IN THE COURT OF APPEAL (CIVIL DIVISION)   Claim no.: QB-2022-BHM-000044

ON APPEAL FROM THE HIGH COURT OF JUSTICE (KBD)

BIRMINGHAM DISTRICT REGISTRY

Between

(1) HIGH SPEED TWO (HS2) LIMITED

(2) THE SECRETARY OF STATE FOR TRANSPORT   **Claimants/**

Respondents

and

(6) MR JAMES KNAGGS   **Defendant/**

Appellant

(1-4) FOUR CATEGORIES OF PERSONS UNKNOWN

(5) MR ROSS MONAGHAN

AND 57 OTHER NAMED DEFENDANTS   **Defendants**

GROUNDS OF APPEAL

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1. The Appellant/Sixth Defendant (D6) applies for permission to appeal on the following grounds:

    i)   The learned judge erred in law in concluding that the Respondents had sufficient interest in the entirety of the land subject to the order capable of supporting injunctive relief founded on claims in trespass and private nuisance .

    ii) The learned judge erred in law in concluding that the Respondents may rely on rights under Article 1 of Protocol 1 ECHR in support of the application for injunctive relief.

iii) The learned judge erred in law in defining the prohibited conducted in the injunction Order:

   a) By reference to a legal cause of action

   b) By reference to vague/imprecise terms such as 'slow walking'

   c) In a disproportionate manner which does not correspond to the definition of persons unknown.

iv) The learned judge erred in law and/or reached a conclusion no reasonable judge could make in finding that the service provisions in the directions order of 28.04.22 and the draft injunction order are sufficient to bring the proceedings to the attention of all those affected.

2. The Court is invited to grant permission to appeal on the basis that an appeal would have a real prospect of success: CPR 52.6(1)(a). Alternatively, the Court is invited to grant permission to appeal on the basis that there is some other compelling reason for the appeal to be heard: CPR 52.6(1)(b). The grounds of appeal all raise issues of important principle or practice which are of wide ranging impact.

Tim Moloney KC, Doughty Street Chambers
Owen Greenhall, Garden Court Chambers
10.10.22