

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

MRS JUSTICE HEATHER WILLIAMS

Between:

(1) HIGH SPEED TWO (HS2) LIMITED

(2) THE SECRETARY OF STATE FOR TRANSPORT

Claimants

-and-

- (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND KNOWN AS LAND AT CASH'S PIT, STAFFORDSHIRE SHOWN COLOURED ORANGE ON PLAN A ANNEXED TO THE ORDER DATED 11 APRIL 2022 ("THE CASH'S PIT LAND")
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND ACQUIRED OR HELD BY THE CLAIMANTS IN CONNECTION WITH THE HIGH SPEED TWO RAILWAY SCHEME SHOWN COLOURED PINK AND GREEN ON THE HS2 LAND PLANS AT <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> ("THE HS2 LAND") WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS
- (4) PERSONS UNKNOWN CUTTING, DAMAGING, MOVING, CLIMBING ON OR OVER, DIGGING BENEATH OR REMOVING ANY ITEMS AFFIXED TO ANY TEMPORARY OR PERMANENT FENCING OR GATES ON OR AT THE PERIMETER OF THE HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS
- (5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE) AND 58 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

Defendants

DRAFT ORDER

EXTENDING THE DURATION OF THE INJUNCTION MADE BY DAVID HOLLAND QC
SEALED ON 18 SEPTEMBER 2020

AND

[IN RESPECT OF THE APPLICATION OF MR BUCHAN (D61) TO PURGE CONTEMPT]

PENAL NOTICE

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

IMPORTANT NOTICE TO THE DEFENDANTS

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

A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

FURTHER TO the Order made in proceedings under claim number PT-2018-000098 by David Holland QC (sitting as a Deputy Judge of the High Court) dated 4 September 2020 and sealed on 18 September 2020 (the “Harvil Road Order”)

AND FURTHER TO the Order made in these proceedings by Mr Justice Julian Knowles dated 28 April 2022 (the “Directions Order”)

AND UPON the Claimants’ application in these proceedings by an Application Notice dated 25 March 2022

AND UPON the Claimants’ application being heard on 26 to 27 May 2022 by Mr Justice Julian Knowles

AND UPON Mr Justice Julian Knowles being taken ill before he was able to hand down judgment

AND UPON the Claimants’ application dated 23 August 2022

AND UPON the Court considering the application dated 23 August 2022 in writing

AND UPON the Court noting that the Harvil Road Order which had previously been granted to the Claimants was to expire in accordance with the long stop date contained within that Order on 4 September 2022

AND UPON the Claimants indicating that they are content to provide to any named Defendants or persons unknown copies of documents filed in these proceedings from time-to-time at an email address provided to the Claimants, and place all such documents online to be publicly accessible

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

IT IS ORDERED THAT:

Continuation of the Harvil Road Order

1. The long stop date of 4 September 2022 at Paragraph 6 of the Harvil Road Order be deleted, and the injunctions at paragraphs 2 to 5 of the Harvil Road Order shall remain in effect until further order or 7 October 2022.
2. For the avoidance of doubt, the Harvil Road Order is appended to this Order and continues in identical form, other than the amendments to the long stop date set out at paragraph 1 above in this Order. Accordingly, the injunction which continues as against the First to Thirty Sixth Defendant in the Harvil Road Order is – for the avoidance of doubt – henceforth as described in paragraphs 3 – 7 of this Order, with additional text in square brackets to aid understanding.

Injunction in force

3. With immediate effect the First Defendant, the Named Defendants [as set out in the header of the Harvil Road Order] and each of them are forbidden, without the consent of the First or Second Claimant, from entering or remaining upon “the Harvil Road Site”, being the land shaded green, blue and pink and outlined red on Plan A [to the Harvil Road Order]. Further:
 - 3.1. 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**”).
 - 3.2. 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.

- 3.3. 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.
4. 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.
5. 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):
 - 5.1. from (or to) the Harvil Road or other public highway; and/or
 - 5.2. from (or to) adjacent land in the vicinity of the HOAC via the Dews Lane West Entrance.
6. For the purposes of paragraph 5, acts of substantial interference shall include (but not necessarily be limited to):
 - 6.1. climbing onto or underneath vehicles;
 - 6.2. attaching persons or objects to vehicles;
 - 6.3. standing, sitting or lying in front of vehicles;
 - 6.4. 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; and
 - 6.5. attaching persons or objects to the gates at the Vehicular Entrances.
7. The injunctions at paragraphs 3 to 6 above shall remain in effect until trial or further order or, if earlier, a long-stop date of 7 October 2022.

Service of this Application

8. Pursuant to CPR r. 6.27, as regards service of this Application, the Court is satisfied that at the date of the certificates of service, good and sufficient service of the Application has been effected on the defendants and each of them pursuant to paragraph 4 of the Directions Order.

Service of this Order and Amended Application Documents

9. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
10. Pursuant to CPR r. 6.27 and paragraph 4 of the Directions Order, the Claimants shall serve this Order by placing it in a prominent location on the following website:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> and by emailing the Order, or a link to the Order where the Order is too large for email, to Counsel for D6 and to any other party who has provided an email address to the Claimants in compliance with the Directions Order.

Documents in the Claim and Application

11. All documents relating to these proceedings and this Order may be downloaded at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>. There is a button on the webpage which allows any person to register to be informed of any updates to that webpage. Any person interested in the proceedings should consider registering for updates.
12. A single hard copy of any document will be sent, so far as practicable, within 7 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out below so long as any requests include a postal address and the full name of the requestor.
13. Service of any document upon the Claimants is only to be effected by email at the address in paragraph 20 below.

Further Directions

14. 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 by emailing HS2Injunction@governmentlegal.gov.uk.

15. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time (unless they are already named as a defendant).
16. The Claimants have liberty to apply to extend or vary this Order or for further directions.
17. The hearing in respect of the Claimant's application dated 23 August 2022 [and the application of Mr Buchan (D61 in the main proceedings) to purge his contempt] to be listed on a date in the week commencing 5 September 2022 reserved to Mr Justice Ritchie.
18. Costs reserved.

Communications with Claimants and the Court

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

Birmingham District Registry
Civil Justice Centre
Priory Courts
33 Bull Street
Birmingham
B4 6DW

E: qb.birmingham@justice.gov.uk
T: 0121 681 4441
F: 01264 785 131
DX: 701987 Birmingham 7

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

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

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

BY THE COURT

Dated:

APPENDIX 1: THE HARVIL ROAD ORDER

