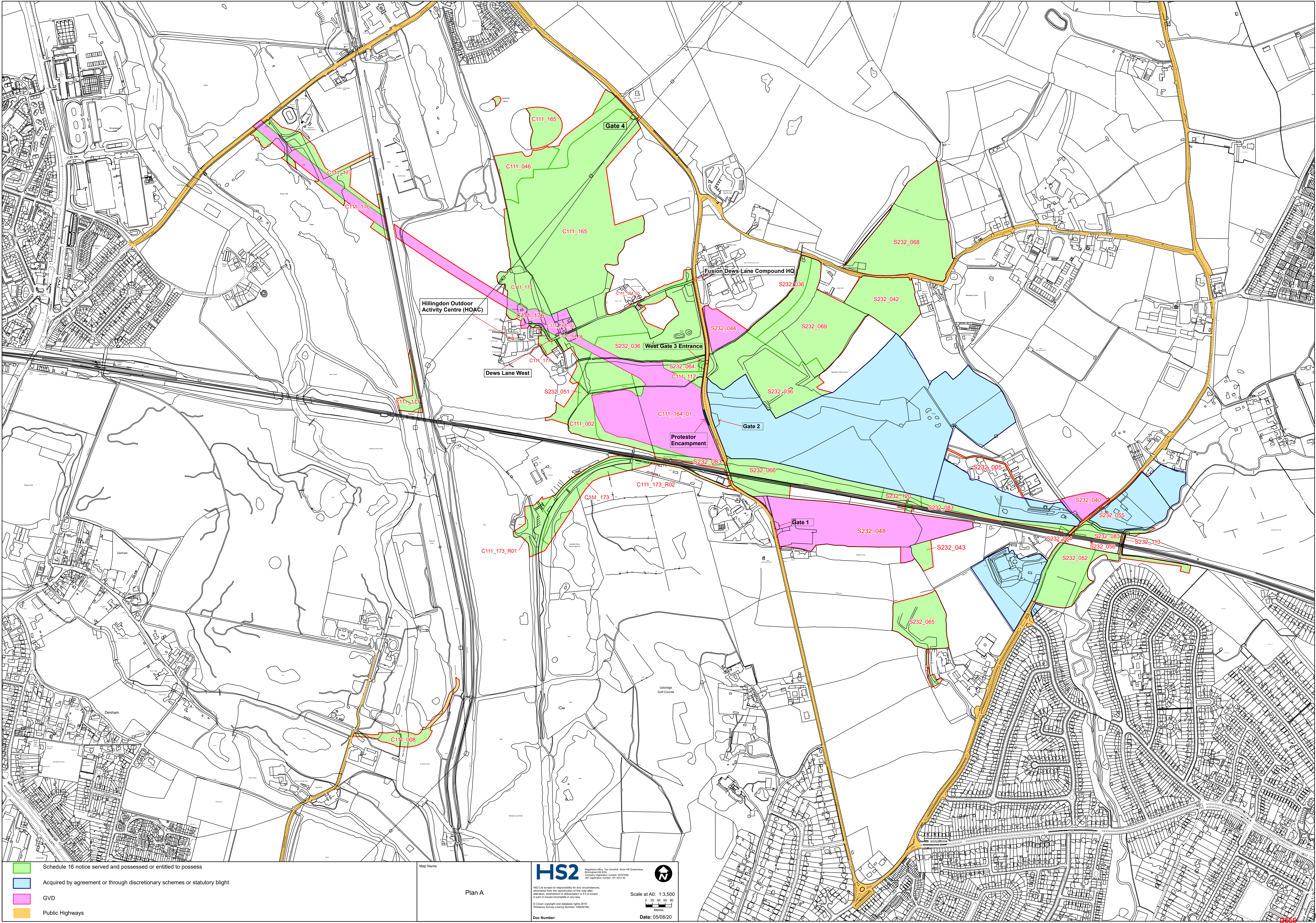
Ref: JENKINSW/335547/000169

The Court has provided a sealed copy of this Order to the Claimants' solicitors at the above address for service.

Dated:

SCHEDULE OF NAMED DEFENDANTS

3. Sarah Green
4. Mark Keir
5. *[No longer used]*
6. *[No longer used]*
7. Thorn Ramsey
8. Vajda Robert Mordechaj (*Spelling corrected by this Order*)
9. Iain Oliver
10. Elliott Cuciurean
11. Jess Walker
12. Matt Atkinson
13. Scott Breen
14. Hannah Bennett
15. James aka “Jimmy” Ruggles
16. Nick Grant aka “Potts”
17. Stuart Ackroyd
18. Wiktor Zieniuk
19. Paul Sandison
20. Tom Dalton
21. Conner Nichols
22. Dr Ian “Larch” Maxey
23. Sebastian Roblyn Maxey
24. Jessica Heathland-Smith
25. Ella Dorton
26. Karl Collins
27. Sam Goggin
28. Hayley Pitwell
29. Jacob Harwood
30. Tom Holmes
31. Libby Farbrother (*Spelling corrected by this Order*)
32. Sam Smithson
33. ~~Caroline Thomson Smith~~ (*Removed as a Defendant by this Order*)
34. Jack Charles Oliver (*Added as a Defendant by this Order*)
35. Charlie Inskip (*Added as a Defendant by this Order*)



1.	Claimants
2.	Rohan Perinpanayagam
3.	Second
4.	RP2
5.	Date: 15 June 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN
THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN,
BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE
AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE
PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS,
CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES,
INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND
EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD,
HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN
COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED
GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO
THE AMENDED CLAIM FORM

(3) to (33) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE
ORDER OF THE HON MR JUSTICE FAN COURT DATED 21 MAY 2020

Defendants / Respondents

**SECOND WITNESS STATEMENT OF
ROHAN PERINPANAYAGAM**

I, Rohan Perinpanayagam, of High Speed Two (HS2) Ltd, 2 Snowhill, Queensway,
Birmingham, B4 6GA WILL SAY as follows:

1. I am the Second Claimant's Project Client Align IPT (Project Director) of Phase One
of the High Speed 2 railway scheme ("the **Scheme**"). This is my second statement

in these proceedings and, as mentioned in my first witness statement, I am known as Rohan Perin.

2. I am authorised by the Claimants to make this second statement within the Claimants' existing claim in support of the Claimants' application (which I will refer to as "the **Substantive Application**");

- 2.1 To amend its claim to include additional parcels of land which have been brought into the Scheme since these proceedings were last substantively before the Court ("the **Additional Land**"). This Additional Land has been subject to, and continues to be at risk of, unlawful 'direct action' protest by individuals opposed to the Scheme; and

- 2.2 To vary and extend the injunction originally imposed by the Court on 19 February 2018 ("the **Original Injunction**") which was continued and extended by the Court on 16 May 2019 ("the **2019 Injunction**") and further continued and extended by the Court in duration (pending a Return Date of the "**Extension Application**") on 21 May 2020 ("the **2020 Injunction**"), so that:

- (i) it prevents trespass and obstruction of access to the Additional Land as well as the Land previously covered; and
 - (ii) it is further extended in time beyond the date sought in the Extension Application (which I refer to further below).

- 2.3 I To add two further individuals (D34 and D35) as named defendants to these proceedings (in addition to those joined by the 2020 Injunction), as they have been identified as being at risk of committing unlawful conduct due to their involvement in recent incidents at the Harvil Road Site as is detailed in Jordan 2.

3. The contents of this statement are from matters that are within my own knowledge, knowledge gained from my review of the Claimants' documents in relation to this matter and various other sources of information which are stated. Where I state matters within my own knowledge, they are true to the best of my knowledge and

belief. Where I state matters from other sources, I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as PR1. Page numbers without qualification refer to that exhibit.

4. This statement has been prepared with the assistance of the Claimants' solicitors, Eversheds Sutherland (International) LLP following telephone and email correspondence between me and lawyers at the firm.
5. In this statement, where I refer to:
 - 5.1 "the **Land**", that is a reference to the land which is the subject of the 2020 Injunction, and which is shown edged in red and coloured green, pink and blue on the plan to the 2020 Injunction (at **p. 2**). For the avoidance of doubt, the plan to the 2020 Injunction is identical to the plan to the 2019 Injunction;
 - 5.2 "the **Additional Land**", that is a reference to the additional parts of land which the Claimants seek to amend their claim to include and which is shown coloured green and pink on the plan at **p. 3**.
 - 5.3 "the **Harvil Road Site**", that is a reference to the Land and the Additional Land together and which is shown coloured green, blue and pink and edged in red on the plan to the Amended Claim and reproduced at **p. 4** for ease.

Introduction

6. The purpose of this statement is to:
 - 6.1 provide a brief background to these proceedings and to update the Court on relevant proceedings and matters that have taken place since the 2019 Injunction was made;
 - 6.2 describe the Additional Land which is land in the area that has been brought into the Scheme since the 2019 Injunction was made or that which the Claimants now require possession of for the purposes of the Scheme and to explain the basis of the Claimants' entitlement to possession of the same;

- 6.3 explain the current position in relation to the Scheme programme for the Land and the Additional Land and the impact of the protestors' continued occupation and trespass on the enabling works which the Claimants are authorised and intend to carry out; and
- 6.4 outline the continued risk of trespass to and obstruction of the Land and Additional Land and to explain the impact of the protestors' occupation on the enabling works which the Claimants are authorised and intend to carry out.

Earlier Proceedings

7. These proceedings concern a development site for the HS2 railway project off the Harvil Road in Hillingdon, West London (i.e. the Harvil Road Site).
8. The Harvil Road Site is being developed by the Claimants and their contractors as part of the scheme of works authorised by the High Speed Rail (London – West Midlands) Act 2017 (“the Act”). The Second Defendant (“**HS2 Ltd**”) is the statutory undertaker for the HS2 project. The whole of the Harvil Road Site is within the Act limits, and the works being carried out on the site are either works for the construction of Phase One of the HS2 railway, or works consequent on, or incidental, to those works.
9. The Scheme is a controversial one, and works at the Harvil Road Site have attracted (and continue to attract) extensive direct action protest for a number of years on environmental and other grounds. Some of that protest activity has been lawful but, largely, the Harvil Road Site is impacted by regular and persistent unlawful action severely disrupting the enabling works at this site.
10. These actions have been considered on three previous occasions by the High Court, which I refer to further briefly below. As can be seen from its terms, the 2019 Injunction at **pp. 5 - 12** was granted by Mr David Holland QC in order to seek to prevent that unlawful conduct.

The Extension Application

11. The Substantive Application now made by the Claimants follows an application made by the Claimants on 18 May 2020 against persons unknown for a temporary

extension of the 2019 Injunction. This is what I have referred to as the “**Extension Application**”.

12. The first witness statement of Ms Shona Ruth Jenkins dated 18 May 2020 filed in support of the Extension Application (“**Jenkins 1**”) explains, at paragraphs 3 and at paragraphs 21-36, why it was necessary to make the Extension Application in order to ‘protect’ the 2019 Injunction which was otherwise due to expire on 1 June 2020. Ms Jenkins also explains in detail that the Claimants intended to make this Substantive Application and why they were not in a position to do so at that stage.
13. The initial hearing of the Extension Application was before the Hon. Mr Justice Fancourt on 21 May 2020, as a result of which Mr Justice Fancourt ordered that the 2019 Injunction be continued until after the hearing of the Extension Application on the Return Date (which has since been listed for 22 June 2020) and after the Return Date to the extent that the Court so orders on that occasion.
14. I understand that, during the course of this hearing it was explained by the Claimants’ Counsel (and as had been set out in Jenkins 1) that the Claimants intended to bring the Substantive Application shortly not only to (i) add additional land (ii) extend for a longer period but also (iii) to name and join to the proceedings a number of individuals that they considered were at risk of unlawful conduct at the HS2 Site.
15. I understand that Mr Justice Fancourt directed that the Claimants should identify so they may be joined as defendants at that juncture those persons who the Claimants believed to be at risk of committing unlawful conduct unless otherwise restrained by an injunction, and whose names were then known to the Claimants. This was on the basis that the correct defendants and respondents to the Extension Application may and should be reviewed from time to time, as circumstances changed. In the event, the 28 named Defendants who are listed in the Schedule to the 2020 Injunction were joined as respondents to the Extension Application and defendants to the proceedings by virtue of the 2020 Injunction.
16. It is the Claimants’ intention for the Substantive Application to be filed and served to the greatest extent possible in advance of the Return Date. The Claimants intend to ask for interim relief to be continued until a full hearing of this Substantive Application, and – ideally – for the interim relief to cover the expanded site described

in this statement. It is also anticipated that the hearing of the Extension Application on 22 June 2020 may allow the Court to give directions for the management of the Substantive Application.

17. Aside for the very recent hearing relating to the Extension Application, and as I mention above, these (and connected) proceedings have been before the High Court on three previous occasions. Paragraphs 10-20 of Jenkins 1 set out the background to the earlier proceedings in detail, however for ease these are:
 - 17.1 The **Original Injunction** which was granted by Mr Justice Barling on 19 February 2018. A copy of that injunction is at **pp. 23 – 29** of exhibit **SRJ1** to Jenkins 1 and the judgment at **pp. 10 – 22** of the same exhibit;
 - 17.2 The 2019 Injunction which was granted by Mr David Holland QC (sitting as a Deputy Judge of the High Court) on 16 May 2019. A copy of that injunction is at **pp. 5 - 12** and the judgment at **pp. 30 - 59** of **SRJ1**; and
 - 17.3 The 2019 Possession Proceedings. A copy of the judgment is at **pp. 60 – 96** of **SRJ1** and the possession order that was made is at **pp. 97 – 100** of **SRJ1**.
18. The Defendants to each of those proceedings (some of which have been re-joined as defendants by way of the 2020 Injunction) have raised numerous arguments in support of their opposition to the Scheme and these arguments have been heard extensively by the Court on these previous occasions.
19. For the purposes of the Substantive Application, the 2020 Injunction is now the relevant injunction which the Claimants are seeking to extend and vary.

Entitlement to possession of the land which is the subject matter of these proceedings

The Land

20. I am describing the land which is subject to the 2020 Injunction as “the Land” in this statement. The Claimants’ entitlement to the possession of the Land was determined by Mr David Holland QC in his November 2019 judgment, by reference to the evidence of the First and Second Witness Statements of Robert William McCrae (“**McCrae 1**” and “**McCrae 2**”), at paragraphs 2-11 and paragraph 7 respectively.

21. For completeness, I confirm that a General Vesting Declaration (“GVD”) has been made in respect of some of the land over which the Second Claimant had taken temporary possession pursuant to section 15 and Schedule 16 of the Act. This covers parts (not all) of the plots numbered C111_112, S232_064, C111_002 and S232_036 on the plan at **p. 2**. An official copy of the registered title and the official title plan to the land subject to this GVD is at **pp. 13 – 21**.
22. In practical terms, this means that the GVD has superseded the Second Claimant’s entitlement to temporary possession of that part of the Land, and it is the First Claimant rather than the Second Claimant who is entitled to possession of it. I do not believe that this has any material impact on the form of relief to which the Claimants between them should be entitled in these proceedings. Otherwise, the basis of the Claimants’ entitlement to possession of all of the Land remains unchanged.

The Additional Land

23. The Claimants’ process of taking and acquiring land at the Harvil Road Site is a continuous one with land being added to the Scheme regularly. That has caused some difficulties in being in a position to finalise the Substantive Application with the land that the Claimants would like to be ‘protected’ because the position becomes outdated very quickly.
24. In the circumstances, for the purpose of finalising and filing the Substantive Application, the Additional Land, at the time of filing, includes the land which has been brought into the Scheme up to 31 May 2020. Where further land is brought into the Scheme after this date but before the date of the hearing of the Substantive Application and where that further land is considered to be at risk of unlawful conduct, the Claimants intend to ask the Court for the injunction to be extended to cover that additional land also. The Claimants therefore intend on filing a revised draft Plan A (the new injunction plan) in advance of the hearing along with further evidence in support. The risk is that if the injunction is not granted to cover further land brought into the Scheme by the date of the hearing, that at the time the injunction is granted (in the event that the Substantive Application is successful), the injunction will already be ‘out of date’ and land at the Harvil Road Site exposed to risk of unlawful conduct.

25. As mentioned at paragraph 5.2 above, the Additional Land is shown coloured green and pink on the plan at **p. 3**. It is comprised of:
- 25.1 further land which has been brought into the Scheme in this area up to 31 May 2020; and
- 25.2 some land at the Harvil Road Site which was part of the Scheme at the date of the 2019 Injunction but which the Claimants had not at that time taken possession of because it was not needed, at that time, for the works which were planned in the shorter term. This includes land on which the former ‘Protester Encampment’ was situated and which was marked on the plan at **p. 2** (referred to further below at paragraphs 37 - 48).
26. The First Claimant has acquired the freehold title to and has an immediate right of possession to that part of the Additional Land coloured pink on the plan at **p. 3** following the making of General Vesting Declarations pursuant to Section 4 of the Act. Where the land has been registered at HM Land Registry, official copies of the title are at **pp. 13 – 21**. Where the registration with HM Land Registry is pending, copies of the GVDs are attached at **pp. 22 – 42**.
27. The Second Claimant has taken temporary possession of that part of the Additional Land coloured green on the plan at **p. 3** pursuant to section 15 and Schedule 16 of the Act, which gives it an immediate right of possession to the same. A schedule setting out the details of the notices served pursuant to paragraph 4(1) of Schedule 16 of the Act and the dates on which possession was taken by the Second Claimant pursuant to those notices is at **p. 43**.
28. The Claimants respectfully seek an injunction, in the form of the draft Order provided with their application, preventing future trespass to and interference with their rights over the whole of the Harvil Road Site (i.e. the Land and the Additional Land).

Access to the Harvil Road Site

29. McCrae 1 at paragraphs 15-19 and McCrae 2 at paragraphs 11-16 explained the access arrangements and public rights of way on and in the vicinity of the Harvil Road site. To update the position:

29.1 There were, at the time of McCrae 2, two main entrances to the site known as the “North Compound Entrance” and the “South Compound Entrance” (these are marked on the plan to the 2019 Injunction), both of which were off the public highway known as the Harvil Road. Since then and, as the Harvil Road Site has evolved and where new contractors have taken over responsibility for parts of the site, gate names have changed and new accesses created as follows (and as detailed on the new ‘Plan A’, being the new proposed injunction plan at p. 4):

- (i) the “South Compound Entrance” is now called “Gate 1”;
- (ii) the “North Compound Entrance” is now called “Gate 2”;
- (iii) the “West Gate 3 Entrance” remains as it previously was named;
- (iv) there is a new access called “Gate 4”; and
- (v) following the closure of Dews Lane which I explain in more detail below, a new access at Dews Lane East which abuts the highway and which is known as the “Fusion Dews Lane Compound HQ”; and
- (vi) a new access known as Dews Lane West which abuts private land of which the London Borough of Hillingdon is the freehold owner.

It remains and in respect of the new entrances, is the case, as is evidenced by some of the incidents set out in Jordan 2, that these entrances frequently suffer from obstruction by the Defendants. This is not only an operational concern but also a health and safety concern. It was for those reasons that the Claimants sought – and continue to seek - to restrain those unlawful activities.

- 29.2 The land coloured orange (“Orange Highway”) on the plan to the 2019 Injunction is designated public highway. This is the case also for the new injunction plan (at **p. 4**) which is attached to the Claimants’ application to amend their claim;
- 29.3 When McCrae 2 was prepared, two public rights of way crossed the Land. Mr McCrae explained that there are powers available to the Claimants in terms of stopping up those rights of way. They include a power under Section 3 and Part 2 of Schedule 4 to the Act to stop-up highways specified in that schedule for the purposes of or in connection with the construction of the works authorised by the Act.
- 29.4 Since these proceedings were before the court in 2019, Sections of U34 have been temporarily closed and diverted pursuant to section 3 and Schedule 4, Part 2 of the Act. I understand that the closure of part of U34 had been opposed during the 2019 Possession Proceedings referred to at paragraph 17 above and at paragraphs 15-20 of Jenkins 1. The Judge (Mr David Holland QC) however held that the temporary stopping up had been lawfully exercised and that the Second Claimant was entitled to possession of those parts.
- 29.5 I should add that since the 2019 Possession Proceedings, and in light of the recent closure of Dews Lane (which I refer to further below at paragraphs 31-34, the original diversion to U34 (being over Dews Lane) has since been re-diverted. Advance warning notification of the closure and re-diversion was sent to local residents by way of a letter box drop on 5 February 2020 and also posted on the <https://hs2inhillington.commonplace.is> website, a copy of which is at **pp. 44 – 47**. Closure and diversion signs were also put in place however protesters regularly de-face and / or remove them. Since the closure of Dews Lane, closure and diversion signs have been re-installed yet they continue to be removed by protesters in the vicinity. As was the case when the 2019 Injunction was made, the Claimants are not seeking to prevent lawful use of these public rights of way.

Dews Lane

30. Dews Lane is a private lane, the freehold title of which is owned by the Mayor and Burgesses of the London Borough of Hillingdon (“the **Council**”). The register of title records that the lane is subject to certain private rights of way. An official copy of the Council’s freehold title to land of which Dews Lane forms part together with the title plan is at **pp. 48 – 58**. It runs between the access points (mentioned above at paragraph 29.1) now known as the Fusion Dews Lane Compound HQ and Dews Lane West.
31. The Second Claimant has taken temporary possession of Dews Lane pursuant to section 15 and Schedule 16 of the Act, which, as mentioned above, gives it an immediate right of possession to the same. Schedule 16 also provides (by paragraph 2) that private rights of way over land shall be extinguished when temporary possession is taken (paragraph 7) unless the Secretary of State otherwise directs (paragraph 3). I can confirm that no direction to the contrary has been given in respect of the private rights of way over Dews Lane.
32. A small section at the east end of Dews Lane is within the land covered by the 2020 Injunction with the remainder forming part of the Additional Land. There was an express carve out in the 2019 Injunction (which has remained in the 2020 Injunction) which expressly confirms that the injunction does not apply to and is not intended to prevent passage over Dews Lane. At the point of making the 2019 Injunction, it was not necessary for Dews Lane to be closed because the works which were to take place in the shorter term did not necessitate that. The Claimants also did not wish to unduly and unnecessarily interfere with the passage over Dews Lane given that this is a vehicular access to the nearby Hillingdon Outdoor Activities Centre (“**HOAC**”). The Claimants were also aware at the time that protestors at the ‘Roadside Camp’ (as described below) would utilise Dews Lane to obtain water from a sympathetic land-owner, and the Claimants were content to continue to accommodate this at the time. In light of this, it was always the Second Claimant’s intention to take possession of Dews Lane as late as possible and was not considered necessary or desirable to prevent persons (including the protestors in the vicinity) from using Dews Lane as a means of access to HOAC and neighbouring land.

33. The position in respect of Dews Lane has, however, now changed such that, because of works taking place in the vicinity and for those to be carried out safely, it has been necessary for the Second Claimant to take possession of and close Dews Lane. More specifically:

33.1 The Second Claimant's contractors are undertaking tree and vegetation clearance in the vicinity and therefore it was necessary for a safety and security perspective to close Dews Lane so that this work can be undertaken without risk to those who would otherwise be travelling along the Lane.

33.2 This was even more so because, more recently, protesters in the area, took to regularly sitting on Dews Lane as a means of protest and directly interfering with works, thus putting themselves and the workforce at risk during tree and vegetation clearance works.

It would therefore not have been possible to undertake the works required without there being a risk to health and safety the public, the protesters and that of the Second Claimants' contractors. It would also be difficult to undertake these works from a practical safety perspective if the works were constantly disrupted by the presence of protesters.

33.3 Works are due to commence in July 2020 on the construction of a new road adjacent to Dews Lane and therefore, in preparation for those works which cannot take place whilst Dews Lane is open to the general public, Dews Lane will need to remain closed.

34. Therefore, on 22 May 2020 Dews Lane was closed albeit the Second Claimant has agreed access licences with adjoining owners and / or occupiers where access is required.

35. The events which took place on the day of the closure are addressed in Jordan 2. I mention for completeness that access to areas within the Harvil Road Site will be required by adjoining land owners and occupiers from time to time. Individual access arrangements have been and will continue to be made as necessary with those parties.

Recent Protest Camps on the Additional Land and Camps on Neighbouring Land

36. As explained in Mr Jordan's statement there were, until very recently, protest camps on the Additional Land (this included the 'Encampment' which I detail further below by way of background). There also continue to be protest camps on neighbouring land owned by the Council such that the Council have now issued injunctive proceedings to restrain trespass and unlawful activities taking place on its land. As set out in Jenkins 1, the Council's Proceedings have been issued in the Queen's Bench Division of the High Court (Claim No. QB-2020-0001222). At the time of drafting this statement, I understand from the Claimants' solicitor that the Council have informed us that twenty-one individuals have been joined as defendants to those proceedings after those individuals indicating that they opposed the Council's application for an injunction. These neighbouring camps and the recent encampments on the Additional Land are, I believe, relevant to the continuing threat of acts of trespass to the Harvil Road Site.

The Former 'Encampment'

37. A 'Protester Encampment' was situated on and beside part of the Additional Land (as indicated on the plan at **p. 2**) before the date of the Original Injunction and the 2019 Injunction. It has changed in shape and size from time to time, but is in effect in two halves:

37.1 Part is on the verge to the Harvil Road, on local authority land. I call this part the "Roadside Camp". The Roadside Camp has been a focal point for protest activity throughout. Whilst the existence of the camp is inconvenient for the Claimants, it is not on their land and no part of the relief is intended to stop this part of the protest.

37.2 Immediately adjacent to the "Roadside Camp" is a field which is part of the Additional Land. The Roadside Camp has in the past spilled away from the Harvil Road onto this field and has taken up more or less of this field from time-to-time. I call this part of the camp "the Field Encampment", however to be clear, the Claimants have now recovered possession of this area such that there is no longer an encampment on it, but the Claimants consider it remains at risk of further trespass and hence forms part of the Additional Land over

which the Claimants are asking the injunction to extend. Earlier recurrences of trespass have previously delayed enabling works in the vicinity.

38. The Original Injunction and the 2019 Injunction expressly confirmed in the recitals that the orders were not intended to prohibit continued occupation of the “Protester Encampment” on Harvil Road, though it did not at the time distinguish in terms between “the Roadside Camp” and “the Field Encampment”. The Claimants were not concerned at the time about the Roadside Camp spilling out into the Field Encampment because they did not, then, need that portion of the Harvil Road Site for imminent works. The field in which the Field Encampment is situated was not part of the Land subject to the Order to the 2019 Possession Proceedings which is referred to in more detail at paragraphs 15-20 of Jenkins 1.
39. The position has now moved on, however, and this portion of the Additional Land is now required for the Claimants’ work project. Specifically it is part of the Additional Land required for the Ickenham Auto Transformer Feeder Station (“Ickenham ATFS”) which is the new power supply for the railway. In the shorter term, the land is required to complete archaeological and ground investigation surveys (which commenced on 9 June 2020) and thereafter mitigation, if required, in order to confirm the programme for the Ickenham ATFS. Furthermore, part of the field is the location of a new National Grid tower. This part of the Additional Land is adjacent to the trace (line) of the railway and so, in the longer term, the land is also required for working space for construction in and around that area.
40. The Claimants’ decision to recover the land on which the Field Encampment was situated was first communicated to those occupying it by James Tyler Morris (HS2’s Property Acquisition Lead for this area) who attended the land on 16 August 2019 (with other members of the Second Claimant’s land and property team, construction and security teams) and explained to the protesters in situ that possession of the land was required and it was proposed to be taken on 22 August 2019.
41. Subsequently, Patricia Thomson, Senior Engagement Manager Area South for the Second Claimant confirmed this by way of an email dated 21 August 2019 at **pp. 59 – 60** again explaining that the Second Claimant intended to take possession of that

land on 22 August 2019. Ms Thomson also explained in her email the reasons why the Second Claimant needed to take possession of it.

42. On 22 August 2019, Mr Tyler Morris again attended the land (with other members of the Second Claimant's construction, security and enforcement teams) with the intention of taking possession of it. However, the occupants failed to vacate voluntarily and possession was not taken.
43. At around the same time, an encampment had been established on the land subject to the 2019 Possession Proceedings. As the part of the Additional Land on which the Field Encampment was situated is contiguous with the land that was subject to the 2019 Possession Proceedings, it was felt that it would be difficult to take possession and secure the Field Encampment land whilst the Claimants did not have control of the land subject to the 2019 Possession Proceedings. The Claimants therefore deferred the taking of possession and later sought to take possession of this portion of the Additional Land at the same time as executing the writ of possession made in the 2019 Possession Proceedings.
44. As a result, at the same time that High Court Enforcement Officers were enforcing the November 2019 writ of possession over the land that was subject to those proceedings, the Claimants issued and executed statutory warrants under the Act and section 13 of the Compulsory Purchase Act 1965 in respect of the areas of Additional Land on which this Field Encampment was in place.
45. The enforcement operation undertaken by High Court Enforcement Officers took 9 days commencing on 7 January 2020. During the process of enforcement, the Second Claimant received a letter dated 9 January 2020 from Hodge Jones & Allen Solicitors stating that they were instructed by "*a number of protesters at the above [Protest Encampment on field at Harvil Road] site*" and asked for the authority under which the enforcement took place. The Second Claimant responded promptly, by way of its solicitor's letter also dated 9 January 2020, which explained the basis and the power under which enforcement was being undertaken. A copy of both letters is at **pp. 61 - 63**. I understand that no further correspondence has been received from Hodge Jones & Allen solicitors.

46. The Field Encampment land (and other land in the vicinity) was subsequently cleared of protesters on 16 January 2020 following the enforcement of those statutory warrants. CLD type semi-permanent modular security fencing was erected around the perimeter of the site in order to secure it. The Roadside Camp remained in place on the verge to the Harvil Road beside the Additional Land but was at that time separated from the Additional Land by that CLD fence.
47. The Claimants have since then been entitled to possession of the whole of that land. The First Claimant is now the registered freehold owner of that land and has been since 30 October 2019. The official copies of title are at **pp. 13 – 21**.
48. Unfortunately, after recovering possession of that portion of the Harvil Road Site, protestors re-took control of the Field Encampment and had established encampments on other areas of the Additional Land which led to a further enforcement operation (as explained in Mr Jordan’s statement).

Scheme Works at the Harvil Road Site & Impact of Protest Activity

49. The Harvil Road Site, for the Claimants’ and their contractors’ purposes, is split into two sectors known as ‘C1’ (Central Area 1) and ‘S2’ (South Area 2) which simply relates to geographically where the works are taking place. At **pp. 64 – 67**, I attach the Indicative Construction Timelines for C1 and S2 which together show the indicative works’ timetable at the Harvil Road Site from 1 June 2020-July 2024.
50. In broad terms, the Works in the shorter term are enabling works and in the longer term permanent works in relation to the construction of the HS2 railway. In addition to fencing and securing the Land and the Additional Land, works include:
- 50.1 tree and vegetation clearance to facilitate possession and securing of land, and to facilitate enabling and permanent works in relation to the construction of the railway;
- 50.2 installation of construction compounds and temporary access/haul roads;
- 50.3 archaeology surveys and potential mitigation works;

- 50.4 the continued installation of a new high-pressure gas main to enable decommissioning of an existing main by Cadent Gas, the Network Operator;
- 50.5 installation of a new diverted overhead power line to enable decommissioning of the existing line by National Grid involving construction of temporary compounds and access roads including associated bridges, piling, construction of new tower bases and new towers, and cable stringing over the new route of the overhead line across existing and new towers;
- 50.6 various ecology and arboricultural surveys involving visual non-invasive surveys of existing trees and hedgerows;
- 50.7 the completion of associated ecological management/mitigation following the results of ecological surveys, including closure under licence of badger setts and the relocation of a bat roost;
- 50.8 replacement tree planting and habitat creation to meet the requirements of the no net loss strategy;
- 50.9 ground investigation works, using mobile welfare units and different types of ground investigation (e.g. trial pits, boreholes, cone penetration testing) to better understand the geotechnical characteristics and behaviour of the ground in the area of the line of the HS2 railway (in turn, to inform the detailed design for the embankment approach to the viaduct, the foundations for the viaduct and the Ickenham ATFS (Auto Transformer Feeder Station));
- 50.10 various utility diversions e.g. water, drainage, gas, electric, telecoms etc. associated with the scheme;
- 50.11 the construction of new Dews Lane alignment parallel to existing Dews Lane including new junction on to Harvil Road;
- 50.12 the survey and demolition of various structures;

- 50.13 the treatment and sustainable placement of tunnelling spoil, involving construction of a temporary storage and treatment area, temporary haul roads and associated logistics requirements;
- 50.14 load test pile works, involving the formation of a construction compound, and the installation and testing of deep foundation piles to better understand the geotechnical characteristics for the viaduct foundations and to inform the detailed design;
- 50.15 the construction of the Colne Valley Viaduct comprising; south abutment, piling and pier construction, installation of the main body of viaduct and numerous at-grade earthworks and structures;
- 50.16 the construction of the Copthall cut and cover tunnel (approximately 0.9km in length) comprising; piling, excavation, construction of the tunnel and headhouse and backfilling/reinstatement;
- 50.17 Harvil Road permanent realignment, involving temporary road diversions during construction works, Newyears Green Bourne culvert construction, associated temporary access roads, utilities diversions and existing road demolition.
51. The works at the site therefore continue. The ecological and ground investigation surveys are some of the first steps to be taken out on the site, and these works have been and continue to be disrupted by protestors. The presence of protest camps in the past, for example, has prevented or impacted necessary land possession, tree and vegetation clearance and ground investigation works among other activities from being completed.
52. 'Notice to Proceed' (the Department for Transport announcement confirming this is at **pp. 68 - 70**) has been given by the Second Claimant to its suppliers in relation to the works relating to the construction of the railway. Early investigative works have already begun in respect of some of these works.

53. It is imperative that the Claimants and their contractors have uninterrupted use of the Harvil Road Site without obstruction in order that can work in accordance with and maintain their programme and ultimately the Scheme timetable.
54. To date, protester action has caused considerable impact (and cost) to the Scheme. My colleagues and I have sought to put together a broad estimate of the *additional* cost of the development at the Harvil Road Site by reason of the delays and additional security expenses caused by protest activity at the site (aside from legal costs). These come to almost £16 million, and are broken down in a short schedule with more detailed narrative comments at **p.71**. I should indicate that these are necessarily relatively broad estimates, but indicate that the protest activities at the site are causing very serious detail and financial impact – which is ultimately being paid for by the public.

Environmental Concerns

55. The Claimants are aware and accept that a number of the individuals who protest against HS2's activities at the Harvil Road Site hold genuine and sincere environmental beliefs. It is recognised also by the Claimants that it is not possible to construct a Scheme like the HS2 project without there being an environmental impact. The environmental impacts of the Scheme have been considered extensively by Parliament and the Claimants are required to mitigate against this.
56. Paragraph 4 of McCrae 1 explains that the Act was the culmination of nearly five years of work, including an Environmental Impact Assessment, the results of which were reported in an Environmental Statement submitted alongside the Bill. The First Claimant also published Environmental Minimum Requirements, which set out the environmental and sustainability commitments that will be observed in the construction of the Scheme. As is set out in McCrae 1, these documents are publicly available online.
57. All works that are carried out at the Harvil Road Site are works for which the Second Claimant and / or its contractors have consent. By way of example, as I am aware that alleged water pollution remains a concern of the protesters, a copy of the Environment Agency's consent for the test piling and associated works is at **pp. 72–**

81. In the course of obtaining that consent, environmental and mitigation factors were, of course, considered.
58. There are occasions during the course of the works' programme where works have been temporarily delayed and / or paused because the Claimants did not at the time have the relevant consent to proceed to the next stage. The Second Claimant and its contractors regularly liaise with the relevant authorities, for example, the Environment Agency and Natural England and submit revised proposals until the necessary consents are provided. Until we have consent for particular works, the works do not proceed.
59. The Second Claimant and its contractors are committed to an open and transparent policy. It is not denied that sometimes problems do arise in relation to environmental matters. In those instances, there is a policy of 'self-referral' where contractors refer the incident to the relevant authority. An investigation takes place and lessons are learnt from that process.

Ongoing Risk of Unlawful Conduct

60. There continues to be opposition to the Scheme and the works on the Land and the Additional Land as detailed in Jordan 2. There are protestors present in the vicinity of the Land, the Additional Land and at other HS2 sites who continue to make their views on the Scheme known on a daily basis.
61. As well as the impact to the scheme of works I outline above, the constant presence of protestors continues to make for an unpleasant and far from ideal working environment for the Claimants and their contractors. This has continued now for some years. The Claimants' contractors face verbal abuse and taunts on almost a daily basis and the presence of the protesters detracts them from their day to day activities. In addition, the Claimants' contractors face increasing physical abuse including prevention of their coming and going from the land, spitting and having unknown liquids thrown in their face.
62. Whilst the Claimants consider there to have been a number of breaches of the 2019 Injunction Order (which the Claimants are considering further with their legal team – though privilege is not waived), the 2019 Injunction Order has still been – for the

most part – effective. There has been a noticeable reduction in trespass and obstruction to the Land since the injunctions have been made, and the trespass to the Additional Land (not subject to the injunction) is greater than trespass to the Land.

63. I therefore believe that this shows that, should the 2020 Injunction not be continued and extended as set out in the draft order for this Substantive Application, there is likely to be an increase in incidents of this type which would adversely impact the works required at site in order to implement a scheme which has been mandated by Parliament.
64. Moreover, as mentioned above, now that ‘Notice to Proceed’ has been issued by the Second Claimant to its suppliers who will be undertaking the remaining construction works in due course, the Second Claimant considers it is likely that this may result in increased levels of protest and activity against any works which will be taking place at the site in the shorter term.

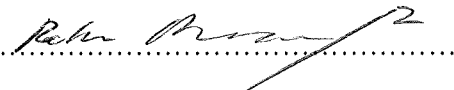
Conclusion

65. The Claimants reasonably fear that the Land and the Additional Land remain at risk of trespass and obstruction of access should the 2020 Injunction be allowed to lapse without a further injunction being imposed, given the large number of incidents of trespass and obstruction that were experienced by the Claimants prior to the making of the 2020 Injunction, the commitment of the Defendants to continue with protest activity at the Land and the targeting of the Additional Land not currently covered by the 2020 Injunction.

66. It remains the case that the Defendants do not have the consent or permission of the Claimants to enter onto the Land or the Additional Land and their presence continues to significantly impact Scheme works causing disproportionate delay and expense which is ultimately borne by the public purse.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

ROHAN PERINPANAYAGAM

Date: 15 June 2020

1.	Claimants
2.	Richard Joseph Jordan
3.	Second
4.	RJ9
5.	Date: 15 June 2020

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

Claim No: PT-2018-000098

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN
THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE
AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED
CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE
PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS,
CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES,
INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND
EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD,
HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN
COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED
GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO
THE AMENDED CLAIM FORM

(3) to (33) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE
ORDER OF THE HON MR JUSTICE FAN COURT DATED 21 MAY 2020

Defendants / Respondents

**SECOND WITNESS STATEMENT OF
RICHARD JOSEPH JORDAN**

I, Richard Joseph Jordan, of High Speed Two (HS2) Ltd, 2 Snowhill, Queensway,
Birmingham, B4 6GA WILL SAY as follows:

Introduction

1. I am the Second Claimant's Chief Security and Resilience Officer. This is my second witness statement in these proceedings. I shall refer to my first witness statement, dated 25 April 2019, as "Jordan 1". My role with the Claimants remains the same as described in Jordan 1.
2. I am authorised to make this statement in support of the Claimants' application to extend the injunction imposed by the Court on 16 May 2019 ("the **2019 Injunction**") (and extended in duration for a short period pending a return date of the Extension Application heard before Mr Justice Fancourt on 21 May 2020 ("the **2020 Injunction**")), both in time and to include what has been described as "the Additional Land" which is now part of the Harvil Road Site. I refer to the land which was the subject of the 2019 (and 2020) Injunction as "the **Land**". As indicated, the "**Additional Land**" is the land which the Claimants now seek to include within the injunction. The Land and the Additional Land together is the "**Harvil Road Site**".
3. This statement has been prepared with the assistance of the Claimants' solicitors, Eversheds Sutherland (International) LLP following telephone and email correspondence between me and lawyers at the firm.
4. This statement is made from matters that are within my own knowledge and/or (unless other sources of information are stated) knowledge gained from my review of the Claimants' documents, incident reports logged on the Second Claimant's HORACE system, reports by the Second Claimant's security team and that of the Second Claimant's contractors, material obtained and reviewed from open source internet and social media platforms and reports from specialist process servers and agents instructed on behalf of the Second Claimant. In each I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as RJ9. Page numbers without qualification refer to that exhibit.
5. In Jordan 1 at paragraph 3, I briefly explained the HORACE system (an online reporting system used by the Second Claimant) and that, it is, in particular, an important source of the information. I also explained that because it is both an online system which contains information filled in by specialist security professionals, it is not a resource which can easily be printed out or otherwise presented in a way that it is easily understandable by a lay person. That remains the case.

6. Where I refer to plot numbers in this statement in the context of describing specific incidents, those are to plot numbers on the plan at **p. 2 of RP2** and the proposed new injunction plan which is attached to the draft order and reproduced again for ease at **p. 2.**

Purpose of this statement

7. In this statement I will:
- (i) describe protestor activity on and around the Harvil Road Site since the 2019 Injunction;
 - (ii) explain how the Claimants have come to identify the persons who have been added as named defendants to these proceedings;
 - (iii) briefly describe the enforcement operation undertaken by the Claimants to remove protestors from the Harvil Road Site in (i) January 2020, and the subsequent re-entry and occupation of parts of the site and (ii) the subsequent enforcement operation undertaken by the Claimants in May 2020 to remove those camps which had been established;
 - (iv) set out the details of specific incidents of trespass and obstruction that have occurred since the 2019 Injunction was imposed and up to 31 May 2020; and
 - (v) explain the continued risk of trespass to the Harvil Road Site.
8. As just indicated, I provide an explanation of protestor activity at the site up to 31 May 2020. I have had to draw the line at that date, because it has proved very difficult to finalise a statement which tries to be precisely up to date as there are incidents and developments at the site almost every day. That is with the exception of an incident which took place shortly before this statement was finalised on 9 and 10 June 2020 and which has led the Claimants to considering that it is appropriate to seek to add D34 and D35 as defendants to the proceedings. In respect of other incidents, given there is a new incident almost daily, I intend to provide an up-dating witness statement to the Court at any future hearing to explain any important developments which have occurred between 31 May 2020 and that date.

Opposition to the Scheme works on the Land

9. Since the imposition of the 2019 Injunction on 16 May 2019, protestor activity in opposition to the Claimants' works at the HS2 Site has continued.
10. The focus of that activity has been a 'roadside' protest camp on Harvil Road (opposite Gate 2 (previously known as the North Compound Entrance) – which is identified on the plan to the 2019 Injunction at **p. 1 of RP2**). This camp is situated on local authority land on or next to the public highway (photo at **p. 3**). On the whole, this protest is peaceful and / or does not impact the Claimants and their contractors. It is also permitted by the terms of the 2019 and 2020 Injunctions.
11. There are also other protest camps which have been set up in the vicinity of the Harvil Road Site, for example, at the time of drafting this Statement there is:
 - (i) an encampment at the bottom of Dews Lane (Dews Lane West end);
 - (ii) an encampment on land belonging to the London Borough of Hillingdon ("**the Council**") near the lake at the Hillingdon Outdoor Activities Centre ("**HOAC**") which, I understand, the Council is now seeking to recover possession of in addition to injunctive relief.
 - (iii) This 'lake' encampment is in the vicinity of a newer encampment which has recently been established on part of the Additional Land near Dews Lane (West end) and nearer to HOAC itself ("**the HOAC Encampment**"). Increasing numbers of protesters appear to be at this location: at the time of drafting, there have been reported to be between 35 and 50 persons present at any time during the past two weeks.
12. In addition, Mr Mordechaj (D8) has since 21 February 2020 been living in a tent which he has erected in the bell-mouth of West Gate 3. Mr Mordechaj is also reported to be seen sometimes during the day at the lakeside camp referred to above and therefore appears to move between that camp and the tent he has erected at West Gate 3. He often approaches the entrance gate at West Gate 3, obstructs (or partly obstructs) access to the gate and / or is often involved in minor disruptive acts such as sitting in the bell-mouth and refusing to move, in order to prevent vehicles from

entering or leaving the site: at least two security officers are therefore stationed at the outer gate at all times when he is present, preventing them from carrying out other duties such as patrolling the perimeter. This is a trespass on the Land and in breach of the 2020 Injunction.

13. Inevitably, these points of protest as well as *ad hoc* camps that are formed either on the Harvil Road Site or land in the vicinity form the base for a number of more temporary incursions on to other parts of the Land and the Additional Land.
14. In recent months, the Claimants have experienced increasing numbers of incidents of trespass on to the Harvil Road Site, and other unlawful conduct:
 - (i) Certain of those incidents have been on the Land covered by the 2019 (and 2020) Injunction. There have been approximately 35 acts of trespass to the Land (of which the Claimants are aware) since the 2019 Injunction was made. Separate proceedings for contempt of court are being contemplated in respect of such breaches. For the purposes of this statement, however, I raise those incidents solely in order to explain why the Claimants believe there to be an ongoing risk of unlawful conduct. Whilst (as these incidents show) the injunction has not been *wholly* successful in stopping trespass, the Claimants believe that the amount of trespass would have been much greater *but for* the Injunctions.
 - (ii) There has also been an increasing number of incidents of trespass on the Additional Land – including more permanent acts of trespass via the setting up of protest camps, together with shorter lived incursions across wider areas of the Additional Land. Aside from the protest camps, there been approximately 31 acts of trespass to the Additional Land (of which the Claimants are aware) since the 2019 Injunction was made.
 - (iii) There have also been several incidents where protesters have sought to interfere with / block access to the Harvil Road site, which I also explain further below.
 - (iv) It is not realistic to attempt to give an account of each and every incident that has been recorded at the Site. This statement therefore sets out a number of

the more significant incidents, and a range of examples of the sort of protest activity that the Claimants continue to be subject to.

15. On average, the number of protesters on or in the vicinity of the Harvil Road Site who are visibly opposed to the HS2 Scheme range between about five and 25 a day, and since the establishment of the camp at the west end of Dews Lane, numbers have increased to approximately 35 to 40. These persons, when not engaged in protest activities elsewhere on the site, are in occupation of the various protest camps mentioned above.
16. The Claimants continue to recognise that the HS2 Scheme is a controversial one, and that those engaged in protest or demonstrations against it may have genuine and sincere concerns. The Claimants have tried to engage with those concerns. The Second Claimant's attempts to engage with and address the concerns of the protesters were set out at paragraphs 3 and 33 in the witness statement of Robert William McCrae dated 30 January 2018 and the witness statement of Patricia Thompson dated 2 February 2018 (paragraph 3 onwards). HS2 community engagement continues to engage with and address the concerns of protestors via similar initiatives.
17. The Claimants do not seek to stifle anti-HS2 views, but seek the Court's assistance to try to ensure that the protestors do not resort to unlawful direct-action protest. Not only is that conduct unlawful, but it is extremely disruptive (and therefore expensive), dangerous and – in many instances – unpleasant and difficult for those engaged in work at the site. In outline:
 - (i) The HS2 Site is an active construction works site. The works time-table requires coordination between numerous different contractors and sub-contractors of different specialisations. The mere presence of unauthorised protestors on the Harvil Road Site is unsafe when heavy works are planned, and usually requires those works to be paused. Where, as is often the case, protestors actively interfere with works, the problem is even more acute. The knock-on effect and cumulative effect of these delays is severe. They serve to increase costs, and require increased security and legal costs. All of these costs are ultimately borne by the public purse.

- (ii) The acts of trespass and obstruction are often accompanied by incidents of verbal harassment and physical intimidation of contractors including some violent acts.
- (iii) Very considerable police resources have been required to assist with incidents on the Harvil Road Site, again at considerable public expense.
- (iv) Attempts to maintain order at the Harvil Road Site are further hindered by the fact that temporary metal Heras-style fencing is regularly moved, damaged or tampered with – and the Court-mandated notices warning of the existence of the 2019 Injunction are regularly defaced or torn down.
- (v) The Covid-19 pandemic has not noticeably reduced the level of protest at the site. It has, however, made it difficult for the Claimants’ security contractors to seek to engage constructively with trespassers and ask them to leave – as protestors are often complaining about the lack of “social distancing” by the security personnel in those circumstances.

Named Defendants

18. It is not always possible on site to identify (at least with any degree of confidence) the individuals involved in particular incidents, or to provide a comprehensive list of all persons who the Claimants realistically anticipate will engage in unlawful protest activities at the site in the future. That is for a number of reasons, which include:
- (i) some individuals cover their faces to protect their identities (and/or, more recently, to protect against the spread of coronavirus);
 - (ii) many incidents are reported by non-security contractors on site who cannot reasonably be expected to engage with trespassers in order to seek to identify them, and may not recognise them from other incidents or security reports;
 - (iii) some protests appear to have attracted non-local or non-regular protestors who have not been seen before (and may not be seen again) by the person reporting the incident; and

- (iv) there have been incidents involving such a large group of protesters at any one time that seeking to record their identities is not only impractical but also impossible where personnel are focussing their efforts on seeking to resist such trespass and protect the site from further intrusion.
19. Where persons are known or it has been possible to identify them, they are described in this statement. As detailed in the second witness statement of Rohan Perinpanayagam (“**Perin 2**”), the 2020 Injunction added a number of named defendants. Whilst a number of individuals have been added as defendants thereby, the Claimants have not sought to add all individuals identified in this statement. This is because, whilst, the question of which named persons should properly be added as named defendants is being kept under review, where identified individuals have trespassed on only one, or very few occasions, and non-recently, the Claimants do not consider there to be a sufficiently acute continued threat of trespass from those individuals to justify seeking relief against them at this juncture.
20. It may be disproportionate to seek to add every person it has been possible to identify. This is sometimes a difficult judgment call. For example, the Claimants are aware that James Brown has been involved in at least one incident at the Harvil Road Site but because of the on-off nature of this incident, the Claimants have not considered it appropriate to name him as a defendant to these proceedings. This is a judgment-call on the basis of the information available to the Claimants.
21. I should mention that it was not the Claimants’ intention to name Caroline Thomson-Smith (currently D33) as a defendant to the proceedings as she was identified as only being involved in a one-off incident. However, Ms Thomson-Smith attended remotely the first hearing of the Extension Application on 21 May 2020 and sought herself to be added as a respondent to that application and a defendant to the proceedings. It has since, however, been agreed between the Claimants and Ms Thomson-Smith that she may be removed as defendant to the proceedings on the basis that she has confirmed that she has no intention to trespass on the Harvil Road Site. I attach correspondence between Ms Thomson-Smith and the Claimants’ solicitors at **pp. 4 - 11** which records that.

22. Ms Sarah Green (D3) and Mr Mark Keir (D4) were previously named defendants (in addition to others) but were removed as parties in the 2019 Injunction. They have since been re-added by way of the 2020 Injunction. Ms Green sought to re-join herself as defendant at the first hearing of the Extension Application having been represented by Mr Mehta of Red Lion Chambers. Despite indicating that he would be represented by Mr Powlesland of Ely Place Chambers, Mr Keir did not attend and was not represented at the hearing. Ms Green and Mr Keir have been involved in many of the incidents set out below, eleven and six respectively, and the Claimants therefore ask that the interim injunction be continued against them expressly as named defendants.
23. The additional proposed named defendants, and an outline of their involvement, are as follows:
- (i) **Thorn Ramsey (D7):** Mr Ramsey was also previously party to these proceedings, but the Claimants sought (successfully) to dispense with him being a defendant at the hearing of the application for the 2019 Injunction because he had not (at that time) been involved in any recent incidents at the site. Unfortunately, he has more recently been involved in unlawful protest activity at the site.
 - (ii) **Vajda Robert Mordechaj (D8):** Mr Mordechaj was also previously a party to these proceedings, but was removed at his request following the hearing of the 2019 Injunction. As noted above, he is now living in a tent at an access point to the site. He was previously occupying the Ryall's Garage property (part of the Additional Land) explained below.
 - (iii) **Iain Oliver (D9):** Mr Oliver is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist). The Claimants believe he is mainly based at the Harvil Road protest camp. He has been seen at many protests around the Colne Valley Area and has been involved in at least nine incidents on the Harvil Road Site.
 - (iv) **Elliott Cuciurean (D10):** Mr Cuciurean is known to the Claimants as an anti HS2 activist. The Claimants believe he is primarily based at the Harvil Road protest camp (although he has recently been active at other sites also). Mr

Cuciurean has been seen at many protests around Colne Valley Area and has been involved in at least eight incidents on the Harvil Road Site. The Claimants believe he has been arrested at another HS2 site which is the subject of an injunction for climbing on machinery.

- (v) **Jess Walker (D11):** Ms Walker is known to the Claimants as an Extinction Rebellion activist. She has been seen many times at protests around Colne Valley Area and along the route (Euston – Birmingham), and has been involved in at least two incidents on the Harvil Road Site. The Claimants believe that she has recently been arrested on at least two occasions at another HS2 site which is subject to an injunction to prevent trespass.
- (vi) **Matt Atkinson (D12):** Mr Atkinson is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist). The Claimants understand he is mainly based at the Harvil Road protest camp. He has been involved in at least five incidents on the Harvil Road Site and is known to have recently been arrested at another HS2 site which is subject to an injunction to prevent trespass.
- (vii) **Scott Breen (D13):** Mr Breen is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist). He has been seen at many protests around Colne Valley Area and has been involved in at least one incident on the Harvil Road Site.
- (viii) **Hannah Bennett (D14).** Ms Bennett is known to the Claimants as an Extinction Rebellion activist and has been seen at many protests around Colne Valley Area. Ms Bennett has been involved in at least five incidents at the Harvil Road Site and is known to have recently been arrested at another HS2 site which is subject to an injunction to prevent trespass.
- (ix) **James Ruggles (also known as Jimmy Ruggles) (D15):** Mr Ruggles is known to the Claimants as an anti HS2 activist (also known to be an anti-fracking activist and professional climber). He has been seen at many protests around the Colne Valley Area and along the HS2 route. He has been involved in at least one incident on the Harvil Road Site and the Claimants are aware that he was recently arrested at another HS2 site for climbing a tree and

trespassing on that land which is also subject to an injunction to prevent trespass. He has been seen on other occasions trespassing on HS2 land subject to injunctions.

- (x) **Nick Grant aka Potts (D16):** Mr Grant is known to the Claimants as anti HS2 activist (also known to be an anti-fracking activist) and has been seen at many protests around Colne Valley Area. He has been involved in at least two incidents at the Harvil Road Site and is also active at another HS2 site which is land subject to an injunction.
- (xi) **Stuart Ackroyd (D17):** Mr Ackroyd is known to the Claimants as an anti HS2 activist. He was one of a group of individuals who established a protest camp in a disused garage known as ‘Ryall’s Garage’ (“**Ryall’s Garage**”) on the Additional Land. He was subsequently removed from the garage as a result of the Claimants using common law powers to evict him via the use of specially trained High Court Enforcement Officers. Whilst the eviction was ongoing, Mr Ackroyd together with Ms Zienuik (D18) issued an unsuccessful application for injunctive relief seeking to stop the eviction. That application was heard on 13 May 2020. I attach a copy of the unreported Approved Judgment of that hearing at **pp. 12 – 16**. It is recorded at paragraph 3 of the Judgment that the applicants and approximately 15 others had entered the property at various times after January 2020.
- (xii) **Wiktoria Zienuik (D18):** Ms Zienuik is known to the Claimants as an anti HS2 activist. She was one of the individuals who established and or joined the protest camp at Ryall’s Garage. She too sought to obtain injunctive relief against the Second Claimant (and the high court enforcement company which carried out the eviction);
- (xiii) **Paul Sandison (D19), Tom Dalton (D20), Conner Nichols (D21), Sebastian Roblyn Maxey (D23), Jessica Heathland-Smith (D24), Ella Dorton (D25), Karl Collins (D26), Sam Goggin (D27), Jacob Harwood (D29), Tom Holmes (D30), and Libby Fairbrother (perhaps spelled Farbrother) (D31)** are all known to the Claimants as having been occupiers of the Ryall’s Garage camp for at least some periods of time since January

2020. They have been added for completeness, though it is correct to note that the Claimants have not been able to identify any of them as having been engaged in other instances on the land (save Mr Collins (D26) and Mr Goggin (D27)) – beyond the trespass into the Ryall’s Garage itself. Mr Collins has since been identified as being present on the HOAC Encampment which is presently on the Additional Land and the encampment near the lake on the Council’s land. Mr Goggin has also been identified as being involved in an incident in May 2020.

- (xiv) **Dr Ian “Larch” Maxey (D22)** has also occupied the Ryall’s Garage during that period. He is the father of D23, Sebastian Maxey. Dr Maxey has been involved in three instances in addition to his occupation of Ryall’s Garage.
- (xv) **Hayley Pitwell (D28)** has also occupied the Ryall’s Garage during parts of the first half of 2020. Ms Pitwell has also been arrested on HS2 land for assault on an HCEO on 13 May 2020 which is referred to in more detail at paragraph 93.
- (xvi) **Sam Smithson (D32):** Ms Smithson is a recent arrival at the protestor encampment on the HOAC land. It is understood by the Claimants that she lives on and moves between the HOAC Encampment which is presently on the Additional Land and the encampment near the lake on the Council’s land. She is added as a named defendant because, in circumstances where she has recently decided to live at a nearby protest camp and / or on the Additional Land against HS2 activities, there are reasons to suspect that she may also be tempted to engage in unlawful protest activities.
- (xvii) **Jack Charles Oliver (D34):** Mr Oliver has recently become known to the Claimants as an active and belligerent anti HS2 protester following his involvement in at least three incidents at the Harvil Road Site, including incidents relating to both damage to a contractors’ vehicle followed later that day by an assault carried out by him upon two HCEOs on 21 May 2020, and in an incident of aggravated trespass on 10 June 2020.

(xviii) **Charlie Inskip (D35)**: Mr Inskip has also recently become known to the Claimants as an anti HS2 protester following his involvement in at least two incidents at the Harvil Road Site, including an arrest by the Police for aggravated trespass on 10 June 2020.

24. I should mention that a number of the incidents below have been detailed in the First Witness Statement of Shona Ruth Jenkins which was made in support of the Extension Application (“**Jenkins 1**”). For ease of reference and so that the incidents since the making of the 2019 Injunction relied on by the Claimants are conveniently set out in chronological order in one place, I have referred to those incidents (as well as further incidents upon which the Claimants rely) in this statement.

The January 2020 Enforcement Operation

25. The first main protest incident following the 2019 Injunction was in connection with a protest set up on a (former) footpath on part of the Land (Plot U34), including the positioning of a boat on the site. It was that occupation which led to separate proceedings to recover possession of that Land in November 2019, which were contested on the basis that the footpath had not validly been closed.
26. For present purposes, I would note that a large number of incidents of wider trespass occurred in conjunction with that occupation. For ease of reference, and to avoid undue repetition and length in this statement, I refer to **pp. 127 – 142 of SRJ1** which exhibits the First and Second Witness Statements of Sean Armstrong (without exhibits save for the ‘Incident Plan’ which is also appended to illustrate the extent of the trespass) which were filed in support of the 2019 Possession Proceedings.
27. The writ of possession made in the 2019 Possession Proceedings was enforced at the same time as statutory warrants made in respect of other parcels of the land at the Harvil Road Site (“the **Enforcement Operation**”).
28. The occupiers of the Land (and other parcels of the Harvil Road Site) did not leave voluntarily when asked to do so by James Tyler-Morris (who is HS2’s Property Acquisition Lead for this area). They instead effectively “fortified” their encampment through the use of resistive devices such as platforms in trees, a tripod structure and a boat (albeit the boat was subsequently found to have been moved

elsewhere), and through the use of “lock-on” devices designed to prevent or hamper the safe removal of persons using such devices. As a result, the operation to enforce the writ and statutory warrants lasted 9 days and involved 32 High Court Enforcement Officers (“HCEOs”), additional security and police presence throughout.

29. The Claimants considered the land subject to that Enforcement Operation to be free of trespass on 16 January 2020 having secured most of the land with Heras type pre-fabricated fencing panels or CLD type semi-permanent modular fencing.

The XR, Stop HS2 and Save Colne Valley event on 18 January 2020

30. On the weekend commencing Friday 17 January 2020 (the day after the Enforcement Operation had cleared the site of trespass), over 100 protestors attended an event in the vicinity of the Harvil Road Site. Information available on their respective websites suggests that the event was organised jointly by Extinction Rebellion (“XR”), Stop HS2 (a national campaign against the Scheme) and ‘Save Colne Valley’, a local protest group (“the **XR Event**”). Exhibited at **p. 143** of **SRJ1** are relevant extracts from an article on XR’s website and an article from Stop HS2’s website.
31. Exhibited at **pp. 144 – 159** of **SRJ1** is a report prepared by Fusion JV one of the Second Claimant’s contractors, providing an overview of the trespass and the damage that occurred to the Harvil Road Site during the events of that weekend and the following days. It also contains some photographs documenting the Enforcement Operation.
32. The incidents which took place over the weekend commencing 17 January 2020 included:
 - (i) a mass incursion of over 100 (mostly) persons unknown onto the Harvil Road Site at various locations on plots C111_112; S232_064; S232_051, C111_002 (all parts of the Land) and other parts of the Harvil Road Site on 18 January 2020.

- (i) This incursion commenced at about 11:28hrs on Saturday 18 January 2020, when a large group of protesters was observed by HCEOs approaching the fence line at the western boundary of the site, adjacent to the HOAC lake. Approximately 30 to 50 protesters congregated at the rear of the fence, which the crowd of persons then overran by forcing the fence down through weight of numbers.
 - (ii) Unfortunately, whilst HCEOs on site tried to intervene, due to the numbers of protesters involved, it was impossible for them to prevent the re-entry taking place.
 - (iii) The group threatened to use force against the HCEOs if they continued to resist their re-entry.
 - (iv) Security was therefore breached, and this group forced their way onto the Harvil Road site through the CLD fencing.
- (ii) The re-establishment of protests camps on the Land and other land at the Harvil Road Site including the erection of tents, wooden tower structures and further tree platforms;
 - (iii) Significant damage to fencing and or fencing having been moved by persons unknown, padlocks cut to gain entry to property on the wider Harvil Road Site, damage by the cutting of a cable to the CCTV tower and Reconeyx cameras thrown to the floor and antennas removed.
 - (iv) At **pp. 160 – 171** of **SRJ1** are photographs of parts of the Land and Additional Land which show parts of the site immediately following the Enforcement Operation on 17 January 2020 and the same areas of the site following the XR Event;
33. Due to the significant volume of protesters who breached the Harvil Road Site during this period, the majority of persons have not been identified. The Claimants were able to identify a Mr Elliott Cuciurean as he was known to the Claimants. He had been removed by the HCEO specialist climbing team from a tree on the Land on 7

January during the Enforcement Operation. Following the Enforcement Operation he was sighted again on the Land having climbed another tree.

‘Protest’ camps recently occupying the Additional Land

34. Following that mass incursion onto the Harvil Road site, most protestors vacated the site at the end of the weekend (i.e. 19 January 2020). A core number of protesters remained, and continued to occupy parts of the site. There was also further trespass on parts of the Additional Land with two additional camps having been formed such that until recently, there were four protest camps on the Additional Land having been established during the period of January 2020 to February 2020 with protester numbers fluctuating and overall increasing in the period leading up to their removal in May 2020. There were two camps on plot C111_165, one camp on C111_164_01 and one camp in the disused garage known as Ryall’s Garage as mentioned above.
35. The effect of these camps was to provide those individuals with a base from which to protest against HS2’s activities and for more temporary incursions on to other parts of the Land and the Additional Land. It also delayed and prevented scheduled vegetation clearance works from taking place.
36. At paragraph 3 of the Judgment of Mr Justice Swift in respect of the Ryall’s Garage trespass at **p. 13**, it was noted that those individuals in the property were there “*with a view to using it as a protest camp, a base from which to express their opposition to the construction of the HS2 Railway project. It appears that those who have been in the property are not necessarily there all the time; people have come and people have gone. Nevertheless, there has, one way or the other, been a constant presence since January this year. As well as occupying the premises other protesters live near the premises, either in tents or in tree houses that they have constructed, again for the purposes of their protest.*”
37. In the end, and as mentioned in Jenkins 1 (at paragraph 29), the Claimants recovered possession of those parts of the Additional Land following a large scale enforcement operation over 12 and 13 May 2020 to remove those protest camps and recover the land under ‘self-help’ relief without the need to seek assistance of the Court. Despite an application for an interim injunction being made by Mr Ackroyd (D17) and Ms Zieniuk (D18 to halt the eviction on the allegation that it was unlawful) that

enforcement operation was successful and has caused the Claimants to recover possession of those portions of the Additional Land.

38. In addition to Mr Ackroyd and Ms Zieniuk having been identified as individuals who were regularly, if not, continuously trespassing on the Additional Land (and alleging using the Ryall's Garage camp as their home), (D8) Mr Mordechaj, Mr Oliver (D9), Mr Cucuirean (D10), and the 19th to 31st Defendants have been identified as occupants (as noted above) and on occasions Mr Keir (D4) has been identified as at the camp and therefore trespassing on the Additional Land.

Incidents of trespass and obstruction on the Land since the 2019 Injunction

39. In addition to the incidents set out above including the trespass and incidents identified in the attached statements of Sean Armstrong, I set out some of the specific incidents of trespass on the Land since the 2019 Injunction as follows (I then deal with incidents on the Additional Land separately in the next section):
40. Overnight on **18 November 2019** on plot S232_064 in the vicinity of Compound C approximately 70 metres of Heras fencing had been pushed down by persons unknown.
41. On **19 November 2019**:
- (i) At 07:05, a "lock on" (a technique used by protesters to make it difficult to remove them from their place of protest) was reported at the bell mouth of West Gate 3 (the entrance to plot S232_064).
 - (ii) Sarah Green (D3) and three other male persons were identified by security officer Mr Hogan. Sarah Green and a young male, later identified as Elliott Cucuirean (D10), were seen to be "guarding" the two locked-on protesters. The two locked-on protestors were later identified by members of the security team viewing the images as Mark Kier (D4) and Scott Breen (D13). Photographs of the incident are at **pp. 17 - 18**.
 - (iii) Mark Kier (D4) and Scott Breen (D13) had secured themselves to a steel pipe filled with concrete and other materials with another pipe inside into which they had inserted their arms and secured themselves to each other.

- (iv) The police (incident reference number 0926912/19) and an ambulance arrived on site at 08:30. A Metropolitan Police specialist public order protest team subsequently also deployed to the site successfully removed the lock on device, which work was completed during the late afternoon.
 - (v) This incident prevented contractors from leaving or entering site at a time when there was a shift changeover resulting in significant disruption to site operations on that day.
42. On the same day at approximately 16:40 Sarah Green approached the compound and verbally abused the security on site at that time. The police were also informed of this incident (incident reference number 4783/19.11.2019).
43. On **24 November 2019**:
- (i) at 18:47, again at West Gate 3, three male protesters approached the gate shouting abuse at the personnel on site. We have not been able to identify the individuals involved. One person was reported to be a white male with dreadlocks and a shaved head under the hair. He was wearing a bandana around his face, a black top and green and brown camouflaged trousers. This individual started to interfere with the gate padlock.
 - (ii) When this male was approached by security officer Wayne Brennan he appeared startled and aggressively started to pull and push the fencing. He then tried to reach in through the gap in the fencing to grab Mr Brennan and then attempted to jump over the top of the fencing to hit Mr Brennan.
 - (iii) He then proceeded to make threats against Mr Brennan stating that he knew who he was and that he should “*watch [his] back*” as he would “*get*” him. He then repeatedly punched the fence which caused his right hand to start bleeding then he started punching himself in the face screaming the words “*you have assaulted me, you have assaulted me*”. He produced his mobile phone and started recording Mr Brennan and then filmed his hand saying that “*this man assaulted me and cut my hand*”.

- (iv) The male then walked away with the other two males and shouted that he would be back.
- (v) At 19:50 the first male in the camouflage trousers returned together with one of the two original males. The first male again verbally abused Mr Brennan and his colleague present on the site, calling them "*racists*" and warning that he would return. He started pulling and pushing the fence again at which point Mr Brennan called the police. Although the police did not attend, on hearing Mr Brennan asking for police assistance, the protesters walked quickly away.

44. On **16 December 2019** on plot C111_002:

- (i) At 21:06 one of the security cameras (camera 42) on site picked up images of a trespasser walking through the site. This alerted the security teams who monitored the incident. Images are appended at **p. 19** which show the back of a person unknown wearing a puffer style coat, jeans, a woolly hat and carrying a large dark rucksack. The Claimants have not been able to identify this individual. The camera shows the trespasser walking towards the fencing at the rear of the site before stepping through it. As the trespasser steps through the fence, the security team noticed that a different security camera (camera 105) appeared to have been removed from its mounting and taken by the individual. Whilst the camera was showing as connected at the time of the incident, images from the camera were consistent with it having been placed in a bag as no detail could be identified from the images.
- (ii) The site security officer (Sam Lubekwa) was contacted to investigate the area. Having attended site Mr Lubekwa reported that fencing at the rear of the site had been cut and that the camera was missing with no sign of the individual believed to have taken it.
- (iii) The theft and property damage was reported to the police (incident reference number 1274 16/12/19). It was reported that theft alarms had also been activated in respect of another camera (camera 29) in the vicinity).

45. On **8 February 2020**:

- (i) Weekend works were planned on plot S232_083 to install fencing to allow for subsequent vegetation clearance. This included a full road closure on Harvil Road spanning approx. 300m near to the 'roadside' protest camp on Harvil Road. Prior to works commencing, a number of protesters established a presence on the planned work area which was easily accessible from the road. This included climbing trees on the Land and erecting tents on other land nearby.
- (ii) Works commenced in the early hours of Saturday morning. Immediately protester numbers swelled, eventually reaching to approx. 60-70 persons. The protesters removed temporary fencing and forced their way through the road closure to bypass the security guards. At the peak of disruption, over 18 hours, some damage to fencing was caused, roads obstructed and some staff on site threatened. Police were called who prevented further breaches of the peace and removed some obstructions. No arrests were made. Due to the level of interference and the numbers of protesters on site, the works were eventually stopped on safety grounds.
- (iii) Sarah Green was amongst those who were identified by the security patrol team members. Also identified were individuals known as Hannah Bennett, Caroline Thomson-Smith and Jess Walker, who have become familiar with the protesters and their actions, as being part of this group.

46. **On 18 February 2020:**

- (i) At 7:26 security officers on shift were called to reports of protest activity in the bell mouth at West Gate 3 on plot S232_064. A number of protesters (between 5-6) were in the bell-mouth with one male and one female protester sat on top of wooden structure which had been placed in front of the gates to obstruct it. By 07:45 the wooden structure had been removed from the gate by the protesters, who retreated back to the 'roadside' camp. Photographs of the incident are at **p. 172** of **SRJ1**. Those involved have not been identified.
- (ii) Moments later on the adjacent plot C111_112, at 07:47, security became aware that protesters had climbed on to machinery in the area where works

were being undertaken by the Second Claimant's contractor, Align JV. Three males had entered the Land by cutting the perimeter fence with bolt croppers.

- (iii) Two of these males are now known to be Mr James Ruggles and Mr James Brown. They climbed onto Align's piling rig with Mr Brown staying there until approximately 14:00 and Mr Ruggles until 17:10 when there were eventually persuaded to come down by HCEOs (who had been deployed to site including specialist trained officers). That involved the HCEOs using fall arrest harness to climb safely to the deck of the piling rig in order to interact with the protesters.
- (iv) The third male who has not been identified exited the site, via the hole in the perimeter fence the group had previously cut, once he had assisted the other two gain access to the piling rig.
- (v) Police officers, who had earlier been called to site and were waiting nearby on the site, arrested both Mr Brown and Mr Ruggles when they descended.
- (vi) Due to the presence of Mr Brown and Mr Ruggles on the roof of the piling rig the works were prevented from commencing for the rest of that day as to do so would have put their safety in jeopardy. Both staff and equipment were unable to work leading to a day's delay in the project programme and the financial loss of having staff and hired equipment idle which is estimated to be in the region of £27,000.
- (vii) Photographs of this incident are at **pp. 173 – 176 of SRJ1**.
- (viii) I am aware (as I have been in contact with the police officers leading the investigation) that these individuals have been charged with Aggravated Trespass and Criminal Damage. I understand the trial for these offences is listed to take place on 15 June 2020 at West London Magistrates Court.
- (ix) Sarah Green (D3) and Iain Oliver (D9) were noted by the site security officers as being active at the site entrance gates (West Gate 3) and behaving in a disruptive manner during this incident, for example by attempting to obstruct

the police vehicles entering and leaving the site when the arrests of Mr Brown and Mr Ruggles were made.

47. On **20 February 2020**:

- (i) Again on plot C111_002 and at 05:55 a female, who was later identified by Jeremy Dawes (Align security manager) and David Asker (the Authorised HCEO) as Jess Walker (D11), was observed by security officers to breach the compound fence and subsequently climb onto the winch platform of the piling rig. Ms Walker was equipped with a climbing fall arrest harness, ropes and associated climbing equipment. She attached a 'Stop HS2' banner and hammock on the piling rig. Police attended on request by the Claimants' security but were unable to persuade Ms Walker to depart.
- (ii) David Asker and CRG Security Supervisor Tony Norton were deployed to site and entered into discussion and negotiation with Ms Walker. Due to repeated attempts by Ms Walker to climb to height, and because of the deterioration in the weather (in terms of rain and temperature), a request was made to police to assist in bringing her down. However, the police failed to respond and subsequently following further lengthy discussions with Ms Walker, the officers persuaded her to descend. Whilst the police had requested that the officers detain Ms Walker until they arrived, due to the lack of police response a decision was taken not to prevent her leaving the site peacefully. Sarah Green and Mark Kier were on the bell-mouth at the compound gates and assisted Ms Walker with her equipment when she left the site at 17:05.
- (iii) Like with the incident which took place on 18 February 2020, referred to at paragraph 46 above, this incident also lead to a day's delay in the project programme. The financial loss of having staff and hired equipment idle on this day is also estimated to be in the region of £27,000.
- (iv) Iain Oliver (D9) and Scott Breen (D13) were encountered on the site boundaries, the former being particularly active from a position atop the boundary fence in relaying communications to Ms. Walker from her associates offsite, and in providing generally insulting and extensive

commentary through the use of a loud-hailer and portable amplified sound system.

- (v) Photographs of this incident are at **pp. 177 – 178** of **SRJ1**.

48. **On 24 February 2020:**

- (i) At 12:02 the security team at the West Gate 3 compound which is on land falling within plots C111_112 and S232_064 reported that three protestors who have not been identified were obstructing the gate preventing vehicles from entering or leaving the Land. The Police were contacted (CAD2936.24.02.2020). At 12:12, the three protestors were joined by three others (being one female and two males, one of whom is known to the Claimants as Iain Oliver (D9)).
- (ii) At c.12:35, protestors tampered with the rear of a cement mixer that was in the gateway attempting to depart the Land. Whilst the vehicle was able to depart by 12:45, damage was seen to the rear of the vehicle.
- (iii) At 12:51 a contractor's vehicle entered the gate area while the protestors were still present. One of the male protestors walked into the side of vehicle and another repeatedly threw himself onto the bonnet. At 13:42 the Police arrived and engaged with the protesters about their conduct.

49. Overnight on **4 March 2020**, superglue was applied by persons unknown to a security lock on plot S232_036, causing permanent damage to the lock.

50. It is reported by Jeremy Dawes, Align JV security manager that the West Gate 3 entrance has been and regularly continues to be blocked by protestors to site traffic with a permanent presence from protestors in a gazebo type structure located on the highway land adjacent to West Gate 3. This disruption occurred from Monday 2 March 2020 to Tuesday 24 March 2020, on which date the site was demobilised due to the disruption caused by the protestors. Despite the demobilisation, a permanent protester presence remained with a gazebo type tent erected at the gate until 27 April 2020. During the first three weeks of March, the protestors prevented any work

vehicle from entering, although they did eventually permit the passage of welfare vehicles.

51. On **23 March 2020** at c.14:40 hrs, one of the security teams reported that protesters had been present throughout the day at the main entrance to the HQ compound in Dews Lane on land falling within plot S232_036, at the junction with Harvil Road. They had been causing a general nuisance for the duration of the day's work including making access and egress difficult without physically obstructing the gateway. At 14:30 Mark Kier (D4) approached contractors along Dews Lane where de-vegetation works were taking place. He then managed to get his arm between two sections of Heras fencing and hold on to a tree that was due to be removed preventing further works being carried out for approximately 30 minutes. The Police were informed but were unable to attend the site due to resources (CAD number 3441/23/03/2020).
52. On **26 March 2020**:
- (i) At 08:46, Mark Kier (D4) accessed Dews Farm on land falling within plot S232_036, by scrambling underneath the Heras fencing. This was witnessed by one of the security team. The security officer sought to prevent Mr Kier from getting into the works area by moving towards him asking him to leave the works' area. Another security officer joined and Mark Keir sought to complain that the officers were in his personal space. When the officers took two steps back, Mr Keir advanced and took two steps towards them.
 - (ii) The security team then placed five barriers around Mr Kier for his own safety, but Mr Kier started to push up against the barriers and forcefully pushed the security manager on site. The security team then maintained their two metre social distancing gap.
 - (iii) At 09:16 Mr Kier left the site in the direction of the protester camp. The Police were contacted during the incident (CAD 077826032020).

53. On 1 April 2020:

- (i) At 22:34 a member of the security team reported that protestors were pushing over the fence panels on land falling within plot S232_036. The Police were notified (CAD 6931/01/04).
- (ii) One of the protestors was known to the security team as Elliott Cucuirean (D10), despite having a covered face. Mr Cucuirean walked deliberately in front of the security vehicle to slow it down. The Police were again called and issued CAD 86/02/04.
- (iii) At 00:15hrs, another protester known to the security team as Nick Grant aka “Potts” (D16) came up to the vehicle and started fencing the vehicle in with the Heras fencing, such that by 00:19 the vehicle was fully surrounded by Heras fencing. The protestors then started to put cones in front of the vehicle and place fencing support blocks around front and back wheels so that it was prevented from moving.
- (iv) At 00:43hrs Mr Cucuirean (D10) was reported to have spat on a sponge and smeared the vehicle with it (which is particularly concerning given this incident occurred during the ongoing pandemic and the lock-down period).
- (v) At 01:13 a protester whose identity was not reported (a male in his 20s) started taking photos of vehicle and the security staff. At 01:30 all protestors left the site and the security team were able to safely remove all the obstacles around the vehicle.
- (vi) It was reported that twenty-seven Heras fencing panels had been removed, of which nine were damaged.

54. On 8 April 2020 it was reported by one of the security patrols at 09:16 that on land falling within plots C111_112 and S232_036, eighty percent of the fencing had been knocked down. While the security team were inspecting the damaged fencing protester known to the team as Iain Oliver (D9) started to chase after the security vehicle, whilst swearing at the camera, before falling over. The damaged fencing and trespass was reported to the Police (CAD- 0907895/20).

55. On **11 April 2020** at 08:40 one of the security teams reported that approximately seventy five newly planted trees had been pulled and thrown onto the ground along the track adjacent to Dews Farm on land falling within plot S232_036. The Police were informed (CAD number 27059 11/04/2020).
56. Also on **11 April 2020** at 18:51, it was reported by one of the security teams that Thorn Ramsey (D7) pulled down the gate to the HQ compound at the junction of Dews Lane and Harvil Road on land falling within plot S232_036. Having gained entry to the site, he was escorted off at 18:53. Whilst under escort he snatched a body worn video camera from a guard and ran away from the site carrying it. This was reported to the Police (URN NUMBER 8141).
57. On **12 April 2020** at 22:30 hrs, Cadent Gas security staff reported that a male protester wearing orange coloured PPE attempted to break into Gate 2 at Harvil Road. He was carrying a large bolt cutter and a large speaker playing loud music right in front of the gate. He was behaving aggressively and appeared to be under the influence of alcohol. At approximately 22:52hrs the male started to cut the bottom spikes of the front gate on the right-hand side and attempted to gain access. Security officers blocked his access to the inner gated “airlock” area of the gateway. At approximately 22:57hrs, the Site Security Supervisor called the Police and reported criminal damage and requested assistance (CAD Number 10553). At approximately 23:30hrs the protester left the Compound and made his way towards West Gate 3 on land falling within plot S232_064. The Police arrived at 23:39hrs and arrested the protester. The reports do not identify him.
58. On **16 April 2020**:
- (i) At c.10:15 Iain Oliver (D9) walked over from the roadside protest camp and stood in front of the access gates at Gate 2 and stopped a vehicle trying to enter site resulting in the vehicle driving away from site. The Security Officers present there warned him he was in breach of the 2019 Injunction and recorded this on body worn cameras. The Police were notified of the obstruction to the highway.
 - (ii) At c.10.15 hrs, Mr Oliver again prevented a vehicle from entering the site and a further injunction breach warning was given and recorded on body worn

cameras, with a further warning given at 10.34. At approximately 10.41 hours, Mr Oliver returned to the roadside camp. The Police arrived at 10.50 hours leaving at 11.05 hours after speaking to Mr Oliver.

59. On **29 April 2020**:

- (i) At 08:34 Vajda Robert Mordechaj (D8) was reported by Fusion security personnel to be sitting outside Gate 3 in a green tent partly obstructing the entrance to gate 3. At 11:18hrs Mr Mordecai was reported outside Gate 3 talking to a Police Officer.
- (ii) at c.13.30 hours, Iain Oliver (D9) crossed the road from the roadside protestor camp, climbed the fence panel on the right hand side of the gates at Gate 2 and sat astride the fence shouting abuse at the staff carrying out earthmoving work.
- (iii) Two security officers therefore positioned themselves within four metres of Mr Oliver and requested him to get down and step away from the fence. The incident required the contractors to pause works because of the proximity of Mr Oliver. A security officer informed Mr Oliver he was in breach of a High Court Injunction. At c.14.16 hours Mr Oliver climbed down from the fence.
- (iv) At c.14.17 hours the Police arrived CAD no. 28925 29042020) and spoke with Mr Oliver and at c.14.30 hours he and the Police Officers walked back across the road to the camp. The contractors were able to recommence work at c.14.30 hours.

60. On **9 May 2020**:

- (i) At 20:30 one of the CCTV security teams reported activity around the fence line between the Align compound and the field behind the protestor camp in Harvil Road on land falling within plots S232_064 and C111_112. Security Guards within the compound also noticed the activity, and an additional two guards were deployed to join the two on station at West Gate 3. Three persons, one of whom is known to the team as “Larch” Maxey (D22), were observed walking past carrying timber across their shoulders followed by a fourth

pulling a handcart in the direction of the HQ compound in Dews Lane at the junction of Harvil Road, which site was warned and the CCTV camera tower activated at the HQ compound.

- (ii) At 20:42 it was noticed by the team that the protestors had not reached the HQ compound on land falling within plot S232_036, so the CCTV camera was turned to follow the hedge line back to West Gate 3. The three protestors carrying timber were seen to cross the tree plantation towards the former West London Rangers Air Rifle Club land, on land falling within plot S232_036. They were seen to skirt this area of woodland and to climb over the fencing at the junction of the woodland and the Heras fencing line along Dews Lane, again on land falling within plot S232_036, throwing the timber over the fence onto the road. Two of the protestors were barefoot and were carried one by one by the third to the Heras fence which all three scaled, dropping onto the road. They collected the timber and were seen to proceed down Dews lane towards the former Ryalls' garage (which is one of the sites which was evicted on 12 and 13 May 2020). The fourth protestor passed the HQ compound on land falling within plot S232_036 around 1 minute later, pulling the cart.

61. On 20 May 2020

- (i) At 10:30 HCEOs reported that one male and one female mounted a HGV entering the compound on the junction of Dews Lane and Harvil Road (West Gate 3) at plot S232_036. Police were called due to the highway being blocked but both were persuaded to remove themselves from the vehicle.
- (ii) At 10.48, a protester identified by the HCEO's as Pam Grogging and an unknown female protester climbed onto an HGV entering the Dews Lane compound. However, they removed themselves when it was explained to them by the HCEO that the vehicle was carrying hazardous materials.
- (iii) At 19.46 the HCEO team reported that three male protesters breached the fence adjacent to the HOAC lakeside area at plot number S232_051. When spoken to by the HCEO, two walked off the land and the third had to be escorted off by HCEOs.

62. On **21 May 2020**

- (i) At 19.46 the HCEO team reported that three male protesters ran at the entrance to the HOAC lakeside area, adjacent to the HOAC gates on the western end of Dews Lane, at plot number S232_051: when challenged by the HCEO they stopped and sat on the concrete blocks verbally abusing the HCEO team for approximately 45 minutes. All three males were reportedly drunk and thought to be under the influence of drugs, singing and shouting. The HCEO persuaded them to return to their nearby camp, from which very loud music was heard until about 04.00.

Incidents of trespass and obstruction on the Additional Land

63. For the avoidance of doubt, I confirm that the Claimants were either entitled to possession of each of the portions of the Additional Land as at the dates of the incidents described in this section or, where work was being interfered with, the Claimants were on the land under their powers under Schedule 2 of the Act prior to taking possession of the portion of land. As Mr Perin explains, the Claimants are now entitled to possession of the whole of the Additional Land.

64. On **5 November 2019** several incidents occurred on land falling within plot 111_177 C111_177 and C111_165:

- (i) At circa 09:30 a male attempted to jump the temporary Heras fence that was securing the tree felling being carried out in advance of a permanent security fence being installed. The Heras fence was damaged. He has not been identified.
- (ii) At 15:21 a group of seven persons arrived at the rear gate of the bell mouth from the direction of the bridleway on plot C111_177, attacking the temporary fencing and behaving in an aggressive manner. Some of whom were subsequently identified by the security officers from previous reports and materials as Iain Oliver (D9), Matt Atkinson (D12), Elliott Cucuirean (D10), Thorn Ramsey (D7) and a Freeman Lloyd aka "Atrue Freeman". They managed to enter the works site and one male (subsequently identified as Freeman Lloyd) grabbed a body worn camera from one of the security officers

before attempting to grab a body worn camera from the security supervisor. The police were notified (CAD No. 4647 051119) and the security officers followed Mr Lloyd, asking him to return the body worn camera. High Court Enforcement Officers were called to assist the security officers in him until the police arrived. However, it is reported by Carl Turley, the security manager that the camera was not found.

- (iii) At 16:48 the police arrived to question Mr Lloyd on suspicion of theft however, he laid on the ground and refused to move whilst five of the other protestors, accompanied by three dogs, watched.
- (iv) At circa 17:15 further police officers arrived to assist, and Mr Lloyd was arrested and detained in the police van. The police searched him and found that he was carrying a blade and a sharp rusty nail.

65. On **12 November 2019** an incident occurred on land falling within plot C111_177 and C111_165:

- (i) At circa 12:15 two protestors (later identified by the HCEOs as Matt Atkinson (D12) and Elliott Cuciurean (D10)) arrived at Gate 4 and attempted to prevent two project vehicles from entering the works site. Two HCEOs (Adrian Long and Lawrence White) asked these individuals to move on. While Mr Cuciurean complied, Mr Atkinson refused to move so the officers exercised 'self-help' and physically removed him from the site entrance at Gate 4, allowing both vehicles to enter the works site.
- (ii) Threats were made by Mr Atkinson and Mr Cuciurean that they would return later that night and they also made direct threats to the security officer Thomasz Baczek regarding his involvement with the previous arrest of Freeman Lloyd on 5 November 2019, referred to above. This incident and the threats were reported to the police (CAD No: 3239 121119) who attended Gate 4 during the incident. A photograph of the trespass is at **p. 20**.

66. On **13 November 2019** further incidents occurred on land falling within plots C111_177 and C111_165:

- (i) At 15:22 three male, subsequently identified as Matthew Atkinson (D12), Iain Oliver (D9), and Thorn Ramsey (D7), arrived at Gate 4, blocking access to the works site by standing in the bell-mouth area in an attempt to stop the vegetation clearance for the bell mouth construction.
- (ii) At circa 15:30 one of the protestors, tried to enter the vegetation clearance work area and was detained by two High Court Enforcement Officers.
- (iii) Thorn Ramsey then attempted to gain access into the works site by pulling back the Heras fencing. One of the High Court Enforcement Officers, Mark Winkler, approached the fence, at which point Thorn Ramsey on the other side released the fence causing a spring like action. At the same time he lunged at the fence, pushing it into Mr Winkler's face. Ramsey shouted *"I told you I would ***** get you"*. Mr Winkler received a fairly deep laceration to the bridge of his nose which required treatment with glue and plaster strips in the Accident and Emergency Department at Hillingdon Hospital.
- (iv) The police were called (CAD No: 5244 131119) and Ramsey ran off, leaving the other two protestors at the scene of the incident. These two individuals remained in situ for another 15 minutes or so before returning to the Encampment. The police arranged to take a statement from Mr Winkler the following day, prior to visiting the Encampment to look for the suspect.

67. On 22 November 2019:

- (i) At 08:54 one male who remains unidentified, who was accompanied by a large white dog, and another male identified as Elliott Cucuirean (D10) were sighted filming the project contractors and the security officers as they arrived to undertake works on plot C111_108 and adjacent land which will form part of the Harvil Road Site in due course and on which the Second Claimant entered under their powers under Schedule 2 of the Act.
- (ii) At circa 09:10 both individuals entered the area by climbing over the wooden gate. An oral trespass warning was issued by Tomasz Baczek, a security officer. However, the project team had to cease work due to the proximity of the two trespassers to the plant and other machinery/equipment on the works

site. The police were called at circa 09:15 to provide assistance (CAD No: 249 221119).

- (iii) At 09:21 another unknown male joined the protest and at 09:51 Mark Kier (D4) also joined. At circa 10:00 a further four persons unknown arrived via the access road from Denham Golf Club and appeared to record the incident with handheld devices.
 - (iv) At 10:28 Mark Kier left the area. The police arrived at 10:36 and issued an aggravated trespass warning to all the remaining protestors. Babcock International, HS2's contractor recalled all their contractors from the area at 10:37 due to the actions of the protestors and their proximity to working plant and machinery.
 - (v) At 11:21 Mark Kier returned and at the same time three additional police units arrived. At 11:29 the police arrested two unknown male protestors and Elliott Cucuirean and Matt Atkinson, removing them from the area.
68. On **26 November 2019**, vegetation strimming works, on plot C111_108 and the adjacent land mentioned at paragraph 67 above), were disrupted on three occasions as multiple groups of unknown protestors and Sarah Green (D3), who is known to the security officers, approached contractors. Works had to be abandoned at 15:55hrs
69. On **27 November 2019**, vegetation removal and site marking out works were regularly disrupted throughout the day on plot C111_008 by contractors being approached and obstructed by protestors on the site. These individuals have not been identified.
70. On **29 November 2019** at 09:54 Sarah Green (D3) arrived on land on which works were being undertaken under Schedule 2 of the Act (and which land is adjacent to and will in due course form part of the Harvil Road Site):
- (i) At circa 10:15 she entered the area which had been marked out by the survey team for vegetation clearance, running around so that work had to be stopped.

- (ii) At 10:17 a male person unknown joined Ms Green in the marked out area. Ms Green was removed from the marked out area by the Met. Police at 10:27 and work resumed, the unknown male having departed the site.
 - (iii) By 10:42 there were a total of four protestors on site, a female person unknown and three male persons unknown, so work was stopped again. The Metropolitan Police were called at 11:23 by the security site supervisor.
 - (iv) By circa 12:00 the police had not yet attended and the number of protestors had grown to seven, consisting of two female persons unknown and five male persons unknown, so the project team abandoned work in the area for the day.
71. On **2 December 2019** another incident occurred on land falling within plot C111_108 & the adjacent land:
- (i) At circa 08:30 the security team arrived on the site however they were unable to access it because the padlock had been damaged. Mark Keir (D4) and two persons unknown were at the location filming.
 - (ii) The security shift manager removed the padlock with bolt cutters. Mark Keir and the two male persons unknown thereafter blocked a welfare van seeking to access the site from moving and refused to move when requested.
 - (iii) At circa 10:00 the police attended. Following discussions, including regarding the fact that Mark Keir may be in breach of certain bail conditions to which he was subject by his attendance, the protestors left by approximately 11.30 allowing access.
 - (iv) At c.12:00 a male person unknown entered the demarcation area and refused to leave, demanding that the police provide him with paperwork permitting the project team to work within the demarcated area.
 - (v) Shortly thereafter the police arrested Mark Keir for breaching bail conditions (imposed as part of an arrest) which prevented him from coming within 10 metres of an HS2 site. The police enabled the works to continue by forming a human wall in order to keep the remaining protestors away from the works.

72. On 3 **December 2019** works were due to take place on land falling within plot number C111_008:
- (i) At c.13.30 the project team arrived at the works area and Sarah Green (D3) and Hannah Bennett (D14) were present in the vicinity. Sarah Green used her mobile phone to call for more people to attend on site. Hannah Bennett entered the works area and sat on petrol/diesel powered machinery, tampering with the fuel tank filler cap. The police were called at c.13:40 (CAD No: 3727 031219) and works were stopped pending their arrival. In the meantime, security officers chaperoned Hannah Bennett from the machinery because they were concerned for her safety.
 - (ii) At 14:27 Mark Keir arrived, accompanied by Elliott Cuciurean (D10) and at 14:43 Freeman Lloyd, who had been arrested by the police who attended on 2 December 2019 (see above) arrived.
 - (iii) The presence of those protestors prevented work from going ahead, and works for the day were abandoned.
73. On 4 **December 2019** at c.14:00 Elliott Cuciurean (D10) and Matt Atkinson (D12) entered the Additional Land within plot number C111_008.
- (i) At c. 14:05 they entered the marked out works area so trespass warnings were issued by the security site supervisor, Terry Blackham. At c.14:10, Mr Blackham called the police to report this incident (CAD Number 3727).
 - (ii) By 14:38 the police had not arrived and work on site was stopped. The onsite security team therefore chaperoned Mr Cuciurean and Mr Atkinson, who were making threats and behaving in an intimidating way, from the site in order that works could recommence.
74. A number of further incidents of trespass on the Additional Land by persons unknown were reported by the security team as taking place in December 2019 including three incidents at Gate 4 on 6, 17 and 18 December 2019.
75. On 5 **February 2020** at c.16:45 two persons unknown were blocking the access gate (known as Fisherman's Gate) on plot C111_008 preventing the project team from

leaving the site. Security Officer Sanihang Rai issued a trespass warning to the protesters and security officers had to intervene in order to escort the vehicles from the site. A delay to the work of 1 hour 44 minutes was caused as a result.

76. Thereafter, and in connection with this protest, at c.17:35 protesters quickly entered the works' area marked out with demarcation tape, pulling down the marker posts and demarcation tape and then dispersing.
77. On **6 February 2020** on 09:37 a delivery lorry was held up on Denham Court Drive running through plot number C111_008, as it was heading to Fisherman's Gate to make a delivery, by protestors standing in front of the lorry.
 - (i) The shift manager who responded to the report of this incident reports that the protestors initially involved were Hannah Bennett (D14), together with a male person unknown and a female person unknown. Security officers in a vehicle attempted to escort the lorry, but the security vehicle was also obstructed.
 - (ii) At c.10:00 two additional unknown females joined in, walking slowly in front of the vehicles - permitting them to move for a short time - then stopping, bringing both vehicles to a halt again. Shortly thereafter Mark Keir (D4) and a male person unknown with a press pass appeared from the Denham Country park adjacent to the working area in the Park. The unknown male with the press pass started taking pictures.
 - (iii) At c.10:45 two police officers arrived at the scene and confirmed that they would need to call additional units to enable the delivery to be made. At 10:47 Sarah Green (D3) appeared and joined the group of protestors standing in front of the vehicles, which brought the total number of protestors surrounding the vehicles to twelve. At c.12:45 another police unit arrived to try and move the protestors on but without success.
 - (iv) At 13:33 around 20 police officers arrived on foot from the direction of the A40, at which point some of the protesters left. The police had to stand on both sides of the road so as to create a path for the security vehicle and lorry to drive through. The police, who were on foot, escorted both vehicles to Fisherman's Gate to avoid anyone jumping onto the vehicles.

- (v) At c.14:00 both vehicles arrived at the works area which lies off Denham Court Drive. The total delay was therefore about four hours.
78. On **11 February 2020** at circa 06.15 a person unknown was sighted in the early morning darkness running towards Fishermen's Gate along Denham Haul Road, which is on land falling within plot number C111_008, and pouring an unknown substance onto the padlock on the gate, before departing at a similar speed. This incident was reported to Thames Valley Police (URN 81028012).
79. Later that same morning, at circa 09:03, a lorry being escorted by site security from the A40 along Denham Haul Road to the works site (on land falling within plot number C111_008) was obstructed by two male persons unknown.
- (i) These individuals walked in front of the security 4x4 and refused to move. This took place on Denham Court Drive, approximately 150m from the Junction with the A40. The Security Vehicles were driving in the direction of the Golf club towards the site entrance. The security duty manager promptly called the police for assistance, while both males continued to dance and stand in front of the vehicles, shouting about the destruction caused by HS2.
- (ii) At circa 09:27 Sarah Green (D3), Hannah Bennett (D14) and Iain Oliver (D9), who were accompanied by a media crew, arrived and joined in the protest whilst being filmed and having pictures taken.
- (iii) At circa 09:40 Mark Kier (D4) and a female person unknown arrived to join the protest and Mark Kier started filming the incident on his mobile phone.
- (iv) At circa 10:12 two police officers carrying out a routine patrol of the park arrived. They attempted to move the group of protestors on. The protestors eventually agreed to walk slowly in front of the vehicles, allowing them to keep moving.
- (v) The convoy arrived at the works site at approximately 12:40, meaning that the incident had caused a delay of 3hrs 35 minutes.

80. On **14 February 2020** at circa 17.00 the security supervisor on site, Amos Eloi, and his team found three protestors on the Additional Land on plot C111_008, being Hannah Bennett (D15), one male person unknown and one female person unknown.
- (i) This group was told they were trespassing and was asked to leave.
 - (ii) Later, at circa 19.17 a further warning was given to the group of protestors on Area 3 in relation to the dangers of camping in a wooded area during high winds. Security patrols had also seen makeshift rafts on the river running through the HS2 Site in the previous days, and so the group was also warned about the dangers of this – especially in the severe weather which was forecast that week.
81. On **15 February 2020** at circa 06:45 it was discovered by Adrian Long, an HCEO deployed to the site, that the Heras fencing around the welfare unit at Dews Lane, which is on land falling within plot number C111_164_04 had been destroyed and all locks to the welfare unit had been superglued. Photographs were taken (exhibited at **p. 21**) and the damage was reported to the police.
82. On **18 February 2020** at 13.51 four male persons unknown, all dressed in black with their faces covered, approached block and mesh fence to a compound on land falling within plot numbers C111_177 & C111_165 and started to shake the fence, attempting also to climb it. The security officers approached the fence line and started to record the incident on body worn camera, at which point the protestors ran back to the tree line.
83. On **23 February 2020** at circa 01.10 security officer, Sukra Tamang, discovered that part of the demarcation fencing falling within plot number C111_177, had been damaged, with a number of fence panels having been pushed over. This incident was reported to the police: CAD No: 27130/260220 and further patrols were conducted by security officers throughout the early hours.
84. On **24 February 2020**, during a routine perimeter patrol, security site supervisor, Sanihang Rai, and security officer, Samuel Ale, identified that two of the block and mesh fence panels at the rear end of the field by the riverbank, which falls within plot number C111_008, had been cut like cat flaps. This prompted a perimeter patrol

and calling contractors to repair the damage, during which time an additional five damaged panels were identified – taking the total to seven.

85. The security site supervisor Sanihang Rai also identified that a climbing rope had been attached to a large tree, which has large branches overhanging into the compound, just outside the left-hand side of the rear end of the compound.
86. On **15 March 2020** at 07:30hrs, the Fusion JV security team reported that during the first morning patrol and fence line check of the Dews Farm Compound on land falling within plot C111_164 they discovered a Heras fence panel adjacent to compound C had been cut along the left hand side and peeled back to allow access. In the same Compound it was discovered that two support clips had been loosened on another Heras panel to allow access also. In the paddock opposite Dews Farm it was further discovered that where a lock and chain had been used to form an emergency gate attached to two Heras panels, the lock was cut and the chain taken away. The Met Police were informed and issued URN 0906296/20.
87. On **21 March 2020** at 11:50, the Fusion JV security team reported that shortly after 11:50 protestor activity started with Thorn Ramsey (D7) sitting inside the fence line near to the former Ryall's Garage on Dews Lane, opposite Dews cottages on land falling within plot C111_164_03, facilitated by the fencing which had been torn down the previous night, accompanied by a female known as Hayley Marie. Mr Ramsey removed his shirt and began to hit himself in the face before approaching the officers in an aggressive manor and was heard directing racial abuse towards one of the officers. The Met. Police were initially called to report the racial abuse, logged at 12:20 and given CAD 2575/20.03.2020.
88. Nick Grant aka Potts (D16) then joined Mr Ramsey and Hayley Marie and threatened to vandalise the plant equipment situated on the opposite side of the site. Mr Grant started to make his way across the site in the direction of the plant equipment, while pushing over further fencing, throwing cones and threatening on-site officers. Mr Grant was informed by officers that he was trespassing and needed to remove himself from the land, but he refused and positioned himself on top of one the large piles of mud on the construction site.

89. A security vehicle (MVP02) then attempted to deploy to the location along Dews Lane which proved unsuccessful due to Mr Grant threatening them and punching the MVP vehicle. The security officers were able to calm the situation such that the vehicle was able gain access to the site via an alternative route and took up a position at the rear of the site closest to plant equipment at approximately 12:50.
90. At 13:17 Met police officers arrived on site and at 13:30 police officers arrested Mr Grant and instructed Mr Ramsey to leave the area immediately. There was subsequently a Met Police follow up call to the security team at 14:45 by which it was confirmed that one male person was in custody for assaulting a police officer, failing to provide personal details and for anti-social behaviour.
91. **On 6 May 2020:**
- (i) At approximately 07:00 one of the security teams reported that on Dews Lane close to the compound at the junction with Harvil Road, Libby Farbrother (D31) in her vehicle (vehicle registration number YY14LZX) and accompanied by Iain Oliver (D9) were blocking the lane approximately 100 feet from the Fusion compound at the junction of Dews Lane and Harvil Road, towards the HOAC site and that a cargo net had been put across the road with an unknown protester occupying it.
 - (ii) The security team were concerned that no emergency vehicles would be able to travel down Dews Lane. They therefore contacted the police and raised these concerns, although the Police had previously attended and had left with no further action taken.
 - (iii) The netting and protester remained although the lane was no longer blocked with a vehicle; it was later that day reported that the protesters had placed other cargo netting across the lane approximately 300 feet from the former Ryalls garage towards the HOAC gates. The upper netting was filled with building rubble and the lower netting contained clothing.

92. On **10 May 2020**:

- (i) At 22:43 it was reported by the Fusion Security team that protesters were building a tree platform on wooded land forming part of the West London Rangers Air Rifle Club range on the south side of Dews Lane, falling within plot C111_164_03. They reported at least one person high in the trees and three on the ground. At 23:18 the team reported the protester continuing to saw and hammer the platform into the tree. Ropes were also be seen hanging to the ground.
- (ii) At 23:36 the protestor in the tree returned to the ground, presumably having completed his work. It was not possible to clearly identify the protesters engaged upon these works.

93. On **13 May 2020**:

- (i) At 22:11, the HCEO Team Leader received an urgent call from an HCEO in the vicinity of the lakeside camp but on the Additional Land, advising that there were two males and one female trespasser on the Additional Land (on plot number C111_177) who became aggressive when challenged and started shouting at him. The female was later identified as Hayley Pitwell (D28).
- (ii) At 22:13 the HCEO team leader, who was en route to attend to the incident, accompanied by another HCEO, received a further radio call advising that the female (i.e. Ms Pitwell (D28)) had laid down on the ground and was refusing to leave the site. The HCEO team leader directed the HCEO team at the incident site to hold their positions and take no further action.
- (iii) Upon arriving at the incident site, the HCEO team leader reported that the female was now standing up, shouting and swearing. Before the HCEO team leader could get across the wooded area to reach her, she slapped the HCEO (being the officer who initially reported the incident) in the face. The HCEO team leader took over the conversation with her and asked the HCEO team to take two steps back.

- (iv) At this point, the female turned and tried to walk further into the woodland adjacent to the HOAC lake on the Additional Land (plot number C111_177), at which point she was stopped by the HCEO team leader who asked her many times to leave the site peacefully. Ms Pitwell however refused and again became aggressive.
- (v) The female then tried to walk back into the area of the Additional Land adjacent to the lake and was told by the HCEO team leader to step back. However she kept pushing and on her third attempt to enter the area the HCEO team leader put his arm out to the side so that he could stop her moving forward. At this point she punched him in the shoulder then stepped back and spat in his face.
- (vi) The HCEO team leader then detained her, at which point she fell to the floor and refused to move, and so was carried to Dews Lane to meet the police who had been called to the scene of the assault.
- (vii) Police Officers attended at 22:53 and arrested the female, who was named as Hayley Pitwell, for two incidences of assault on the HCEOs.

94. **On 19 May 2020**

- (i) At 07:25 HCEO's report that Elliot Cucuirean (D10) attempted to mount heavy machinery arriving at the secure compound at the junction of Dews Lane and Harvil Road, and to attempt to lock-on to these vehicles. This attempt was prevented by two members of the HCEO team who removed him from the vehicle. Police were called to the site in order to prevent further obstructions. PC 2293 subsequently attended the site and advised that the incident had been logged by the Metropolitan Police and that officers would warn protesters that they will be arrested if they attach themselves or hinder the vehicles entering site.
- (ii) At 13:10hrs, members of the HCEO team again restrained Elliot Cucuirean from attempted to access the site of the former Ryall Garage on Dews Lane at plot C111_164_03, which was undergoing demolition after having recently

been recovered by the Claimants by the enforcement operation which took place on 12 and 13 May 2020.

- (iii) At 14.30 protestors gathered on Dews Lane opposite the garage who were trying to disrupt work being carried out by contractors. Elliott Cucuriean was again prevented from breaching the site fencing being restrained and removed by two HCEOs.

95. **On 21 May 2020:**

- (i) At 09:35 Security reported that protesters had entered the site at the western end of the Gate 4 compound, at plot number C111_165. A team of HCEO's were deployed to ask six protesters to leave HS2 land, which they refused to do.
- (ii) At 09:50 The HCEO team reported that there were nineteen protesters refusing to move. The Police were called and the HCEO team held their position awaiting the arrival of the police.
- (iii) At 10:15 24 protesters were reported to be conducting a sit down protest on the HS2 fence line, preventing work from continuing on the site. The HCEO operation manager was appraised by the contractors on the site that they had recorded protesters destroying the fencing. An attempt was made to contain the protesters in one location in order to allow works to continue at the south side of the site.
- (iv) At 10:27 HCEO Brett Easter was assaulted by a protester, who was detained. The HCEO Team Leader called police to report the assault and again to ask for assistance.
- (v) 10:33 HCEO Phil John reported that he had been spat upon by the violent detained protestor who has been identified (by the Police) as Jack Charles Oliver. A further team of HCEOs were detailed to attend the site in order to render assistance with the increasingly resistive crowd.

- (vi) At 11:00 additional security fencing was erected in order to protect the site boundary which had been breached. At 11:35 the HCEO Team were able to retreat within this boundary, with the detained violent protestor.
 - (vii) At 11:40 the police attended on site: PC 2636 recorded the details of the assault. At 11:50 the HCEO team were able to withdraw from the Gate 4 site to their original positions. Brett Easter was medically examined and Phil John attended the paramedical facility on site to undergo a precautionary COVID-19 decontamination in accordance with the operational safety protocol.
96. On **22 May 2020**, , the Second Claimants took possession of and closed Dews Lane. Whilst this went without incident due to the timing of the closure (early morning), there were a number of confrontations (including physical confrontations) between the protesters and HCEOs / the Second Claimants' contractors with a number of protesters regularly and throughout the day attempting to push past officers and contractors on the ground in an effort to breach the Heras security fencing in order to access Dews Lane. Dr 'Larch' Maxey (D22) was identified as one of the protesters who physically sought to breach the security fencing.
- (i) At 10:00 a team of HCEOs with the HCEO Team Leader Adrian Long attended at the west end of Dews Lane due to an attempted breach of the fencing. The HCEOs had to use reasonable force to stop protesters from entering Dews Lane including Dr. Larch Maxey who was seen and identified by Adrian Long to pull the fencing, together with many other protesters whose names were not known to the HCEO.
 - (ii) At approximately 10:10 the protestors tried to remove the fencing and gates and pulled two HCEOs outside the fence line. More protestors, then tried to pull the fencing away physically interfering with the HCEOs.
 - (iii) It is reported in particular that Dr Maxey, stood in front of the line of HCEOs putting himself extremely close to officers in order to prevent their movement. The HCEO team leader Robert Foster reports that he gave four or five loud clear warnings that Dr Maxey was to move back two metres. Dr Maxey failed to maintain a safe distance and continued to move forward. In order to prevent breach of the security fencing, further damage and to avoid risk to the

enforcement team given the breach of the two metre distance, Dr Maxey had to be physically stopped by the enforcement whereupon he moved backwards and tripped over another protesters' foot resulting in a minor stumbling fall. One of the protesters then called an ambulance which resulted in an emergency ambulance arriving at the junction of Dews Lane and Harvil Road at 11:15. The ambulance was immediately given access to travel to the west end of Dews Lane. The paramedic crew undertook a thorough examination of Dr. Larch Maxey in the ambulance, who subsequently left the ambulance a few minutes later showing no sign of any injuries.

- (iv) At 10:20 HCEOs reported attempted breaches of the east end of Dews Lane. Twelve protesters were reported trying to breach the barrier.
- (v) At 10:34 the HCEO Operations Manager called the police as the incident was affecting the safety of traffic on Harvil Road, which was now being blocked by protesters (incident number 28049).
- (vi) At 10:45 a police officer attended at Harvil Road on the junction with Dews Lane, however due to the aggressive nature of the protesters (which aggression was also directed towards the police officer), he left the site as he was unable to control the escalating situation for his and others' safety. At this time, a number of protesters were having to be restrained by HCEOs.
- (vii) At 10:59 the HCEO Operations Manager called the Police using the 999 service because protesters were continuing to physically push past agents and had to be restrained. The protesters prevented contractors vehicles from exiting and entering site, climbing onto vehicles in order to prevent their subsequent movement. The roof panels of a contractors' vehicle were damaged in this way (incident number 2882). As a result, for health and safety reasons, a decision was made to temporarily stop contractors' vehicles further attempting to enter or leave the site. The police subsequently confirmed they did not have the resources to assist (albeit they subsequently attended and took witness statements relating to the incidents).
- (viii) Between 11:17 and 12:20, it was necessary for HCEOs to physically intervene to prevent multiple attempts by protesters to breach Dews Lane.

HCEOs had to physically remove some of the protesters from the boundary fence.

- (ix) At 15:00 the HCEO Operations Manager was requested by Tony Norton of HS2 security contractors Control Risk Group to attend at Gate 2 in order to persuade a protester to leave the gate, to which he was attached. This was not successful. The HCEO Operations Manager explained to Mr Norton that they could not subsequently remove the protester safely without the closure of Harvil Road to traffic, because the protester was much less than a metre from the road, with other protesters in close proximity outside the boundary fence.
- (x) At 19:23 the HCEO Night Team Leader Stephen Fitzgerald reported a large group of protesters at the west end of Dews Lane pushing and pulling at the fence and verbally abusing the HCEOs. Mr Fitzgerald attended the site of the incident and spoke to the group for about 15 minutes in order to calm the situation. The protesters were reported as drinking alcohol and showing signs of intoxication. At 19:56 a HCEO reported that a smaller group of protesters returned to the same site and continued to behave in the same manner as before.
- (xi) At 20:23 it was reported that a group of protesters started building what looked like platforms in the trees at the west end of Dews Lane, outside the site boundary adjacent to the lake. Whilst this is not on the Harvil Road Site, the near proximity of the protesters presents a risk.
- (xii) Between 21:50 and 04:35 the HCEO team leader reported that the behaviour and actions of the protesters was as experienced earlier in the evening, with small groups approaching the fence line and abusing staff and making threats. All such persons were reported to be quite drunk, wearing sunglasses and robes. It was reported that on more than one occasion several were wielding large wooden sticks (these were not tree branches, but appeared as weapons).

97. On **26 May 2020**:

- (i) At 14:00 the security team reported that three protestors had climbed onto heavy machinery at the Gate 4 compound entrance at plot number C111_165,

and were equipped with lock-on resistive devices. A HCEO team was deployed to the site to make an assessment, and the decision was made to erect a temporary fence around the vehicle. Two HCEO's remained on site to monitor the protesters so work on site could continue.

- (ii) At 17:00 it was reported that protestors on the HGV wanted to come down and leave. Two additional HCEO's were sent to safely escort the protestors off site.
- (iii) At 17:30 protestors were found in the heavily wooded area behind the compound at the north side of Dews Lane, at the junction with Harvil Road, on plot number C111_165. Upon the intervention of the HCEO team, the protestors departed the site.

98. On 27 May 2020:

- (i) At 12:10 the HCEO team reported that protestors had scaled the fence at the Gate 4 compound in Harvil Road, at plot number C111_165. A protester was reported to be sitting atop an excavator machine. At 12:45 the Police were called (incident reference CAD3658/27MAY).
- (ii) At 13:00 the HCEO team reported that twelve to fifteen protestors were standing along the fence line with two sat on top of the fence itself and another equipped with a ladder walking up and down the fence line. Because of the limited availability of security officers available to the contractors, the decision was made to place a fence around the protestor on the excavator and to await the arrival of the police.
- (iii) At 13:45 a further call was made to the police for assistance, however the response was that they would not now be sending any response units.
- (iv) In the circumstances, at 13:50 a HCEO professional climbing team was deployed to Gate 4 to safely remove the protestor from atop the excavator, which was achieved by negotiation at 14:20. The protestor was escorted from the site.
- (v) At 15:00 it was reported by the contractor's security team that protestors had locked themselves onto the main gate at the Gate 4 compound, thereby preventing

any vehicles from leaving. The HCEO team deployed and removed the protesters, who remained on the public highway.

(vi) The incident caused considerable disruption to traffic using Harvil Road, exacerbating an already hazardous situation caused by a long queue of slow and at times stationary traffic due to the opening of the municipal tip following the COVID-19 lockdown. The HCEO team witnessed an accident involving a cyclist colliding with a vehicle. It was thought that the distraction of the protester's activities on and besides the highway contributed to the accident.

(vii) The police were therefore again called by the Second Claimant's security (incident reference number CAD4798/27MAY). However, the Police did not subsequently attend the site.

(viii) The HCEO team at Gate 4 therefore were required to control the area to allow vehicles to leave the site in a safe manner, following which the protestors gradually dispersed, apart from one young female and one male protestor. The decision was made to take the focus away from them and fall back to the gate area, whereupon the two protestors became bored and left the area.

(ix) At 17:30 a protestor again scaled the fence behind the Gate 4 compound and climbed onto an excavator, however the HCEO Team Leader, was able to persuade him to climb down and to depart the site, although he remained standing on a ladder attached to the fence.

99. On 28 May 2020:

(i) At 07:45 it was reported at the entrance to the Gate 4 compound on Harvil road, at plot number C111_165, two protesters had mounted a lorry entering the site. The HCEO team were deployed to the site and the HCEO professional climbing team were deployed to remove the protesters at height from the lorry.

(ii) At 08:00 the male protestor removed himself from the lorry having negotiated with the HCEO climbing team, and a female protestor had to be removed safely from the lorry by the HCEO climbing team.

- (iii) At 13:36 the HCEO team received a call from the contractor's security manager that security guards at the Gate 4 compound were being overrun by protesters. The HCEO team therefore deployed and detained three protesters trying to access machinery but found that they were being quickly outnumbered by the arrival of more aggressive protesters, including Dr "Larch" Maxey (D22) who was identified as present. Further HCEO's were deployed to the site and the police called. There were reported to be in excess of twenty five protesters.
- (iv) At 13:50 the HCEO operation's manager arrived at Gate 4 to assess the situation and await police arrival. He then liaised with police who took action against Dr Maxey for aggravated trespass, and who was considered to be in breach of a bail condition imposed by the Magistrates Court in Warwickshire (as a result of obstruction of an enforcement officer at another of the Claimants' HS2 site in Kenilworth, Warwickshire), which was "Not to enter any HS2 site unless for the purpose of lawful protest". The police also took action against a protester who was identified as having carried out the assault on HCEO Brett Easter on 21 May 2020 (as described in paragraph 95). Both these individuals were detained by the police. The Claimants are aware that Dr Maxey was since remanded on bail at West London Magistrates on 29 May 2020 next appearing on 10 July 2020. His bail condition has since been amended as follows: "1 Exclusion: Not to enter HS2 site, Hillingdon"
- (v) At 17:45 an attempted breach of the fence took place by persons unknown at the western end of Dews Lane, adjacent to the HOAC gate on plot number C111_177, which was controlled and prevented by the HCEO team.

100. On 10 June 2020:

- (i) At around 01:00 the security team on land in Denham Country Park on plot number C111_008 reported an ongoing incursion of the site by a group of around twelve to fifteen protesters through the perimeter fence, which had been damaged. Two protesters had climbed into a tree.
- (ii) The HCEO team were deployed to the site to assist the security officers. After their arrival, the protestors on the ground left and/or were removed from the

site, leaving two of the protesters at height, approximately 10 metres high in a tree located towards the middle of the fenced site area.

- (iii) At 07:00 the HCEO climbing team were deployed to the site, arriving at approximately 07:30. They immediately set to work to climb the tree in order to remove the protesters, who were identified as Charles Inskip and Jack Charles Oliver, both of whom had become known to the HCEOs since the events of 22 May 2020.
- (iv) On the ascent of the HCEO climbing team, the protesters evidently realised that the climbers would shortly be in a position to remove them and so decided to lower themselves to the ground, where the HCEO team took control of them and isolated them in an area in order that work on the site could continue safely.
- (v) Mark Cain, a security manager for Control Risk Group Ltd then contacted the Police to request advice regarding the arrest of the protesters for alleged offences of aggravated trespass. The Met. Police requested that the protesters be detained whilst arrangements were made to facilitate their arrest and removal from the site.
- (vi) The HCEO Team Leader reported that, whilst these arrangements were being made, multiple attempts were made by the group of protesters outside the site boundary to climb over the fencing and disrupt ongoing work and seemingly to try and 'rescue' their comrades, particularly interfering with repairs to the fence which had been damaged by the protesters overnight. This work was eventually successfully carried out in the face of constant harassing actions and attempts to prevent the retrieval of damaged fencing and repair of the fence.
- (vii) During this period the HCEOs supervising the two protesters detained on the directions of the Met. Police were distracted by attempted incursions of the fence line. Whilst attempting to obtain assistance from the HCEOs deployed elsewhere on the small site, Jack Charles Oliver was able to run at the fence and managed to scale it and thus escaped from the area.

- (viii) At 12:20 the HCEO team leader received a telephone call from a Met. Police Sergeant who advised that officers were being despatched and was appraised of the situation. He asked the HCEO team leader to detain the (remaining) protester until their arrival.
- (ix) At approximately 12:30, Sarah Green (D3) was observed by the HCEO Team to have arrived at the site permitted fence and engaged the HCEO team leader, loudly demanding to know whether he was “in charge here” and why “crimes were being committed”.
- (x) At approximately 13:00 Met. Police officers arrived at the site and arrested the remaining protester, Charles Inskip at 13:45.
- (xi) When the Met. Police officers were in the nearby car park, receiving copies of the HCEO video recordings of the incidents, Sarah Green approached and stood behind the HCEO vehicle, loudly haranguing the HCEO and the Police officers, demanding to know “why they [the Police officers present] were not acting to prevent the criminal offences being committed by HS2 in the construction works”. Despite being politely asked to raise her concerns using the 101 service, and that the officers were dealing with an arrest, Ms Green continued her verbal harassment for the entire time that the Police officers were on site, before turning her attention to the HCEO, who politely engaged with her whilst his colleagues were able to depart the area.
- (xii) At 15:15 a female protester scaled the perimeter fencing and was half way over when HCEOs were able to prevent her entering the site, at which she returned back over the fence. Other protesters present along the fence line informed the HCEOs that she was a child of 14 years of age, apparently in order to dissuade them from dealing with the attempted incursion. The HCEO team leader confirmed that the female did indeed appear to be a minor in the region of the age reported.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to

be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Richard Joseph Jordan

Date: 15 June 2020

1.	Claimants
2.	Rohan Perinpanayagam
3.	Fourth
4.	RP4
5.	Date: 13 August 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE ORDER OF MR DAVID HOLLAND QC DATED 22 JUNE 2020

(36) 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

FOURTH WITNESS STATEMENT OF ROHAN PERINPANAYAGAM

I, Rohan Perinpanayagam, of High Speed Two (HS2) Ltd, 2 Snowhill, Queensway, Birmingham, B4 6GA WILL SAY as follows:

1. I am the Second Claimant's Project Client Align IPT (Project Director) of Phase One of the High Speed 2 railway scheme ("the **Scheme**"). This is my fourth statement in these proceedings and, as mentioned in my earlier witness statements, I am known as Rohan Perin. I shall refer to my first witness statement, dated 9 June 2020 as "Perin 1", my second statement dated 15 June 2020 as "Perin 2" and my third statement dated 27 July 2020 as "Perin 3".

1.	Claimants
2.	Rohan Perinpanayagam
3.	Fourth
4.	RP4
5.	Date: 13 August 2020

2. I make this statement, in support of the Claimants' application dated 15 June 2020 known as the **"Substantive Amendment Application"**. The purpose of this Statement is to:
 - (i) Describe more land that has been brought into the Scheme since 31 May, so as to provide the Court with an up-to-date picture of the totality of the site over which the Claimants seek to continue an injunction.
 - (ii) Update the Court on the Claimants' position in respect of an allegation made by D4, Mr Keir relating to an incident in an area known as Steeple Claydon and which I previously referred to at paragraph 22 of Perin 3.
 - (iii) Set out the details of further specific incidents of trespass and obstruction that have occurred since 31 May 2020.
3. The contents of this statement are from matters that are within my own knowledge, knowledge gained from my review of the Claimants' documents in relation to this matter and incident reports logged on the Second Claimant's HORACE system, reports by the Second Claimant's security team and that of the Second Claimant's contractors and reports from specialist agents instructed on behalf of the Second Claimant. Where I state matters within my own knowledge, they are true to the best of my knowledge and belief. Where I state matters from other sources, I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as RP4. Page numbers without qualification refer to that exhibit.
4. In this statement, where I refer to:
 - (i) "the **Land**", that is a reference to the land which is the subject of "the **Current Injunction**" being the order of Mr Holland dated 22 June 2020, and which is shown edged in red and coloured green, pink and blue on the plan to the Current Injunction (at **p. 2**).
 - (ii) "the **Additional Land**", that is a reference to the additional parts of land which the Claimants ask the Court for the injunction to be extended to cover and which is shown coloured green on the plan at **p. 3**.
 - (iii) "the **Harvil Road Site**", that is a reference to the Land and the Additional Land together and which is shown coloured green, blue and pink and edged in red on the proposed new injunction plan at **p. 4**.

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The Additional Land

5. I explained at paragraphs 23 and 24 of Perin 2 that land continues to be brought into the Scheme and, as such, the Claimants intended on filing a revised ‘Plan A’ (a new injunction plan) prior to the hearing of the Substantive Amendment Application to encompass the Additional Land. The Claimants respectfully ask the Court to continue an injunction which encompasses the whole of the Harvil Road Site at the date of the upcoming hearing, so as to cover the Additional Land also. As land is brought into the Scheme and becomes part of the Harvil Road Site, that land is at risk of unlawful conduct. As I mentioned in Perin 2, if the injunction is not granted to cover the Additional Land (assuming the Substantive Application is successful), the injunction will already be ‘out of date’ and parts of the land at the Harvil Road Site further exposed to risk of unlawful conduct.
6. As mentioned at paragraph 4(ii) above, the Additional Land is shown coloured green on the plan at **p. 3**.
7. The Second Claimant has taken temporary possession of the Additional Land pursuant to section 15 and Schedule 16 of the Act, which gives it an immediate right of possession to the same. I exhibit at **p. 4** a schedule setting out the details of the notices served pursuant to paragraph 4(1) of Schedule 16 of the Act and the dates on which possession was taken by the Second Claimant pursuant to those notices. In relation to plot S232_068, in addition to the Second Claimant having taken temporary possession of the freehold interest in that plot pursuant to its Schedule 16 powers, the First Claimant had previously taken a transfer of the leasehold title of that plot (and other land), being leasehold land registered at the Land Registry under title number AGL382235. The registration of that transfer is pending at the Land Registry, however, a copy of the transfer and the title plan are at **pp. 5 - 12** for completeness.
8. I am aware that the Claimants’ entitlement to the possession of the Land has been determined at previous hearings before the Court. Notwithstanding this, I understand that some of the defendants have sought to allege that the Claimants have either not shown that they are entitled to possession of the Land or that they are not entitled to possession of it (albeit I don’t believe this has been explained in any detail in the evidence which has been filed by them).
9. Notwithstanding this, I confirm that copies of the notices which have been served in relation to the parts of the Land which were incorporated into the injunction by way of the June 2020 Order (referred to as “the Additional Land” in the documents filed with Court for that occasion) and the Additional Land referred to at paragraph 7 above are available to those who wish to inspect them.

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The volume of documents is such that it is too cumbersome for those documents to be exhibited (and filed and served) with this statement. However, for those who wish to inspect them, they will be made available in advance of the hearing of the Substantive Amendment Application on the Claimants' solicitors document hosting platform. For anyone who would like access to this platform, they should contact the Claimants' solicitors whose details can be found on the Second Claimants' website:

<https://hs2inhillindon.commonplace.is/schemes/proposals/harvil-road-injunction/details>.

The Steeple Claydon Complaint

10. At the time of drafting Perin 3, my team was unable to locate any information about the allegation of an unlawful spraying of herbicide at an area known as Steeple Claydon on 3 July 2020. However, following further investigation, I can confirm that there was a telephone call to the HS2 Helpline number from the Parliamentary Assist Mr Kelly on behalf of Greg Smith MP who explained that their office had been receiving complaints from residents that the Second Claimant's contractors were using herbicide. That telephone call was followed up with an email from Greg Smith MP, which is exhibited at **p. 13**. The Second Claimant's response to that communication is exhibited at **p. 14** which explains that the work was undertaken correctly in a controlled way with the works having been appropriately supervised. It also demonstrates that (i) the Second Claimant takes allegations such as this one seriously and (ii) it promptly investigates complaints received.

Protester Activity Since 31 May 2020

11. My colleague Richard Jordan has set out in his witness evidence the detail of some of the unlawful activity which the Claimants have suffered at the Harvil Road Site. I now detail some further incidents which have been recorded by the Second Claimant's contractors since the beginning of June 2020 and recently collated by the Second Claimant and which demonstrates that the risk to the Harvil Road Site has not diminished since the last Court hearing in these proceedings.
12. Where the identity of those involved in the incidents has been established by the Claimants at the time of drafting this statement, their names are provided. For the most part, however, the identity of those involved in these incidents is not known.
13. Where I have referred to a plot number in this statement, those are to plot numbers on the plan at **p. 3** which is the revised (and proposed new) injunction plan.

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14. Additionally, where I describe an officer as ‘HCEO’ in this statement, as was the case in Mr Jordan’s previous statements, that is intended to mean an officer or officers working for the HCE Group and not necessarily an officer working as and in the capacity of an authorised high court enforcement officer under the direction of the High Court in all instances.

15. **On 1 June 2020**

- (i) At 22:14 while security officers were patrolling the fence line at the Gate 3 compound on plot number C111_165, one of the security officers came across six protestors in the closed area between the post and wire fence and the main block and mesh security fence. Immediately upon seeing these persons he issued a verbal trespass warning, informing them they were trespassing on the Harvil Road Site and informed them that they should vacate.
- (ii) The security officer reported that there were four males and two females within the group whose identities were unknown to him. One of the male protestors started to climb the fence and, as he breached the fence the security officer called for police assistance using the 101 service, in order to report the trespass. This report and request for assistance was subsequently escalated to a 999 status emergency call for assistance as the situation deteriorated (incident reference number: 8815).
- (iii) At 22:40 one unknown male cut one of the block and mesh fence panels with wire-cutters whilst the other trespasser was inside the fenced compound. Simultaneously, many other protestors gained access to the main compound.
- (iv) When breaching the fence the trespassers were reported and recorded throwing objects at the security officers, running around the site area and damaging property of one of the Second Claimant’s contractors. They also irreparably damaged a newly erected fence line.
- (v) At 23:15 the security officers were able to detain a male protester, and shortly after this a team of seven HCEOs arrived.
- (vi) Very quickly a large group of between 30 and 40 protestors gathered along the fence line and then tried to gain access to the compound through the length of fence that was cut earlier in the incident, and using ladders against the fence in a co-ordinated attempt to breach the site boundary. It is reported that instructions and directions being given by the protestors to one another were clearly heard and recorded by the HCEOs.
- (vii) One of the security officers and the site manager tried to block their access point and decided that, due to the apparent violent intent of the protestors, the situation was becoming

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dangerous. The protestors were starting to throw punches and kicking out to try and gain entry. During this period one of the security officers was bitten by a female protester just above the right knee and kicked.

- (viii) Despite the assaults and threats, both verbal and by action, the security officers continued to hold the position: protesters were pinching them and punching their hands and verbally threatening to break their arms and legs. While the security officers were trying to control the access point, several protesters who had got inside the site were able to free their detained fellow protester, and they withdrew with him through the vandalised fences. They also had use of ladders which again at one point were being used as weapons by thrusting them against the security officers and the HCEOs.
- (ix) During this period it is reported that the security manager on site narrowly avoided being struck by a large branch wielded by a protester.
- (x) At 23:50 two members of the mobile security team arrived at the incident point and deployed to record the incident with their cameras, until the arrival of the police at 00:15 on 2nd June 2020 (CAD incident number was issued: 9416).
- (xi) At 00:19 the protesters divided themselves into groups of four to five people and began to disperse in different directions, possibly with the intention of causing confusion on the arrival of the police inside the site boundary.
- (xii) At 00:57 two more police vans arrived at the incident site albeit no arrests were made during the course of the night. The police officers in attendance were advised that there had been criminal damage committed, an assault on a security officer and that other security personnel had been attacked and in one case bitten and had suffered generally serious aggression from the protestors present on the site.
- (xiii) During the incident there were deployed eight security officers, seven HCEOs and six police officers which later left the area at 02:15.

16. On 9 June 2020

- (i) At 05:50 in the compound at plot number C111_008 a group of more than 15 protesters both male and female began to gain access through four to five locations along the compound fence line by cutting the block and mesh fencing panels, kicking over Heras fencing panels. The behaviour and actions were reported to be generally very aggressive

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and caused substantial damage to the compound fence thereafter making it very difficult for the security officers on the ground to properly secure the site.

- (ii) It became apparent to the security officers that the aim of the protesters was most likely to be to stop work taking place on the site during the course of the day. This was achieved by a trespassing protester climbing into the trees on and around the compound which six persons were able to do, with one in a tree within the compound and the others within the adjacent Heras fenced area.
- (iii) The police were notified early in the day, and a fast response was provided by two Thames Valley Police (“TVP”) officers arriving at 06:30. However, the incident was passed to the control of the Metropolitan Police, since the site lay within their force boundary, and the TVP officers left the site at 07:17. No Metropolitan Police officer subsequently attended the site throughout this incident despite requests that they do so.
- (iv) At 09:36 the security officers were unable to secure the main entrance to the compound as the gate was blocked by two unknown protestors sitting causing an obstruction to the gate. Suddenly several protesters started pulling at the gate system and managed to pull it down, allowing two female and one male protester to run into the area where works were taking place.
- (v) HCEOs then arrived on site and moved into the compound to challenge the three individuals who had entered through the gate and had sat down and glued their hands together with “superglue” in order to render their removal difficult. HCEOs used a safe solvent in order to free their hands and then escorted them from the site.
- (vi) The construction management team decided to proceed to install the main gates whilst the individuals were aloft in the trees. The security officers therefore requested that a number of the protesters on the ground move from the area but they refused to do so. The security officers advised them that they had to be moved for their own safety and this was completed without further incident. Cordons were then put in place and work on the gates recommenced.

17. On 9 June and 10 June 2020

- (i) At 22:47 on 9 June 2020 in the compound at plot number C111_008 a security supervisor requested the deployment of further security officers as protesters were starting to break

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into the compound, cutting and generally damaging the fence lines and becoming very aggressive towards the security officers.

- (ii) At 22:48 the security manager arrived at the incident location. Protesters were at this point inside the previously secured compound and it was noted that a number of fence panels had been seriously damaged with large holes being cut through them, allowing fast movement in and out. Two protesters, identified as Jack Charles Oliver (D34) and Charlie Inskip (D35), had made their way into a large tree within the compound. A telephone call was made requesting support from the HCEOs based at the nearby Dews Lane site.
- (iii) Security officers recording the incidents using video cameras reported that the number of protestors was increasing to more than 20, who were extremely aggressive towards all security personnel, who were trying hard to block access through the holes made in the fence. However, with the force of numbers the protesters managed to push through into the compound.
- (iv) At 23:30 four HCEOs arrived at the site and assessed the situation. They formed a clear cordoned area around where Mr Inskip and Mr Oliver and one female protestor were situated in the tree, and engaged with the other protesters who were now beginning to leave the compound and the surrounding area in general.
- (v) At 23:34 one of the security officers informed the security manager that his Radio handset and head torch had been forcibly removed from his person and stolen by one of the protesters.
- (vi) At 23:49 the HCEOs carried out a full check of the fence to ascertain the amount of damage caused. Four mesh fencing panels were cut and damaged, and most of the outer Heras fencing panels were also cut and damaged. Temporary repairs were carried out by security officers with the support of HCEOs using other fence panels in order to re-secure the compound. The damage was reported at this time to the police and to security managers by telephone.
- (vii) At 01:10 on 10 June 2020 the female protestor in the tree elected to descend and was detained by the HCEOs and at 01:16 police officers arrived on site and arrested the detained female for aggravated trespass.
- (viii) At 01:44 a further five police officers arrived and checked the area, then they tried to talk down Mr Inskip and Mr Oliver from the tree, who however refused to come down.

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- (ix) At 02:30 five further HCEOs arrived and at 03:48 the police officers left the compound.
- (x) At 08:00 Mr Inskip and Mr Oliver in the tree were brought down by the HCEOs at height team and detained for aggravated trespass, the police having been called and a further CAD incident number was issued. The police advised that they were unable to despatch officers to site at this time and requested that the HCEOs continue to detain the individuals.
- (xi) At 12:23, whilst awaiting the arrival to site of the police, Mr Oliver managed to free himself from custody of the HCEOs and scrambled up and over the fence, rapidly departing from the area.
- (xii) At 13:45 police officers arrived at the site and made an arrest of the remaining trespasser, a young male known to the HCEOs as Charlie Inskip. Otherwise, it has not yet been possible to establish the identities of the other protestors involved in this incident.
- (xiii) The Claimants' are aware that Mr Conner Nicholls (or possibly Nickols) (D21) was also arrested for aggravated trespass on the Harvil Road Site on 10 June 2020.

18. On 20 June 2020 and 21 June 2020

- (i) During the course of the 2 June 2020 there were up to 40 protesters present at the camp established adjacent to the River Colne: they were noisy and were at times abusive to security officers and HCEO's present in the compound at plot C111_008 .
- (ii) During the afternoon and evening, it was observed by the security officers that copious amounts of alcohol were being consumed. When the protesters decided to create a camp fire, the resultant bonfire was large and not properly controlled, and the officers considered that it could cause a risk of fire spreading to the surrounding wooded area. Due to these perceived risks to public, the protestors and the Second Claimant's personnel a close watch was maintained on area and on the fire itself, which was eventually allowed to burn down to a safer level.
- (iii) At 23:42 a number of protestors swam across the River Colne and made cuts in the fence panels on the opposite (northern) bank, thereby gaining access to the compound on plot C111_008 where they proceeded to do damage to the lighting towers. The incursion incident happened very quickly, and when Security Officers were able to reach the location and challenge the protesters, they quickly left the compound and moved back to their camp. TVP were called and issued URN Number: 17- 21062020.

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- (iv) A lighting tower which had been damaged in the attack was subsequently found to be working at less than 100% output due to one of the light units having been rendered inoperative.
- (v) Additional security officers were moved to the site to support the team deployed to the lighting tower and three HCEOs were in attendance in case of further attacks, whilst perimeter patrols and checks were conducted, together with a close inspection of the fence for other potential cuts to the panels.
- (vi) At 01:35 on the 21 June 2020 it was noted that two male protesters again jumped the fence, attacking the light towers and grabbing wires in an attempt to further disable the lighting equipment. This second attack was hindered by the security team and formal verbal trespass warnings were given.
- (vii) Temporary repairs were effected to the fence panels and a report made to the Second Claimant's construction project team in order that permanent repairs are undertaken as quickly as possible.
- (viii) The party in the protester camp continued until after 04:00.

19. **On 24 June 2020**

- (i) At approximately 12:10 a male and female protestor gained access to the works area within the compound at Denham Country Park at plot number C111_008 and climbed one of the trees within the compound. The protestors in the tree were requested to get down by the security team, which they both refused to do.
- (ii) The security officers and HCEOs secured the area against further incursions, then the HCEO professional climbing team removed the male protester from the tree, with the female protester descending of her own volition. Both protesters were escorted from the site, whereupon and they returned to the protest camp.
- (iii) At 13:10 the HCEOs and the security teams were escorting the wood chipping plant to the compound on the north of the river. To reach this compound it is necessary, until the temporary bridge is erected, to use the path across the existing wooden bridge over the River Colne. As they approached the compound wooden bridge together with the members of the Second Claimant's project team, eight protesters formed a group across the pathway to stop them from moving and then targeted the wood chipper plant.

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- (iv) Three female and one male persons were able to reach and to sit upon the machine. The HCEOs team leader stopped all movement in order to prevent the risk of injury to protesters and to members of the security and construction teams. A call to the 101 service was made asking for assistance from the police.
- (v) At 14:00 TVP officers arrived at the incident site but explained that due to the incident being on the south side of the River Colne, which forms the force boundary line, they were not able to deal with the situation. They did however try to explain to the protestors that this was not peaceful protest action, but this was ignored, and the protesters continued to prevent the movement of the machinery.
- (vi) The protesters then complained to the TVP officers that “they had issues with the way they were being treated by members of the HCEO team”. Statements were then taken from the protesters by TVP officers.
- (vii) At 15:45 the protesters finally vacated the machines and made their way back to their encampment, celebrating and singing.

20. **On 29 June 2020**

- (i) At 08:41 at the compound on plot number C111_008, whilst protestors were attacking the fence line, a protester, who was later identified as a male known as Andrew McMaster, placed his hands through the gates to the compound. Once his hands were placed through the gates he used a substance to bond his hands together thereby creating a human blockade of the gates which were then rendered inoperable.
- (ii) HCEOs and the security team took the decision to await assistance from police due to the health and safety risk from protester interference with any removal operation. The Metropolitan Police were called via a 101 call and a CAD Number was obtained.
- (iii) At 10.13 police officers arrived on site and used a de-bonding agent to free Mr McMaster’s hands and remove him from the gate. He was then arrested by the Metropolitan Police for the offence of aggravated trespass and removed from the area. The incident was closed at approximately 10:25.

21. **On 7 July 2020**

- (i) From 08:00, ground clearance works continued on plot number C111_008 where an attendance by both the Metropolitan Police and TVP helped ensure that the works

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progressed without disturbance. The Second Claimant's project team felled one tree and were continuing with stump grinding and chipping of residue vegetation.

- (ii) The police support left site at approximately 14.15 because the protestors were not disrupting the works.
- (iii) At 15:03 seven male protestors were observed sitting in and around the path to access the golf course, outside the compound access gates. They refused to move when asked to do so and their presence in this location prevented the Second Claimant's project team and their equipment from leaving the compound.
- (iv) The police were called via the 101 service and a CAD Number was issued: 4650/070720. A further call was also made to the Metropolitan Police who had been on the site earlier in the day and they offered to deploy back to site. Prior to the police arriving the protestors then moved away allowing egress from the site and the Second Claimant's project team and equipment was successfully returned to the main compound.

22. On 8 July 2020

- (i) On plot number C111_008 at 12.35, four protestors blocked the wooden footbridge across the River Colne, preventing the Second Claimant's project team and security officers from returning equipment to the compound on the north side of the River Colne. The police were called and TVP officers attended at 13:29.
- (ii) Protestor numbers increased to seven persons and the police officers spoke with the protestors who subsequently moved off the bridge and allowed access across it. Police officers remained in attendance to prevent further obstruction or breaches of the peace.

23. At approximately 15:05 protestors again blocked the bridge and refused to move when requested to do so. The police officers therefore arrested six protestors for offences under the Trade Union and Labour Relations Act (Consolidation) 1992, who the Claimants' believe were identified as Talia Wodin, Araminta Blythe-Casson, Aimee Lynhan, Lachlan Hall-Sanford, Stella Fass and Berry Smith. **On 9 July 2020**

- (i) On plot number C111_008 at 14:10 three male protestors crossed the River Colne and managed to gain access to a tree located immediately outside of one of the compounds on the north bank of the river. Whilst the trunk of the tree lay outside the compound, the project team needed to clear the branches which overhung the compound area in order to mitigate risks to health and safety that would arise when the planned temporary bridge is erected

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and utilised for plant crossing. The security officers were unable to prevent access to the tree because there was no gate or other means of safe egress from the river side of the compound.

- (ii) One of the security officers issued a formal trespass warning to the individuals at the tree and the police were called. TVP officers subsequently arrived at 14:25.
- (iii) Seven protesters were arrested for offences under the Trade Union and Labour Relations Act (Consolidation) 1992 who the Claimants' believe were identified as Scott Breen (D13), Sebastian Roblyn Maxey (D23), Jack Oliver (D34), Daniel Castilho Lima, Jamie Goldborne, Toni Marie Bingham and Dominic Gillett. Another protester who had climbed into the tree refused to come down stayed in the tree until the following day, monitored by the night security shift.

24. On 20 July 2020

- (i) At 00:01 the Security Operations Centre received a report from the Gate 3 compound at plot number C111_112 that four male protesters were attempting to force their way on to the site. The security officers at the site were able to prevent them entering, although the protestors remained outside the site in the entrance area.

25. On 22 July 2020

- (i) At approximately 06:05, one of the Second Claimant's contractors was travelling in their vehicle along Harvil Road approaching Gate 3 at plot number C111_112. At this time, three protestors were walking from the direction of Gate 3 uphill along Harvil Road towards the roadside protestor camp. Upon the driver of the vehicle setting his indicators to turn into the entrance to Gate 3, the protestors turned and ran to Gate 3 thereby seeking to prevent the vehicle entering the site.
- (ii) The security team controlling the gate responded quickly and professionally by shepherding the protestors to the side of Harvil Road, and thus allowing the vehicle to enter. During this shepherding operation it is reported that the protestors were attempting to physically assault the security officers.
- (iii) Upon subsequent inspection of the vehicle it was found that the contractor's signage had been partially removed and a scratch was present on passenger side door. This damage was not however reported to the police as there was no video evidence or identification of an individual(s) responsible.

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26. On 22 July 2020

- (i) At 15:54 an unknown male stood at the gateway to the Gate 3 compound at plot number C111_112, talking with the security team inside. He was joined by Mark Keir (D4). The unknown male made a sudden run towards the compound fence but was deterred from climbing over and into the compound by security officers deployed from the gateway “bellmouth” area.

27. On 22 July 2020

- (i) At 23:50, at a compound on plot number C111_008, three male protesters crossed the River Colne from the area of the protest camp on the south bank of the river, and climbed into a tree located on the river bank outside the compound but which lies on the Harvil Road Site. Here they rigged a hammock in the upper branches of the tree and attached further ropes connecting across the River Colne to a tree on the far bank, which lay outside of another compound, in the public area next to the protester camp.

28. On 23 July 2020

- (i) At 11:27 two male protesters at the Harvil Road/Dews Lane Junction gateway, on plot number C111_164 attempted to enter the Dews Lane secure compound area.
- (ii) Two males were observed trying to push past the guards. One male protester was known to the security officers as Jacob Harwood (D29). They were joined by a further male and a female protester, thought to be his partner, who began to dance around the guards who were trying to reach the gate to prevent their forcing entry.
- (iii) The security adviser asked the Security Operations Centre to arrange for police attendance. At 11:54 Metropolitan Police officers attended: CAD number 3143 2372020 was issued. At this point the group left the site and the police officers departed.
- (iv) At 13:30 three male protesters, two of whom were known to security officers as Jacob Harwood and Iain Oliver (D9), attended at the compound entrance at the Harvil Road/Dews Lane Junction.
- (v) Jacob Harwood continued in his attempts to reach the gate but was again prevented. At 13:39 all three protesters departed the site.

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29. **On 23 July 2020**

- (i) At 07:00 the Authorised HCEO together with a tree cutting climbing team attended the compound at Denham Country Park on plot number C111_008. The Authorised HCEO had been asked by the Second Claimant's security team to attend site to advise on enforcement matters while a tree (located on land subject to the injunction) was being cut to make way for a temporary bridge to be placed over the River Colne.
- (ii) Upon the HCEO's initial inspection it was ascertained that the protesters had rigged an aerial walkway using several lines between a tree on land which they occupy next to the compound on the opposite bank (which is land not subject to the injunction). There was also a protester in the tree that was due to be taken down in a hammock at the very top of the tree. One of the lines was made from a steel cable, with the others being made from blue polypropylene rope.
- (iii) At 08.00 the Authorised HCEO crossed the river into the compound to speak to the security officer and the climbing team who were cutting the trees.
- (iv) After discussions with the various teams on the ground, a diversionary tactic was employed intending to focus the protesters actions away from the aerial walkway. This was achieved by opening the compound fence and thereby temporarily blocking off an unofficial pathway which was in use to reach the protester encampment and which allowed the tree climbing team to ascend and cut the walkway lines, with the exception of the steel wire line.
- (v) As a result of this action. the protesters went out onto the steel cable and sat upon it, above the centre-line of the River Colne.
- (vi) The police were then called via the 101 service and subsequently Inspector Chris Simpson of TVP arrived at the site, accompanied by several police officers. Discussions then took place between the Second Claimant's security team, Inspector Simpson and the Authorised HCEO in order to establish how effectively and safely to remove the protesters from the work area and from the walkway above the river.
- (vii) The police officers on site called in the TVP climbing team, which took several hours to arrange. The TVP climbing team attended the site and reported that they were unable to respond as the tree that was occupied was not on the Harvil Road Site. However, the occupation was effectively preventing the planned project works from being carried out, in felling the tree adjacent to the north bank of the River Colne that was scheduled to be felled.

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- (viii) The Authorised HCEO was then advised by the TVP officers that Mark Keir (D4) had called the 999 emergency service and stated that the protesters were in danger at height over a river. Inspector Simpson stated that by making this call this situation had now been classified as a major incident and that the ambulance and fire service would now attend with their respective incident units, and a police incident commander would attend to take control of all services. All services subsequently arrived at the site.
- (ix) The decision was taken by the combined emergency rescue services to take control of the steel cable and then to cut the cable and lower the protesters in a controlled manner.
- (x) Police officers from several county forces, were present in large numbers on the north bank of the River Colne, which the protesters occupied.
- (xi) The cable was cut and a young male on the tree platform, later identified as Lachlan Hall-Sanford, then stood on the wire as its was being lowered, whilst holding onto a branch that was next to the platform. This branch was unable to support his weight: it subsequently broke and he fell into the river from a height of approximately ten feet, where he was immediately taken control of by the police specialist officers stationed in the river. The other two protesters then slid down the wire cable into the river, un-hooked themselves from the wire and swam off upstream with the police in pursuit.
- (xii) Mr Sanford was then taken to the riverbank by the police and handed to the care of the ambulance service for checks to be made. It is reported that he was later arrested after being released from the hospital Accident and Emergency unit.
- (xiii) Following discussions with the Second Claimant's security team, a further team of HCEOs was deployed overnight and the current team of HCEOs stood down. The protester in the tree was left over night with the HCEOs and security teams occupying the compounds on each side of the river. The daytime team of HCEOs left the site at 19.00 and the police also left the site.

30. **On 24 July 2020**

- (i) At 05.45 the Authorised HCEO received a telephone call from the Second Claimant's security advising that the site on plot C111_008 had again been overrun with protesters during the night and that they had managed to get the protester climber out of the tree and taken back into the protest camp. The HCEO team was also advised that the protesters had re-established the aerial ropeway lines across the river.

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- (ii) At 06:10 the Authorised HCEO attended the site and ascertained that new lines had indeed been placed across the river including a new steel cable
- (iii) At 07.00 the police were again called to the site, which they attended over the next four hours in the same numbers as on 23 July 2020, on this occasion deploying their own specialist climbing team and other specialist response teams, together with the ambulance service and their aquatic rescue teams.
- (iv) The protesters started to gather under the tree which was scheduled to be cut down on the north side of the river, on plot number C111_008. The HCEOs were able to successfully defend the tree whilst the HCEO professional climbing team started to fell some of the limbs.
- (v) The police climbing team spent several hours trying to establish another line across the river (in order to bring the protesters lines under control) but were unable to operate the system they had designed and installed.
- (vi) The HCEO professional climbing team were asked by the police commander to provide help and advice: it was decided that the same method as used on the previous day would be implemented.
- (vii) The HCEO professional climbing team leader, accompanied the police climbing team members accessing the tree using the HCEO professional climbing team's aerial platform ("cherry picker") and were then able to take control of the lines that the protesters had rigged.
- (viii) The line was again cut and the female protester in the tree protester (later identified as Samantha Smithson (D32) was lowered down into the water. The police aquatic rescue team then removed Ms Smithson immediately from the river after which she was arrested for offences under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (ix) The duty police superintendent then asked the HCEO professional climbing team to proceed to remove the final protester from the platform (which was on plot C111_008). The HCEO professional climbers then crossed the river in order to set up the removal of the occupant at height in the tree, who had been identified as Dr. Ian "Larch" Maxey (D22), a protester well known to the HCEO team from many eviction and removal events over the past months.

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- (x) However, the Authorised HCEO then received a telephone call from Inspector Simpson of TVP asking that they stop work on the removal of Dr. Maxey, since the hour was late and the light was failing.
- (xi) The HCEO professional climbing team there went back to cutting the remaining limbs from the tree that was to be felled, so that further lines could not be rigged to it. This work was completed by approximately 22:30 and the day team of HCEOs left the site at 23.00.
- (xii) Five other protesters were arrested as a result of incidents taking place during the day. In addition to the arrest of Ms Smithson, others arrested are known to be (and what the Claimants' understand them to have been arrested for) are:
 - (a) Wiktoria Zieniuk (D18) for aggravated trespass;
 - (b) Sebastian Roblyn Maxey (D23) for aggravated trespass and obstruction and assault of a police officer;
 - (c) a male protester identified as Daniel Winterton, for aggravated trespass and common assault;
 - (d) a male protester identified as James Taylor, for aggravated trespass and obstruction of a police officer; and
 - (e) a female protester identified as Maria Nolan, for aggravated trespass and obstruction of a police officer;

31. On 26 July 2020

- (i) At 00:00 six male protesters at the entrance of the compound at the junction of Harvil Road and Dews Lane on plot number C111_164 were reported to be acting in an aggressive manner.
- (ii) At 00:15 these protesters were observed pushing hard at both the barriers and the security guards as they continued with their repeated attempts to enter the Dews Lane secure compound. A call was therefore made to the police. At 00:39 the six protesters ceased their assault and were seen walking away from the area.

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32. **On 31 July 2020**

- (i) At 11:50, on the west end of the Harvil Road Gate 4 compound at plot number C111_165 a male protester known to the security officers as Vajda Robert Mordechaj (D8) climbed and breached the security compound fence at the U34 PRoW closure point. The police were informed via the 101 service. At 12:20 the Metropolitan Police advised that they were unable to attend the site.
- (ii) At 12:55 reports were received at the Security Operations Centre that there were six protesters at the attempted breach point on the fence line; one of the protesters was known to the security officers as Nick Grant aka "Potts" (D16).
- (iii) At 14:14 the security officers reported to the Security Operations Centre that Mr Mordechaj had been successfully removed from inside the compound via the gate adjacent to the lake at the western end of the site by security officers and HCEO's.
- (iv) At 14:20 the remaining protesters along the fence began to depart.

33. Whilst the incidents set out above are those more significant incidents which have been reported in detail to the Second Claimant at the time of drafting this statement, incidents continue at or in the vicinity of the Harvil Road Site daily such that the risk of unlawful conduct at the site remains significant. There also remains a significant and continued protester presence at the Harvil Road Site. More recently a protester camp known as the Denham Wildlife Protection Camp in the vicinity of Plot C111_008 has been the focus of protester activity.

34. Where the conduct of known individuals outlined above amounts to breaches of the injunction that were in force at the time, consideration is being given to whether contempt of court proceedings would be appropriate. I do not understand those considerations to be relevant for the purposes of this hearing, however, and so I do not say anything more about them here.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Signed:

Rohan Perinpanayagam

Dated: 13 August 2020

1	Defendant
2	Sarah Green
3	First
4	SG1
5	Date 1 June 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS PROPERTY,
TRUSTS AND PROBATE LIST (ChD)**
B E T W E E N:

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S)
ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-
AMENDED CLAIM FORM (2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE
BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP
COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND
EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON
BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-
AMENDED CLAIM FORM

Defendants

First WITNESS STATEMENT OF SARAH GREEN

I, **Sarah Charmian Green**, of Arthur Daily Trips, 73 Iver Lane, Cowley, Uxbridge UB8 2JE, WILL SAY as follows:-

Introduction

1. I am a resident of Hillingdon and have been a Green Party candidate in local and General Elections for Ruislip, Northwood and Pinner, the constituency where the Harvil Road Site is located. I am self-employed business owner of Arthur Daily Trips (ADT), (passenger boat). ADT is a hospitality business conducting leisure and tourism boat trips and guided walks along the Grand Union Canal within the Mid Colne Valley, SMI. I am a concerned resident and Affinity Water customer.
2. I am concerned as large areas of the nature reserves, where I conduct my business, are within construction boundaries of HS2. There is lack of communication and clarity about where and how much of the environment will be destroyed. I am concerned that there are no provisions for existing wildlife. We know that our public drinking water source Blackford pumping station on Moorehall Road will be closed due to HS2 works. There is a lack of disclosure about safeguards and future plans for public water supplies.

3. I have legitimate environmental concerns and unanswered questions. One of these is the ongoing Claim to the EU Commission that HS2 is non-compliant with the Water Framework Directive and Drinking Water Directive. Ref. CHAP(2019)03209 . Two conservation groups with whom I am in contact have submitted information for these high court proceedings, these are the Herts and Middlesex Badger Group (**Ex 1**) and the River Chess Association (**Ex 2**), both have serious concerns and have provided information and contact details.
4. As I am regularly in the area of HS2 work sites and pay attention to works and impacts. I have been exercising my rights to protest against the scheme and wish to continue to do so. I am not named on the current injunction, have not breached the terms of the injunction and deny any allegations of being in breach. I pose no threat of breach in the future.
5. I have a long history with HS2 having Locus Standi I had Business Petitions against HS2 in both houses of Parliament select committees; ADT Petition No 1765 and ADT HoL-00521. No assurance was received. I have regularly communicated with HS2 help desk, the local council, my MP, the EA and the London Assembly. Made requests for environmental information and made complaints at lack of disclosure. On my behalf my MEP asked questions and received answers. There is a current case with the EU Commission CHAP(2019)03209
6. I oppose any application by the claimants to extend the present injunction in time or space. I am opposed to all aspects of the injunction. This is a huge undertaking that effects large communities of people and natural habitats that detailed enquiry and protest are a necessary safe guards of such undertakings.

Earlier Proceedings

7. I agree with para 8 of Shona Jenkins statement SRJ1. The scheme is a controversial one, and works at the Harvil Road Site have attracted (and continue to attract) extensive direct-action protest for a number of years on environmental and other grounds. It is my contention that the Claimants have not been acting lawfully and certainly outside the parameters of the legislation that empowers them. I say this because I am of the view that HS2 works imperil the land, the aquifers beneath the land, as well as the flora and fauna on the land.
8. The Mid Colne Valley SMI sits above the Mid Chilterns Chalk aquifer. The route passes close to public water source abstraction points the closest being Blackford; 25m from the route. Hundreds of deep piles are planned across the width of the floodplain. This is one of London's most important aquifers supplying 3.2 million Affinity Water customers. Extensive areas of wet woodland are at risk, these are priority habitats which are not included within mitigation or the biodiversity calculation matrix. In particular there is concern around the Harvil Road Site for the badgers and badger setts in Newyears Green Covert and Dews Dell Woods.
9. In support of the above I exhibit the report (**Ex 3**) of a Geologist Dr Haydon Bailey. There is an existing site of pollution which was a land fill site which is already polluting the aquifer which supplies a good proportion of London's water. Hillingdon have designated this a special site of contamination (**Ex 4**) due to pollution of controlled waters. The concern articulated in this report is that the piling operation will create fissures that will hasten the pollution into the aquifer.

The original Injunction

10. I broadly agree with SRJ1 para 10 and 11

The 2019 Injunction

11. I broadly agree with SRJ1 paras 12 – 14: although I do not accept 14.4 the circumstances around my name being removed from the 2019 Injunction. These are set out further in the attached schedule **(Ex 5)**.

The 2019 Possession Proceedings

12. SRJ1 para 15: please see my schedule **(Ex 5)** for my response.
13. SRJ1 para 16: I was not involved in the occupation of injuncted land – please see my schedule **(EX 5)**.
14. I broadly agree with paras 17, 18, 19
15. SRJ1 para20: please see my schedule **(Ex 5)**.

Opposition to the Scheme works on the Land and Claimants’ Intention of Substantial Application

16. SRJ1 para 22; The Claimants assert that the Protestor Encampment is the ‘Roadside’ protest camp. Since October 2017, the protest camp was not entirely on the roadside on local authority land. It was also partly but crucially situated in the field to the west of the road for sleeping and living area. This land at this time was local authority land rented as part of Park Lodge Farm. The tenant farmers in autumn 2017 gave verbal permission of access so I never considered that I was trespassing. Please see my response in my schedule **(Ex5)** and my photographic evidence for my assertion **(Ex 14)**. Google satellite view maps are regularly updated but there is provision to see historic views. Two views of the camp field are available for the period of the original order and current order. These show occupation by the Protestor Encampment in the field.
17. SRJ1 para 23: The Claimants have expanded into additional sites and closed footpaths. I have not knowingly trespassed and dispute unlawful conduct. I have not entered Land covered by the Injunction and have not obstructed them. I am opposed to the Claimants increasing the area of Land under Injunctive relief. There are other ways to communicate with the local community and people who wish to protest against the scheme. One of the problems with HS2 is that they do not keep to schedules or to plots of Land under their lawful possession. On 11 February 2019 HS2 land clearance contractors entered the camp field west of Harvil Road **(Ex 6)** and used heavy scarifying machines across the land including the footpath. At this time this field was still in the possession of the tenant farmers who rented from Hillingdon Council. HS2 contractors had no permission to be on the land or to do this damage. Conservation species cinnabar moths were one of the species in the field. See **(Ex 6)** which shows photographs of HS2 contractors damaging and trespass on land they did not own.
18. SRJ1 paras 24, 25, 26: please see my schedule **(Ex 5)**.

Obstacles to substantive application

19. SRJ1 paras 27-28: please see my schedule **(Ex 5)**.
20. SRJ1 paras 29 – 32: see my schedule **(Ex 5)**.
21. SRJ1 paras 33-39: please my schedule **(Ex 5)**.

Continued threat to the Land and Summary of Incidents since making of 2019 Injunction

22. In relation to points SRJ1 paras 40 – 45: I deny that I have been involved in any unlawful incident as alleged or at all. Please see my responses to specific allegations in my schedule **(Ex 5)**.

The January 2020 Enforcement Operation

23. SRJ1 paras 46-47: I deny involvement in the alleged incidents.
24. SRJ1 paras 48, 49, 50: please see my schedule **(Ex 5)**. See and compare **Exhibits 7 and 8**. Possession Order map **(Ex 7)** and Enforcement Operation map **(Ex 8)**. It follows that HS2 did not evict the camp field pursuant to the Possession Order. See Patricia Thompson (Senior Officer of HS2) email to Chairs **(Ex 9)**; showing HS2 awareness that the Protestor Encampment was in the field.

The XR, Stop HS2 and Save Colne Valley event on 18 January 2020

25. SRJ1 paras 51 – 52: see my schedule **(Ex 5)**. SRJ1 para 53: I was not involved in these incidents. I deny causing damage to fencing or security equipment. Para 54 does apply to me.

Examples of trespass and obstruction on the Land since the 2019 Injunction

26. SRJ1 para 57.2: in relation to 8 February incident I deny I was involved in any unlawful activity, please see my schedule **(Ex 5)**.
27. SRJ1 para 58.9: HS2 accuse me of behaving in a disruptive manner during the incident, for example by attempting to obstruct the police vehicle entering and leaving the site when the arrests of Mr Brown and Mr Ruggles were made. I strenuously deny this charge, please see further comments in my schedule **(Ex 5)**. I have provided video evidence of Mr Brown being taken from the site by the police. There was no disorderly conduct, **(the video Ex 10)** 18 Feb incident supports this contention.
28. SRJ1 para 59: 20 February. I deny that I was involved in any unlawful activity. See my schedule **(Ex 5)**.
29. SRJ1 paras 60 – 71: I deny involvement in alleged incidents on 24 February, 23 March, 26 March, 1 April, 16 April, 29 April and 29 April.
30. SRJ1 para 72: I deny any involvement with the incident on May 9. However, on 20 May I was contacted by Herts and Middlesex Badger Group who were attempting to monitor the badger setts in Dews Dell Wood. At this time access was being blocked to Dews Lane by HS2 security. Eventually two members of the Group were allowed down Dews Lane but not allowed into Dews Dell Wood. Please see my schedule **(Ex 5)** and Exhibit HMDG statement **(Ex 1)**. This area of land is a nature reserve of borough importance. This land was never intended to be purchased by HS2 and never has been. I question why HS2 were purporting to control entry to the land. I enclose a photograph of a plan which shows which land was not be used by HS2 – **(Ex 11)**. I further exhibit a video of HS2 occupation of Dews Dell Wood- **(Ex 12)**.
31. SRJ1 para 73: the London Borough of Hillingdon Injunction is form separate proceedings in which I believe I may be a named defendant. I will be contesting these proceedings. It follows that I deny all of the allegations in the council proceedings. I am of the view that the LBH proceedings should form no part of these as they will be heard separately.
32. One other significant development after the 2019 Injunction Order was granted, is the application by Affinity Water Ltd (Water Undertaker), in two separate applications, to vary

the abstraction license for the Colne catchment. An article on Water Briefing website (Ex 13) refers to the second application. The significance here is that the reason for the application to provide alternative supplies (when and if) the Blackford source can no longer, supply water acceptable for human consumption. This situation is now foreseen by HS2, Affinity Water and the Environment Agency. The public have not been informed about current plans. As an Affinity Water customer, I see these developments as undesirable. Water is life. Clean, fresh drinking water is essential for health and wellbeing and economic prosperity.

Conclusion

33. For the above reasons I urge the court not to grant the extension of the injunction. I believe I have never acted unlawfully in relation to the Claimants' Injunction. When I have protested, I have always protested peacefully and lawfully. I and other protestors have firmly held views that the Claimants are doing damage to the environment. I am no threat to the Claimants or any lawful activity of theirs. I simply wish to exercise my right to bring to the public's attention the huge and permanent damage that the Claimants are causing to the environment.

Statement of Truth

I believe that the facts stated within this witness statement are true. I understand that proceedings for contempt of Court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Dated: 17 July 2020

Exhibit List

Ex 1 Herts and Middlesex Badger Group statement

Ex 2 River Chess Association concerns

Ex 3 Dr Haydon Bailey: The Geology of the Newyears Green area, Hillingdon London.

Ex 4 LBH – Record of Determination that NYGB is Contaminated Land dated 26th May 2011

Ex 5 My schedule

Ex 6 Photographic evidence scarifying the field not in HS2 possession 11 Feb 2019

Ex 7 Possession Order map 28 Nov 2019

Ex 8 Enforcement Operation Map 7 Jan 2020

Ex 9 Patricia Thompson email 21 August 2019

Ex 10 Video evidence of James Brown leaving the site.

Ex 11 Dews Dell Wood on HS2 map, not to be acquired or used

Ex 12 Video of HS2 contractors in Dews Dell Wood

Ex 13 Article from Water Briefing website: **28 January 2020** Affinity Water applies for water abstraction to mitigate potential construction impacts of HS2

Ex 14 Protestor Encampment location in field camp.

1	Defendant
2	Sarah Green
3	Second
4	SG2
5	Date 17 June 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)
B E T W E E N:**

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM (2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

Defendants

Second WITNESS STATEMENT OF SARAH GREEN

I, Sarah Charmian Green, of 73 Iver lane, Uxbridge, UB8 2JE WILL SAY as follows:

1. I have been served with Claimants' statements of Mr Rohan Perinpanayagam (15 June 2020) and Richard Jordan (15 June 2020). I appreciate they will not form part of the proceedings on Monday 22 June 2020 however I have hastily drafted this response so that the Court is aware that their proposed evidence, in a proposed future Injunction application, is not accepted and will not go unchallenged. My broad concern (apart from a number of inaccuracies in these statements) is that HS2 is likely to have been acting unlawfully in their activities at Denham Country Park.
2. This statement responds directly to the paragraph numbers in Mr Perinpanayagam statement. I enclose a schedule below, which responds directly to Mr Jordan's statement.

Environmental Concerns

RP1: 9. It is incorrect to say 'The environmental impacts of the Scheme have been considered extensively by Parliament and the Claimants are required to mitigate against this.' The Claimants know that there is no mitigation for irreplaceable habitats such as ancient woodlands and wet woodlands and these do not feature in the mitigation matrix. Any 'unnecessary' removal of irreplaceable habitat/ecosystem is a serious matter. Similarly, there will be no mitigation for the aquifer if the scheme mobilises the existing underground pollution into the sources being used for public supply.

Parliament were not given full and comprehensive detail of environmental surveys or scheme design as these were not completed at the time. Land and Additional Land was taken inside the Bill Limits under a precautionary approach where extra land 'potentially' needed for use was included in the scheme, now the land limited of the HS2 Act 2017. Volume 1: Introduction to the proposed scheme states:

'The nominated undertaker will acquire or use less than the full extent within the limits if, following detailed design, not all of the land is required for permanent works or their construction.'

For some piece of land this may not be crucial but for irreplaceable ecosystems, land and water within nature reserves, irreparable damage needs to be safeguarded against by careful adherence to Natural England and EA licensing conditions.

The Parliamentary hybrid process pushed detailed consideration of habitats and water supplies into the future. This included questions regarding the public drinking water supplies from the Mid Chilterns Chalk aquifer south of Harefield.

(i) Volume 5 | Technical Appendices CFA7 | Colne Valley Water resources assessment (WR-002-007) Water resources Nov 2013 ES 3.5.2.7.15. This is one of several HS2 documents which identifies major impacts and very large residual effects on Public drinking Water supplies from the chalk aquifer in CFA7. P45 **'Until a management strategy is agreed with the Environment Agency in consultation with Affinity Water, a potentially significant residual effect on the Affinity Water groundwater abstractions remain.'**

A Management Strategy between HS2 Ltd, Affinity Water Ltd and the Environment Agency has never been published and Affinity Water Ltd customers do not know what the plans are to address the 'potentially major' residual effects on our drinking water supplies.

10. At the time of the Environmental Statements comprehensive habitats and species surveys were not completed in Hillingdon. HS2 claimed that they were not given entry rights to large parts of land owned by London Borough of Hillingdon. LBH said they had never stopped them and most of the land was publicly accessible. The HS2 Environmental Memorandum anticipated ongoing assessments.

4.8.1

Where effects on protected species are identified, the appropriate licenses will be obtained from Natural England before works are undertaken. This includes species protected by the Habitats Regulations 2010 and the Wildlife and Countryside Act 1981.

Since October 2017 I have witnessed the removal of large areas of habitat including within the Injunction zone. It is not clear whether HS2 has identified any effects on protected species in the Land covered by the Injunctions. However, I have provided them with evidence of bats, badgers and barn owls using this area. No mitigation has been provided to my knowledge.

11. PR Exhibits pp 9 – 18 are consents for fencing and platform not for the Pile Driving itself and does not relate to safeguarding against contamination transit. Publishing the overall Management Strategy between HS2 Ltd, Affinity Water Ltd and the EA would help to identify lines of responsibility and duties as well as helping with transparency. There is a documented, underground pollution plume, in the vicinity. This is emanating from the New Year's Green Special Site of Contamination, there are pollution pathways and a receptor, the Principal chalk aquifer. The underground pollution plume is already in the aquifer and moving in a south westerly direction according to the LBH Designation (2011). The responsibility for monitoring and remediation of the pollution plume, lies with the Environment Agency but may have passed to HS2 Ltd? I would like to see the plans for the Pile Driving take into account the location and extent of underground water pollution?

29. It is **untrue** that at the Possession Hearing in October 2019 that I accepted that on various occasions I had entered onto the closed footpath which was part of the land subject to the 2019 Injunction. HS2 claimed that they closed the U34 on 22nd August 2019 and I did not enter onto the U34 in the area covered by the 2019 Injunction since that date. I did contest the legality of the footpath closure and I did bring to the court's attention, my fear that HS2 might use the possession order to evict the main protest camp in the camp field which was not covered by either the Possession Order or Injunction. This is what went on to happen on 7 January 2020.

146 of Mr Holland does not say that I have stood on the footpath since 22 August only that I wish to stand on the footpath to monitor. I did not breach the Injunction on the U34 footpath or on other parts of the injuncted land. If the Claimants' have evidence to the contrary, they should produce this.

- (i) 'Ms Green is keen to emphasise that she has not breached the 2019 Injunction. As set out above, that is not – the Claimants' contend – in all cases true'. On what grounds do they say this?

'More significantly however her position would seem to indicated that she has not been carrying on certain acts of protest *because* of the injunction and her desire not to breach it.' I was named on 2018 Injunction and did not breach this. I was not named on the 2019 Injunction and did not breach this either. I do not see on what grounds the Claimants' are seeking to re-join me to this Injunction?

".....desire not to breach Injunctionit would seem to indicate that she is more likely to carry out unlawful acts if the injunction were not in place." Here, I am unclear what is meant by unlawful acts? I have not been found guilty of any criminal offence. I am however contending that HS2 contractors are carrying out unlawful acts and potential criminal offences. An example is 10 June 2020 crime reporting number DP-21462-20-0101-IR. See below (ii).

- (ii) RP1 Covid-19.

' the Government guidance seems to be one of loosening of lockdown requirements, such that this is unlikely to prevent or deter Ms Green from protest activities at the site for much longer (if at all).' The High Court has heard that the Claimants confirmed that the Injunction order is not intended to prohibit continued occupation of the "Protestor Encampment" on Harvil Road, marked on the Plan annexed to this order." Therefore, these Injunctions were not intended to prevent protest activities at Harvil Road or to prevent me from (lawful) protest activities, or from attending Harvil Road in the future.

I have been in household isolation since 23rd March 2020. On 10th June 2020 I took a walk from home along the route of my business which I am planning to restart in line with Government advice. I walked along the canal towpath. At Denham deep Lock I heard chain saws therefore I followed one of the public footpaths on which I am accustomed to taking my passengers on Guided walks. I was alarmed to find an HS2 construction site, between the River Colne and the Grand Union Canal within the wet woodland area of the nature reserve (SMI). This is over 1 mile from the HS2 route. I am aware that this area is included within the HS2 Act for utility diversion of overhead power lines. However, this is an area where additional land was taken and the detailed design was not fixed. A less environmentally damaging alternative has been put forward and has not yet been rejected. Graham Lee of Hillingdon Green Party has been communicating with HS2 on an alternative plan which does not require works impacts, compounds or haul road in Denham Country Park, west of the canal (**Ex 15**). **Exhibit 15** is the letter to Patricia Thompson (HS2) dated 5th June 2020, which confirms the length and ongoing nature of this discussion.

On 11th June 2020 HS2 Ltd communicated with Mr Lee inviting him to a meeting on 30th June 2020 to discuss the plans for DCP and the less ecological damaging alternative plan for pylon diversion within the Colne Valley. On 11th and 12th June, destruction of the wet woodland habitat continued. I believe this is unlawful activity as a priority habitat, wet woodland, and potential roosting habitat for species of bats is being prematurely destroyed. The trees which I witnessed being felled 10th June 2020 were potential roosting trees (**Ex 16**). **Exhibit 16** also evidences ancient tree and riparian zone tree destruction. The Permits from Environment Agency for a construction vehicle bridge across the River Colne have not yet been obtained. On 10 June 2020 I witnessed tree climbers cutting off branches and chunks of trunk (**Ex 17**) which went crashing to the ground. These were then put through wood chipping machines (**Ex 18**) and the remains removed in large green bags from the site (**Ex 19**). It is necessary for the contractor to register this Site prior to works taking place under Bat Mitigation Class Licence WML-CL40. A site registered under this license will compromise a geographically distinct or defined area that includes single, small numbers or small groups of trees.

This licence is only valid if impacts arising from the works cannot be avoided. There is a less ecological damaging alternative plan that has not been ruled out and therefore works fall outside the conditions of this license. The work should be halted and the site de-registered.

Works which have impact on bats and/or damage or destruction to resting or breeding places of bats, and are not covered by an individual license or class license are in breach of the following legislation;

Conservation of Habitats and Species Regulations 2017

The Wildlife and Countryside Act 1981 (as amended)

Natural England licence WML-CL40 HS2 Bats in tree roosts, authorises acts that would otherwise be offences under the 2017 Regulations and the 1981 Act. With ongoing discussion about the pylon route planned for 30 June 2020 neither HS2 nor Natural England can be satisfied that there is no satisfactory alternative. HS2 contractors are rushing to clear protected habitat before plans are finalised, before less damaging plans are rejected and before suitable bat mitigation is in place.

- (iii) “Ms Green also sets out matters opposing any extension over the area of HS2’s injunctive relief. I understand, however, that those matters to be considered in relation to the Substantive Application – and not this Extension Application, which simply is extending the existing geographical protection in time.”

I have not breached the 2018 and 2019 Injunctions and I object to being named as a Defendant in this Extension Application and I further object to being named in a future Substantive Application. I am running an eco-tourism business under very difficult conditions due to HS2 extensive developments within the nature reserves of Mid Colne Valley where I conduct my lawful business. I believe that continued destruction of Denham Country Park (area of protected habitat and species) in June 2020 is unlawful as HS2 Ltd are aware of a potentially less ecologically damaging alternative. I believe that HS2 actions which affect protected habitat and species in these circumstances contravene Regulation 55(2) (e) of the 2017 Regulations and section 16(3)(f) of the 1981 Act, and are unlawful acts.

Comment on Exhibit “RP1”

Correspondence with Caroline Thompson-Smith

Land registry documentation for LBH including camp field numbered 4.

One photograph dated 8/2/20 showing 3 people, none of whom are me.

Comment on RJ9 Exhibit pack

The Claimants have submitted a plan of additional land to include in the Injunction which takes in part of Denham Country Park which is being prepared for a compound to build an access/haul road. There has been much discussed over the years regarding the rerouting of the overhead pylons. Intentions not to build the haul road have been given out over the years. This is included in the Waterways Ombudsman report Sept 2017 (**Ex 24**). Paragraph 5.7 of the report states that HS2 had confirmed that the intention was not to use plot 731 for an access/haul road. My understanding is that plot 731 is the area where extensive strimming took place in December 2019 by HS2 contractors.

The Water ways Ombudsman 3.5 confirms ‘it is quite clear that the area is an important location for wildlife biodiversity and leisure activities so close to London’. 3.8 I accept that Ms Green is passionate about the area, and while I cannot give her an assurance that her worst fears will not come to pass, I have seen no evidence to suggest that those fears are well founded.

There is now evidence that the modus operandi of HS2 is Land is conversion from natural land to ‘anthropogenic land’ (those exploited by mankind). I have witnessed this over and over again and this is being repeated up the line. There is no reason to include Denham Country Park in the Injunction as this area is not necessary for rerouting the pylons (**Ex25**). Building an access/haul road through Denham Country Park was not necessary to erect the pylons in 1955. Today there is a heightened awareness of the contribution of the nature reserves to purify air and water, recycle nutrients, improve soil and provide setting for eco leisure and tourism activities. For these reasons I request that Denham Country Park is removed from the Injunction extension.

SG2 Exhibit List

Ex 15 Hillingdon green Party letter from Mr Graham Lee to Patricia Thompson 5 June 2020

Ex 16 10 June 2020 Photographic evidence destruction of Priority Habitat wet woodland, potential bat roosts, ancient trees and riparian zone trees.

Ex 17 Photographic evidence 10 June 2020 HS2 tree climbers

Ex 18 Photographic evidence 10 June 2020 HS2 chipping machines

Ex 19 Photographic evidence 10 June 2020 HS2 removal of ecological evidence

Ex 20 Video of bats at Denham Country Park site.

Ex 21 WML-CL40 HS2 Bats in tree roosts

Ex 22 Green dye in river

Ex 23 email trail with Wildlife Police

Ex 24 Waterways Ombudsman Report

Ex 25 New Injunction map with alternative pylon route and December 2019 vegetation clearance, marked.

Schedule 2 of Sarah Green response to Richard Joseph Jordan (15 June 2020)

22	Ms Green sort to re-join herself as a defendant.... Ms Green has been involved in many of the incidents set out below, eleven,	I was removed as a named defendant in the 2019 Injunction. I did not seek to re-join these proceedings I have been served with court papers and as such have had no choice but to defend myself. I live and work in the vicinity of Harvil Road and in particular the Grand Union Canal. It is of importance to me that minimal damage is inflicted on the nature reserves.
41	(ii) Sarah Green (D3) and three other male persons were identified by security officer Mr Hogan. Sarah Green and a young male, later identified as Elliott Cucuriean (D10) were seen to be "guarding" the two locked-on protesters.	19 November 2019 When I arrived at Harvil Road from home I saw that there was a lock-on going on at Gate 3. There were already police and ambulance present on the scene. I was not guarding the locked-on protesters. I was observing as a concerned member of the public.
42	19 November at approximately 16.40 Sarah Green approached the compound and verbally abused the security	I deny that I verbally abused the security. I have never been made aware of this allegation and the police have never talked to me about this incident.
45	(iii) 8 Feb 2020 Sarah Green was amongst those who were identified by the security patrol team members.	Addressed in my schedule 57.3 On 8 February I was on the Harvil Road at the time of the Planned HS2 Road Closure for HS2 vegetation clearance. I did not remove fencing or force my way in. I did not obstruct any works. This is a

		Public Road and public space, by being here I did not commit an unlawful act.
46	(ix) On 18 February 2020 Sarah Green and Iain Oliver were noted by the site security officers as being active at the site entrance gates (West Gate 3) and behaving in a disruptive manner during this incident, for example by attempting to obstruct the police vehicles entering and leaving the site when the arrests of Mr Brown and Mr Ruggles were made	Already addressed 58.9 my schedule False accusation. On the morning of 18 February, I was made aware via social media of protest taking place at Load Test Pile Drive Site at Harvil Road. I then went to the Harvil Road protest site in particular the area outside Gate 3. I dispute behaving in a disruptive manner or attempting to obstruct any vehicles. Video evidence (Ex 10) of incident showing James Brown leaving site entrance in Police vehicle. We are clapping so that he can hear support as he is partially blind and a Paralympian.
47	(ii) Sarah Green was on the bell-mouth at the compound gate and assisted Ms walker with her equipment when she left the site at 17:05	20 February 2020 Already addressed 59.2 my schedule. I went to Harvil Road and was there as a member of the public. I did not do anything unlawful. For most of the day I was in Denham Country Park. I can supply a photograph that I took at 17.03 in Denham Country Park. There was flooding across the area that HS2 had strimmed and I was surveying the situation. I then went to the Harvil Road and witnessed Ms Walker leaving the site. Several members of security carried her belongings and dumped them at the bell-mouth. I am not sure whether I helped by picking anything up.
68	26 November 2019, vegetation strimming works, on plot C111_108 and the adjacent land mentioned at paragraph 67 above, were disrupted on three occasions as multiple groups of unknown protesters and Sarah Green (D3), who is known to security officers approached contractors. Works had to be abandoned at 15:55 hrs.	It is not clear where plot C111_108 is as it is not marked on the Injunction map. I was in Denham Country Park on 26 November 2019 as I was made aware about 2 dead swans in the River Colne near to the HS2 site. I witnessed green dye in the channel entering the River (Exhibit 22). I reported the pollution in the river to the Country Park. Tom White from the Colne Valley Catchment Partnership came from the Visitor Centre to observe the pollution. There were security officers in the vicinity whom I observed. I deny disrupting works.
70	29 November 2019 09:54 Sarah Green (D3) arrived on land which works were being undertaken under schedule 2 of the Act (and which land is adjacent to and will in due course form part of the Harvil Road Site). (ii) At 10:17 a male person unknown joined Ms Green in the marked-out area. Ms Green was removed from the marked-out area by the Met. Police at	When I arrived at the canal there were no areas marked out with tape or fencing. At around 10 a large number of HS2 security and ground clearance workers started taping off the area that I was standing in. This area of land is in the heart of the nature reserves on the edge of the canal in Denham Country Park. There was no works scheduled according to Canal and River Trust, whom I phoned. I was also aware that the site was close to where

	10:27 and work resumed, the unknown male having departed the site.	<p>water voles had been recorded and therefore, I was worried about a wildlife crime being committed.</p> <p>I was not removed from the area by the police. I have never been removed from this area by the police.</p> <p>The police arrived at approximately 13:15 at which point no works were being carried out. I was sitting on the footbridge over the canal and reported the fact that I believed a wildlife crime was in danger of being committed by HS2 as the area in which they wanted to carry out strimming was the habitat of water vole. The police did not take my report. I went home and reported a crime by online reporting. Crime Reference 6035552/19 (Exhibit 23).</p>
SG	HS2 activities 29 November 2019 to 29 December 2019	Extensive strimming of half a mile in length and 200 meters in width was completed by HS2 contractors over the month. This action killed billions of spiders, snails and beetles and impacted the basis of the ecosystem over a large area of the nature reserve. The 'potential' habitat of water voles was annihilated. Water voles is one of the species for which the nature reserves are designated. The habitat of birds and larger mammal was also taken away as well as smaller trees and undergrowth which was habitat of bats. Alternative plans for the pylon diversion were being discussed and less damaging alternative not ruled out. No negotiation happened with the Canal and River Trust.
72	3 December 2019 Sarah Green used her mobile phone to call for more people to attend on site.	I was on the canal footpath. I did not disrupt works or call for others to do so.
77	On 6 February 2020 At 10:47 Sarah Green (D3) appeared and joined the group of protestors standing in front of vehicles, which brought the total number of protesters surrounding the vehicles to twelve.	At no time was I standing still in the road.
79	11 February 2020 (ii) At circa 09:27 Sarah Green (D3), Hannah Bennett (D14) and Iain Oliver (D9), who were accompanied by a media crew, arrived and joined in the protest whilst being filmed and having pictures taken.	I was in Denham Country Park with the ITN news crew because Boris Johnson was due to rule on whether HS2 was to go ahead or not. I witnessed the incident on Denham Court Drive but was only there for a matter of minutes. The film crew accompanied me to Denham Country Park to the Riverside where they conducted interviews and filming.

100	<p>(xi) When the Met. Police officers were in the nearby car park, receiving copies of the HCEO video recordings of the incidents, Sarah Green approached and stood behind the HCEO vehicle, loudly haranguing the HCEO and the Police officers, demanding to know why they (the Police officers present) were not acting to prevent the criminal offences being carried out by HS2 in the construction works". Despite being politely asked to raise her concerns using the 101 service, and that the officers were dealing with an arrest. Ms Green continued her verbal harassment for the entire time that the Police officers were on site, before turning her attention to the HCEO, who politely engaged with her whilst his colleagues were able to depart the area.</p>	<p>I have explained the events of 10 June 2020 in my second witness statement (above) in response to Rohan Perin.</p> <p>Altogether that day I witnessed 8 police officers. I asked all of them if I could report a crime to them. They all declined. At no time did I disrupt work or disrupt the police. Police have the power to request Wildlife Licenses held on site.</p> <p>I saw two Police officers standing by a private car in the Country Park car park so I went over to ask if they would take my crime report. They declined as they said they were busy. I did not get in their way, I said I believed a wild life crime was being committed by the felling of wet woodland and riparian zone trees as these are places used by bats and possible bat roosts. I went home and reported the crime online. My Crime Reporting number is: DP-21462_20-0101-IR. The reason I believe that a wildlife crime continues to be committed in Denham Country Park is that this is an important location for bats. Bats can be observed every dawn and dusk in the summer months. Where bats are present, the Site must be registered under the class license WML-CL40 (EX 21). I don't believe this has happened. Also, the Natural England HS2 licenses only apply if the works cannot be avoided. There is an alternative plan which is less ecologically damaging that has not yet been ruled out by HS2 as the meeting for this is on 30 June 2020.</p>
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Statement of Truth

I believe that the facts stated within this witness statement are true. I understand that proceedings for contempt of Court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Dated: 17 July 2020

**Witness Statement
of
Mark Keir
Harvil Rd Wildlife Protection Camp (Woodland Camp)
Harvil Rd, UB9 6JW
In the High Court of Justice, Business and Property Courts
Secretary of State for Transport & High Speed Two (HS2) Ltd
V
Persons unknown
PT-2018-000098**

I Mark Keir of Woodland Camp (part of Harvil Rd Wildlife protection Camp) UB9 6JW shall say as follows:

A Question of Democracy

1. HS2 has never been subjected to democratic scrutiny. Parliamentary democracy is government by consent. Consent from the people has never been sought on this clearly vexed question.
2. Never has HS2 entered into the fray of general elections through the manifesto of any major party.
3. Never has HS2 faced a free vote in Parliament, in which our representatives could vote on their constituents behalf. Instead all votes were whipped, subject, it seems to a higher authority than the people of this nation.
4. All votes in Parliament have been subject to misinformation and even disinformation, Parliament has been misled, on several counts. Clearly chief among these counts is that of costs. How often were Parliament promised the cost of HS2 would be no more than £35bn, even though it can be demonstrated that it was known by George Osborne (then Chancellor of the Exchequer) and Chris Grayling (then Secretary of State for Transport) that costs were already spiralling over £50bn back in 2013.
5. Hybrid bills are designed to bypass many democratic hurdles put in place by Parliament over many years to protect us, our environment and to ensure financial probity is maintained.
6. As The HS2 Hybrid Bill passed through Parliament, it twice faced a petitioning process. But *only* the people or businesses who would be *directly* affected by works were allowed to petition and nobody was allowed to speak about anything other than direct effects to their lives or livelihood, and nobody allowed to say "We don't want HS2".
7. With costs (including local infrastructure and rolling stock) looking to top £230bn, HS2 will cost over a third of our annual national budget. All this before considering the traumatising effects of Covid-19.
8. All this with so much public sympathy leaning to our beleaguered NHS.
9. The people of this country have not given their consent, they have not been asked.

10. The people of Hillingdon have never been asked for their consent to their local Borough handing over vast tracts of beautiful green space to a rail company who offer them absolutely no benefit Or to having miles of footpath closed for ever, or favourite country parks to be destroyed, or to having a minimum of ten years of immense upheavals around their streets, or to having the air around them filled with ever more dust and pollution, or to be woken at 7 in the morning by heavy plant clanking around in their back yard.
11. Without our consent being asked for, we have but one legal and democratic route open. We clearly have a right to peaceful protest through the Universal Declaration of Human Rights (UDHR), articles 19 (freedom of speech), 20 (freedom of assembly) 23 (freedom of association).

Why we Protest **Local reasons**

1. HS2 is vast. Unimaginably vast. (If it were paid back at £1/sec it could take 7,500 years to pay) This is just some of what we expect locally in the Colne Valley should HS2 proceed.
2. HS2 is to be tunnelled under most of London, emerging at West Ruislip, cutting through a low hill on the east of the Valley, before marching out across the Colne Valley on a viaduct and burying into the Chilterns above Maplecross on the Western slopes of the Valley. All in all about 4.5 miles of track, just over 2 miles of which is in the London Borough of Hillingdon.
3. HS2 avoided tunneling under the Colne Valley for the sake of “passenger experience”.
4. For this we expect to see 370 acres of woodland felled (some of the last wet woodland left in London), 60 acres of wetland, 5 lakes, 2 rivers, 4 nature reserves, an SSSI, hundreds of acres of farmland, hundreds of miles of hedgerow, homes and businesses destroyed.
5. Dozens of miles of haul roads, massive electrical substations, enormous spoil dumps, temporary villages for 10000 workers, immense concrete works and of course the viaduct, which cannot possibly look anything like the fairy tale imaginings produced for public consumption thus far.
6. 32000 trees, many veteran and many within highly “protected” wet woodland as well as ancient woodland, will be felled. 7000 already gone.
7. Our natural flood defences, our natural air cleansing, our natural oxygen supply, our solace, our wellbeing all about to be crushed.
8. Mitigation for such losses, despite being desperately minimal, are being hopelessly mis-conceived and carried out with such carelessness as to be utterly worthless, and even worse, an apparent excuse for scattering 60000 pieces of plastic³ across our land.
9. With Parliament recognising the importance of the ecology of the Colne Valley, HS2 were bidden to instate 3 ‘extra’ Bill mitigation sites, one for grassland, one for wetland, one for woodland. Each site is planned to consist of a pond, a few trees, a pile of logs

and a pile of earth, will be used to rehome rescued Great Crested Newts and rehome their arch nemesis, rescued grass snakes, and the wetland site will be excavated out of a wetland nature reserve, and the grassland out of grassland.

10. New “ponds” so far are no more than little sunless puddles at the bottom of sunken hollows, old ponds supposedly used to create new homes for Great Crested Newts carelessly drained and then filled in in an attempt to avoid embarrassment.
11. The finest corridor for ecology in London severed, the most vibrant mosaic of habitats, the most biodiverse area of London smashed, crushed, concreted over.
12. Loss of habitat to 2400 species, with many nationally, regionally and locally rare.
13. 17 species of bat, 120 species of nesting birds, 60 overwintering, plants, invertebrates, and mammals all set to face local annihilation and collapsing of breeding colonies and connectivity.
14. No Strategic Environmental Assessment, a supposed legal requirement.
15. Through mismanagement we now expect to see 5 miles of local streets being dug up, to bring power to HS2’s tunnel boring machines.
16. Thousands upon thousands of HGV movements rumbling past schools, shops and homes every week for years to come. And no air quality monitoring in place.
17. HOAC (Hillingdon Outdoor Activity Centre) is currently being pushed to the brink by HS2. A superb charity that seeks to give 40000 youngsters a year a taste of the wild and adventure, to seek themselves. HS2 were bidden to find HOAC alternative waterside premises but have been dismally inept in doing so, finding one site that provided little more than a puddle, told HOAC “Don’t worry, we’ll have it enlarged”, had it enlarged, forgot to pay the contractors who then filled it back in, and have been unable to come up with an acceptable planning application for that site after how many years?
18. Ron Ryall I have already mentioned, living with the daily threat of eviction, watching his lifetime home being uprooted and crawled over by legions of uncaring men in orange and in black, now cowering in his own home at the wrong end of a CPO’d road, now gated and fenced against customers and visits from friends.
19. After *eight* years, desperately poorly managed and almost certainly antagonistic dealings with the Ryalls, still no settlement on the value of his property, despite some of it already being taken.
20. Housing values blighted, for hundreds of other locals.
21. And our water, the water we drink. The naturally clean and all but free supply of 22% of London’s drinking water may be jeopardised entirely by pile driving through the Mid Chiltern Chalk Aquifer. Where water slowly percolates down through pores and fissures, gradually filtering to the treasured crystal clear liquid after perhaps tens of thousands of years, we now expect to see massive channels smashed straight through in multiple places. And we have seen no safety assessment of the work.
22. What is more, at least one site of this activity lies adjacent to the New Years Green Bourne, a known pollution pathway, draining the 17th most polluted site in the UK, and possibly straight through an untested soil borne pollution plume from the same source.

23. That the only mitigation offered by HS2 or Parliament for such a catastrophe is a financial indemnity for Affinity Water speaks volumes to the disregard for people, nature or life that this project appears utterly guilty of.
24. That all this should be inflicted upon us by a company complicit in so many crimes and “dodgy practices” makes nothing of this easier to swallow.
25. Thousands of trees felled at the height of nesting season.
26. Badger setts illegally meshed over
27. Deer fenced into work compounds and left to starve.
28. Bat roosts blocked.
29. The unfathomability of “soil translocation” to excuse felling ancient woods.
30. Natural England licences abused.
31. Protesters frequently assaulted.
32. Chaotic and illegal PROW closures.
33. Chaotic and illegal road closures, including forgetting to inform emergency services!
34. Residents victimised, harassed and denied their human rights and dignity.
35. All for 4 miles of track. 4 miles of 140 miles of a railway that as much as 80% of the population do not want, 4 miles of 140 miles of railway that will serve nobody within 10 miles of here toward Euston, and 110 miles toward Birmingham.
36. All for a railway that could be so easily outclassed service wise, by the underused, underinvested existing Chiltern Line London to Birmingham.
37. Our local authority has ignored us, other than to attempt to bully us to silence with another injunction claim. Never any attempt to engage.
38. Our local authority still seem unable to grasp planning law.
39. Our local MPs have failed utterly to engage, have never fought on our behalf.
40. Government has failed abjectly to act with reason, or to react to lack of reason.
41. Parliament has utterly failed to fulfil its role as the cradle of democracy they would have us believe they are.

Reasons to protest

A bigger picture

1. Fraud, corruption, blackmail, negligence, cronyism, wildlife crimes, human rights infringements, harassment and victimisation, bullying, anti-social behaviour and wholly incompetent planning and management. Everywhere. From Government and company management down.
2. Misleading of Parliament
3. 108 ancient woodlands, 693 local wildlife sites, 33 Sites of Scientific interest, 21 locally designated nature reserves, 5 wildlife refuges of international importance all waiting, or in the process of being destroyed.
4. Never more woodland loss since the 1st World War.
5. Biggest land grab since 2nd World War
6. Carbon contributions for at least 120yrs.

7. Demonstrably risible attitude to mitigation.
8. 888 homes destroyed, 985 commercial buildings demolished
9. 19,590 jobs displaced.
10. Bafflingly inept business case projections.
11. £11million cuts to existing rail services needed to finance HS2
12. Will use the same power as two thirds of the entire current rail network.
13. Will facilitate airport expansion.
14. Have already had £12bn pounds of spending written off and still can't get anywhere near a viable business case.
15. Even "The Engineer" magazine cannot poll a majority in favour of HS2 from their readership.
16. Polls show as much as 84% do not want HS2.
17. The House of Commons Accounts Committee say "we are not yet convinced that the Department (for Transport) and HS2 Ltd have the skills and capability they need now or in the future"
18. Totally out of kilter with Paris Agreement, or Declaration of Climate and Ecological Emergency. Heathrow expansion has been halted on these very grounds.
19. All the above never allowed to be questioned by the people of this country.
20. All the above accepted unquestioningly by Parliament.
21. All the above protected by an ever growing army of security. An army itself becoming evermore belligerent.
22. All the above being protected and enforced by an ever growing army of bailiffs who freely assault (to the point of maim) bully and intimidate victims, protesters and even the press.
23. I am dreadfully weary of the contempt of nature, the contempt of us, the contempt of humanity so exemplified by HS2 and all the foggy machinations that surround it.
24. I am utterly committed to bring all these grievous injustices to light. I am committed to being peaceful. I am an honest citizen of a world that is being smothered in dishonesty and destructiveness.
25. This is our future at stake.
26. Everything we need for resilience in the face of climate crisis is being denied in this one project. The engagement of all, the biodiversity we are a part of, the cooling nurturing of trees and woodlands. The control of flooding. The life force around us.
27. What will 20 minutes save for some extravagantly rich commuters have over all that?

Since the last time

1. Much water has flowed under the bridge since this injunction was instated. Not much of it good news for HS2.

2. Covid 19. A game changer if ever there was one. Who needs more access to long distance travel? Who needs that travel to be faster? Doesn't this make *any* argument for HS2 futile?
 3. HS2 incompetence failed utterly as a good neighbour, they have even blocked emergency ambulances on their way to a heart hospital.
 4. This is a project borne out of an abject absence of democracy.
 5. A project shrouded in secrecy and obfuscation.
 6. A project bending and breaking the rules every day.
 7. A project making the rules.
 8. A project that could so easily collapse the economy of which it purports to be a saviour.
 9. A project riddled with fraud.
 10. A project riddled with crime.
 11. A project protected by their own police force.
 12. And here, yet again, HS2 steeped in fraud, corruption, criminality, anti-social behaviour and never once facing the people are asking to buy a law.
 13. What sort of justice is this?
-

Butler, Jodie

From: iain oliver <iainoliver37@mail.com>
Sent: 02 June 2020 16:48
To: steven.brilliant@justice.gov.uk; Jenkins, Shona
Subject: PT-2018-000098

Dear Sir or madam

This is a statement of a named defendant detailed below.

My name is Vajda Róbert Mordecháj citizen of Hungary I participate in the save come valley campaign since 3 year and I was named defendant of the 2 related injunction cases.

I write my defendant statement 02.05.2020 for 2 interrelated upcoming injunction cases one for hs2 one for Hillingdon council.

It is

A draft argument on english so I will give my buletpoints

For the case of the Council injunction plan 1. All accusations in relation of public nuisance should have dismissed as contradict with Lord Judge Barling high court order. The incidences are not differs significantly of former 31, after which we where honoured as eloquent arguing environmental activists, against hs2 original claim.

2.Council suggest thatHarvil road is safe for 40 people to protest. Evidences shows that it is not. Not at least as a direct consequence of council premediation. Police suggested speed limitation , and speedcameras council refused. Harvill road neighbourhood watchers camera same. On going hs2 inj. case trie to limit further.

3. Contradiction between council argument (right for purposfull use of public park) Shoa Ruth Jenkins states art 30. 31. Hs2 will purchase, and build on it WHITHIN WEEKS.

4. The coordinated, and fraudulent claims aims of eliminate our protest as well as seeks to prevent any member of the public to witness and prevent crime on a wettland where industrial activities hard in vinter and not allowed in summer.

5. Covid19 with relation of the already disturbed state of our campaign any order which should let the repositioning of our camp should postponed until end of covid19 regulations witch are same acts of parliament.

6. Council should answer about what is happened 22.of May on dewes lane, and why is it shut.

For the case of Hs2 injunction detention trial

1. The injunction is breaking down if not dead already. Lord Barling injunction was strongly respected on both sides (with eventual incidences) since Master Holland gave his extention no end of comply. Since ma22 I regard it as dead letters.

2. The summary of L.Barling is not contains the verbal agreements made at his presence (watersupply line, toilet route, intransparent sheeting) this agreements are violated with reason against peaceful protest. Redefine Dewes lane as water supply line under art10. 11. And keep it accessible.

3. Comply against the general conduct of hs2 special regard of covid19 act of par. Regulations, and the self realise actions by high court officer impersonators doing common law style eviction as private security in uniform without order or warrant.

Aim to verify for bigger appointed protester are with respect of the rapidly growing nature of the protest.

4. The importance of the protest so great as the immediate danger of the 3.2 million Londoners watersupply. Until mitigation done no further drilling should regarded as safe. Eu water, flood air pollution directives applies. 7 village on guard along the route

Kind regards,

Vadja

Butler, Jodie

From: iain oliver <iainoliver37@mail.com>
Sent: 02 June 2020 16:42
To: Jenkins, Shona
Subject: Fw: PT-2018-000098

> Sent: Tuesday, June 02, 2020 at 5:39 PM
> From: "iain oliver" <iainoliver37@mail.com>
> To: steven.brilliant@justice.gov.uk
> Subject: PT-2018-000098
>
> Dear Sir or madam,
>
> Please find the defendant statement of Iain Oliver below.
>
> The reason I object to the hs2 injunction is because they want to prevent wildlife protection campaigners from witnessing what they are doing. HS2 are destroying vital habitats in Colne Valley. Digging up the soil, eco systems that have been active for 100's of years and can not be replaced. Ancient oak trees have been cut down along with the life they support, irreplaceable biodiversity is facing destruction everyday at the hands of HS2. This has not been made transparent to the public.
>
> In one of the promotional videos HS2 state they will create new wetlands to relocate the newts, toads and frogs, but without the existing tree roots and hedgerows this will only cause flooding which won't sustain habitats. HS2s media message is purely green washing.
>
> The amount of communities that are being destroyed is also of grave concern. The families living on Dews lane have been harassed for 10 years. One of the residents has a blue plack, a VC medal officer from world war one, this is part of our culture and heritage. HS2 shows no regard from this.
>
> Our right to peacefully protest is being being challenged by HS2 cutting off our water supply, this is particularly dangerous in the current pandemic. They have have done this by blocking off the bottom of dew's lane - they have no right to do this. Fortuanlty we have huge public support so we've become dependant on local people to supply enough water to keep us hydrated in the hot weather.
>
> Kind regards,
>
> Iain

Defence statement of Hayley Pitwell

For the attention of the judge and court:

I am an ordinary person with no experience in the law and I have very little knowledge of injunctions, and the legislation related.

Please excuse me if my terminology is slightly inaccurate.

I am henceforth to the best of my ability and current knowledge attempting to defend myself on something I know very little about and implore this to be taken into consideration.

Personal background:

I have worked as an employee for the National Health Service for 5 years. I have been in the professional position as Deputy Support Manager for the Specialised Supported Living Service for Leeds and York NHS Partnership Foundation Trust from February 2017 until April 2020, after which I resigned to pursue a change in career in environmental issues and I plan to return to university education. In my NHS position I had a responsibility to manage a large team of people in supporting vulnerable adults in their homes with severe and profound multiple learning and physical disabilities. I had responsibility for adult and children safeguarding and health and social care code of conduct ensuring equality, diversity and human rights. I previously worked in Assessment and Treatment mental health units and I am trained in PMVA (Prevention and Management in Violence and Aggression) - including restraint, pressure point and seclusion techniques and have knowledge of what is deemed to be reasonable minimum force and the legislation surrounding the least restrictive use of force at all times.

I am opposed to the construction of HS2 due to an exhaustive list of their incapacabilities, dangerous behaviours, gross negligence, disregard for human rights and animal rights, complete disregard for the law and court processes, the devastating irreplaceable effects on the environment, water pollution, astronomical costs, and effects that will leave the innocent children of this country having to suffer with it in the future.

Defence:

As a named defendant I have seen no evidence as to why I should be named on this injunction and only have seen allegations and assumptions against me. I do not believe my freedom of expression as stated in article 10 of the human rights act should be a just reason to name me on such injunction.

The allegation of trespass on the former Ryalls garage is false. It appears to me the claimants still are unable to distinguish between trespass and occupancy. Whilst the ancient common law they are using states they can forcibly remove trespassers and even pull down buildings with trespassers inside "as stated on the paperwork they provided to the police"

There is a difference between a trespasser and an occupation by- the section 6 Criminal Law Act 1977 states :-

As amended by Criminal Justice and Public Order Act 1994
TAKE NOTICE

THAT we live in this property, it is our home and we intend to stay here.

THAT at all times there is at least one person in this property.

THAT any entry or attempt to enter into this property without our permission is a criminal offence as any one of us who is in physical possession is opposed to entry without our permission.

THAT if you attempt to enter by violence or by threatening violence we will prosecute you. You may receive a sentence of up to six months imprisonment and/or a fine of up to £5,000.

THAT if you want to get us out you will have to take out a summons for possession in the County Court or in the High Court, or produce to us a written statement or certificate in terms of S.12A Criminal Law Act, 1977 (as inserted by Criminal Justice and Public Order Act, 1994).

THAT it is an offence under S.12A (8) Criminal Law Act 1977 (as amended) to knowingly make a false statement to obtain a written statement for the purposes of S. 12A. A person guilty of such an offence may receive a sentence of up to six months imprisonment and/or a fine of up to £5,000.

Therefore I do not believe that occupancy of the former ryalls garage which was evicted by force with no eviction order and illegally claiming to be removing "trespassers" despite the section 6 notice, is a just reason to name me on the injunction. I believe spending time at the garage under a section 6 with permission of the occupants and expecting the claimants to go through the correct procedure and respect the court process, in order to peacefully protest and document the breaches of the wildlife and countryside acts by the claimants contractors is a just reason to name me on an injunction as serious as this one. I was not trespassing as I was allowed entry by the occupants.

This illegal eviction of the occupiers (not trespassers) left a significant number of people with no fixed abode during a worldwide pandemic and totally disrespected the law in what I believe to be a desperate attempt to remove protestors who were documenting their wildlife crimes in the adjacent woodland. Including the fact they used power tools to start demolition of the garage with occupants still inside in dangerous lock on devices and within 30 meters of live badger setts and no ecological survey and no ecologist on site. I believe these facts to be relevant due to the gross inaccuracies in the witness statements supporting the claimants that I've read.

Again I reiterate I do not believe that entering a building under a section 6 with the occupants permission which is not trespass constitutes naming me on a high court injunction.

The very serious allegations against me of assault have been entered into the witness statement against me by the head of security which raises eyebrows as to how he has obtained those witnesses statements which were given to the police by the alleged victims. There are gross inaccuracies and what I deem to be complete lies in these statements which do not match the police statements. I have pleaded not guilty to the charge and I am extremely shocked that an outstanding allegation in which I will be attending court to plead not guilty has been used here prior to the court case which I am sure is an attempt of defamation of my character.

The "evidence" they have provided in these statements if not lies is in fact opinion and hear say, I would go as far to claim it is Chinese whispers among the alleged HCEOs.

I am also raising my eyebrows as I believe these claims of being HCEOs may be fraudulent as I do not believe any of the National eviction team which is a private company subcontracted by the control risks group who are contracted by the claimants to actually be working for the high court. Are they allowed to keep saying they are high court enforcement officers whilst working as a private security company? That's interesting wouldn't you say? Especially as the control risks group provide security services by way of deploying mercenaries to protect large corporations globally and are in partnership with Hiscox who state in their publications that they specialise in "Continuity and property risks - Act of terrorism, blockade, civil commotion, civil war, commercial retaliation, coup d'état, insurrection, rebellion, revolution, riot, malicious damage, sabotage, occupation, product tampering, unauthorised property access, war".

This could explain the grievous injuries sustained by peaceful protestors at the hands of the NET.

I would be interested to know if the members of the national eviction team who are claiming to be high court enforcement officers are allowed to claim this when the claimants have informed us that they are not responsible for the national eviction team as they are subcontracted by control risks group. Do the control risks group now deploy security for the high court? It's all very confusing to me as to an ordinary person it appears fraudulent and corrupt. I believe they could even be lying to the police about their position around HS2 sites as HCEOs. Surely if even some of them are registered as a HCEO they are not working as one when subcontracted by control risks group as security for HS2 land.

I also wonder why the claimants are using statements from the NET despite claiming they have no responsibility for them as they have stated "NET are not HS2 employees and are a sub contractor provided under a security contract we have with Control Risks Group." in response to public complaints to the claimants about the grievous bodily injuries sustained by many protestors at the hands of the NET.

The claimants have also stated "The NET are not conducting any activity on public land. They are only operating on land owned by HS2" which contradicts the statement the head of security has provided saying HCEOs were restraining protestors on harvil road. Of which I have seen video footage of the protestors being dragged punched strangled choked hair pulled and had their faces smothered by the NET on the harvil road. The NET have been operating on public highways and even admit this despite the claimants response to complaints stating "We have no evidence that the NET have dragged anyone from public land and they have no powers to do this." I believe this is being followed up by the protestors involved in those incidents.

This reiterates my defence that these false allegations against me should not be used, due to the many inconsistencies about the claimants responsibilities of the National Eviction Team Ltd and their claims of being High Court Enforcement Officers.

I vehemently deny the allegations and actually believe I am the victim of assault and I am still waiting for the subcontracted individuals to submit the body cam footage of this incident to my solicitor to be used in the outstanding court case to expose their lies and to which I reiterate I am pleading not guilty to and should not be used against me to name me on this injunction.

I believe the inaccurate statements provided to the court is not only an attempt of defamation of my character but also to bully me into silence and infringes on my human right to freedom of expression against the horrendous acts of crime being committed by the claimants in the HS2 project.

I believe that these are desperate attempts to intimidate ordinary peaceful people like myself who want to document and publicise what is happening to the 900 homeowners, 22000 families, 3.2 million people's safe drinking water, Miles of ancient irreplaceable deforestation, pllk murder of protected species of animals and ecosystems, increased flooding, and complete impunity.

Conclusion

There is no evidence against me to name me on this injunction. I am a lawful citizen, I respect the law and have a full clean record and intend it to stay that way.

1	Defendant
2	Sarah Green
3	Third
4	SG3
5	Date 13 July 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS PROPERTY,
TRUSTS AND PROBATE LIST (ChD)
B E T W E E N:**

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM (2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) (THE NAMED DEFENDANTS LISTED IN THE SCHEDULE HERETO)

(36) 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

Third WITNESS STATEMENT OF SARAH GREEN

I, **Sarah Charmian Green**, of Arthur Daily Trips, 73 Iver Lane, Cowley, Uxbridge UB8 2JE, WILL SAY as follows:-

1. At the time of writing this statement, the National Grid habitat clearance works are well underway in Denham Country Park including the removal of mature broadleaf woodland, in an area heavily used by bat species. Video (**Ex 26**) shows the large presence of bats at the site of the habitat clearance works.
2. AECOM Bat Mitigation Master Plan (**Ex 27**) identifies these clearance works as licensable works and further identifies that a National Grid ZC Bat Mitigation Licence (National Grid/Wood) is needed to cover clearance works south of the Chiltern Line, in habitats

described as mature and well-connected woodland. The impact of this phase is considered by National Grid/Wood as potentially significant up to County level.

3. The National Grid clearance works south of the Chiltern Line correspond to areas included in the June 2020 injunction for the first time. This is shown on page 2 of the map (**Ex 28**) which accompanies the AECOM document.
4. I exhibit a letter dated 26 June 2020 from Natural England (**Ex 29**) as confirmation that a National Grid ZC Bat Mitigation Licence has not been issued.
5. A further email response from Natural England (**Ex 30**), dated 7 July 2020 confirms that no bat licence has been issued for grid reference TQ 05184 86597, (6 figure - TQ 051865) which corresponds to St John's Covert in Denham Country Park where the clearance works are taking place.
6. Therefore, I believe that National Grid habitat clearance and acts of tree clearance constitute offences under the Conservation of Habitats and Species Regulations 2017.
7. On 9 July 2020, the Public Accounts Committee released a report (**Ex 31**) on future water security for England. The report finds that England faces, "Serious risk of running out of water within 20 years". This report also highlights the particular risks associated with HS2, at point 6 of conclusions and recommendations.
8. The report (**Ex 31**) states; The Environment Agency says it will not grant approval for HS2's plans unless the project has both identified and then set out mitigation for impacts to groundwater sources.
9. The Harvil Road site spans across source protection zones for public drinking water and Pile Driving into the aquifer has been identified as posing potential risks. In June 2020 the Environment Agency released the Align Hydrological risk assessment for the Harvil Road Site (**Ex 32**). It would appear that this report fails to identify the presence of the Special Site of Contamination in the vicinity, or the underground pollution plume from the Special Site. The Align Risk Assessment (**Ex 32**) also fails to identify that the (polluted) inner source protection zone for the Ickenham source underlies the Harvil Road Site. The Ickenham source is closed due to contamination.
10. An expert in water chemistry, James Talbot has been instructed to conduct an independent assessment (**Ex 33**) of the Align Risk Assessments and concludes that there are omissions of the Special Site and the presence of leachate. Consequently, the long-term risks associated with steel pipes standing in leachate over time have not been fully assessed due to the omissions.

Statement of Truth

I believe that the facts stated within this witness statement are true. I understand that proceedings for contempt of Court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Dated: 17 July 2020

Exhibit List

Ex 26: Video footage of bats present at DCP site -

<https://drive.google.com/file/d/1QiNMf8HMrKcoCzO-XVhP1rhnQgTZeyeK/view>

Ex 27: AECOM Master Plan

Ex 28: Map of National Grid Area 14b

Ex 29: Confirmation of No National Grid ZC Bat Mitigation Licence

Ex 30: RFI 5109 - Request for information from Natural England - Final Response dated 7th July 2020

EX 31 : UK Parliament Committees Article on UK water shortages dated 10th July 2020 -

<https://committees.parliament.uk/committee/127/public-accounts-committee/news/147309/england-faces-serious-risk-of-running-out-of-water-within-20-years/>

Ex 32: Align Hydrogeological & Surface Water Risk Assessment for LTP2, C02, 22.01.2020 - REDACTED

Ex 33: Expert Report of James Talbot

2nd Witness Statement
of
Mark Keir
Harvil Rd Wildlife Protection Camp (Woodland Camp)
Harvil Rd, UB9 6JW
In the High Court of Justice, Business and Property Courts
Secretary of State for Transport & High Speed Two (HS2) Ltd
V
Persons unknown
PT-2018-000098

I Mark Keir of Harvil Rd Wildlife Protection Camp, Harefield, UB9 6JW, will say as follows:

Preliminary

1. I make this statement versus the claim PT-2018-000098 SOS Transport and HS2 v Persons known and unknown:
 - (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM
 - (2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM
 - (3) to (33) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE ORDER OF THE HON MR JUSTICE FANCOURT DATED 21 MAY 2020
2. I rely on my first Statement entered prior to the initial hearing of 21 May (written earnestly if lacking in professional polish) and the following:

Personal Background

3. I am a human being of 59 yrs experience, in whose latter half-lifetime, an area well over the size of Devon has been concreted over in the UK, and who, especially more recently

has been made aware of the devastating effect that man's abuse of his home planet is having on the future of that planet and all the flora and fauna that live thereon.

4. In this statement I will demonstrate why the HS2 project *must* be protested, that the HS2 project has shown no concern for the public of this Nation and in particular will prove to be a dreadful danger to those of my daughter's generation, that this is a wholly untenable situation that must be remedied in all haste.
5. I will demonstrate that the heinous acts of brutality, aggression, destructiveness, political and financial fraudulence carried out on a seemingly routine basis by HS2, whether supported by law or not (certainly not supported by justice) shall be no hindrance to my seeking the truth and disseminating the truth, but must indeed spur me on.
6. (I humbly ask the understanding of this Honourable Court that as a protester, and protector of very limited means, and with those means depleted very much further by tort after illegal eviction from a protest camp, committed by the National Eviction Team acting as agents of HS2, that my evidence complies to Court procedures in every way possible - I do not live in an office, I have very limited access to power, IT and other office equipment, and therefore ask that hyperlinks to videos, photographs, official reports etc. be accepted. They are offered genuinely and honestly and set out in attached google doc in order of appearance on this pdf.
7. Over many months now, our protesters have been subjected to assault after assault, aggressive and violent bullying, hindrance of our human rights to food and water, to freedom of speech, freedoms of assembly and association, at the hands of the National Eviction Team (NET).
8. We have been questioning their legality for 6 months or more. Several police forces have ignored us, the NET themselves ignored us, HS2 ignored us, My MP ignored us. In all the time we have received the attentions of the NET outwith evictions under Court Writ, they have operated without SIA licencing or accreditation.
I offer as evidence a witness statement from Thomas William Watson.
<https://photos.app.goo.gl/N4UEG24kazPB4PNv6>
9. This whole project has never been subject to the rigour of law enshrined in the Paris Agreement.
https://drive.google.com/file/d/1-qzeA5llyVxjENt782pmtstrq_yZuuhj/view?usp=sharing
10. In 2011 the Government issued a public consultation to gauge the Nations feeling toward HS2. The response was overwhelmingly against at at least 80%:

From the only public consultation on HS2:

Q1 Do you agree that there is a strong case for enhancing the capacity and performance of Britain's intercity rail network to support economic growth over the coming decades?

In total, 21,630 respondents agree that there is a case for improving Britain's inter-city rail network while 2,857 agree with caveats and 23,462 disagree.

Overall, 13,840 respondents agree that capacity and performance on the existing rail network need to be addressed, while a similar number (11,770) believe that creating new capacity will release pressure on existing lines.

Q2 Do you agree that a national high speed rail network from London to Birmingham, Leeds and Manchester (the Y network) would provide the best value for money solution (best balance of costs and benefits) for enhancing rail capacity and performance?

Across responses to the consultation, 15,257 respondents agree that the proposed high speed rail network would provide the best value for money solution, while 1,108 agree with caveats and 31,789 respondents disagree.

Among respondents who do believe the proposed network would provide the best value for money solution, 12,768 respondents concentrate on the benefits of faster journeys. Pre covid!.

Q3 Do you agree with the Government's proposals for the phased roll-out of a national high speed rail network, and for links to Heathrow Airport and the High Speed 1 line to the Channel Tunnel?

Of respondents who do indicate a general preference, 2,215 agree with these proposals, 564 agree with caveats and 26,197 disagree.

Overall, 1,662 agree with the proposal for a phased roll-out and 533 agree with caveats; in contrast, 2,629 disagree

Respondents favouring a phased completion cite a series of potential benefits, for example that phasing could reduce the risk of spiralling costs.

A total of 13,961 respondents agree with the proposal for a link to Heathrow Airport and 323 agree with caveats, in contrast to 3,146 who disagree.

A total of 15,123 respondents agree with the proposal for a direct link to High Speed 1 and the Channel Tunnel, while 347 agree with caveats and 1,274 disagree.

Q4. Do you agree with the principles and specification used by HS2 Ltd to underpin its proposals for new high speed rail lines and the route selection process HS2 Ltd undertook?

There are 2,584 respondents who agree with the principles and specification as well as the route selection process, while 552 agree subject to caveats and 28,455 disagree.

The majority of respondents are opposed to the objective of high speed,

Respondents also make numerous comments about another key aspect, capacity. Most of these comments express opposition to the proposed combination of train length and frequency, often suggesting that demand will not be sufficient to require such a high level of provision.

The majority of these respondents claim that the route selection process has failed to comply with the objective of minimising impacts.

Q5. Do you agree that the Government's proposed route including the approach proposed for mitigating its impacts is the best option for a new high speed rail line between London and the West Midlands?

.....Of these, 2,178 agree, 604 agree with caveats and 28,163 disagree.

Q6. Do you wish to comment on the Appraisal of Sustainability of the Government's proposed route between London and the West Midlands that has been published to inform this consultation?

Of these respondents, 14,170 comment that it is in some way insufficient. A total of 614 respondents are satisfied with it and 158 endorse it with some sort of caveat.

The AoS indicates that one way in which high speed rail would reduce greenhouse gas emissions is by shifting a portion of domestic and short-haul flights onto rail. This assumption is endorsed in the comments of 134 respondents, while 1,895 think that the proposed high speed rail network will not reduce air travel.

Q7 Do you agree with the options set out to assist those whose properties lose a significant amount of value as a result of any new high speed line?

A total of 36,036 consultation responses include comments addressing issues related to Question 7.....363 state that they find them acceptable.

11. The above consultation was shelved and ignored.
12. The above consultation was issued when the reported cost of HS2 was £35bn. It is now known that that figure is hopelessly out of touch with reality with a much more credible figure of £237bn being well known. That equates to *over one third* of our annual national budget. We, the people, were asked. But we were consequently dismissed as irrelevant.
13. HS2 phase one is likely to cost in excess of *£400 million/km*.
14. Report after report points out the criminal extravagance of this project.
15. Even the one report considered prior to Notice to Proceed was hurried to the point of not being able to call on formal evidence, but mere opinion.
16. Even that same report, the only major report to support HS2, demands dropping huge sections of the development in an attempt to rein in costs. Those demands are being ignored.

https://drive.google.com/file/d/1-EhFhb53-wR019yT7ota_L95l-HNYhCx/view?usp=sharing

17. That same report is at best mired in controversy with the former deputy chair disagreeing with quality and direction and outcome of the report and refusing to have his signature put to the end.

https://drive.google.com/file/d/1-LjU28G3NgUrYj4Dm3Jkv3uKO_8VwEFV/view?usp=sharing

18. Lord Berkeley, has even seen fit to write a witness statement in our defence.

<https://drive.google.com/file/d/1c3W5oeitejUEUBWmcZCXN64fGw-9rOru/view?usp=sharing>

19. So little evidence to support this monster, so much against.

https://drive.google.com/file/d/1-l5_m0h2jbyNtmAhR3v2pCrr0eLdKcsa/view?usp=sharing

<https://drive.google.com/file/d/103XgNvmGf3y7jVzZHLjGf1b2jxSQFE7n/view?usp=sharing>

<https://drive.google.com/file/d/1-Uqr6B0QrZOFnYn9vjrDNYdYWvoWOIP9/view?usp=sharing>

20. Where is the scrutiny we should expect from Parliament, where is the mandate from the people?
21. HS2 has consistently acted illegally on so many fronts, has consistently tried to hide it's illegal practices with further illegal practices. The National Eviction Team who have been in the employ of HS2 for well over 6 months now, are licenced to carry out evictions *only*, and only with the authority of a Court Writ. They are *not* licenced as security. That is what they have been doing for the vast majority of the time over the last 6 months. Many of their most brutal actions have taken place while in the guise of security. One eviction was in clear contravention of Covid guidelines, and three evictions they carried out should have been done by licensed security. Assault after assault, denial of human rights to food, water, freedom of speech, freedom to assemble and freedom of association. Bullying, antagonism (even of the police!), victimisation and intimidation of protesters and residents. All with *no* accreditation through the SIA scheme as demanded by law.
22. On many occasions HS2's licenced security have assaulted protestors, driven into them, threatened them, thrown them off public footpaths, off public highways and indeed onto public highways in front of oncoming traffic.
23. We have called police to scenes of assault on many occasions, and if and when they have turned up they take evidence from HS2 employees only.
24. We have witnessed multiple wildlife crimes, all of them ignored by police.
25. Because of the current injunction we have had to observe from afar and through many hindrances the test pile driving currently being carried out without proper risk assessments, and with no back up available should that work lead to a catastrophic failure of the water supply to 1.92 million people.

26. Not all these illegal practices go entirely unnoticed. Illegal spraying of herbicide was witnessed in Steeple Claydon on 3rd of July this year. Not only was spraying carried out in wholly inappropriate conditions (counter to any license permission) but no spraying license was held by those operatives involved. Members of the public were hospitalised with vision impairments. From Face Book I copy the following post:

Greg Smith MP ✓

3 July at 16:34



I've been made aware that this morning HS2 site personnel were observed spraying a herbicide across one of their sites just outside Steeple Claydon. Several constituents have reported a strong odour and irritated eyes. This behaviour by HS2 Ltd and their contractors is disgraceful and wholly unacceptable. The Health & Safety Executive and DEFRA require a maximum wind speed of 8 miles per hour for safe spraying – I understand that the local windspeed is currently 16 miles per hour. I have raised this as a matter of urgency with the Minister of State and HS2 Ltd's Chief Executive Mark Thurston and called for any spraying on HS2 works sites to be stopped immediately.

I have now been informed that the spraying has now been stopped. I do however remain very concerned about the risks associated with the improper use of herbicides in the area and am assured by the HS2 Minister he is taking this very seriously.

27. So much illegality:

28. https://drive.google.com/file/d/1jW2rbRvXuWo3vkXH4dGTrNoHKgUZ_gFa/view?usp=sharing

29. There is a never ending litany of crimes being committed by and on behalf of this project and yet after three years of active campaigning the protesters have accumulated over 200 arrests but *only ONE conviction* (for bending fence panels).

30. There is such an overwhelming amount of evidence to show the contempt of the people of this Nation shown by Government, HS2, and Parliament that for this Honourable Court to facilitate an injunction such as this must also be an act in contempt of the people.

31. Further evidence here:

https://drive.google.com/file/d/1-GWgEEVx5aaahYs_QuFQmVKNs3QNjcEZ/view?usp=sharing

32. Are HS2 worthy of buying a law? What contempt is this?

33. I believe the preceding statement to be true to the very best of my knowledge. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made a false statement in a document verified by a statement of truth without an honest belief in its truth.

DocuSigned by:

Mark Keir

67A910DAE106456...

1.	Claimants
2.	Rohan Perinpanayagam
3.	First
4.	RP1
5.	Date: 9 June 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM

(3) to (33) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE ORDER OF THE HON MR JUSTICE FAN COURT DATED 21 MAY 2020

Defendants / Respondents

FIRST WITNESS STATEMENT OF ROHAN PERINPANAYAGAM

I, Rohan Perinpanayagam, of High Speed Two (HS2) Ltd, 2 Snowhill, Queensway, Birmingham, B4 6GA WILL SAY as follows:

1. I am the Second Claimant's Project Client Align IPT (Project Director) of Phase One of the High Speed 2 railway scheme ("the **Scheme**"). I am known as Rohan Perin. I am authorised to make this Witness Statement on behalf of the Claimants in this claim.
2. I make this statement, in support of the Claimants' application dated 18 May 2020 ("the Extension Application"). The purpose of this Statement is to:

1.	Claimants
2.	Rohan Perinpanayagam
3.	First
4.	RP1
5.	Date: 9 June 2020

- (i) provide a short reply to some of the matters which have arisen in the evidence in response to the Extension Application which has been filed by some of the named Defendants to the Extension Application in accordance with the directions given by Mr Justice Fancourt at the first hearing of the Extension Application on 21 May 2020; and
 - (ii) provide a brief update on incidents which have taken place on the Land since the First Witness Statement of Shona Ruth Jenkins filed in support of the Extension Application (“Jenkins 1”).
3. The contents of this statement are from matters that are within my own knowledge, knowledge gained from my review of the Claimants’ documents in relation to this matter and various other sources of information which are stated. Where I state matters within my own knowledge, they are true to the best of my knowledge and belief. Where I state matters from other sources, I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as PR1. Page numbers without qualification refer to that exhibit.
4. This statement has been prepared with the assistance of the Claimants’ solicitors, Eversheds Sutherland (International) LLP following telephone and email correspondence with lawyers at the firm. Defined terms in this statement have the meaning given to them in Jenkins 1.

Overview of engagement by named respondents since the 21 May 2020 hearing

5. It had not been the Claimants’ intention to name Caroline Thomson-Smith (currently D33) as a defendant to the proceedings, even when bringing the proposed Substantive Application, as she was identified as being involved in only one previous incident, which was considered to be a one-off.. However, Ms Thomson-Smith attended remotely the first hearing of the Extension Application on 21 May 2020 and sought herself to be added as a respondent to that application and as a defendant to the proceedings. It has since, however, been agreed between the Claimants and Ms Thomson-Smith that she may be removed as defendant to the proceedings on the basis that she has confirmed that she has no intention to trespass on, or obstruct access to, the Harvil Road Site. I attach correspondence between Ms Thomson-Smith and the Claimants’ solicitors at **pp. 1 -8** which records that. This is, of course, subject to the Court’s approval – and the court is asked to record her removal.
6. At the time of drafting this Statement, in opposition to the Extension Application, evidence has been received from Ms Green (D3), Mr Keir (D4), Mr Mordechaj (D7) and Mr Oliver (D9). I

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understand that Ms Pitwell (D28) has been in contact to suggest that she would be filing evidence in response but, to date, no evidence has been received.

7. I do not propose to comment in detail or comment on every point raised by the defendants. That is because, whilst I appreciate that they have strong and sincere views on the points that they raise, I do not understand the majority of the points (which go to the merits or otherwise of the HS2 project) to be relevant to the issues which are before the Court in considering the Extension Application. Therefore, to confirm, where I have not commented on any specific points raised by the defendants, that should not be taken to indicate that the Claimants agree to what is being asserted.
8. Instead, I seek to provide the Court with some background in relation to some points which have been raised by the defendants in the event that the Court finds this helpful.

Environmental Concerns

9. Each of the statements filed by those named defendants raise a number of environmental concerns. The Claimants are aware and accept that a number of the individuals who protest against HS2's activities at the Harvil Road Site hold genuine and sincere environmental beliefs. It is recognised also by the Claimants that it is not possible to construct a Scheme like the HS2 project without there being an environmental impact. The environmental impacts of the Scheme have been considered extensively by Parliament and the Claimants are required to mitigate against this.
10. It has been explained previously in evidence (paragraph 4 of McCrae 1) that the High Speed Rail (London-West Midlands) Act 2017 was the culmination of nearly five years of work, including an Environmental Impact Assessment, the results of which were reported in an Environmental Statement submitted alongside the Bill. The First Claimant also published Environmental Minimum Requirements, which set out the environmental and sustainability commitments that will be observed in the construction of the Scheme. As is set out in McCrae 1, these documents are publicly available online.
11. All works that are carried out at the Harvil Road Site are works for which the Second Claimant and / or its contractors have consent. By way of example, as I am aware that alleged water pollution remains of concern to the protesters, a copy of the Environment Agency's consent for the test piling and associated works is at **pp 9 -18**. In the course of obtaining that consent, environmental and mitigation factors were, of course, considered.

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12. There are occasions during the course of the works' programme where works have been temporarily delayed and / or paused because the Claimants did not at the time have the relevant consent to proceed to the next stage. The Second Claimant and its contractors regularly liaise with the relevant authorities, for example, the Environment Agency and Natural England and submit revised proposals until the necessary consents are provided. Until we have consent for particular works, the works do not proceed.
13. The Second Claimant and its contractors are committed to an open and transparent policy. It is not denied that sometimes problems do arise in relation to environmental matters. In those instances, there is a policy of 'self-referral' where contractors refer the incident to the relevant authority. An investigation takes place and lessons are learnt from that process.

Dews Lane

14. I note that the defendants who have filed evidence appear to challenge the closure of Dews Lane. I also do not understand why this issue is relevant for the purposes of the Extension Application because the scope of the 2019 Injunction (as continued in May 2020) does not cover Dews Lane. It will be an issue that may well require further consideration on the Substantive Application but, for completeness, I explain what steps have been taken in respect of Dews Lane.
15. Dews Lane is a private lane, the freehold title of which is owned by the Mayor and Burgesses of the London Borough of Hillingdon ("the **Council**"). It is identified on the current injunction plan. The register of title records that the lane is subject to certain private rights of way. An official copy of the Council's freehold title to land of which Dews Lane forms part together with the title plan is at **pp. 19 – 29**.
16. The Second Claimant has taken temporary possession of Dews Lane pursuant to section 15 and Schedule 16 of the Act, which gives it an immediate right of possession to the same. Schedule 16 also provides (by paragraph 2) that private rights of way over land shall be extinguished when temporary possession is taken (paragraph 7) unless the Secretary of State otherwise directs (paragraph 3). I can confirm that no direction to the contrary has been given in respect of the private rights of way over Dews Lane.
17. A small section (at the Dews Lane East end) of Dews Lane is within the land covered by the current injunction with the remainder forming part of the Additional Land. There was an express carve out in the 2019 Injunction (which has remained as continued by the current injunction) which expressly confirms that the injunction does not apply to and is not intended to prevent passage over Dews Lane. At the point of making the 2019 Injunction, it was not necessary for

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Dews Lane to be closed because the works which were to take place in the shorter term did not necessitate that. The Claimants also did not wish to unduly and unnecessarily interfere with the passage over Dews Lane given that this is a vehicular access to the nearby Hillingdon Outdoor Activities Centre (“HOAC”). The Claimants were also aware at the time that protestors at the ‘Roadside Camp’ (referred to at paragraph 22 of Jenkins 1) would utilise Dews Lane to obtain water from a sympathetic land-owner, and the Claimants were content to continue to accommodate this at the time. In light of this, it was always the Second Claimant’s intention to take possession of Dews Lane as late as possible and was not considered necessary or desirable to prevent persons (including the protestors in the vicinity) from using Dews Lane as a means of access to HOAC and neighbouring land.

18. The position in respect of Dews Lane has, however, now changed such that, because of works taking place in the vicinity and for those to be carried out safely, it has been necessary for the Second Claimant to take possession of and close Dews Lane. More specifically:

- (i) The Second Claimant’s contractors are undertaking tree and vegetation clearance in the vicinity and therefore it was necessary for a safety and security perspective to close Dews Lane so that this work can be undertaken without risk to those who would otherwise be travelling along the Lane.
- (ii) This was even more so because, more recently, protestors in the area, took to regularly sitting on Dews Lane as a means of protest. It would therefore not have been possible to undertake the works required without there being a risk to health and safety to users of the lane, the protestors and that of the Second Claimants’ contractors. It would also be difficult to undertake these works from a practical perspective if the works were constantly disrupted by the presence of protestors.
- (iii) Works are due to commence in July 2020 on the construction of a new road adjacent to Dews Lane and therefore, in preparation for those works which cannot take place whilst Dews Lane is open to the general public, Dews Lane will need to remain closed.

19. Therefore, on 22 May 2020 Dews Lane was closed albeit the Second Claimant has agreed access licences with adjoining owners and / or occupiers where access is required.

Closure of Dews Lane

20. The Second Claimant took possession of Dews Lane on 22 May 2020 and it was closed on the same day. Given the level of protest activity in the vicinity, the operation to possess and close

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Dews Lane was planned well in advance with the operation plan being shared with the police who were kept informed throughout; in the event that police assistance was required. Access agreements were arranged in advance with those individuals owners of private land in the area who require access for the purposes of access to their land. Given the level of and nature of the protest activities which take place on the Harvil Road Site, it was not practical or feasible to inform the protesters in advance that Dews Lane was to be closed. Had the protesters been aware of the closure, this would have led to an increased risk of a presence of protesters on the lane impacting the Second Claimants' ability to take possession and to close it in a peaceful and orderly manner.

21. In the event, the closure took place in the early hours of the morning to reduce the risk of interference and obstruction by protesters. Heras fencing was installed which secured the Lane and created a sterile working area including fencing at Dews Lane East and Dews Lane West..
22. There was an initial increase in protestor activity with protesters asking the contractors on the ground what was taking place at c.9:30. At c.10:00, a number of protestors attempted to breach the Lane at both the Dews Lane West and Dews Lane East access points. This included one of the newly named Defendants, D22, Dr Ian 'Larch' Maxey known as 'Larch' attempting to rally support of other protesters at the Dews Lane West access. Mr Maxey then ran at the enforcement team in an attempt to breach the security fencing. The enforcement team successfully stopped him from breaching the fencing and Mr Maxey subsequently claimed to have been injured. Whilst an ambulance was called to attend to him, it is understood that he did not require any further medical treatment.
23. Protestors who were positioned at the Dews Lane West access attempted to drive a number of cars into Dews Lane but were stopped by the enforcement which resulted on the blockage of Harvil Road for a short period of time. A number of protestors then started to climb on vehicles leaving the site and one protestor climbed onto the roof of a contractor's vehicle causing damage. This was reported to the police.
24. This behaviour continued for approximately one hour until police assistance arrived. For most of the afternoon however, the protesters continued to 'test' site security with repeated attempts to breach the Heras fencing. Attempts to breach the security fencing take place on a daily basis and, as such, it is necessary for the site security to remain on the ground to prevent further trespass.

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25. I mention for completeness that access to areas within the Harvil Road Site will be required by adjoining landowners and occupiers from time to time. Individual access arrangements have been and will continue to be made as necessary with those parties.
26. Whilst again, it is not something which is relevant for the purposes of the Extension Application, but something that *may* need to be considered further in terms of the proposed Substantive Application, I also add for completeness that at the time of the 2019 Injunction, it was explained that two public rights cross the Land and that there are powers available to the Claimants in terms of stopping up those rights of way. They include a power under Section 3 and Part 2 of Schedule 4 to the Act to stop-up highways specified in that schedule for the purposes of or in connection with the construction of the works authorised by the Act.
27. One of those is known as Footpath U34, since these proceedings were before the court in 2019, Sections of U34 have been temporarily closed and diverted pursuant to section 3 and Schedule 4, Part 2 of the Act. I understand that the closure of part of U34 had been opposed during the 2019 Possession Proceedings referred to at paragraphs 15-20 of Jenkins 1. The Judge (Mr David Holland QC) however held that the temporary stopping up had been lawfully exercised and that the Second Claimant was entitled to possession of those parts.

Specific responses to points raised by the Defendants

28. I have not made any specific comment to matters raised by D4, Mr Keir or Mr Oliver (D9) because I do not understand the general complaints he makes about the HS2 project to be relevant to the matters before the Court. However, as mentioned at paragraph 5 above, the assertions made by Mr Keir and the remaining defendants who have filed evidence are not accepted as true.

D3 – Sarah Green

29. Ms Green denies a number of factual assertions made in the Claimants evidence as set out in Jenkins 1. I am able to offer the following comments in response to some of the points she has made in the Schedule at Exhibit 5 (“the Schedule”) to her statement. The paragraph numbers referred to below relate to the paragraphs which Ms Green has identified in her Schedule (being paragraphs of Jenkins 1):

- (i) Paragraph 16: I understand that Ms Green accepted at the hearing of the 2019 Possession Proceedings that she did on various occasions enter onto the closed footpath which was part of the land subject to the 2019 Possession Order (albeit at that time she did not accept that it had been closed). Paragraph 146 of Mr Holland

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QC's Judgment at **pp. 60 – 96** of SRJ1 records that she wished to stand on the footpath for the purpose of monitoring works.

- (ii) Paragraph 20: it is not being suggested that Ms Green was on the 2019 Possession Order Land when the eviction of that land was carried out. This assertion relates to the Defendants at the time the Extension Application was issued, being persons unknown.
- (iii) Paragraphs 27-28 and 33-38: Ms Green indicates that she has no desire to be a party to these proceedings. However, she continues to attend hearings and respond to applications in the proceedings or to proceedings relating to the Harvil Road Site. Most recently, she sought to join herself as a respondent at the recent hearing of the Extension Application and before that at the initial hearing of the 2019 Possession Proceedings. On neither of these occasions was she named as a defendant or respondent to the proceedings. In any event, as was noted by Mr Holland QC at the hearing of the 2019 Injunction (paragraph 144 of the Judgment at **pp. 30 – 59** of SRJ1), in respect of both Ms Green and Mr Keir (D4), “...*they are still both vehemently opposed to the HS2 project in general and to the works being carried out on the Site in particular. Both are still intimately involved in the protests at the site.*” Ms Green's actions (and indeed Mr Keir's) in the time since the 2019 Injunction was made have done nothing to change the Claimants' view that this position has changed.
- (iv) Paragraph 57.2: Ms Green accepts she was “*on the Harvil Road at the time...*” but denies she committed an unlawful act. I attach at **p. 30** a photograph taken of Ms Bennett (D14) with Ms Green in the background. This photograph is taken on plot S232_083 and not on Harvil Road. Here, along with a number of other individuals, Ms Green was identified as trespassing on land subject to the 2019 Injunction.
- (v) Paragraph 58.9: I note that whilst Ms Green disputes the assertion that she was behaving in a disruptive manner that she accepts being in “the area outside Gate 3”. This trespass at the gate is a breach of the 2019 Injunction (albeit the Claimants accept it is of a minor nature).
- (vi) Paragraph 59.2: the trespass alone is unlawful and a breach of the 2019 Injunction.

30. 32. More generally:

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- (i) Ms Green is keen to emphasise that she has not breached the 2019 Injunction. As set out above, that is not – the Claimants’ contend – in all cases true. More significantly however, her position would seem to indicate that she has not been carrying on certain acts of protest *because* of the injunction and her desire not to breach it. Her desire not to breach the injunction is a factor in her favour, but it would seem to indicate that she is more likely to carry out unlawful acts if the injunction were not in place.
- (ii) Ms Green says that she has been self-isolating at home since the Covid-19 outbreak. Assuming that to be true, the current trend of the Government guidance seems to be one of loosening of lockdown requirements, such that this is unlikely to prevent or deter Ms Green from protest activities at the site for much longer (if at all).
- (iii) Ms Green also sets out matters opposing any extension over the area of HS2’s injunctive relief. I understand, however, that those are matters to be considered in relation to the Substantive Application – and not this Extension Application, which simply is extending the existing geographical protection in time.

D8 – Vadja Robert Mordechaj

- 31. Firstly, I note from the evidence filed by D8 that the spelling of his name is as ‘Mordechaj’ rather than ‘Mardechaj’.
- 32. Mr Mordechaj appears (at the second paragraph 2) to suggest that the Claimants are in breach of ‘verbal agreements’ made in the presence of Mr Justice Barling prior to the making of the Original Injunction in 2018 in relation to ‘watersupply line, toilet route...” etc. This is denied by the Claimants.
- 33. Mr Mordechaj also seems to suggest that the current injunction is now defunct. The Claimants do not agree that this is the case. Whilst it has not been *wholly* successful in preventing all incidences of trespass, the focus of more recent activity has been on land not covered by the current injunction. Protest camps continue to be set up on the Claimants’ land which is not covered by the current injunction. This supports the Claimants’ position that the current injunction continues to have an effect. There is therefore a significant risk posed in the event that the current injunction is not further continued.
- 34. The Claimants are giving consideration as to whether it is appropriate to bring committal proceedings for previous breaches of the 2019 Injunction (and no privilege is waived in relation to that). It is appropriate, however, to indicate that the Claimants will look to bring such

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proceedings against any identified person who breaches injunctions at the Harvil Road Site henceforth.

Update on incidents of trespass on the Land since Jenkins 1

35. More recently, there has been an increase in activity on the Claimants' land which is not subject to the current injunction and which is land that the Claimants' intend to include in the Substantive Application very shortly. In respect of the Land covered by the current injunction, since Jenkins 1, there have been the following incidents which have been reported to the Claimants by the High Court Enforcement team:
36. On **20 May 2020**
- (i) At 10:30 high court enforcement officers ("HCEO") reported that one male and one female mounted an HGV entering the Fusion Dews Lane Compound HQ on the junction of Dews Lane and Harvil Road at plot S232_036. Police were called due to the highway being blocked but both were persuaded to remove themselves from the vehicle.
 - (ii) At 10.48, a protester identified by the HCEO's as Pam Grogging and an unknown female protester climbed onto an HGV entering the Fusion Dews Lane Compound HQ. However, they removed themselves when it was explained to them by the HCEO that the vehicle was carrying hazardous materials.
 - (iii) At 19.46 the HCEO team reported that three male protesters breached the fence adjacent to the HOAC lakeside area at plot number S232_051. When spoken to by the HCEO, two walked off the land and the third had to be escorted off by HCEOs.
37. On **21 May 2020**
- (i) At 19.46 the HCEO team reported that three male protesters ran at the entrance to the HOAC lakeside area, adjacent to the HOAC gates on the western end of Dews Lane, at plot number S232_051: when challenged by the HCEO they stopped and sat on the concrete blocks verbally abusing the HCEO team for approximately 45 minutes. All three males were reportedly drunk and thought to be under the influence of drugs, singing and shouting. The HCEO persuaded them to return to their nearby camp, from which very loud music was heard until about 04.00.


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I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Signed:

Rohan Perinpanayagam

Dated: 9 June 2020 

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Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

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

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE ORDER OF MR DAVID HOLLAND QC DATED 22 JUNE 2020

(36) 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

THIRD WITNESS STATEMENT OF ROHAN PERINPANAYAGAM

I, Rohan Perinpanayagam, of High Speed Two (HS2) Ltd, 2 Snowhill, Queensway, Birmingham, B4 6GA WILL SAY as follows:

1. I am the Second Claimant's Project Client Align IPT (Project Director) of Phase One of the High Speed 2 railway scheme ("the **Scheme**"). This is my third statement in these proceedings and, as mentioned in my earlier witness statements, I am known as Rohan Perin. I shall refer to my first witness statement, dated 9 June 2020 as "Perin 1" and my second statement dated 15 June 2020 as "Perin 2".

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2. I make this statement, in support of the Claimants' application dated 15 June 2020 known as the **"Substantive Amendment Application"**. The purpose of this Statement is to:
- (i) Provide a short reply to some of the matters which have arisen in the evidence in response to the Substantive Amendment Application which has been filed by two of the named Defendants and in accordance with the directions given by Mr David Holland QC at the first hearing of the Substantive Amendment Application on 22 June 2020 during which Mr Holland QC extended the 21 May 2020 Order (referred to in Perin 2 as the "2020 Injunction") both in time and geographically to include the land referred to as "the Additional Land" in Perin 2. I shall refer to the order of Mr Holland dated 22 June 2020 as the **"Current Injunction"**. For the interests of clarity, the hearing on the 22 June 2020 was primarily listed as the Return Date for the hearing of the Claimants' earlier Extension Application. That Extension Application has, for all intents and purposes now been superseded by the Substantive Amendment Application.
 - (ii) Provide further information / explanation in respect of some matters which are related to matters raised by the named Defendants and / or to expand on the evidence set out in my second statement including to provide more detail in relation to the temporary stopping up and diversion of U34 mentioned at paragraph 27 of Perin 1 and paragraphs 29.4 and 29.5 of Perin 2.
 - (iii) Provide an update in relation to the Council's proceedings relating to adjoining land.
3. The contents of this statement are from matters that are within my own knowledge, knowledge gained from my review of the Claimants' documents in relation to this matter and various other sources of information which are stated. Where I state matters within my own knowledge, they are true to the best of my knowledge and belief. Where I state matters from other sources, I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as RP3. Page numbers without qualification refer to that exhibit.
4. At the time of drafting this Statement:
- (i) in opposition to the Substantive Amendment Application, evidence has been received from Ms Green (D3) by way of a third witness statement dated 13 July 2020 which I shall refer to as "Green 3" and Mr Keir (D4) by way of an unsigned and undated witness statement

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which I shall refer to as “Keir 2” and which I understand was received by the Claimants’ solicitors on 13 July 2020.

(ii) I understand that Ms Green also submitted a second witness statement dated 17 June 2020 shortly before the last hearing on 22 June 2020 which I shall refer to as “Green 2”.

(iii) I understand that Ms Pitwell (D28) also filed an unsigned and undated ‘Defence Statement’ in advance of the hearing on 22 June 2020.

5. I do not propose to comment in detail or comment on every point raised by the defendants. Some points are to be covered by Mr Jordan in his third witness statement (which I have seen in draft). Points about the broader merits or disadvantages of HS2 are not, I understand, relevant for the purposes of these proceedings. Therefore, to confirm, where I have not commented on any specific points raised by the defendants, that should not be taken to indicate that the Claimants agree to what is being asserted.
6. Instead, I seek to provide the Court with some background in relation to some points which have been raised by the defendants in the event that the Court finds this helpful.

Council’s Proceedings

7. Since these proceedings were last before the Court on 22 June 2020, the Council’s application for an injunction has been heard and decided (referred to at paragraphs 31 and 73 of the first witness statement of Ms Shona Jenkins at paragraph 36 of Perin 2).
8. In short, the Council has obtained an injunction over land adjoining the Harvil Road Site against both persons unknown and some named individuals, some of whom are common to these proceedings. I exhibit a copy of the order made at that hearing (**pp. 1 – 8** of RP3) as well as the notes of the hearing and judgment taken by one of the Second Claimant’s inhouse trainee solicitors who observed the remote hearing of the application (**pp. 9 - 23** of RP3). It is my understanding that the Council’s land is public land. I note from the hearing notes at **p. 12** of RP3 that Mr Woolf, Counsel for the Council in that application confirms that consent from the Council is not required to enter onto that land.

Temporary stopping up and diversion of U34 and Dews Lane

9. As has been explained previously, parts of a footpath known as Footpath U34 have been temporarily closed and diverted pursuant to section 3 and Schedule 4, Part 2 of the High Speed

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Rail (London – West Midlands) Act 2017 (the “**Act**”). The procedure for temporarily interfering with the footpath depends on whether the part of the footpath being temporarily interfered with is specified in Table 3 of Schedule 4 of the Act.

10. In very brief terms, if the section of the footpath does fall within Table 3, consultation only with the Council is required in relation to the stopping up of that section. If, however, the section of the footpath is not specified in Table 3, consent (not to be unreasonably withheld) is required in relation to the temporary interference.
11. For ease of reference, I exhibit annotated extracts of the deposited plans, being Sheet 2-01 and Sheet 2-04 at **pp. 24- 25** of RP3. The sections of U34 which have been temporarily closed and diverted are the parts roughly marked by green and orange colouring:
 - (i) the green colouring reflects those sections of the footpath which do fall within Table 3 and so for which consultation only was required. I confirm that the Council was consulted in respect of the temporary interference in relation to those parts of U34; and
 - (ii) the orange colouring reflects the section of the footpath which falls outside of Table 3 and for which consent was required from the Council. The closure of the ‘orange’ part of U34 to the south of Dews Lane (“the Orange Section”) had been opposed during the 2019 Possession Proceedings referred to at paragraphs 15-20 of Jenkins 1. It was held by Mr David Holland QC in those proceedings that the temporary stopping up had been lawfully exercised and that the Second Claimant was entitled to possession of the Orange Section.
12. In relation to the Orange Section, the original diversion was along Dews Lane which abuts the public highway on the east side of the Lane and the Council’s land at the west end of the Lane. As explained at paragraphs 30-35 of Perin 2, Dews Lane was closed on 22 May 2020 following the Second Claimant taking temporary possession of it in accordance with its statutory powers.
13. Prior to the closure of Dews Lane, it was necessary to re-divert the original diversion (over Dews Lane) in anticipation of its closure. An alternative (albeit I accept longer) diversion was put in place diverting members of the public away from Dews Lane and up Harvil Road turning to the west over Harefield Moor as indicated on the plan at **p. 26** of RP3. There is a signage scheme in place in relation to the alternative diversion of U34. It is fit for purpose, well signed on the ground and is free of defects.
14. I understand that there has been an assertion that a condition of the closure of the Orange Section of U34 imposed by the Council was that the diversion was to run along Dews Lane. This is not

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accepted. It is accepted that in providing its consent to interfere with the Orange Section, the Council made the following comment:

Consultation with Joel Sykes, with regard to the diversion route. Please ensure diversion route along Dews Lane is well signed, as the lane appears to be privately maintained, please ensure it is fit for purpose as a diversion route (free from defects) for use by the public, traffic flow and pedestrian safety should also be considered as the public can not be separated from the lane. HS2 should ensure notification takes place with residents and businesses along Dews Lane prior to the temporary diversion.

15. HS2's position is that the Council's requirement for the original temporary closure of footpath U34 required a properly signposted diversion that was fit for purpose, not that the diversion had to be and remain along Dews Lane. In any case, if the Council is not satisfied with the replacement Diversion that has been put in place, my understanding is that the Council would have enforcement powers it could use – but the failure to comply with conditions for the closure of U34 in the first place would not automatically be for U34 to be re-opened as a footpath.
16. In any event, it is not the diversion route for which the Claimants' seek consent when applying to the Council to temporarily interfere with highways under the Act. The application and therefore consent which follows relates to interference with highways, in this case the Orange Section of U34. The Council's consent to that interference has been obtained and the Orange Section stopped up accordingly.
17. For the avoidance of doubt:
 - (i) The re-diverted diversion has been in place since 20 May 2020 and we have not received any complaint from the Council in relation to it as far as I am aware; and
 - (ii) Dews Lane is not a highway and so an application under the Act could not and did not need to be made in relation to the closure of Dews Lane. Dews Lane has been closed following the Second Claimant taking temporary possession of it pursuant to section 15 and Schedule 16 of the Act as indicated in Perin 2.
 - (iii) I would also wish to emphasise that there are no open footpaths at the other side of Dews Lane (i.e. at the end of Dews Lane furthest from the Harvil Road). Any pedestrian who walked down Dews Lane would therefore have no onward public right of way that they could use to go any further. As I have previously explained, adjoining land-owners and their visitors are given access licenses to use Dews Lane to access those properties.

1.	Claimants
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Environmental Concerns

18. Each of the statements filed by those named defendants raise a number of environmental concerns and I addressed those generally at paragraphs 7 – 11 of Perin 1 and paragraphs 55-59 of Perin 2.
19. Whilst I understand the concerns relating to the environment are not relevant to the issues to be determined by the Court in considering the Substantive Amendment Application, the Claimants do take seriously allegations that works are being undertaken without necessary consents being in place. That is not the case. In order to be helpful, I exhibit to this statement consents relating to some of the issues to which the defendants appear to take issue with, such as the load test piling works (relevant to the issues raised by Ms Green in respect of the water aquifer) works in areas known for the bat species. These consents are:
- (i) The Environment Agency's consent to the load test piling works (**pp. 27 - 96** of RP3). (The consent which was exhibited to my first witness statement at **pp. 9-18** of RP1 was for the investigative works, rather than the actual piling activities themselves).
 - (ii) Licence permitting disturbance, interference with and closure of badger setts along Phase 1 One of the High Speed Rail route (**pp. 97 - 109** of RP3).
 - (iii) Two licences relating to the bat species (**pp. 110 - 145** of RP3).

Specific responses to points raised by the Defendants

20. I have not made any specific comment to matters raised by D28, Ms Pitwell because I do not understand the general complaints she makes about the HS2 project to be relevant to the matters before the Court. However, as mentioned, the assertions made by Ms Pitwell and any comments not specifically addressed by the other named defendants are not accepted as true.

D3 – Sarah Green

21. It is clear from her evidence that Ms Green has particular concern for (i) the water aquifer as a result of the piling works at the Harvil Road Site and (ii) bat species particularly with regard to works at Denham Country Park. Again, whilst I do not understand that these points are relevant to the Claimants' application before the Court, I make the following comments in the event that the Court finds these useful. In relation to:

1.	Claimants
2.	Rohan Perinpanayagam
3.	Third
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(i) ***the Water Aquifer (“the Aquifer”):***

- (a) the principal aquifer beneath the Harvil Road Site is in a drinking water protected area. It is also subject to the Water Framework Directive 2000/60/EC (“WFD”) which sets environmental objectives which must be met for water bodies. Where any development has the potential to affect a water body, the development must be assessed against the objectives of the WFD before consent to the development is given. I confirm the HS2 Scheme has been assessed against the WFD.
- (b) The Aquifer is used for public supply as well as providing support to surface water. The route of the HS2 Scheme passes through a number of groundwater zones used for public drinking water. This is therefore a highly sensitive area and the Second Claimant and its contractors understands and respects this and (as they are required to do) has paid due regard to the potential impacts on the Aquifer associated with all of its (and its subcontractors’) activities.
- (c) There is a management strategy for protection of the Aquifer and the Second Claimant is required to meet a number of undertakings and assurances to provide that protection. All works with the potential to affect groundwater require prior approval from both Affinity Water and the Environment Agency and the Second Claimant (and its contractors) are required to demonstrate that the works are managed in an appropriate manner and where necessary mitigation is implemented.
- (d) In addition, monitoring of groundwater levels and quality and surface water flow and quality is required before, during and for up to 30 years after the works to assess any impacts, determine their significance and whether further monitoring is required. The monitoring data is collected and reviewed at a high frequency ranging from daily and weekly to monthly.

(ii) ***Impact on the bat species:***

- (a) The only area of Denham Country Park that is *currently* covered by the Current Injunction is plot C111_008 which can be identified on the injunction ‘Plan A’. This plot of land is required to install a temporary access road to start from Denham Court Drive, near Buckinghamshire Golf Club. This temporary access will include a temporary bridge crossing over the River Colne and will continue up to the existing National Grid 275kV overhead line which is to be diverted as part of HS2 works.

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- (b) The Second Claimant's contractors have been carrying out site setting out, ecology surveys, vegetation / tree clearance, ground investigations, site security fencing and trackway installation along the line of the route and at the location of the bridge crossing at the River Colne. This is in conjunction with obtaining the necessary ecology survey data as part of the due diligence required to obtain the appropriate licences and consents from Natural England and the Environment Agency for any works that require them.
- (c) The installation of a new diverted overhead power line is required to enable decommissioning of the existing line by National Grid at the point that it intersects the new HS2 route. This is to prevent a conflict between the high voltage power lines and the traction current for the new railway. The diversion needs to be completed well in advance of the railway construction. This is because the Colne Valley Viaduct construction works, with associated jetty piling and a viaduct gantry will also require sufficient clearance from the overhead power lines. The installation of the diverted route will provide enough clearance for both the new railway and its associated construction works.
- (d) Overall, the overhead line diversion involves construction of temporary compounds and access roads including associated bridges, piling, construction of new tower bases and new towers, and cable stringing over the new route of the overhead line across existing and new towers. Specifically, in Denham, a new tower is required to allow it to convey the diverted line on the new direction and withstand the new angles of deviation in the overhead cables. The temporary access route will be used to construct the new tower in Denham Country Park. The same access will also be used to remove the overhead lines and dismantle the old towers no longer needed in Denham Country Park once the line has been diverted.
- (e) In response to concerns raised by D3 Ms Green in relation to alleged works in breach of legislation relating to the bat species, I confirm that the Second Claimant's contractor has been completing non-licensable works on behalf of the Second Claimant in the Denham Country Park area. Trees with negligible and low suitability for roosting bats have been felled, under the watching brief of an ecologist. This work does not require a bat licence.
- (f) Alongside those non-licensable works, the Second Claimant's contractor has been engaging with Natural England in relation to the submission of a standard bat licence application for their licensable works. This bat licence was issued (see **pp. 110 - 145** of RP3) on 20 July 2020. No works for which a bat licence is required have been undertaken prior to the licence being issued.

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D4--Mr Keir

22. Mr Keir makes an allegation that there was an unlawful incident relating to the spraying of herbicide at an area known as Steeple Claydon on 3 July 2020. Steeple Claydon is at a different part of the HS2 route and so this allegation is not relevant to the Harvil Road Site and I don't have any direct knowledge in relation to it. My team however has sought to obtain information about the allegation from the teams and contractors who are working in that area who have explained they are unaware of this allegation. Neither is there any information on the Second Claimant's HORACE system to suggest that this allegation has been reported to the Second Claimant. An allegation of this nature would be recorded as a high potential incident and an investigation would be undertaken in relation to it.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.


Signed:

Rohan Perinpanayagam

Dated: 27 July 2020

1.	Claimants
2.	Richard Joseph Jordan
3.	Third
4.	RJ10
5.	Date: 27 July 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN
THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE
AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-
AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE
PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS,
CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES,
INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND
EQUIPMENT TO AND FROM THE LAND AT HARVIL ROAD SHOWN
COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS
ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE
ORDER OF MR DAVID HOLLAND QC DATED 22 JUNE 2020

(36) 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 HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY
SUBSTANCE TO OR INTEFERING WITH ANY LOCK OR ANY GATE AT THE
PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE
CLAIMANTS

Defendants / Respondents

**THIRD WITNESS STATEMENT OF
RICHARD JOSEPH JORDAN**

I, Richard Joseph Jordan, of High Speed Two (HS2) Ltd, 2 Snowhill, Queensway,
Birmingham, B4 6GA WILL SAY as follows:

1. I am the Second Claimant's Chief Security and Resilience Officer. This is my third witness statement in these proceedings. I shall refer to my first witness statement, dated 25 April 2019, as "Jordan 1" and my second witness statement dated 15 June 2020 as "Jordan 2". My role with the Claimants remains the same as described in Jordan 1.
2. I make this further statement, in support of the Claimants' application notice dated 15 June 2020, known as the "**Substantive Amendment Application**". The purpose of this Statement is to:
 - (i) provide a short reply to some of the factual matters and allegations which have arisen in the evidence in response to the Substantive Amendment Application. I also provide a short reply in relation to an unsigned 'Defence Statement' filed by D28 – Ms Pitwell, and which was provided to the Claimants' solicitors only during the hearing on 22 June 2020; and
 - (ii) set out the details of further specific incidents of trespass and obstruction that have occurred since 31 May 2020.
3. This statement is made from matters that are within my own knowledge and/or (unless other sources of information are stated) knowledge gained from my review of the Claimants' documents, incident reports logged on the Second Claimant's HORACE system, reports by the Second Claimant's security team and that of the Second Claimant's contractors, material obtained and reviewed from open source internet and social media platforms and reports from specialist agents instructed on behalf of the Second Claimant. In each I believe them to be true. There is now shown to me a paginated clip of documents which I exhibit hereto as RJ10. Page numbers without qualification refer to that exhibit.
4. Where I have referred to a plot number in this statement, those are to plot numbers on the plan at **p. 1 of RJ10** which is the current injunction plan.

Specific responses to points raised by the Named Defendants – D3, D4 and D28

5. I have seen a draft of Mr Perin's third witness statement ("**Perin 3**"). As mentioned in Perin 3, responses to the Substantive Amendment Application have been received

from D3, D4 and D28. I do not propose to comment on every point raised by each of these named Defendants in their evidence. Mr Perin has responded to many of the points in Perin 3. A large number of the points raised are general complaints about the HS2 project. I understand that the Court has made clear on several occasions that such complaints are not relevant to the matters in issue in these proceedings, and so I refrain from commenting on them. In respect of:

- (i) D3, Ms Green - a Second Witness Statement dated 17 June 2020 (“**Green 2**”) was filed and served shortly before the hearing of 22 June 2020. A third witness statement dated 13 July 2020 (“**Green 3**”) was filed in response to the Substantive Amendment Application in line with the directions given by Mr David Holland QC on 22 June 2020. In this statement, I comment only on some of the assertions made in Green 2. Mr Perin has responded to matters raised in Green 3.
- (ii) D4, Mr Keir - I respond only to the general and unparticularised assertion that (i) crimes are being committed by and on behalf of the HS2 project and the allegations made against the ‘National Eviction Team’ (“the **NET**”) and (ii) Mr Keir’s assertion in respect of the number of arrests and convictions secured in relation to incidents which have taken place at the Harvil Road Site. I also deal with an allegation that the eviction operation to recover Ryall’s Garage was unlawful.
- (iii) D28, Ms Pitwell – I respond only to some of the factual assertions she makes in relation to her trespass of Ryall’s Garage and (ii) her denial of trespass and assault asserted in Jordan 2. The allegations made against the NET more generally are covered by my response to Mr Keir’s statement.

D3 – Sarah Green

- 6. By Green 2, D3 has sought to reply to a number of factual assertions which were made in Jordan 2. I have made some comments in response to some of the points she has made in ‘Schedule 2’ to Green 2. The paragraph numbers referred to below relate to the paragraphs which Ms Green has identified in her Schedule 2 (being paragraphs of Jordan 2):

- (i) Paragraph 41: whilst Ms Green describes herself simply as “observing as a concerned member of the public”, during this incident, the photographic evidence at **p.17 of RJ9** clearly shows otherwise. I attach at **p. 2 of RJ10** a further photo showing Ms Green taken from a different angle. Ms Green is sitting on top of what is, presumably, an anti-HS2 banner next to the ‘locked-on’ protesters (D4 and D13). Ms Green’s presence alone can be described as an additional obstruction to the Land.
- (ii) Paragraph 42: Ms Green denies verbally abusing security at the Harvil Road Site. I attach at **p. 3 - 5 of RJ10** a contemporaneous report prepared on 19 November 2019 which records the following entry:

“16.40 Sarah green approached Harvil road HQ Giving the Security there verbal abuse. Police and hs2 helpline informed urn is 4783/19.11.2019 incident report sent to persons required.”
- (iii) Paragraph 45: Ms Green seems to deny the allegation that she trespassed on the Land during this incident. I exhibit to this statement at **p. 6 and p. 7 of RJ10** footage taken from body worn cameras during this incident. At 09:34:43 in the video, Ms Green can be seen in the background on Land covered by the injunction near to the foot of the tree. I accept that Ms Green is not one of the worst offenders on this date, however this is evidence of her trespass despite the terms of the injunction.
- (iv) Paragraph 46: Whilst Ms Green disputes the assertion that she was behaving in a disruptive manner she accepts being in “the area outside Gate 3”. This trespass at the gate is a breach of the 2019 Injunction (albeit the Claimants accept it is of a relatively minor nature).
- (v) Paragraph 47: Again, I note Ms Green accepts being in the area. Although she says that she did not do anything “unlawful”, she does not dispute that she was on the bell-mouth which is a trespass and a breach of the injunction.
- (vi) Paragraph 68: I note that Ms Green accepts being in Denham Country Park which is where plot C111_108 is located (which can be seen on the current injunction plan). Whilst she denies disrupting works, she does not deny approaching contractors. Ms Green will be well aware that the very fact a

number of protesters approach contractors will inevitably lead to some delay in works as works cannot safely continue whilst protesters are present. Invariably therefore where there are protesters in the area, works are often temporarily paused or stopped completely.

- (vii) Paragraph 70: Ms Green's reply to this paragraph only serves to illustrate that she is willing to delay or disrupt the activities of HS2 or its contractors. She does not deny being on the land although disputes that she was disrupting works or that works were scheduled to take place. However she accepts that a *'large number of HS2 security and ground clearance workers'* were present which is indicative that works were being undertaken or were scheduled to be undertaken. I note she also accepts that 'strimming' works were due to take place which she thought would amount to an environmental crime.
- (viii) Paragraph 77: I note that Ms Green does not deny standing in front of the lorry or obstructing it in any way. Her only denial is that she was not standing still in the road at any one time.
- (ix) Paragraph 79: Again, Ms Green accepts she was present at the incident albeit states she was only there for a matter of minutes. I note that she does not specifically deny participating in the obstruction.

D4 – Mark Keir

- 7. I note Mr Keir does not deny any of the factual assertions made against him. He clearly has many concerns in relation to the HS2 project as a whole but, again, I do not understand these concerns to be relevant to the Claimants' application which is before the Court. I do reply, briefly, however as follows:
 - (i) Mr Keir asserts that there is a "litany of crimes being committed by and on behalf of this project". In addition to environmental matters (which Mr Perin seeks to deal with further in Perin 3), Mr Keir specifically takes issue with the conduct of the National Eviction Team. Whilst Mr Keir has not particularised his complaints, I take him to mean the National Eviction Team who have been undertaking enforcement action at the Harvil Road Site either having been assigned writs to enforce by the First Claimant or the Second Claimant or

having been instructed to undertake enforcement work by the Second Claimant's security contractor, Control Risks Group Limited. Those instructions have, from time to time, included instructions to use 'self-help' powers to use reasonable force to remove trespassers from the Land. For the avoidance of doubt, it is not accepted that there is or has been any wrongdoing or criminal acts on behalf of the Claimants. Whilst we understand that many of the Defendants hold genuine beliefs, particularly in relation to the impact of the project on the environment, these unfounded allegations of unlawful conduct are taken very seriously by the Claimants.

- (ii) Insofar as the assertion that the protesters "*have been subjected to assault after assault, aggressive and violent bullying, hindrance of our human rights to food and water, to freedom of speech, freedoms of assembly and association, at the hands of the National Eviction Team*", this is denied. In relation to the 'National Eviction Team' ("**NET**"):
 - (a) The NET is part of the High Court Enforcement Group Limited ("**the HCE Group**"), one of the largest independent and privately owned firms of Authorised High Court Officers (AHCEOs) in the United Kingdom. I exhibit at **pp. 8 – 44 of RJ10** a document prepared by the HCE Group named '*AHCEO powers enforcing writs warrants and orders*'. This document sets out the various powers vested in an AHCEO and his or her enforcement officers to enforce warrants pursuant to compulsory purchase legislation, High Court Writs and common law enforcement as agents of the landowner.
 - (b) Where I have used the term HCEO in my previous statements, that is intended to mean an officer working for the HCE Group and not necessarily an officer working as and in the capacity of an authorised high court enforcement officer under the direction of the High Court in all instances. As I have explained, these same security professionals have also executed statutory warrants and used common law powers. I apologise if my use of the term "HCEO" has caused confusion: that is the term that my team and I have typically used to refer to the individual employees of the HCE Group.

- (c) The NET is a specialist eviction team with an excellent reputation and vast amounts of experience with removal of protesters unlawfully occupying land.
- (d) It is correct to say that the NET has been engaged to undertake enforcement work at the Harvil Road Site and that there is an NET presence currently at the Site. This is solely because of the continued and significant level of trespass and obstruction that the Claimants suffer at the Harvil Road Site and the need for the site to be adequately protected and for any incursions to be professionally and swiftly removed in order to prevent further delay to works. Whilst the injunction does provide effective assistance on the ground, it is clear that there are some individuals who are willing to disobey the order of the court and trespass on land in breach of the injunction. There are also other parts of the Harvil Road Site (which are now covered by the injunction but were not before the June 2020 Order) on which encampments have been formed and which have been subject to various incidences of trespass. The Claimants have therefore required the support of the HCE Group and the NET to remove and / or prevent protesters from trespassing on and / or obstructing the Harvil Road Site.
- (e) The NET has been engaged at the Harvil Road Site in a number of capacities:
 - (i) to enforce High Court Writs (ii) to enforce statutory warrants issued by the Claimants pursuant to statutory powers under the High Speed Rail (London - West Midlands) Act 2017 (the “**2017 Act**”) and section 13 of the Compulsory Purchase Act 1965 (for example, in relation to (i) and (ii) the enforcement of the 2019 Possession Order and the execution of the statutory warrants referred to at paragraphs 25 to 29 of Jordan 2), (iii) to recover land on behalf of the Claimants (albeit the NET is directly instructed by the Second Claimant’s security contractor in these instances) using the common law remedy of self-help using reasonable force and (iv) to secure the Harvil Road Site to prevent further incursions (again instructed by the Second Claimant’s security contractor).
- (f) During whichever operation is being undertaken, I am aware that the NET’s procedure (despite the allegations made by the protesters) is to explain on what basis and in what capacity they are acting and / or authorised to take the steps

they are taking. The enforcement officers are specifically trained to explain clearly the purpose for which they are present.

- (g) I exhibit to this statement at **pp. 43 – 48, p. 49 and p. 50** of **RJ10** footage taken by protesters (and extracted from the ‘Stop HS2’ website). The footage was shared by D3, Ms Green and D4, Mr Keir on their social media accounts. The video at **p. 50** shows an Authorised HCEO, Mr Asker explaining the basis of the enforcement action on that date (this was relating to the 2020 Enforcement Operation which took place in January). Mr Asker also explains the intention to recover the Land peacefully and that the health and safety of those involved is important. He also explains that the protesters are to depart, failing which they would be removed using no more than reasonable force if necessary.
- (h) It is clear from this footage that the conduct of the enforcement officers is not aggressive in nature and that evictions operations are attended by the police.
- (i) I also refer to the letter from the Claimants’ solicitors to solicitors said to be at that time acting on behalf of protesters at the Harvil Road which is mentioned at paragraph 45 of Mr Perin’s second witness statement and at **pp. 62-63** of **RP2**. This letter explains then the basis on which the officers recovered possession of parts of the land at Harvil Road as part of the 2020 Enforcement Operation. It also makes clear that this was explained to the protesters on the ground at the time the eviction was being undertaken. I have no doubt that, despite the assertions made by the protesters that the NET is acting unlawfully, that the protesters are aware that the NET is engaged in a number of capacities.
- (j) The reality is that often protesters shout or sing loudly over the officers on the ground such that they do not listen to (and have no intention of hearing) what is being explained to them or they simply choose not to believe the explanation.
- (k) In addition to the officers on the ground clearly explaining to the protesters the basis under which they are taking action, I understand that enforcement officers are identified as such by their black uniform with prominent logos on

their back and left chest which read “Enforcement Agent”. On enforcement operations where more than a small team (6+) of officers are deployed, the officers will, in addition wear armbands bearing a reporting number which is assigned to them for the duration of the operation, to enable ready identification of persons engaged when incidents occur or are subsequently reported to have occurred.

- (1) The Second Claimant works with the HCE Group because of its reputation, experience and professionalism. Each operation which has been undertaken by the HCE Group on the Harvil Road Site has been painstakingly planned with the Claimants’ security team including risk assessments, operation plans, a number of briefings and working closely with the police who are then usually present or at the very least informed and aware of any proposed operation of any significance. The allegations that NET has been acting unlawfully are denied.

8. Whilst Mr Keir has not particularised his allegations, I understand that there appears to be two specific operations which have attracted criticism of the NET (and therefore of the Claimants), one in relation to the eviction of a disused commercial garage known as Ryall’s Garage (which Ms Pitwell also refers to in her ‘Defence Statement’) and an eviction operation which took place between 15-18 June 2020 and which is referred to in more detail below. Whilst I do not understand the allegations made to be relevant to the Claimants’ application and the matters presently before the Court, I seek to reply very briefly to these two points in the event that the Court finds this helpful:

8.1 Ryall’s Garage: this was an eviction which took place under self-help common law powers on 12 and 13 May 2020 in relation to a squatted building, being an abandoned commercial building on what is now part of the Land covered by the June 2020 Injunction but formerly was not covered by injunctive relief:

- (i) As detailed at paragraph 29 of the first witness statement of Ms Jenkins, this eviction was subject to an urgent injunction before Mr Justice Swift in the Queen’s Bench Division on the morning of 13 May 2020 seeking to halt the eviction as unlawful. That application was dismissed (and a copy of the order

made at is at **pp. 101 – 102 of SRJ1**). I now exhibit the Approved Judgment and Transcript of the Hearing at **pp. 51 – 91 of RJ10**;

- (ii) It is not accepted that the eviction was unlawful or a breach of the provisions of the Criminal Law Act 1977. To the best of my knowledge, there is no investigation being undertaken by the police in relation to this allegation. The police were aware of this eviction operation, approved the eviction plan in advance and were regularly present on the site throughout the operation. To the extent there are any allegations by anyone of a crime being committed, the appropriate authority to intervene was involved at the relevant time.
- (iii) Save as to deny the allegations, in light of the unparticularised nature of the allegations, and so as to avoid prejudicing any criminal investigation that may be instigated at the complaint of those affected, I do not consider it appropriate to comment any further in relation to these assertions.

8.2 The eviction operation 15-18 June 2020: this was an eviction operation which took place following the Claimants having issued statutory warrants pursuant to their powers under the 2017 Act and section 13 of the Compulsory Purchase Act 1965. The NET executed those warrants lawfully as:

- (i) The statutory process authorises the Claimants to issue warrants where unauthorised occupiers refuse to give up possession of land which is subject to those statutory regimes and land to which they are entitled to possession of. For the avoidance of doubt, a court order is not required;
- (ii) The eviction related to land which had been vested in the First Claimant by way of a general vesting declaration and land over which the Second Claimant was entitled to temporarily possession of pursuant to section 15 and Schedule 16 of the 2017 Act;
- (iii) The Claimants together were entitled to possession of the land but were hindered from taking possession of it due to unauthorised trespass; and

- (iv) Statutory warrants were therefore issued to direct an Authorised High Court Enforcement Officer to obtain and deliver possession of the land to the Claimants.

9. Mr Keir highlights in his statement that only one protester has been convicted of an offence despite there being over 200 arrests. The number of convictions is, in fact, two (one of those being a conviction against D10, Mr Cuciurean). Whilst I accept that the conviction rate is low, that does not in my view demonstrate that the complaints about conduct which the injunction seeks to restrain has not been committed. At the very least, there has been conduct to a sufficient extent that a police officer has seen fit to arrest the protestor. The fact that a criminal offence might not ultimately be proved at trial beyond all reasonable doubt could be for any number of reasons, not necessarily because conduct which might have been a civil wrong had not taken place. The reasons why prosecutions have not been pursued or the conviction rate is low include:

- (i) the Crown Prosecution Service (“**the CPS**”) often does not consider it to be in the public interest to pursue prosecutions. I understand that to be largely because the offences relate to private land and it is often considered that the landowner can take necessary action;
- (ii) Additionally offences of aggravated trespass, for example, require the CPS to prove a number of elements including that the trespass prevented or obstructed lawful activity (i.e. the Second Claimant’s - or its contractor’s - works). It is not always possible given the size of the project and the number of different contractors working together to quickly provide the CPS with the information that would help support a conviction (which would include consents for the works being disrupted for example to evidence of the lawfulness of the activity);
- (iii) A technical argument might be raised in relation to the boundary of the land upon which the alleged offence was committed, for example, which the CPS do not have the detail to rebut at the trial.

10. There are currently a significant number of prosecutions being pursued in relation to protest activity at HS2 sites along the route, including but not limited to the following:
- (i) Proceedings against 22 individual protesters as a result of unlawful activity at a HS2 site in Warwickshire. I understand a case management hearing was heard on 16 July 2020 and a court date in October has been set;
 - (ii) The trial of D15, Mr Ruggles and Mr James Brown is due to heard on 27 July 2020 in relation to the incident referred to at paragraph 48 of Jordan 2. I understand Mr Ruggles is also due in court in relation to another incident at the HS2 site in Warwickshire in September;
 - (iii) I understand D22, Mr Maxey is due to appear in court on 29 July 2020 for the incident referred to at paragraph 99 of Jordan 2. Mr Maxey was also one of the 22 individuals in court on 16 July 2020 as referred to above; and
 - (iv) the proceedings against Ms Pitwell as referred to above.

D28 – Hayley Pitwell

11. Ms Pitwell, like Mr Keir, raises concerns in relation to the NET. I believe that I have addressed Ms Pitwell's concerns in relation to that above in addition to the assertions she makes about the eviction of the Ryall's Garage.
12. In relation to her trespass at Ryall's Garage, I note that Ms Pitwell does not deny that she was on that land but rather believes she had permission from the occupier (presumably another trespasser). She mistakenly believes this means that her occupation of that land did not amount to a trespass.
13. Whilst I note Ms Pitwell denies the allegation of assault against her at paragraph 93 of Jordan 2, she does accept that criminal proceedings are ongoing for which I understand there is a court appearance listed for 27 July 2020. I also understand she was required to attend court for a case management hearing alongside 21 other individuals in relation to incidents taking place at another HS2 site in Warwickshire

on 16 July 2020. In any event, I note that Ms Pitwell does not deny the allegation of trespass.

Protester Activity Since 31 May 2020

14. In Jordan 2 I described in detail the number and type of incidents which the Claimants' and their contractors have experienced at the Harvil Road Site. Jordan 2 was up to date as at 31 May 2020. I had to draw a line at that date, because it was proving to be very difficult to finalise a statement which tried to be precisely up to date – that is because there are incidents and developments at the site almost every day.
15. Since 31 May 2020 and since the Substantive Amendment Application (and indeed the Extension Application before it) has been issued, protester activity at the Harvil Road Site has not diminished. I do not propose to recount or detail every single incident which has taken place since 31 May 2020 because that would not be proportionate, however I set out below a summary to illustrate that the threat of trespass continues such that the Land continues to be at risk should the injunction not be continued.
16. On **11 June 2020** at c.9:00, it was reported that a low loader delivery lorry attempting to bring steel casings onto the Harvil Road Site via West Gate 3 was delayed as four protesters including Mr Oliver (D9) attempted to place themselves beneath the wheels of the tractor unit to prevent the vehicle moving forward. This not only delayed and disrupted equipment being delivered to the Site but temporarily blocked Harvil Road causing a nuisance to other road users. It was reported that the protesters eventually moved when a member of the public who was trying to pass through the road (and who was apparently trying to get to the hospital) threatened to move them himself if they did not voluntarily depart.
17. Trespass on the Claimants' land continues (as it does on adjoining land). I have referred to the eviction operation which took place between 15-18 June 2020 pursuant to statutory warrants above to remove unlawful occupiers from part of the Additional Land (near HOAC) and other land which has now become part of the Harvil Road Site. I exhibit at **pp. 92 – 100 of RJ10**, an overview document from NET from that eviction operation which contains photographs of the extent of the

trespass and documents some of resistance measures put in place by the protesters to prevent and / or make difficult their removal.

18. That operation was carefully planned and commenced early morning on 15 June 2020. As a result of the sudden arrival by the NET, all persons left the site without significant resistance, except for the following:
 - (i) Scott Breen (D13) and another unidentified individual who remained resisting removal underground in a tunnel that he and others had constructed: Mr Breen was removed by the NET confined space team on the third day of the operation;
 - (ii) A male known as Charlie Ingram who was removed from a storm drain by the confined space team on the first day (and was reported to have been subsequently hospitalised due to being in contact with sewage for a lengthy period);
 - (iii) Three other persons in trees who had to be removed by the NET climbing team.
19. Some of the protesters who were removed from the “HOAC camp” following the above operation have subsequently set up a large camp at Denham Country Park adjacent to the HS2 Babcock compound (indeed, hard against the compound fence) which is on plot C111_008. This camp is very active and has been the source of almost daily (and nightly) attempts to breach the compound fence, some successful, which have resulted in damage to the fence and the arrest of individuals, including Charlie Ingram and Jack Charles Oliver (D34), who are well known to the NET. Several tree-houses have been built including some over the compound itself, from which it has been necessary to remove persons using the NET climbing team.
20. The threat from the protesters continues such that the Land and any land brought into the Scheme is at risk. As is clear from a video report by BBC News on 22 July 2020, a transcript of which is at **pp. 101 – 102 of RJ10**, the protesters have every desire to prevent and disrupt the activities of the Second Claimant and its contractors. D22,

Mr Maxey, is interviewed in that report in the area of the Denham Country Park, an extract of which is set out below for ease of reference:

Larch Maxey	"We have already been evicted from this site once and we've come back stronger and better than ever and that's what we keep doing. Every time HS2 try and break the law, try and break the rules, try and break our spirits, we come back stronger and..."
Talia Woodin	"But isn't it you breaking the rules, breaking the law? The law is on their side now isn't it?"
Larch Maxey	"...I'm taking non-violent principled civil disobedience along with hundreds and increasingly thousands of others."

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Richard Joseph Jordan

Date: 27 July 2020

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant Persons Unknown & Ors	

On what day did you serve?	0	6	/	0	7	/	2	0	2	0
The date of service is	0	6	/	0	7	/	2	0	2	0

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?

(If appropriate include their position e.g. partner, director).

The First, Second and Thirty Sixth Defendants and interested parties

How did you serve the documents?

(please tick the appropriate box)

- ☐ by first class post or other service which provides for delivery on the next business day
- ☒ by delivering to or leaving at a permitted place
- ☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

- ☒ by other means permitted by the court (please specify)

By advertising the existence of the Order in a prominent position on the websites:

<https://www.gov.uk/government/organisations/high-speed-two-limited>

and

<https://hs2inhillindon.commonplace.is/>

- ☐ By Document Exchange

- ☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

- ☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

On the websites:

<https://www.gov.uk/government/organisations/high-speed-two-limited>

and

<https://hs2inhillindon.commonplace.is/>

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

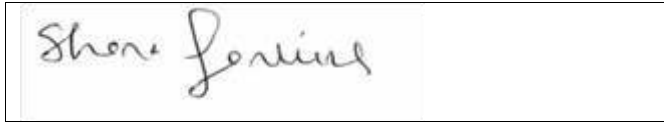
- ☐ usual residence
- ☐ last known residence
- ☐ place of business
- ☐ principal place of business
- ☐ last known place of business
- ☐ last known principal place of business
- ☐ principal office of the partnership
- ☐ principal office of the corporation
- ☐ principal office of the company
- ☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☒ other (please specify) place and manner ordered by the Court

I believe that the facts stated in this certificate are true.

Full name SHONA RUTH JENKINS

Signed



Claimants' solicitor

Position or
office held

SENIOR ASSOCIATE

(If signing on behalf of firm or
company)

Date

2	0	0	7	2	0	2	0
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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
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Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20, Schedule of named Defendants, A3 size colour copy map extract and laminated Warning Notice

On whom did you serve?

(If appropriate include their position e.g. partner, director).

The above named 1st, 2nd and 36th Defendants Persons Unknown

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (..... time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Please see accompanying Witness Statement for full details

☐ by Document Exchange

☐ by fax machine (..... time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (..... time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

The Defendants various Protestor Camps located at Dews Lane and Harvil Road, Harefield, Uxbridge and Denham Wildlife Protection Camp, Denham Court, Uxbridge

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☒ usual residence

☐ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim

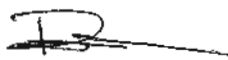
☒ other (please specify)

Associated locations

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

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Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant PERSONS UNKNOWN & ORS	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	0	2	/	0	7	/	2	0	2	0

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?

(If appropriate include their position e.g. partner, director).

D3 – Sarah Green

How did you serve the documents?

(please tick the appropriate box)

- ☒ by first class post or other service which provides for delivery on the next business day
- ☐ by delivering to or leaving at a permitted place

- ☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

[]

- ☐ by other means permitted by the court (please specify)

- ☐ By Document Exchange

- ☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

- ☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

- Being the ☐ claimant's ☒ defendant's
- ☐ solicitor's ☐ litigation friend

- ☒ usual residence
- ☐ last known residence
- ☐ place of business
- ☐ principal place of business
- ☐ last known place of business
- ☐ last known principal place of business
- ☐ principal office of the partnership
- ☐ principal office of the corporation
- ☐ principal office of the company
- ☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- ☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Shona Ruth Jenkins

Signed

Shona Jenkins

Claimant's solicitor

Position or office held

Solicitor

(If signing on behalf of firm or company)

Date

2	0	0	7	2	0	2	0
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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

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Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant PERSONS UNKNOWN & ORS	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	0	2	/	0	7	/	2	0	2	0

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?
(If appropriate include their position e.g. partner, director).

D4 – Mark Keir

How did you serve the documents?
(please tick the appropriate box)
☒ by first class post or other service which provides for delivery on the next business day
☐ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with
(.....time left, where document is other than a claim form) *(please specify)*

[]

☐ by other means permitted by the court
(please specify)

☐ By Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*

☐ by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification


Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

☒ usual residence
☐ last known residence
☐ place of business
☐ principal place of business
☐ last known place of business
☐ last known principal place of business
☐ principal office of the partnership
☐ principal office of the corporation
☐ principal office of the company
☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
☐ other *(please specify)*

I believe that the facts stated in this certificate are true.

Full name Shona Ruth Jenkins

Signed



Claimant's solicitor

Position or office held

Solicitor

(If signing on behalf of firm or company)

Date

1	3	0	7	2	0	2	0
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Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

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Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 7th Defendant Thorn Ramsey

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (..... time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (..... time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (..... time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

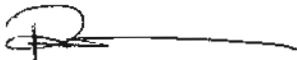
☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

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Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 8th Defendant Vajda Robert Mordechaj

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Name of court In the High Court of Justice	Claim No. PT-2018-000098
Name of Claimant The Secretary of State for Transport and another	
Name of Defendant Vajda Robert Mordechaj (8) and various others	

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

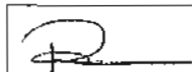
☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

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Method of service	Deemed day of service
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Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant Persons Unknown & Ors	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	3	0	/	0	6	/	2	0	2	0

What documents did you serve?
 Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?
 (If appropriate include their position e.g. partner, director).

D9 – Iain Oliver

How did you serve the documents?
 (please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☐ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with
 (.....time left, where document is other than a claim form) (please specify)

☐ by other means permitted by the court
 (please specify)

☐ By Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☒ by other electronic means (email sent at 9:01 on 30 June 2020 to iainoliver37@mail.com)

Being the email address confirmed as appropriate means for service by D9

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

D9's email address: [REDACTED]


Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

☐ usual residence
☐ last known residence
☐ place of business
☐ principal place of business
☐ last known place of business
☐ last known principal place of business
☐ principal office of the partnership
☐ principal office of the corporation
☐ principal office of the company
☐ place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim

☒ other (please specify) email address confirmed as appropriate means for service by D9

I believe that the facts stated in this certificate are true.

Full name SHONA RUTH JENKINS

Signed 

Position or office held SENIOR ASSOCIATE

Claimants' solicitor

(If signing on behalf of firm or

Date

1	3	0	7	2	0	2	0
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company)

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 9th Defendant Iain Oliver

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (..... time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (..... time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (..... time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

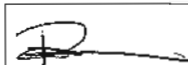
☐ place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 10th Defendant Elliott Cuciurean

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (..... time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (..... time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (..... time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/

☐ corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

02/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 10th Defendant Elliott Cuciurean

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with
☒ (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court
(please specify)

Deposited in the Save Crackley Woods Protester Camp at 5.00pm on Wednesday 1 July 2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Save Crackley Woods Protester Camp, Cryfield Grange Road, Kenilworth, Warwickshire CV8 2JU

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☐ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/
corporation within the jurisdiction with a connection to claim

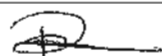
☒ other (please specify)

associated address

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant PERSONS UNKNOWN & ORS	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	0	2	/	0	7	/	2	0	2	0

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?
(If appropriate include their position e.g. partner, director).

D11 – Jess Walker

How did you serve the documents?
(please tick the appropriate box)

☒ by first class post or other service which provides for delivery on the next business day

☐ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with
(.....time left, where document is other than a claim form) *(please specify)*

☐ []

☐ by other means permitted by the court
(please specify)

☐ []

☐ By Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*

☐ by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*

☐ []

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

[REDACTED]

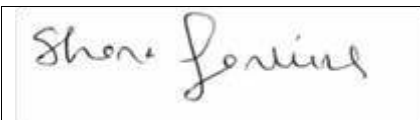
Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

- ☐ usual residence
☒ last known residence
☐ place of business
☐ principal place of business
☐ last known place of business
☐ last known principal place of business
☐ principal office of the partnership
☐ principal office of the corporation
☐ principal office of the company
☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
☐ other *(please specify)*

[REDACTED]

I believe that the facts stated in this certificate are true.

Full name Shona Ruth Jenkins

Signed 

Claimant's solicitor

Position or office held Solicitor

(If signing on behalf of firm or company)

Date

1	3	0	7	2	0	2	0
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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 11th Defendant Jess Walker

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

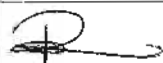
☐ place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

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Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 12th Defendant Matt Atkinson

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/
corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 13th Defendant Scott Breen

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (..... time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (..... time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (..... time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2018-000098
Name of Claimant The Secretary of State for Transport and another	
Name of Defendant Hannah Bennett (14) and various others	

On what day did you serve? 01/07/2020

The date of service is 01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 14th Defendant Hannah Bennett

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company


☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date 03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

02/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director)

the above named 14th Defendant Hannah Bennett

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☒ (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited in the Save Crackley Woods Protester Camp at 5.00pm on Wednesday 1 July 2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Save Crackley Woods Protester Camp, Cryfield Grange Road, Kenilworth, Warwickshire CV8 2JU

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☐ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/

☐ corporation within the jurisdiction with a connection to claim

☒ other (please specify)

associated address

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) (solicitor) (litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant PERSONS UNKNOWN & ORS	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	0	2	/	0	7	/	2	0	2	0

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?

(If appropriate include their position e.g. partner, director).

D15 – James aka “Jimmy” Ruggles

How did you serve the documents?

(please tick the appropriate box)

☒ by first class post or other service which provides for delivery on the next business day

☐ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

[]

☐ by other means permitted by the court (please specify)

☐ By Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Being the ☐ claimant's ☒ defendant's

☐ solicitor's ☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Shona Ruth Jenkins

Signed

Shona Jenkins

Claimant's solicitor

Position or office held

Solicitor

(If signing on behalf of firm or company)

Date

1	3	0	7	2	0	2	0
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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2018-000098
Name of Claimant The Secretary of State for Transport and another	
Name of Defendant James aka "Jimmy" Ruggles (15) and various others	

On what day did you serve? 01/07/2020

The date of service is 01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 15th Defendant James aka "Jimmy" Ruggles

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

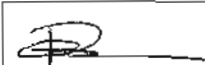
☐ place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date 03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant PERSONS UNKNOWN & ORS	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	0	2	/	0	7	/	2	0	2	0

What documents did you serve?
 Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?
 (If appropriate include their position e.g. partner, director).

D16 – Nick Grant aka “Potts”

How did you serve the documents?
 (please tick the appropriate box)
☒ by first class post or other service which provides for delivery on the next business day
☐ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

[]

☐ by other means permitted by the court (please specify)

☐ By Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)


Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

☐ usual residence
☒ last known residence
☐ place of business
☐ principal place of business
☐ last known place of business
☐ last known principal place of business
☐ principal office of the partnership
☐ principal office of the corporation
☐ principal office of the company
☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Shona Ruth Jenkins

Signed 

Claimant's solicitor

Position or office held Solicitor

(If signing on behalf of firm or company)

Date

1	3	0	7	2	0	2	0
---	---	---	---	---	---	---	---

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 16th Defendant Nick Grant aka "Potts

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (..... time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (..... time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (..... time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

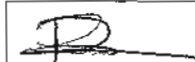
☐ place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2018-000098
Name of Claimant The Secretary of State for Transport and another	
Name of Defendant Stuart Ackroyd (17) and various others	

On what day did you serve? 01/07/2020

The date of service is 01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 17th Defendant Stuart Ackroyd

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (..... time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (..... time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (..... time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date 03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

02/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 17th Defendant Stuart Ackroyd

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☒ (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited in the Save Crackley Woods Protester Camp at 5.00pm on Wednesday 1 July 2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Save Crackley Woods Protester Camp, Cryfield Grange Road, Kenilworth, Warwickshire CV8 2JU

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☐ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☒ other (please specify)

associated address

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant Persons Unknown & Ors	

On what day did you serve?

3	0	/	0	6	/	2	0	2	0
---	---	---	---	---	---	---	---	---	---

The date of service is

3	0	/	0	6	/	2	0	2	0
---	---	---	---	---	---	---	---	---	---

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?

(If appropriate include their position e.g. partner, director).

D18 - Wiktoria Zieniuk

How did you serve the documents?

(please tick the appropriate box)

- ☐ by first class post or other service which provides for delivery on the next business day
- ☐ by delivering to or leaving at a permitted place

- ☐ by personally handing it to or leaving it with
 (.....time left, where document is other than a claim form) (please specify)

- ☐ by other means permitted by the court
 (please specify)

- ☐ By Document Exchange

- ☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

- ☒ by other electronic means (email sent at 00:50 on 30 June 2020 to wzien001@gold.ac.uk)

Being the email address confirmed as appropriate means for service by D18

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

D18's email address:

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

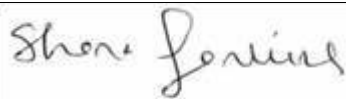
- ☐ usual residence
- ☐ last known residence
- ☐ place of business
- ☐ principal place of business
- ☐ last known place of business
- ☐ last known principal place of business
- ☐ principal office of the partnership
- ☐ principal office of the corporation
- ☐ principal office of the company
- ☐ place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim

☒ other (please specify) email address confirmed as appropriate means for service by D28

I believe that the facts stated in this certificate are true.

Full name SHONA RUTH JENKINS

Signed



Position or office held

SENIOR ASSOCIATE

Claimants' solicitor

(If signing on behalf of firm or company)

Date

1	3	0	7	2	0	2	0
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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant PERSONS UNKNOWN & ORS	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	0	2	/	0	7	/	2	0	2	0

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?

(If appropriate include their position e.g. partner, director).

D19 – Paul Sandison

How did you serve the documents?

(please tick the appropriate box)

- ☒ by first class post or other service which provides for delivery on the next business day
- ☐ by delivering to or leaving at a permitted place

- ☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

[]

- ☐ by other means permitted by the court (please specify)

- ☐ By Document Exchange

- ☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

- ☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

- Being the ☐ claimant's ☒ defendant's
- ☐ solicitor's ☐ litigation friend

- ☐ usual residence
- ☒ last known residence
- ☐ place of business
- ☐ principal place of business
- ☐ last known place of business
- ☐ last known principal place of business
- ☐ principal office of the partnership
- ☐ principal office of the corporation
- ☐ principal office of the company
- ☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- ☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Shona Ruth Jenkins

Signed

Shona Jenkins

Claimant's solicitor

Position or office held

Solicitor

(If signing on behalf of firm or company)

Date

1	3	0	7	2	0	2	0
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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2018-000098
Name of Claimant The Secretary of State for Transport and another	
Name of Defendant Paul Sandison (19) and various others	

On what day did you serve? 01/07/2020

The date of service is 01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 19th Defendant Paul Sandison

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

by personally handing it to or leaving it with

☐ (.....time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/
corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date 03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court High Court of Justice Business & Property Courts Property, Trusts and Probate List (ChD)	Claim No. PT-2018-000098
Name of Claimant (1) The Secretary of State for Transport (2) High Speed Two (HS2) Limited	
Name of Defendant PERSONS UNKNOWN & ORS	

On what day did you serve?	3	0	/	0	6	/	2	0	2	0
The date of service is	0	2	/	0	7	/	2	0	2	0

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Order dated 22 June 2020 and plan thereto

On whom did you serve?

(If appropriate include their position e.g. partner, director).

D20 – Tom Dalton

How did you serve the documents?

(please tick the appropriate box)

☒ by first class post or other service which provides for delivery on the next business day

☐ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

[]

☐ by other means permitted by the court (please specify)

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☐ By Document Exchange

☐ by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....time sent, where document is other than a claim form) (please specify)

--

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

--

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend


- ☐ usual residence
☒ last known residence
☐ place of business
☐ principal place of business
☐ last known place of business
☐ last known principal place of business
☐ principal office of the partnership
☐ principal office of the corporation
☐ principal office of the company
☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
☐ other (please specify)

--

I believe that the facts stated in this certificate are true.

Full name Shona Ruth Jenkins

Signed



Claimant's solicitor

Position or office held

Solicitor

(If signing on behalf of firm or company)

Date

1	3	0	7	2	0	2	0
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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

Name of court In the High Court of Justice	Claim No. PT-2018-000098
Name of Claimant The Secretary of State for Transport and another	
Name of Defendant Tom Dalton (20) and various others	

On what day did you serve? 01/07/2020

The date of service is 01/07/2020

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 20th Defendant Tom Dalton

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (.....) time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (.....) time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the ☐ claimant's ☒ defendant's
☐ solicitor's ☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date 03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Certificate of service

On what day did you serve?

01/07/2020

The date of service is

01/07/2020

Name of court

In the High Court of Justice

Claim No.

PT-2018-000098

Name of Claimant

The Secretary of State for Transport and another

Name of Defendant

Conner Nichols (21) and various others

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

Cover Letter, sealed copy Injunction Order issued on 22/06/20 together with Schedule of named Defendants and A3 size colour copy map extract

On whom did you serve?

(If appropriate include their position e.g. partner, director).

the above named 21st Defendant Conner Nichols

How did you serve the documents?

(please tick the appropriate box)

☐ by first class post or other service which provides for delivery on the next business day

☒ by delivering to or leaving at a permitted place

☐ by personally handing it to or leaving it with (time left, where document is other than a claim form) (please specify)

☒ by other means permitted by the court (please specify)

Deposited on the ground inside the Harvil Road Wildlife Protection Camp at 2.25pm on Wednesday 01/07/2020

☐ by Document Exchange

☐ by fax machine (time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

☐ by other electronic means (time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Harvil Road Wildlife Protection Camp, Harvil Road, Harefield, Uxbridge, Hillingdon UB9

Being the

☐ claimant's

☒ defendant's

☐ solicitor's

☐ litigation friend

☐ usual residence

☒ last known residence

☐ place of business

☐ principal place of business

☐ last known place of business

☐ last known principal place of business

☐ principal office of the partnership

☐ principal office of the corporation

☐ principal office of the company

☐ place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

☐ other (please specify)

I believe that the facts stated in this certificate are true.

Full name Raymond Finch

Signed



(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held

Process Server

(If signing on behalf of firm or company)

Date

03/07/2020

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.