

On behalf of: Applicants/Claimants
J.Dobson
2nd statement of witness
Exhibits: JD7
Date: 28 February 2024

Claim No. QB-2022-BHM-000044

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

Between:

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

Claimants

-and-

- (1) NOT USED**
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER 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 60 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

Defendants

SECOND WITNESS STATEMENT OF JAMES DOBSON

I, **JAMES DOBSON**, Specialist Security Consultant and Advisor to the First Claimant, High Speed Two (HS2) Limited, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA, **WILL SAY** as follows:

1. I am a Specialist Security Consultant and Advisor to the First Claimant. I advise the First Claimant on security matters, particularly matters involving activists. I have c.8 years of experience in advising clients on dealing with large scale evictions of activists and supporting infrastructure and other projects subjected to environmental activism, including the HS2 Scheme.
2. I make this statement in support of the Claimants' application to extend the injunction granted by the Order of Mr Justice Julian Knowles dated 20.09.2022 and extended by the Order of Mr Justice Ritchie dated 31.05.2023 (the "**Injunction**").
3. This statement has been prepared with the Claimants' legal representatives.
4. This statement is made from matters that are within my own knowledge and/or (unless other sources of information are stated) knowledge gained from my review of the First Claimant's documents, incident reports logged on the First Claimant's HORACE and Trak Tik systems, reports by the First Claimant's security and legal teams and those of the First Claimant's contractors and material obtained and reviewed from open-source internet and social media platforms. In each case I believe them to be true. The contents of this statement are true to the best of my knowledge and belief. The HORACE and Trak Tik systems are online incident reporting systems used by the First Claimant to record details of health, safety, security, environmental and reputational incidents which occur as a result of, or in connection with the work of the First Claimant. However, because they are both online systems and contain information filled in by specialist security professionals, they are not resources which can be easily printed out or otherwise presented in a way that is easily understandable by a lay person. The accounts of the incidents set out below are therefore derived from those systems (and the other sources set out above) but explained in ordinary English.
5. There are now shown and produced to me marked **JD7** true copies of documents to which I shall refer in this statement and which can be found at <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>. Page numbers without qualification refer to that exhibit.

6. In preparing this statement I have read the following witness statements filed previously in these proceedings:
- (a) Witness Statement of Richard Jordan (“**Jordan 1**”)
 - (b) The first to twelfth witness statements of Julie Dilcock (“**Dilcock 1**” to “**Dilcock 12**”)
 - (c) The first Witness Statement of John Groves (“**Groves 1**”)
- I have also reviewed the Second Witness Statement of John Groves (“**Groves 2**”) and the Thirteenth Witness Statement of Julie Dilcock (“**Dilcock 13**”) in draft.

Defined terms used in this statement are the same as those defined in the Particulars of Claim, the above listed statements, and my first witness statement (“**Dobson 1**”) unless separately defined in this statement.

Purpose and scope of this statement

7. In this statement I will:
- 7.1. Explain how the Claimants have reached the decision to remove some of the Defendants to these proceedings and to add new Defendants.
 - 7.2. Describe the effect of the Injunction on unlawful activity directed against the HS2 Scheme.
 - 7.3. Describe specific incidents of unlawful activity against the HS2 Scheme by activists from 17.03.2023 (being the end point for the narrative provided in Dobson 1) until 06.02.2024.
 - 7.4. Explain the continued risk of unlawful activity against the HS2 Scheme by activists and the need for extension of the Injunction.
8. As indicated, I have described unlawful activity against the HS2 Scheme by activists up to 06.02.2024. 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 continue to be incidents and developments.

Defendants to these proceedings

9. The rationale for who the Claimants originally named as Defendants to the proceedings was set out in Dilcock 1 (paragraphs 42 to 43). Several individuals were removed as named Defendants in the Injunction by agreement with the Claimants. The numbers originally used for those removed Defendants are now shown as “not used”. Those individuals remain bound by the terms of the Injunction that apply to persons unknown. As explained in Dilcock 11, further individuals were added as named Defendants to these proceedings as part of the Cash’s Pit Contempt proceedings.
10. Further Defendants were removed from the proceedings during the review of the Injunction in 2023 and for the reasons explained in Dobson 1.
11. The Claimants continue to take seriously their obligation to review whether individuals ought to remain named as Defendants to these proceedings and whether any further individuals ought to be added as named Defendants.
12. The Claimants propose removing the following individuals as named Defendants to these proceedings for the reasons set out in the table below. Those removed will remain bound by any further Injunction made by the court in these proceedings against persons unknown.

Defendant Number	Name	Reason for removal
5	Mr Ross Monaghan (aka Squirrel / Ash Tree)	No evidence of continued involvement in unlawful direct action
6	Mr James Taylor (aka Jimmy Knaggs /	No evidence of continued involvement in unlawful direct action. Comments made on

Defendant Number	Name	Reason for removal
	James Knaggs / Run Away Jim)	social media evidencing lack of continued intention to disrupt the HS2 Scheme (page 3).
7	Ms Leah Oldfield	No evidence of continued involvement in unlawful direct action or continued intention to disrupt the HS2 Scheme.
22	Mr Tristan Dixon (aka Tristan Dyson)	No evidence of continued involvement in unlawful direct action as currently imprisoned. Sentenced to 23 months imprisonment for conspiracy to damage property on 26.06.2023 following involvement in pro-Palestine direct action.
27	Mr Lachlan Sandford (aka Laser / Lazer)	Convicted of aggravated trespass on 01.08.2023 for his part in the occupation in 2021 of the tunnels dug beneath land required for the HS2 Scheme at Euston Square Gardens. Sentenced to 2 months in custody suspended for 12 months. He is no longer actively engaged in direct action against the HS2 Scheme.
28	Mr Scott Breen (aka Scotty / Digger Down)	Convicted of aggravated trespass on 01.08.2023 for his part in the occupation in 2021 of the tunnels dug beneath land required for the HS2 Scheme at Euston Square Gardens. Sentenced to 3 months in custody suspended for 12 months. He is no longer actively engaged in direct action against the HS2 Scheme.
33	Mr Elliott Cuciurean (aka Jellytot)	Committed to prison for 268 days following a finding of contempt for breach of the injunction dated 11.04.2022 imposed in these proceedings and released in February 2023. Since his

Defendant Number	Name	Reason for removal
		release he has not engaged in direct action against the HS2 Scheme.
36	Mr Mark Keir	No evidence of continued involvement in unlawful direct action or continued intention to disrupt the HS2 Scheme.
39	Mr Iain Oliver (aka Pirate)	No evidence of continued involvement in unlawful direct action or continued intention to disrupt the HS2 Scheme.
48	Mr Connor Nichols	No evidence of continued involvement in unlawful direct action or continued intention to disrupt the HS2 Scheme.
57	Ms Samantha Smithson (aka Swan / Swan Lake)	No evidence of continued intention to disrupt the HS2 Scheme.
58	Ms Jack Charles Oliver	No evidence of continued involvement in unlawful direct action or continued intention to disrupt the HS2 Scheme.
59	Ms Charlie Inskip	No evidence of continued involvement in unlawful direct action or continued intention to disrupt the HS2 Scheme.

13. It remains open to these individuals to object to the Claimants' proposal to remove them as named Defendants, in which case the Claimants will agree to them remaining as named Defendants.

14. The remaining named Defendants are all considered to still present a threat of unlawful action against the HS2 Scheme. They have continued to participate in anti-HS2 activity, or to issue threats against the HS2 Scheme or to participate in unlawful direction action against other targets. In the latter cases, it is clear that these individuals are still prepared to engage in unlawful behaviour, and it is considered that were it not for the Injunction, they would engage in that

behaviour targeting the HS2 Scheme, given their previous conduct. Further information around this is set out in the following paragraphs.

- 14.1. D16 - Ms Karen Wildin. D16 has been actively engaged in direct action campaigning against the HS2 Scheme for a number of years. More recently she has been involved in direct action campaigning with Palestine Action and Just Stop Oil (“JSO”) (see **pages 4 to 13** by way of example) and has continued to make her position on unlawful direct action unequivocally clear. For example, in a post on Facebook on 23.09.2023, she stated (quoting encouragement to break the law issued by campaigner Chris Packham in a documentary that aired on Channel 4 on 20.09.2023) (**page 13**):

“What did a well know environmentalist say ?

‘Is it time to break the law ?’

Who is gaining what from being law abiding and putting up with climate and ecological collapse , the cost of living crisis etc etc ...??? Public money in its Billions wasted on a so called green HS2 , £2.4million a day subsidising DRAX to cut down the worlds trees for so called green energy... and in Leicestershire more road expansion with the Expressway.

Bankruptcy across public authorities nationwide...

We don’t like disruption ?

Do we prefer total climate and societal collapse ?

Short term disruption to prevent long term total climate , ecological and societal breakdown. Rise up !!

Take direct action

First they came for (a, b, c...)

Then they came for me’

(Martin Niemoller)

Community and solidarity over Individualism and self interest

Join the resistance !

Try juststopoil.org

Try your union

Take action !!”

In September 2023 she visited HS2 Scheme sites at Lea Marston, Water Orton and Fradley, subsequently posting a number of videos and images to her personal Facebook page and the Stop HS2 and Stop HS2 Staffordshire Facebook pages (further details are set out in the table at paragraph 19 below). The visits are believed to have been for reconnaissance purposes. Upon her initial social media post on 14.09.2023, D16 commented as follows (**page 14**):

“As a people us Brits are too obedient. People will not protest with their feet on the ground. This nightmare along with the Cost of Living Crisis and Climate and Ecological Breakdown is the responsibility of the masses as well as the responsibility of corrupt politicians and business and media tycoon”

Commenting on images she had taken and posted of the HS2 Scheme sites in Fradley on 15.09.2023 she said (**page 18**):

“Jan Don Elson this is what is odd.... when you witness how much is in place already around Water Orton and Coleshill. Maybe a few protests would help ensure it doesn't go ahead ..”

The Claimants consider that she remains a threat and should remain as a named Defendant.

- 14.2. D17 – Mr Andrew McMaster (aka Drew Robson). As described in Dobson 1, D17 was a resident at the unauthorised encampment on the Cash's Pit Land and instrumental in leading a series of direct actions targeting the HS2 Scheme from that encampment. He then relocated and founded the encampment at Closepit Plantation. D17 is a multi-cause activist and has been involved in direct action activism against the HS2 Scheme for a number of years. He has also been involved in direct action activism with the group Palestine Action (to which he returned following the imposition of the Injunction) and participated in the Kier Ends Here direct action against one of the First Claimant's contractors that is constructing a prison at HMP Full Sutton in January 2023. D17 has been actively engaged in direct action activism with the group Palestine Action since the last hearing and was arrested and is being prosecuted for aggravated trespass in one such action in November 2023 (**pages 19 to 21**).

D17 has continued to advocate for unlawful direct action against the HS2 Scheme. For example, on 02.10.2023 he posted the following to his personal

Facebook page, the Stop HS2 Facebook group and a number of other Facebook groups (**page 22**):

“HS2 NORTH CANCELLED!!!

Mixed feelings BUT mostly happy!

Sad because of the damage that HS2 has already done, but happy that it appears they are pulling out of anything North after Birmingham.

Stop HS2 (was and still is) a massive part of my life, that I will remember with great fondness.

Trying to protect ancient woodland's, waking up to the sound of felling and then hearing 100+ year old trees hitting the floor while the wildlife living in the area fled with horror.

I watched my friends (locals and StopHS2 activists) get beaten, injuncted, arrested, robbed, kidnapped and imprisoned..to me, you are all heroes!

The tunnelers below the woodland, the tree occupiers, the lock-on-ists ALL of YOU should be proud!

So many memories and so many friends who mostly I now consider as family.

Let's take a minute to think about all the people that have lost their homes, businesses, green spaces and memories. Let's think about all those ecosystems that have been obliterated and replaced with a pointless vanity project!

HS2 fuck you.

Carl Harrison and HS2... Drew AKA Arnie or D17 is smiling right at you...and yes, I'll still be back 😊

Comrades I love you all!

Also, big shout out in solidarity with #stopthetink who came to our aid when the shit hit the fan and we were sieged in by the bailiffs!

#StopHS2

Credit to the photographers that took shit of bailiffs, carrots and HS2'S private security dogs.

Your help and determination to highlight our cause is priceless.

Thank you to Mo, Martin and Debbie for your efforts 📷📸📱📹🗣️.

The fight continues.”

The Claimants consider that he remains a threat and should remain as a named Defendant.

- 14.3. D20 – Mr George Keeler (aka C Russ T Chav / Flem). D20 has been engaged in direct action campaigning against the HS2 Scheme and with Palestine Action since 2021. D20 was one of the activists present in the tunnels at the HS2 Land at Small Dean (see Jordan 1). On 31.01.2023 he was pictured on top of a tripod during the Kier Ends Here direct action campaign outside of HMP Full Sutton (see Dobson 1). D20 is part of a small group of anarchic multi-cause activists who were formerly resident within and occupied tunnels under an unauthorised encampment on HS2 Land at Small Dean in Wendover (see Jordan 1). D20 and D63 (as to which see further below) were prosecuted in connection with the tunnel occupation and on 24.5.2023 amended their pleas to guilty to obstructing or disrupting a person engaged in lawful activity part way through trial and were given a 12 month conditional discharge. D20 has been actively engaged in direct action activism with the group Palestine Action since the last hearing and was arrested for assault of an emergency worker and aggravated trespass alongside D17 in one such action in November 2023 (**pages 19 to 21**). D20 therefore remains actively engaged in direct action campaigning and there remains a risk that he will return to engaging in such activity against the HS2 Scheme. The Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.
- 14.4. D63 - Mr Dino Misina (aka Hedge Hog). This individual also uses the pseudonyms “Sascha James”, “Sasha James”, “Sascha the Hedgehog” and “Log”. D63 was an occupant of the tunnels under HS2 Land at Small Dean in Wendover and he was a resident at Closepit Plantation in May 2022. On 31.01.2023 D63 was pictured on top of a tripod during the Kier Ends Here direct action campaign outside of HMP Full Sutton (see Dobson 1). D63 was prosecuted alongside D20 in connection with the tunnel occupation at Small Dean (see above). He continues to be part of a small group of anarchic multi-cause activists opposed to the HS2 Scheme and the Claimants therefore consider it appropriate that he remains a named Defendant to these proceedings.

- 14.5. D64 - Mr Stefan Wright (aka Albert Urtubia). D64 was found in contempt on 27.07.2022 in his absence for breaching the Cotter Order by occupying tunnels under the Cash's Pit Land for 46 days. D64 was committed to prison for 336 days and a warrant issued for his arrest. His current location remains unknown and he has yet to serve his sentence. The Claimants consider it appropriate that he remains a named Defendant to these proceedings.
15. The Claimants are also seeking to add one individual as a named Defendant to the proceedings: Curtis Arnold (aka Daniel J Edwards; Curtis Media; DJE Media; DJE PINAC) as D69 ("D69"). As set out later in this statement, this individual has engaged in unlawful action disrupting and stopping works on the HS2 Scheme, causing loss and damage to the Claimants and which may not be currently prohibited by the Injunction.

Incidents and events since 17.03.2023

16. Since 17.03.2023 (when the narrative of incidents in Dobson 1 concluded), there have been no major direct action activist events or incidents targeting the HS2 Scheme that have resulted in delay of works by more than around an hour. Most of the remaining named Defendants have continued to campaign against other causes and have not undertaken action against the HS2 Scheme. There is direct evidence from activists that the reason the disruption to the HS2 Scheme has ceased is the deterrent effect of the Injunction, for example, one former occupant of the anti-HS2 encampments posted the following on social media (**page 23**):

"When I took this foto ov #HS2(sic) Curzon Street, The carrot Security shit himself and nearly had a heart attack, when he saw me.



I said "Don't worry mate, I'm not gonna do any activism on you today, the damage haz already been done. Am just taking fotos".

We laughed, and laughed and I god blessed him and wished him a good day.

Fuck am I going against that HS2 super injunction. Not one person cares from #StopHS2. Their words about wellbeing are bullshit"

17. Where incidents have occurred, they have been isolated, lacked support and been short lived. For example, when appeals for support to prevent de-vegetation in Calvert were made on social media (as described in the incident table below) and 2 children entered the worksite, not a single activist came to support them. Typically, when individuals have been informed about the Injunction, they have ceased their action, as seen at the Unite action at Old Oak Common and a lone local demonstrator at Washwood Heath (both incidents are described in the table below). There have been a small number of incidences of property damage and vandalism, as individuals have sought to harm the HS2 Scheme, but these have remained isolated.
18. The HS2 Scheme continues to see minor incidences of random trespass to land, but these have not impacted upon works, and individuals have been simply escorted from the worksite. However, following increasing media attention upon property acquired by the Second Claimant for the purposes of the HS2 Scheme, particularly in Phase 2a, the HS2 Scheme is increasingly seeing incidences of unlawful occupation of property by urban explorers and individuals and groups with affiliation to environmental activism or anti-HS2 groups. It is anticipated this “interest” will continue and the Injunction remains an important deterrent to escalation of this type of action.
19. I have set out brief details of the more significant incidents that have occurred since 17.03.2023 in the table below:

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
21.03.2023	Breaking and entering, damage to property and trespass	3 Urban explorers entered a hotel owned by the Second Claimant on Gilson Road in Coleshill streaming live to the “Mr Airborne” Facebook account (screenshots at pages 23 to 24).	Grimstock Hotel, Gilson Road Coleshill, Birmingham	Forced access to building causing damage and resulting in deployment of mobile security.

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
				Site has subsequently required additional security at cost to the Claimants.
31.03.2023	Trespass, theft and damage to property and perimeter fencing	<p>At around 08:00 hrs the First Claimant was informed that a number of persons unknown with around 10 caravans and associated vehicles forced access to land owned by the Second Claimant.</p> <p>A security team was deployed to the site and the trespassers were asked to leave and informed that security would be positioned just outside the car park they had occupied. Security also deployed to prevent further entry to the buildings on the site.</p> <p>A stand-off ensued, which lasted the whole day until the trespassers finally left around 18:00hrs (photographs at pages 25 to 26).</p>	Saltley Business Park, Birmingham	<p>Significant mobilisation of security officers (36 at the height of the incident).</p> <p>Damage to the perimeter fence and buildings on the site.</p> <p>Theft of copper pipe.</p>
10.05.2023 07.06.2023 12.06.2023 20.06.2023	Trespass, assault and damage to property	A property belonging to the Second Claimant was unlawfully occupied by a group called the “Universal	Whitmore Heath	Extensive and costly enforcement and

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
	perimeter fence and gates.	<p>Law Community Trust”, whose members identified as “Emovens”.</p> <p>The group threatened County Court bailiffs attempting to repossess the property with a wooden staff and threw rocks.</p> <p>On 07.06.2023 the property was repossessed under a High Court writ.</p> <p>On 12.06.2023 2 persons unknown believed to be from the same group returned to the property and threatened and threw a brick at security officers.</p> <p>On 20.06.2023 a person unknown believed to be from the same group threw a rock at the windows of the property.</p> <p>On 05.09.2023 2 persons were arrested after cutting the chain from the gates of the property and entering the grounds in a vehicle with a false VRN.</p> <p>These incidents are covered in more detail at paragraphs 21 to 35 below.</p>		subsequent security operation to protect property from further trespass. Damage to property and perimeter fence and gates.
28.05.2023	Assault, trespass and disruption to works	A local male, who had previously trespassed upon the site and assaulted security officers in November 21 and May 22, (see Dobson 1) entered a road closure area and proceeded to assault	Old Oak Common Road, London	Works were prevented for a period of around 30 minutes.

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
		<p>security officers who had tried to prevent him walking into the working area, shoving, punching and headbutting the security officers and using abusive homophobic language. The Police were called and attended (stills from video footage of the incident at pages 27 to 28).</p>		
01.07.2023	Trespass and damage to property	<p>Upon their return to work after the weekend, staff found wiring and piping had been vandalised on the site. Safety rails and mirrors on plant machinery had been damaged making them inoperable. The words: “HS2” and “slut” had been crudely sprayed on plant machinery. (photographs at pages 29 to 36).</p>	Westbury Viaduct, Nr Brackley	Delay of half a day to ground works and damage to plant and equipment.
08.08.2023	Trespass	<p>3 children entered the works area where de-vegetation was being undertaken and started setting up a small campsite. The children’s parents were spoken to by site security and the children left the site. Appeals to activists to get involved were made on the StopHS2 Facebook page (pages 37 to 38).</p>	Calvert, Buckinghamshire	Delay to de-vegetation works.
13.08.2023	Trespass	2 persons unknown were	Halse Copse,	Plant had to

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
		recorded on CCTV entering a plant storage area on HS2 Land by lifting up the fencing and crawling beneath. They proceeded to interfere with plant machinery but no damage or theft occurred (CCTV stills at pages 39 to 41).	South of Greatworth, Oxfordshire	be checked for issues relating to tampering before use to ensure that no safety issues had been caused by the trespassers.
15.08.2023	Trespass	A male was found naked within an HS2 worksite by the mobile security patrol. He explained he had been naked rambling. The male was escorted from the worksite (photograph – after he had dressed - at page 42).	Turweston Cutting nr Brackley	Mobile security patrol deployed at cost to the Claimants.
25.08.2023	Obstruction of access	A local resident blocked access to the site refusing to allow vehicles to access or egress from the site. The individual was informed of the Injunction and given a copy. Shortly afterwards, he left the gate (photograph at page 43).	Washwood Heath, Birmingham	Obstruction of access to site.
12.09.2023	Trespass	D16 and a person unknown travelled to several of the First Claimant’s sites, entering onto HS2 Land to take photographs which were subsequently posted on social media (pages 44 to 45).	Rugby Rd, Hunningham; Fosse Way, Long Itchington; Stoneleigh, Warwickshire; and Balsall	None, but believed to have been a “recce” related to the planning of potential future action.

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
			Common, Warwickshire	
13.09.2023	Trespass	D16 entered onto HS2 Land at the entrance to the HS2 sites at Lea Marsden and Water Orton. No disruption was caused (see pages 45 to 48).	Water Orton and Lea Marston, Warwickshire	None, but believed to have been a “recce” related to the planning of potential future action.
14.09.2023	Trespass	D16 and a person unknown visited sites in and around Fradley and Wood End Lane (pages 49 to 53).	Fradley and Wood End Lane, Staffordshire	None, but believed to have been a “recce” related to the planning of potential future action.
02.10.2023	Trespass and damage to property	Upon arrival at the site on Monday morning staff discovered that fire extinguishers had been discharged and foam was strewn across the site (photographs at pages 54 to 55).	Addison Road, Calvert	Replacement fire extinguishers required. Approx 1 hr of site clean-up.
08.10.2023	Trespass	A group of Urban Explorers called “Urban Exploration Brothers UK” entered a property owned by the Second Claimant and posted images online (pages 56 to 57).	Drayton Lane, Tamworth	Property required checking and re-securing.
15.10.2023	Trespass	A group of urban explorers trespassed upon several properties owned by the Second Claimant and took photos and posted online.	Whitmore Heath, Whitmore	Mobile security teams deployed to check on all

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
		<p>The posts, including 53 photos, were shared to 5 urban exploring groups, which may encourage others to trespass on the Claimants' property. The group who made the original post, Peaky Explorers, has 10,000 followers (screenshots at pages 58 to 59).</p>		properties.
26.10.2023	Trespass and damage to property and endangering contractors	<p>At 22:55 11 fireworks were fired toward the security officers within the cabin on HS2 Land at the Leather Lane crossing point near Great Missenden. The fireworks appear to be launched from HS2 Land. The incident was recorded on CCTV, stills from which are at pages 60 to 64.</p>	Leather Lane Great Missenden	Additional mobile security patrols deployed and in consequence not available for mobile patrolling.
02.11.2023	Obstruction of access	<p>At 10:30 5 members of Unite the Union carrying flags, banners and a megaphone attended the front gate of the HS2 site at Old Oak Common Road. The group proceeded to block vehicular access to the site. Onsite security informed them of the Injunction and a member of the group took a photo of the Injunction. At 10:34 an Aggregate Industries vehicle was unable to access the site due to obstruction of the entrance</p>	Old Oak Common Road, London	Obstruction of access to site.

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
		by the group. At 10:47 the group departed saying they would be back at various times of the day. The group have not returned to this site (photographs at pages 65 to 67).		
14.11.2023	Trespass	A farm property owned by the Second Claimant was entered by urban explorers and photographs posted on social media (page 68).	Swynnerton Staffordshire	Property required checking and re-securing.
22.11.2023	Obstruction of access	A group of 13 activists from Unite the Union blocked the access road to an HS2 Scheme logistics hub site (Facebook post at pages 69 to 70).	Channel Gate Road, Nr Old Oak Common site, London	Obstruction of access to site.
26.12.2023 to 10.01.2024	Trespass and disruption to works	D69 has flown a drone over multiple HS2 sites resulting in disruption to works in some locations. These incidents are described in more detail at paragraphs 41 to 62 below.	Multiple (see paragraph 48 below)	Delay to works.
29.12.2023	Property damage	A solar powered CCTV camera was discovered vandalised with the solar panel found broken (photograph at page 71).	A418 Oxford Road, Aylesbury	Solar panel replacement taking half a day and cost exceeding £2,000.
22.01.2024	Trespass	Urban Explorers from a group calling themselves “Night Terror TV” entered onto the HS2 site at Birmingham Interchange.	Birmingham Interchange Station site	Disruption whilst trespassers were removed

Date	Incident Type	Incident Summary	Location	Delay, disruption, damage or loss
		They were subsequently escorted from site by site staff (screenshot at page 72).		from site.
23.01.2024	Trespass	Property owned by the Second Claimant trespassed upon by Urban Explorers under the handle “Dark Explores” (screenshots at pages 73 to 74).	Drayton Lane, Tamworth	Property required checking and re-securing.
06.02.2024	Trespass, obstruction of access and assault	Social Media Auditor calling himself “DJ Audits” conducted drone flight over HS2 site at 13:05. Then at approximately 13:40 entered the site entrance, antagonized security officers and when asked to leave struck a security guard 5 times before leaving the area on a bicycle (stills from security footage at pages 75 to 77).	Victoria Road, London	Assault of security guard. Access temporarily blocked whilst individual was in site entrance.

20. In addition to the summaries in the table above, I have provided some further detail about some of the incidents in the section below.

Whitmore Heath violent trespass

21. In late 2022 (and initially unbeknown to the Claimants) a group calling themselves Universal Law Community Trust (“ULCT”) took occupation without consent of a property owned by the Second Claimant in Whitmore Heath on Phase 2a of the HS2 Scheme. ULCT is a group with members across the world with an ideology based on the “Freemen of the Land” or “Sovereign Citizen”

ideologies. The group does not recognise UK law and promotes its own interpretation of the law. They offer to “buy” debt from debtors, claiming to take on the burden in exchange for “kindness tokens” or “credits” (under which debtors perform services for the group) and a tribute type system of an annual payment of a percentage of the debt allegedly “bought”. Members of the group become self-styled Minister “Emovens” and renounce their given name (or as ULCT term it “slave name”) in favour of the title: “Emoven” followed by a number. Screenshots from the ULCT website are at **pages 78 to 79** and the group are active on social media with 13,000 followers on Facebook (screenshot at **page 80**). Posts and documents written by the group are difficult to read as they use a language that they call legalese or “quantum grammar”. They write in this style frequently to deliver incantations to followers of the group.

22. The group has links to environmental activism and members of the group occupying the Whitmore Heath property made a number of anti-HS2 posts on social media and engaged with anti-HS2 groups on Facebook following their occupation of the property for example (**pages 81 to 84**):
 - 22.1. On 11.03.2023 a group member commented on another post on the Stop HS2 Staffordshire page: *“I’ve submitted a TR1 at the land registry transferring ownership of a HS2 property to myself using ULCT’s SPC over Her Majesty’s Government. HS2 then have no rights to touch it. I suggest everyone does the same and we stop this ridiculous money laundering scheme destroying our countryside”*
 - 22.2. On 16.05.2023 a group member shared a post by HS2 Rebellion on Facebook with the comment *“where are the “protectors” of this rock of light..... are we all psyopsed by the state”*.
 - 22.3. On the Stop HS2 Facebook Page on 17.05.2023, a group member posted: *“A property on the pathway of HS2 has been acquired by the universal law community trust and its garden is stunning full of trees around 400 years old ,the deer graze locally and come to the garden daily along with the rabbits , badgers and other animals it’s a haven ,they wanted to spoil this. Well NO we have taken*

it back” then by the same group member on the Stop HS2 Staffordshire page on 17.05.2023: “I can't believe what they are doing 🤔 this beautiful ancient wood land and garden they are trying to destroy. i have shared a Few posts into this group for you”

23. On 10.05.2023 when a County Court Bailiff, supported by specialist security officers from the First Claimant, attempted to take possession of the property they were met with threats and violence from a group including a person who identifies as “Emoven 128” and also uses the social media name “Sukh Bir”. The group threw rocks at the bailiff and security team and one person was wielding a large wooden staff which was nearly six feet long. An image taken during this encounter is at **page 85**. Research on social media later showed that the group had called out for support ahead of the eviction (of which they had received prior notice from the court), including posts referring to a “BBQ the bailiff” party (**pages 86 to 87**) and a post that said:

“best bring your biggest bailiffs for the smallest warrior ever... we have the cable ties and onion saks at the ready and some nice sage for stuffing the beasts with.. email kindnesscredits@protonmail.com and book yourself a ring side seat”.

24. Due to the violence and threats encountered, the County Court bailiffs aborted the eviction attempt and withdrew, fearing for their safety. The throwing of stones was directly referred to by a group member in a Facebook post (**page 88**) on 11.05.2023:

“ve done a securitisation of asset that was going to be used in the same way a rapid test carved through the membrane of our brains the HS2 drills are carving through earths membrane layer and leaving us all unsubstantiated .. where are the HS2 protectors for this massive ancient sacred land and trees to help the refugees from the Uks reign to protect .. we have stopped them for now and its time to play your part .. share this post with every protector group and conversation group you are a member of .. we have our Ministry of Remedy Ellas stoke now open for our ministerial duties to be ministered from so take your debt slave religious belief and smash it like the High court enforcement group terrorists did with the rocks yesterday in their heads as they exemplified the unlawfulness and impotence that is man made presumption when it is pounded

against universal law. So let us know what time you would like to visit with an email and we will be performing sacred rites and ceremonies to protect and preserve our membranes aka trees ... see you all soon”

25. The Second Claimant then applied to the High Court for a writ of possession, which was granted on 06.06.2023. In the interim, the group continued to post on social media in increasingly disturbing terms. For example, at around 06:00 hrs on 25.05.2023, a member of the group using the social media handle “Seneferu Sando Brightstar” posted a video of the property to his Facebook page (**page 89**) in which he claimed that he was standing guard against any morning raids on the property. In the video he said:

“Minister Emoven here again, on the night shift its about four thirty four and we’re watching the grounds on this property which has been restored to the people. Under Universal Community Trust Law, errrm these are the grounds (inaudible) we’re here guarding this place for the people. Errm and as you can see this property is probably valued about one point four, one point five million. When we were able to fight of bailiffs, ten county court judges and various law enforcement and corrupt mobsters and they have withdrawn. Also I am walking down to the front gate now to do my first inspection of the morning only because we don’t want no early morning raids and we’re not gonna be caught off our guard. So here we are and this is the gate and err so far so good, so far so good. Camera pans around, and these are the grounds, this is just as a record. The battle is not over, we expect them to come back, but we are fortified with universal knowledge of their law and the laws that they are breaking. Because, all that is law, is not necessarily lawful so this resist will be made here today or this morning. Minister Emoven signing out.”

26. On 06.06.2023 another group account known as “Emoven Kanenas” outlined in a post on Facebook (**page 90**) that the gates to the property had now been electrified:

“Visitors to Ministry please note the gate is an electrified one as of today ..do not attempt to touch the gate or the posts as there is a risk of death due to high voltage caused by the rewiring of the damage caused by the High court bailiff

terrorists while invading childrens peace ful play time on the 10th (May at ST5 5TB ..reasonable force includes tasers apparently according to PACE”

27. These posts and the presence at the property of ad hoc weapons and an apparent willingness to use them caused significant concern to the Claimant’s security team planning the execution of the writ, an operation which involved a large number of enforcement officers supporting the High Court Enforcement Officer and Police attendance.

28. The enforcement was carried out on 07.06.2023 and I was in attendance. Upon arrival, the gates were found not to be electrified, but signs had been erected by the group claiming that the property had been taken into the possession of Big Blue Asset Management and that any person wishing to enter should call Emoven 010 (photographs at **pages 91 to 92**). Just inside the gates to the left within a tree was a raised viewing platform accessed by a step ladder. Upon entering the property, two male individuals were found on the ground floor and a male and a female on the first floor. The female was extremely animated and agitated, calling enforcement officers “mallakas” (“wankers” in Greek). She seemed intoxicated and incoherent and repeatedly stated that the enforcement was unlawful. The property was largely empty of possessions except for limited possessions of the group living there. Ashtrays were on almost every surface and the fire in the main reception room was still warm. The fire had been fuelled by green wood which it appeared was being cut from the trees lining the driveway of the property on an as-needed basis.

29. Outside the main property was a garage and annex block. In the main garage were tree branches which had been cut and were being logged into firewood. In another section of the garage a clear plastic Tupperware type container was found and I was present as this container was later indicated by a drug detection dog as potentially containing drugs. The contents of this container were passed to the Police. Bags of what appeared to be cannabis were also found and passed to the Police (photograph at **page 93**).

30. The two males from the ground floor left the property in a gold Toyota Yaris approximately 45 minutes after the start of the enforcement operation. This vehicle was later stopped by Police approximately 200m from the property, and impounded, with one person taken into custody (photograph at **page 94**). The remaining male left the property in a Silver Honda CRV. The female was walked out of the property and to the end of the drive after refusing to recognise the authority of the enforcement officers. Once removed from the property the female joined the male who had been stopped by Police in the gold Toyota. I was informed by security at the gate that the female finally left the area approximately one hour later in a taxi.
31. Intelligence gathered on the group suggested that there was a high likelihood that they would try to regain entry to the property following eviction and accordingly a security presence was maintained. On the morning of 09.06.2023 at around 06:30hrs I received footage from the security officers taken at around 04:35hrs of 4 persons walking past the property. Stills from this footage are at **pages 95 to 97**. Within this footage I was able to identify the individual using the handle “Emoven 128” and the two males who were present on the ground floor of the property on 07.06.2023. I was unable to properly identify the fourth male in the footage as he had obscured his face in this video. The footage demonstrated that the individuals who had been occupying the property remained in the area and continued to take an interest in the property, further confirming the risk of re-occupation.
32. On 12.06.2023 at around 23:15hrs security officers at the gate of the property were approached by 2 males on a moped dressed in black, wearing balaclavas. A brick was thrown at the security officers and one of the males is reported to have shouted, “*you’re gonna get it later*”. The moped is then reported to have proceeded on to Common Lane and then the A53.
33. On 20.06.2023 at around 00:50hrs, a brick was thrown through the rear patio door window of the property smashing the glass whilst the security officers were inside (photographs at **pages 98 to 99**). Due to the darkness, the officers were

unable to identify the culprit. The incident was reported to the Police who later attended.

34. On 20.09.2023 at 22:56hrs 2 members of the ULCT group cut through the lock on the gate of the property and entered the grounds in a blue Saab with a false VRN. Security officers escorted the trespassers from the site. Police attended and then subsequently arrested the 2 persons for going equipped to commit burglary and criminal damage after they refused to provide their identities to the Police officers. Their vehicle was seized by Police. At 23:56 a second vehicle was identified by CCTV with 2 passengers and another trespasser was identified on CCTV wearing a balaclava, light hoodie and shorts. In total 5 persons had tried to access the property.
35. The Claimants believe that members of the group remain in the area of the property and that the property and others owned by the Second Claimant remain under threat of trespass by the group.

Urban Explorers

36. “Urban exploring” is a pastime where individuals seek to explore urban sites, derelict structures, buildings, or industrial sites to which they would not ordinarily have access. Urban explorers will often look to expose security weaknesses and force access to sites and seek to deliberately place themselves in perilous situations, recording their escapades and subsequently sharing them on social media, which may, in turn, generate an income.
37. Due to the Claimants’ considerable property holding and the prominent media profile of the HS2 Scheme, land and property owned by the Claimants in connection with the HS2 Scheme is becoming an increasingly attractive target for many groups of urban explorers. Urban explorers tend to try and retain their anonymity, often operating under pseudonyms. One such individual who calls himself “Mr Airborne” has entered HS2 land and properties on approximately 12 occasions. The First Claimant became aware of this individual following his trespass on 21.03.2023 at a hotel on Gilson Road in Coleshill owned by the

Second Claimant in connection with the HS2 Scheme. During this trespass incident, 3 persons unknown forced access to the hotel by forcing a protective steel grille open (photograph at **page 100**). They then proceeded to trespass through the hotel, livestreaming the incident to Facebook (see **page 101**). I have watched the livestream video and alarms are heard activating within the property. The First Claimant's security team was deployed to the hotel.

38. After becoming aware of Mr Airborne, I reviewed social media for other incidences of trespass by him on HS2 Scheme sites. One video was of particular concern. On 19.07.2022 Mr Airborne was filmed looking across a HS2 Scheme site at Kingsbury Road towards tower cranes, and commenting, "*there's the cranes I just tried, failed*" (**page 102**). Further examination of his profile shows how on numerous occasions he has climbed high structures and tower cranes across Birmingham (**page 103**) and nationally, with local media reporting from as far as Brighton and Hove (<https://www.brightonandhovenews.org/2024/01/09/urban-explorers-on-hospital-roof-spark-police-op/>) (**pages 104 to 106**). It is clearly a significant health and safety concern for individuals to attempt to climb cranes on site and presents a risk of serious injury or death in addition to delay to works and in general, reported incidences of untethered urban explorers falling to their deaths or suffering serious injuries are becoming more frequent (example at **pages 107 to 109**).
39. Following Mr Airborne's lead (he has over 150,000 followers on Facebook as shown in the screenshot at **page 110**), several other groups and individuals have started to trespass to "explore" HS2 Scheme sites. On 15.10.2023 a group of individuals entered a property owned by the Second Claimant in Whitmore Heath, Staffordshire and recorded images from inside. They also tried to access a number of other HS2 Scheme properties. Their exploration was posted to the Peaky Explorers page which has a following of 11,000. The post was also shared to 38 other urban exploring pages on Facebook (screenshot of the post at **pages 111 to 116**).

40. The Claimants are of the view that the Injunction has so far stopped this issue from becoming an epidemic and that continuation of the protection of the Injunction is required in order to keep dangerous urban exploration activity on HS2 Scheme land and property under control.

Drone Operators and Social Media Auditors

41. Whilst arguably trespass to the airspace above HS2 Land, the Claimants do not have difficulty as a matter of principle with drone flight over HS2 Land, nor do they seek to prevent it. Many drone operators seeking to fly over HS2 Land are engineering or railway enthusiasts whose actions are driven by a desire to see how the project is progressing. In the flying of their drones, they do not cause any interference to the HS2 Scheme works or present any specific safety concerns. The First Claimant often engages with such individuals to provide further information about the ongoing works on the project and to share more widely some of the footage obtained.
42. Recently, the HS2 Scheme has increasingly come under the spotlight of public interest and social media so called “auditors”, which is of concern to the Claimants. These individuals follow a trend originating in the USA where “citizen journalists” enter sites to conduct “audits” exercising their purported first amendment rights. The footage recorded is then shared broadly on social media for revenue generation. Often the auditors will actively seek confrontation with security staff or police, with the intent of generating as many views for their online content as possible, hoping their content will “go viral”, which increases their income from platforms such as YouTube and TikTok.
43. Social Media Auditors favour the use of “toy drones” which weigh less than 250g as they are effectively not bound by Civil Aviation Authority (“CAA”) regulations, which restrict the proximity to people, property and structure to which drones may be flown. Drones above this weight must not be flown within 50m of people or 150m of property without appropriate consents. However, for drones below 250g there are no pilot registration requirements and very few statutory limitations on where they may fly. The CAA has issued a non-binding

Drone and Model Aircraft Code which provides guidance stating that pilots should “*Check for any tall structures, such as cranes, masts and wires*” and advising that pilots “*Do not fly if there are structures in the area that will mean it’s not safe or legal*” (<https://register-drones.caa.co.uk/drone-code/where-you-can-fly>). That guidance is not always followed and there is little from an aviation regulatory perspective that the Claimants can do to prevent an individual recklessly flying over their worksites, regardless of delay, disruption or safety concerns.

44. Unplanned, low level drone flights over HS2 sites pose obvious safety issues, especially on sites where cranes are operating on a daily basis:

- (a) Risk of collision with a crane or cable causing the drone to fall to the ground potentially injuring staff or visitors upon the site.
- (b) Passing in the field of vision of the operator of a tower crane or other plant or striking the operator’s cab distracting that operator’s attention and control of the crane.

In order to avoid the risks involved, works on site are stopped when unauthorised low level drone flights take place.

45. In addition to the obvious safety issues arising from reckless unplanned flights over HS2 sites, the cessation of lifting activities invariably has a schedule and cost impact. The risk is particularly acute for time-critical works undertaken during road closures or rail blockades, where there may be fines for delays or whole work packages may have to be delayed until the next closure period.

46. D69 is a self-styled “auditor” with a YouTube channel: @DJEMedia88 (<https://www.youtube.com/channel/UCc4CKDn37WDjhy-MF3eqjFw>) and also generates content on Tik Tok. Both platforms are revenue generating for D69. D69 achieved national infamy as the “Tik Tok sleuth” (see newspaper article at **pages 117 to 122**) during the search for Nicola Bulley in January and February 2023, culminating in an incident where he entered a police cordon to record the recovery of her body.

47. In December 2023, D69 began flying a small drone (a DJI Mini 3 Pro which weighs 249g) with a camera over HS2 Land. Initial flights were conducted during a period of site shut down over Christmas and did not cause any disruption. Post-Christmas the flights have persisted and have begun to disrupt HS2 Scheme works on HS2 Land. D69 has engaged in behaviour that appears to be deliberately designed to antagonise security staff working at HS2 Land and has persisted in flying his drone over active HS2 Scheme sites in a manner that interferes with works and endangers safety and despite having been advised of this and asked to desist. He uploads the video footage he takes to his YouTube channel and to Tik Tok and has explicitly stated that his motives for his actions are financial. For example, in a video recorded at the HS2 Scheme site at Old Oak Common on 26.12.2023 and uploaded to his YouTube channel he stated (at 00:07:13): *“I’ve come here to make money today, I’ve come to make money on a video”* (page 123). Furthermore, in the live chat which runs alongside YouTube videos D69 seems to almost take pride in the fact that the *“drone is causing people massive issues”* (page 124).

48. The First Claimant has recorded 12 drone flights by D69 over HS2 Land as follows (I have plotted the locations of the flights onto maps at **pages 125 to 126**):

Date	Location	Summary
26.12.2023	Old Oak Common, London	Attended HS2 site at Old Oak Common Road and antagonised security officers. Conducted 2 flights over the site at high and low level (lower than tower cranes). D69 was subsequently given a copy of the Injunction.
26.12.2023	Old Oak Common (Victoria Road), London	Following his flight at Old Oak Common Road, D69 moved to the Victoria Road site and proceeded to fly his drone at low height in failing light over the site.
29.12.2023	Adelaide Road Vent Shaft, London	Conducted a single flight of 30mins over the site.
29.12.2023	Xavier House,	After talking to security D69 launched his drone

Date	Location	Summary
	London	from the public footpath and conducted a flight of around 20 mins over the railway lines at London Euston.
03.01.2024	Curzon Street, Birmingham	2 flights were conducted for at least 40 mins. Flight take-off and much of the videos were taken on land held under temporary possession by the First Claimant in the site entrance. Cranes stopped working and site manager and general foreman specifically told D69 this was the case and was due to safety issues presented by his drone.
04.01.2024	BBV South Portal, Long Itchington, Southam Warwickshire	D69 walked onto land held by the First Claimant under temporary possession at this site and up to the gate. A staff member told him that he should not fly as there were cranes in operation on the site. D69 then proceeded to launch his drone from the temporary possession land and to fly over the site.
04.01.2024	BBV North Portal, Long Itchington, Southam Warwickshire	Flights were around 30 mins over the HS2 site. D69 was repeatedly informed that works were being stopped due to his drone flight.
05.01.2024	Balsall Common, Solihull, West Midlands	D69 walked onto the site in order to speak to security staff prior to flying his drone over the site at low altitude. He was informed that the Injunction was in force and then launched his drone from the bell mouth outside the site entrance. His flight was initially low and then moved to higher altitude flying deeper into the site. Flight was approximately 20 minutes.
05.01.2024	Chipping Warden, Northamptonshire	After walking along the A361 and filming the site from the perimeter fence D69 launched his drone from beside the site entrance which is positioned on GVD land. D69 flew across the site identifying plant storage areas. Flight time was under 30 mins.
09.01.2024	Washwood Heath, Birmingham	D69 was informed by staff accessing the site that he should not fly over the site. He was also informed by site staff that if he flew works would stop and

Date	Location	Summary
		that authorised flights are normally conducted at weekends. D69 then proceeded to conduct a flight over the site for approximately 15 minutes flying in close proximity to 2 cranes.
10.01.2024	Moorhall Road, Harefield, Uxbridge	D69 conducted flights for over an hour. His edited footage was 1hr 20 mins in total. During the flight he was restricted to flying below 45m due to the proximity to Denham Aerodrome. This meant much of the flight was just above deck height on the viaduct being constructed as part of the HS2 Scheme. D69 was informed that his drone is causing a safety hazard and disrupting a major transport project by security officers.
10.01.2024	Rocky Lane, Wendover	D69 launched his drone from Rocky Lane crossing beside a pylon, he then flew south towards the cranes constructing Wendover Dean Viaduct. The flight was around 20 minutes in total. D69 was repeatedly told he should not fly in the vicinity of the cranes.

49. Due to the sheer volume of visits, and considerable length of videos recorded and uploaded to You Tube, I have only described 2 incidents in detail in the following paragraphs, in order to illustrate the issues that D69's activities present for the Claimants, their contractors and the HS2 Scheme. I have viewed the videos of all the above listed incidents. A common theme in all videos is that D69 approaches staff at the front gate of the sites, he is initially quite personable but will look to increasingly antagonise staff, as the following examples show.
50. Whilst it is unpleasant and undesirable for staff and contractors to be antagonised as they go about their work and the Claimants would wish to prevent it, the most significant concern for the Claimants is that the low flying of the drone over active HS2 sites presents a risk to works and to health and safety. D69 has been flying the drone at heights as low as c.20 to 60ft over sites with cranes in operation, creating a risk that a crane will strike the drone and that it will

subsequently fall and cause injury to those working below or that the crane operator will be distracted and that an accident will ensue. In order to mitigate the risk, the Claimants' contractors have to suspend crane movements whilst the drone is over a site, causing delay to works. D69's presence, interactions with staff and invasive drone flights have resulted in delay and disruption at HS2 Scheme sites at Curzon Street and the North Portal of the Long Itchington Wood tunnel near Southam. D69 has repeatedly been informed that the presence of his drone can stop works, including at Curzon Street 03.01.2024, Long Itchington North Portal 04.01.2024 and Washwood Heath on 09.01.2024.

51. D69 disrupted lifting operations and works at Curzon Street in Birmingham for approximately one hour on 03.01.2024. D69 recorded his interactions with staff, and flights above the site, publishing the video to YouTube on 09.01.2024 (<https://www.youtube.com/watch?v=y85e24f8O04>). As at 21.01.2024 the video had received in excess of 57,000 views. A summary of his visit and the video is below. Time stamps referenced in this description are to sections of that video.
52. Upon approaching the site gate, which is located on HS2 Land covered by the Injunction, D69 (at 00:00:55) identified a copy of the Injunction and touched it, saying "*we've got the same court injunction here*". A security officer challenged D69 (at 00:15:44), telling him: "*you can't fly your drone over, they'll call people*". D69 responding stating his intention to go ahead anyway: "*that's what I'm telling you, I am going over, I've got to mate*". D69 then launched his drone from the site entrance (see still at **page 127**) and the video footage switched to the drone's on-board camera. A voice from a member of the HS2 site team off screen can be heard saying (at 00:16:38): "*eh mate watch out for that gate, we've got wagons coming in 'n' out here*".
53. During his second flight (at 00:26:18) after changing the drone battery D69 flew at a lower altitude close to the tower cranes on the site (still at **page 128**). As a result, for safety reasons to avoid the risk of striking the drone and it falling and injuring someone, the tower cranes had to stop working, delaying works on the site. At 00:33:40 the drone begins to descend quickly to a lower altitude and by 00:33:44 the drone can be clearly seen below the operating height of the tower cranes (still at **page 128**). At 00:33:46 the drone is at the height of the Curzon

viaduct deck, which is just 20 feet (6 metres) high (still at **page 129**). At 00:36:40 the drone descends lower still, filming the site manager walking to the gate (still at **page 129**). D69 remarks, *“why do I get a feeling, that guy there is gonna come and talk to us, I don’t know, I just get a feeling”*. The site manager approaches D69 and says (at 00:37:27), *“you can’t fly inside the site, you can crash with the cranes, there’s cranes moving, there’s lifting equipment”*. D69 responds *“I’m not going to crash into cranes am I, I’m a pilot”*. The site manager responds, *“I cannot control that”*. D69 states *“you can’t control what I do, if I crash it that’s me, that’s my problem”*. The site manager then responds, *“yeah but this is my site, and I’m responsible for everything that goes on and what happens”*.

54. D69 goes on to mock the site manager, boasting about having flown all over the site and the site manager again requests that D69 does not enter the site with the drone again. By this point the battery on the drone is running low and there is an audible beeping indicating that the battery is below 15%. The fact that the drone battery is this low is of particular concern. D69’s drone has a “return to home” function (<https://www.droneblog.com/dji-mini-3-pro-return-to-home/> - an extract from this website is at **page 131**) and will attempt to return to its operator at 15% battery. At 10% battery the operator will not be able to control the drone and it will automatically return. In such instances if the drone’s return to home altitude is below the height of equipment such as cranes or structures there is a serious risk of collision as the drone will return to the take off point. D69 also explains the return to home function of his drone himself later in the video at 00:45:00.
55. The site manager continues to emphasise the safety risk to the site of flying the drone over and to request that no further flights take place whilst D69 changes the battery in the drone. The site manager explains the process for planned drone flights over the site saying, *“in order to fly drones above here, we have a special procedure, we have a risk assessment, a method statement, have people that are flying, we clear the site of people that are working, in case drones fell”*. D69 continues to mock the site manager and says, *“the thing is a saw an aeroplane fly over earlier, quite low, what’s the difference?”*. The argument is patently

ridiculous given that the minimum flight altitude over Birmingham City Centre is 5,000ft. The site manager informs D69 that he will need to call the police.

56. Once he has finished changing the batteries, D69 again launches the drone and flies it low over the site manager on the site. At 00:42:27 D69 recaps the conversation with the site manager, *"I see his point, if the drone falls it's a safety issue for him, but unfortunately it's not their problem. They can't control the airspace, let's just fly down here, to show him that we are gonna fly over the site"*. The drone is then seen flying in close proximity to the tower cranes at 00:42:52 (still at **page 130**) and at 00:43:01 the drone is right by the jib of the tower crane (still at **page 130**). D69 is approached by a site foreman who asks (00:44.10), *"what's the reason you're going low?"* D69 responds, *"I've been high, it's not the intention to be low, it just from here, you have a look, you can see everything from there, if I go too high you can't see a lot"*. The foreman then says, *"what I'm worried is the crane's gonna be up and running, that one and that one"* (pointing to the tower cranes). D69 responds, *"yeah I'm gonna move away from the crane now, got to be careful because you've got 2 tower cranes which are quite low"*.
57. D69 has now been outside the site for over 45 minutes and both the site manager and general foreman have left the site to request he doesn't fly over the site and avoids the tower cranes. D69 continues to invasively film the staff on site - at 00:48:00 he uses a zoom camera to film a conversation between the site foreman and other staff on the stairs of the site office building. Eventually, at 00:48:38 D69 lands his drone for the final time in the carriageway of Curzon Street.
58. D69 then proceeds to stand in the entrance attempting to talk to security officers, then pressing the buzzer speaking to the site administration staff, seemingly trying to ascertain if Police have been called. At 00:52:57 a mobile security vehicle arrives. D69 comments to the camera (00:54:23), *"anyway back to flying the drone, not that we are flying the drone, but we are gonna pretend to fly the drone"* referring to the security team and D69 then says at 00:54:50, *"he's gonna ask me where the drone is, and I'm gonna say the drone is in the sky. The*

drone is in the bag at the moment, but I'm gonna tell him the drone is in the sky".
This demonstrates D69's deliberate intention to cause disruption.

59. The following day, on 04.01.2024, D69 disrupted works at an HS2 site in Southam in the West Midlands. At Southam is a short tunnel beneath Long Itchington Wood with worksites at the South and North Tunnel Portals. D69 visited the North and South portals of the Long Itchington Wood tunnel that day. D69 recorded his interactions with staff, and flights above the site, publishing the video to YouTube on 05.01.2024 (https://www.youtube.com/watch?v=o8IsuHvla_E&t=2474s). As at 31.01.2024 the video had received in excess of 40,000 views. A summary of his visit and the video is below. Time stamps referenced in this description are to sections of that video.
60. D69 was warned by site staff that flying the drone over the site could disrupt works and that he needed to apply for permission to fly. D69 disregarded the warnings and conducted two flights over the site. During the first flight a security team arrives and he says (at 00:20:27), *"Interesting and we've now got security over here you see on the Drone, it's causing a right drama, we are going to get the Drone back in a second let's just, uh let's just show you guys the security guys over here."* D69 then proceeds to fly low over the security team, attempting to antagonise them, before stopping to change the drone's battery.
61. The security team inform him (at 00:31:24) that works on site have stopped as a result of the drone flight, *"because of the drone, they have stopped working."* D69 responds, *"Why've they stopped working, that's not my problem they've stopped working."* He then says, *"Unfortunately, I'm going to take the drone back over; I have to, I haven't seen everything yet"*. The conversation continues, culminating in the security officer plainly telling D69 that if he takes the drone back over, staff will have to stop work. At 00:32:40 D69 says, *"I'm letting you know okay I am taking it back over"*. The security officer responds, *"no you can't"* and D69 responds, *"I'm taking the drone back over"*. The security officer says, *"I said you can't"* and D69 responds, *"I'm saying I can"*. The security officer reiterates the disruption to works and D69 retorts, *"that's not my problem mate I'm sorry to interrupt the workers but that's not my issue"* and says, *"so*

every time an airplane flies over do they stop work?”. D69 then proceeds to launch the drone over the site again. At 00:38:57 he says, “to be honest we didn’t need to take the drone back up, but just proving a point that we are allowed to do this activity, and we will exercise our rights to fly the drone”.

62. The Claimants seek an amendment to the Injunction to clarify that the unauthorised flying of drones over HS2 sites in such a way as to disrupt works is prohibited in order to deter further disruption to the HS2 Scheme by this activity.

Displacement of activists and unlawful direct action

63. The Injunction has provided welcome relief to the Claimants from the sustained unlawful activity targeting the HS2 Scheme that they were previously experiencing.
64. However, the Claimants are very aware that the activists who were engaged in unlawful direct action against the HS2 Scheme have not necessarily moved away from this type of activity (but have instead displaced to target other “causes”) and as a result, the Claimants adjudge that the risk of them returning to target the HS2 Scheme again remains high in the event that injunctive relief is not continued. At paragraph 14 above, I have given details of the specific position with regard to each of the named Defendants to these proceedings that the Claimants are intending to retain.
65. Following the imposition of the Injunction and the clearance of the Swynnerton Camps, several of these transient multi-cause activists moved across to and are currently engaged in other campaigns. Critically, where actions have been conducted against the HS2 Scheme care has been taken not to breach the terms of the Injunction, whereas actions against other targets have seen a more “gloves off” approach, with the activists conducting disruptive, destructive and occasionally violent direct action, which in some cases is more akin to domestic extremism. By way of example, D16 taking part in a recorded panel discussion entitled “How to shut down a weapons factory w/Palestine Action on 24.01.24

said the following about what “protest” by the Palestine Action group actually meant (**page 132**):

"But yeah as Palestine Action what we do is we target the weapons companies, and when I say target we go in eh hard, we break the windows, we smash up vehicles, we pour paint. We fill fire extinguishers with red paint um and gas them and then we blast them all over the windows. Smash windows and throw flares through."

I have set out some examples of campaigns against other targets in which anti-HS2 activists have been involved in the paragraphs that follow.

66. In general, the Injunction has been highly effective at protecting the HS2 Scheme from the extreme disruption and associated health and safety risks and costs to the public purse that had been experienced prior to its imposition. The extension of the Injunction by way of the order made on 31 May 2023 to land temporarily taken during road closures under Schedule 4 of the HS2 Acts has also been extremely effective.
67. The Claimants’ contractors undertake dozens of road closures each year to facilitate works on the HS2 Scheme. Many of these are considered routine and unlikely to be targeted by direct action activism. However, historically, direct-action activism has targeted road closures when either there are works activities taking place that activists consider to be contentious (e.g. de-vegetation works) or where there is opportunity for disruption to cause a significant or costly delay to the project. For example, on 30.12.2021 D6 climbed onto a vehicle delivering tarmac to works on the M42 (which was closed under Schedule 4), as a result the vehicle could no longer move, effectively blocking all works access during time critical operations (see Jordan 1 para 29.8.1). In February 2023 Caroline Thompson Smith and Christopher Butcher’s nascent tactics to disrupt de-vegetation works on the A418 in Aylesbury had the potential to severely disrupt works, requiring additional road closures and further disruption to the public (see Dobson 1). Some individuals undoubtedly still consider direct action activism in and around road closures an opportunity to disrupt the HS2 Scheme, for example the following comment was made on Facebook in response to a post on 06.10.2023 calling for continued action against the HS2 Scheme (**page 7**):

“HS2 is down. Now is the perfect time to kick it!

Don't forget their injunction rarely covers the sections of road they close, which can often be freely protested at”

68. Mindful of this, the First Claimant and its contractors carefully consider on a case by case basis whether to deploy the Injunction in accordance with the terms of the court's order over any particular road closure, based on an assessment of the likely risk and impact of direct action disruption. At the time of writing the Injunction has been deployed at 12 locations, on 14 occasions (see **page 133**). As a result, there has been no disruption to works involving Schedule 4 road closures since the amendment of the Injunction to include this provision.
69. In general, the HS2 Scheme has continued to see significantly reduced levels of trespass and disruptive direct action activism since the extension of the Injunction by Mr Justice Ritchie on 31.05.2023. This is quite remarkable when considered against the backdrop of surging disruptive activism nationally. Early in 2023 the direct action campaign group Extinction Rebellion notably announced that “they quit”. This was actually an attempt to position themselves as more mainstream, leaving a space for other organisations to engage in more disruptive action, seeking to achieve what is called radical flank effect. This is where radical groups and actions draw attention to the more reasonable moderate groups. The strategic shift and rise of the radical flank is no secret amongst environmental campaigners, so much so that the camping areas used by Just Stop Oil at the 2023 Green Gathering were labelled the “Radical Flank” (**page 134**).
70. In September 2023, direct action activism (specifically being more disruptive and “breaking the law”) became mainstream news, following veteran presenter and environmentalist Chris Packham headlining a 45 min documentary entitled “Is It Time to Break the Law” (**page 135**). The documentary culminated in Packham stating the following: *“It's time to make up my own mind and decide if it's time to break the law. What are we going to do about it? An overwhelming number of people recognise that we are in danger, they fear for their own lives, children frightened for future of life on earth. No government, no political party has significantly addressed the issue. They haven't been listening to us, the climate*

activists. Now, I'm not asking for anyone to break the law, there are so many lawful ways to get involved: raise your voice, sign a petition, banners, go on a march, lobby your local MP. However, for me myself, when significant and obvious danger so I've got to raise my voice. If you're an activist that's already made a decision that yes, you're going to break the law, so long as no-one is hurt and there's no lasting environmental damage. Then you'll have my support, personally I think I've reached a point where I now consider it the ethically responsible thing to do".

71. Shortly after this documentary aired, Just Stop Oil launched a slow walking campaign on the streets of London between October and December 2023, resulting in 657 arrests of Just Stop Oil activists by the Metropolitan Police in London (**pages 136 to 137**). Palestine Action, another group with whom many of the transient multi-cause activists identify, has also been exceptionally active in conducting direct action following the latest Israel and Palestine hostilities, as set out further below.

Palestine Action

72. Palestine Action are a direct action group who have targeted arms manufacturers and latterly businesses with commercial interests in Israel. Actions against arms producers have been destructive, violent and damaging.
73. The links between the anti-HS2 and Palestine Action activists were covered extensively in Dobson 1. This trend has continued. On 28.05.2023 D17 was arrested for breaching Section 14 of the Public Order Act 1986 at a direct action campaign outside Elbit Systems factory in Leicester (**page 138**). More recently, D17 and D20 were arrested for aggravated trespass, possession of a Class C drug and assault of an emergency worker whilst taking part in direct action in Manchester on 22.11.2023. This direct action centred around the targeting of the land management company involved in managing Elbit Systems' property and included occupation of the roof of the company's building in Manchester (**page**

138). D17 posted the following statement about the action on Facebook and Instagram on 22.12.2023 (page 139):

“Today, as the death toll in Gaza passed 20000, I attended Manchester magistrates court to plead NOT GUILTY to charges ranging from criminal damage to aggravated trespass against Fisher German, after I occupied the rooftop of their building some weeks back.

My case has been listed for trial next December 2024.

My actions were part of a wider campaign against fisher German and their links with Elbit systems. Elbit systems is Israel’s largest weapons manufacturer and its weapons are being used to murder, collectively punish and ethnically cleanse the population of Palestine right now!

Since the rooftop occupation, Fisher German has announced that they have divested from working with Elbit systems and its subsidiary factory UAV (unmanned aerial vehicles) engines.

This comes following Palestine Actions two and a half year campaign against the Landlord company as well as being targeted by other groups such as YFFP (youth front for Palestine) and Manchester Palestine Action.

PS 🍌 PS

We got the express building to chuck IO Associates out!

We got IO Associates to drop Elbit!

We shut down the factory in Oldham!

We shut down the HQ in London!

We got Fisher German to drop them!

We got the website design company to drop them in recent days!

We are winning trials and we are making history!

We are getting stronger and growing in numbers!

We won't simply go away!

Together, we will #ShutElbitDown!

#ShutElbitDown

#FreePalestinian #EndTheSiegeOfGaza #ShutElbitDown #joinpalestineaction

#GazaMassacre #FreePalestine #PalestineWillBeFree #IsraeliCrimes #WestBank

#WarCrimes”

74. D17 continues to actively campaign as part of the group and is regularly joined by other former HS2 activists (see **page 140** for example, which shows the direct action blockading of Starbucks in Manchester on 09.12.2023).
75. In addition, D16 has also been taking part in direct action activism as part of Palestine Action, recently obstructing access to Essex Court Chambers on 11.01.2024, which was claimed to be a response to Professor Malcolm Shaw KC acting on behalf of Israel at the Hague (**page 141**).
76. So entrenched are the links between the campaigns that a Facebook group established by the former Wendover Active Resistance Camp (relating to the digging and occupation of tunnels under HS2 Land at Small Dean in Buckinghamshire in 2021, described in Jordan 1) recently launched a live video of a Palestine Action protest in London on 13.01.2024 (**page 142**).
77. Accordingly, a number of known former anti-HS2 activists who participated in highly disruptive and costly direct action campaigning against the HS2 Scheme remain involved in direct action campaigning and there remains a significant risk that they would return to target the HS2 Scheme if the Injunction were no longer in place.

JSO

78. JSO have remained the most active direct action environmental activist group in the UK in the last 12 months, with their most recent campaign resulting 657 arrests. The group are seeking to achieve a radical flank effect, whereby their cause is amplified through radical dramatic and disruptive direct action. The group remains attractive to prominent activists who had previously been active against the HS2 Scheme, some of whom are or were named Defendants in this case or are subject to undertakings given to the court not to engage in unlawful direct action against the HS2 Scheme.
79. Notably D16 has continued to campaign as part of JSO, regularly taking part in direct action, for example:

- 79.1. On 28.04.2023 D16 was involved in a “slow walk” disrupting traffic in Central London (**page 143**).
- 79.2. On 21.09.2023 D16, alongside, another former Stop HS2 activist, undertook a direct action protest outside the North Warwickshire Council Offices blocking access to the building for a short period, purportedly in retaliation for the injunction imposed in relation to Kingsbury Oil Terminal (**pages 144 to 145**).
- 79.3. On 24.10.2023 D16 and others attended the offices of DLA Piper UK LLP (who act for the Claimants in relation to these proceedings) and occupied the building’s foyer.
- 79.4. On 05.12.2023 D16, as part of a group of 5 JSO activists, again attended the offices of DLA Piper UK LLP with banners, disrupting a corporate presentation event before being removed by security officers (**pages 9 to 12**).
80. By way of further example, former named D32 to these proceedings, Larch Maxey, is now a prominent organiser and campaigner with JSO (see for example, the article from the Guardian Newspaper at **pages 146 to 149**). Dr Maxey was one of the founders of the anti-HS2 direct action campaign group HS2 Rebellion and was involved in a number of highly disruptive and costly direct action campaign, which only ceased when he was placed under an undertaking to the court not to engage in such activity against the HS2 Scheme in order to conclude proceedings for contempt for breach of an injunction (imposed over Euston Square Gardens in London),. That undertaking will lapse on 31 December 2024.

Ongoing risk of unlawful conduct and need for continued injunctive relief

81. By reason of the foregoing, the Claimants consider that there is a real and imminent risk of further unlawful conduct and a need for injunctive relief to continue in order to protect the Claimants’ rights.
82. As discussed above, key leaders and veteran environmental activists who had been campaigning against the HS2 Scheme are not currently doing so because they are either bound by undertakings (some of which will lapse at the end of this year) or deterred by the Injunction. A combination of the making of the Injunction and committal to prison of D33 has dispersed multi-cause activists to

other groups, but crucially, they have not moved away from direct action campaigning altogether and there is a real threat that they will return if the Injunction is not continued.

83. Mr Justice Julian Knowles also found that the activists intended to continue to try to disrupt the HS2 Scheme without limit and that an extensive injunction was justified by that clearly stated intention and necessary to allow the unhindered completion of the HS2 Scheme. Phase One of the HS2 Scheme is currently projected to be completed between 2029 and 2033.

84. The Injunction has proved exceptionally successful thus far in reducing the significant hinderance previously caused to works on the HS2 Scheme by unlawful direct action campaigning. The objectives of many of the activists opposed to the HS2 Scheme to cause delay, damage and cost remain unchanged. Whilst many are now more likely to be more guarded online following the heavy use of social media evidence in Jordan 1, incidences of individuals threatening to trespass or encouraging guerrilla tactics do still occur.

85. For example:

85.1. On 06.01.2023 the Facebook account “Carl Woods” posted as follows (**page 1 to 3**): *“I beseech you all to continue to protest for a FULL scrapping of #HS2. The devastation from Euston to Litchfield is beyond comprehension: it's destruction of the most wicked kind. While scrapping the whole of HS2 will not fully restore what has been needlessly vandalised, we can rewild where we can, give back to rightful land and property owners where desired and reuse elsewhere in ways that are beneficial to the environment and communities...AND....importantly, stop further destruction, biodiversity loss and carbon emissions from the continuing construction and then use of HS2. Sunak is already reneging on his £34 Bn commitment to Network North and private investment is being sought to finance completion of Phase 1 from Euston to Birmingham. This ignores the fact that private investors will be reluctant to invest in a clearly unstable and undeliverable project - never mind the fact that Euston simply isn't big enough to accomodate the platforms and station HS2*

Phase 1 demands! And with 80% of the budget for Phase 1 already blown with at best only 20% of itnot including the most expensive tracklaying part for which they will struggle to find the skilled workforce leading to yet further delays,lwhere is the money for completing Phase 1 going to come from?

I don't what to quote Penny Mordants, erm, unusually repetitive conference speech....but we must continue the fight together. Indeed now is the time for a final push, for increasing the momentum and exploiting the traction that has been presented by cancelling Phase 2 and a recognition by Rishi in his speech that we the protesters, had it right all along.

Let's #StopHS2”

- 85.2. Commenting upon the above post when shared to the Anti HS2 (SOC) Facebook group, one person said (**page 5**):

“I’ve said this from the off.

Even if we don’t stop them in time and they fell every single tree between Bloomsbury and Birmingham we can stop the fu kers making money from doing so.*

(And on the bright side the bill for blowing up the bits they do finish is dropping all the time.)”

- 85.3. Commenting upon the above post when shared to the Stop HS2 Facebook group, one person said (**page 7**):

“HS2 is down. Now is the perfect time to kick it!

Don’t forget their injunction rarely covers the sections of road they close, which can often be freely protested at”

86. Many of the core group of anti-HS2 activists are also still engaged in direct action activism in the locality of Phase 2, with D17 and D20 being arrested as recently as November 2023 for aggravated trespass as part of the Palestine Action campaign in Manchester (**pages 19 to 20**). D16 obstructed access to the offices of the law firm acting for the Claimants in these proceedings as recently as October and December 2023 as part of a direct action campaign (**pages 9 to 12**).

87. Significantly, many of the core group of activists who established camps and caused significant disruption within Phase 2a are still residing within 45 minutes travel, therefore the removal of the protection afforded by the Injunction to this phase of the HS2 Scheme risks presenting a soft underbelly, vulnerable to direct action without consequence. An effective “free shot” to allow those who oppose the HS2 Scheme to continue to cause cost to the Scheme and therefore to the public purse.
88. The object of environmental activism and direct action is to initiate political change through actions which either increase public awareness of a campaign e.g. spectacular bridge climbs or increase the cost and complexity of a scheme, impacting upon its financial or political viability.
89. As is clearly demonstrated in the evidence previously submitted in support of the imposition and retention of the Injunction, many of the activists who have campaigned against the HS2 Scheme have focussed upon creating the maximum delay or cost, for the minimum consequence. D6 outlined how activists will seek to exploit vulnerabilities and loopholes in injunction orders, when discussing a Balfour Beatty application for an injunction relating to obstruction of just a single gate at Swynnerton on Phase 2a of the HS2 Scheme (paragraph 21.12 of Jordan 1):
“What that means is actually, if they actually do get the injunction here that we’ll incur massive fines, up to £35,000 each just for breaking that said injunction. So that would mean, if they get it, which they won’t, that we won’t be able to come to this gate. I mean, but [laughs] little do Balfour Beatty know, they are a national company and it will cost them an arm and a leg because it’s just one gate and we will just hit all the other gates.”
90. As described in paragraphs 21 to 35 above, in 2023, a group known as Universal Community Law Trust with links to other environmental activist campaigns began targeting Phase 2a of the HS2 Scheme in particular, resulting in a violent and costly eviction operation. They have continued to issue threats against the project.

91. More recently, linked to the Prime Minister's announcement on 04.10.23 regarding Phase 2a of the HS2 Scheme, a former occupant of several of the anti HS2 encampments who goes by the online handle "Lousy Badger" advocated the use of "hit and run" tactics against the HS2 Scheme (**page 150**):
- "We need to be giving the information, and then if we need to do action then we hit and we run. We hit hard, we hit fast and we get the fuck out of dodge. We don't set up camps, we don't do things like that, they don't work anymore, do you know what I mean, they didn't - that's not what saved this line, it may have contributed to some of it, the delaying of bits of it, but what's actually happened is the men in power, or supposed power have seen that it's the monies getting hit. And that's where we need to hit them."*
92. Discussions between activists have been picked up on social media about seeking to re-enter the HS2 land at Cash's Pit that was the subject of a prolonged tunnel occupation costing £8.5 million to evict in 2022 (**pages 151 to 152**). There have also been threats issued by activists to take back land since the 4 October announcement for example (**page 153**):
- "We need to come together and destroy everything that has been done, so we can rewild effectively, smash up any concrete that has been laid and replace it with plants and shrubs etc.... Plant trees to make up for the devastation hs2 has caused"*
93. The networks, relationships and desire to return to direct action activism against the HS2 Scheme remain extant. For example, on 02.10.2023 following media speculation about the cancellation of the HS2 Scheme ahead of the Prime Minister's 04.10.2023 announcement, D17 posted a lengthy statement on social media (**page 22**). Critically with regard to returning to direct action activism he said:
- "HS2 fuck you.
Carl Harrison and HS2... Drew AKA Arnie or D17 is smiling right at you...and yes, I'll still be back 😊"*
94. The Claimants do not seek to stifle anti-HS2 views and respect the right to engage in lawful protest and to express views that are opposed to the HS2

Scheme. The Injunction has significantly reduced the cost of delay, disruption and security to the taxpayer of dealing with unlawful direct action campaigning. It has also, in some respects, changed the way that protest against the HS2 Scheme is conducted, encouraging those who wish to voice views in opposition to the HS2 Scheme to do so in lawful ways.

95. By way of example, between 21.04.2023 and 24.04.2023 members of HS2 Rebellion joined a larger event organised by Extinction Rebellion called “the Big One”. The Stop HS2 elephant (or a skeleton of its former self) took part in marches across London, including protesting outside the Department For Transport and the Palace of Westminster (**pages 154 to 156**). According to Extinction Rebellion, The Big One event was facilitated by the Metropolitan Police and no activists were arrested over the 4 days (**page 157**). Images of the event posted on the HS2 Rebellion Facebook page show that the march was well attended and appears facilitated by Police.
96. On 14.07.2023 Sarah Green, a well-known anti-HS2 activist and former defendant to previous injunctive proceedings taken by the Claimants to prevent trespass and obstruction of access, undertook a peaceful protest and assembly alongside Baroness Jenny Jones of the Green Party outside Ruislip Gardens underground station. An image of the group holding a banner outside the Ruislip Gardens underground station is at **page 158**.
97. The Claimants seek the Court’s assistance to try to ensure that the Defendants do not again resort to unlawful direct action activity. Not only is that conduct unlawful, but it is extremely disruptive, dangerous, costly and unpleasant and difficult for those engaged in work on the HS2 Scheme. The activity engaged in by the Defendants historically and to which they threaten to return if the Injunction is not maintained in the manner sought by the Claimants is an attempt, not to articulate views, but a hard-fought and continuous campaign to try to compel the Claimants to stop the work they are mandated to do by Act of Parliament.

98. The Claimants reasonably fear a return to the levels of unlawful activity experienced prior to the application for the Injunction if it is allowed to lapse, with the significant health and safety risks, detrimental effects on staff and contractors, drain on police and other emergency service resources, delays to the HS2 Scheme and significant financial losses to the taxpayer that would bring.
99. The incidents that occurred historically have caused injury to persons working on the HS2 Scheme and eye-watering levels of loss (all borne by the public purse) via damage to property, suspension and delay of works and the need to incur the costs of specialist security to respond to and deal with incidents. A significant amount of police time and resources and time and resources of the other emergency services has also been expended. The incidents are distressing to the Claimants' contractors, sub-contractors and employees and put their health, safety and wellbeing at risk. It remains the case that the Defendants do not have the consent or permission of the Claimants to enter onto the HS2 Land and the Claimants do not want the Defendants on the HS2 Land. The evidence suggests that the Defendants – or some of them – remain intent upon causing loss and damage to the HS2 Scheme and therefore to the Claimants by unlawful means and are actively seeking ways to do so outside of the bounds of the activities that are currently restrained by the Injunction.
100. The Claimants therefore seek the continued assistance of the Court in preventing further incidents, loss and damage.

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:.....

JAMES DOBSON

Dated: 28 February 2024