

Claim No. BL-2022-001396

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

In the matter of an Injunction sought pursuant to CPR 25

B E T W E E N :

(1) ARLA FOODS LIMITED

(2) ARLA FOODS HATFIELD LIMITED

Claimants

-and-

(1) PERSONS UNKNOWN WHO ARE, WITHOUT THE CONSENT OF THE CLAIMANTS, ENTERING OR REMAINING ON LAND AND IN BUILDINGS ON ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM (“the Sites”), THOSE BEING:

a. “THE AYLESBURY SITE” MEANING ARLA FOODS LIMITED’S SITE AT AYLESBURY DAIRY, SAMIAN WAY, ASTON CLINTON, AYLESBURY HP22 5EZ, AS MARKED IN RED ON THE PLANS AT ANNEXE 1 TO THE CLAIM FORM;

b. “THE OAKTHORPE SITE” MEANING ARLA FOODS LIMITED’S SITE AT OAKTHORPE DAIRY, CHEQUERS WAY, PALMERS GREEN, LONDON N13 6BU, AS MARKED IN RED ON THE PLANS AT ANNEXE 2 TO THE CLAIM FORM;

c. “THE HATFIELD SITE” MEANING ARLA FOODS HATFIELD LIMITED’S SITE AT HATFIELD DISTRIBUTION WAREHOUSE, 4000 MOSQUITO WAY, HATFIELD BUSINESS PARK, HATFIELD, HERTFORDSHIRE AL10 9US, AS MARKED IN RED ON THE PLANS AT ANNEXE 3 TO THE CLAIM FORM; AND

d. “THE STOURTON SITE” MEANING ARLA FOODS LIMITED’S DAIRY AT PONTEFRACT ROAD, LEEDS LS10 1AX AND NATIONAL DISTRIBUTION CENTRE AT LEODIS WAY, LEEDS LS10 1NN AS MARKED IN RED ON THE PLANS AT ANNEXE 4 TO THE CLAIM FORM

(2) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING FROM THE HIGHWAY THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM

(3) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTESTING ARE OBSTRUCTING ANY VEHICLE ACCESSING THE HIGHWAY FROM ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM

(4) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING, OR OTHERWISE INTERFERING WITH THE FREE FLOW OF TRAFFIC ON TO, OFF, OR ALONG THE ROADS LISTED AT ANNEXE 1A, 2A, 3A, AND 4A TO THE CLAIM FORM

(5) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES ON TO ANY VEHICLE WHICH IS ACCESSING OR EXITING THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM

(6) PERSONS UNKNOWN WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES ON TO, ANY VEHICLE WHICH IS TRAVELLING TO OR FROM ANY OF THE SITES LISTED IN SCHEDULE 2 OF THE CLAIM FORM)

(7) 34 OTHER NAMED DEFENDANTS LISTED AT SCHEDULE 1 OF THE INJUNCTION ORDER

Defendants

SEVENTH WITNESS STATEMENT OF NICHOLAS MCQUEEN

I, **Nicholas McQueen**, of Walker Morris LLP, 33 Wellington Street, Leeds LS1 4DL, WILL SAY AS FOLLOWS –

1. I am a Partner of Walker Morris LLP. I represent the Claimants in these proceedings, those Claimants being Arla Foods Limited (company no. 02143253) and Arla Foods Hatfield Limited (company no. 06816100). I am authorised to make this statement on behalf of the Claimants. The First Claimant is a farmer-owned dairy co-operative. The Second Claimant is a wholly owned subsidiary of the First Claimant and holds the operating lease to one of

the sites from which the First Claimant operates its business (that being the site known as the Hatfield Site).

2. The facts and matters set out by me in this witness statement are either known by me directly and are true, or are known by me indirectly and are believed to the best of my knowledge to be true. In relation to matters falling into the latter category, I have set out the source of my knowledge and belief. This statement was prepared through email correspondence with Counsel for the Claimants.
3. I make this witness statement in advance of the return hearing listed in the window of 8-10 February 2023, at which the continuation of the Injunctions granted in favour of the Claimants by Fancourt J on 4 October 2022 in relation to the 1st to 29th Defendants (inclusive) and the 31st to 37th Defendants (inclusive), and 25 October 2022 in relation to the 30th and 38th to 40th Defendants (inclusive) (collectively, the **'Injunction Orders'**) will be considered. This witness statement is made to update the Court in advance of the hearing.
4. As the Court will be aware, it having made an Order dated 23 January 2023, following the Claimants' Application dated 12 January 2023 and the written submissions dated 19 January 2023, the hearing listed in the window of 8-10 February 2023 was intended initially to be a final disposal of the Claimants' Claim. However, following the expedited appeal in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046), which is to be heard on 8 and 9 February 2023, the Claimants applied to adjourn the final hearing. The determination of the appeal may dispose of part of these proceedings, as the question on appeal is whether final injunctive relief can be granted against Persons Unknown.
5. I exhibit to this witness statement a bundle of documents marked 'NM7'. Where I refer to this exhibit I do so in the format [NM7/page number]. I shall in this witness statement adopt the same abbreviations as have been adopted in these proceedings to date.
6. A draft Order also accompanies this witness statement. As the Court will see, this Order covers all of the Defendants, so that there will no longer be two injunctions, each of which applies to different groups of Defendants (but each of which contains identical prohibitions).

These Proceedings

7. By way of brief background to these proceedings:

- i. The Claimants, on 31 August 2022, sought and obtained urgent and without notice interim injunctive relief to restrain apprehended unlawful acts of protest. I exhibit a copy of the Order made by Bacon J at **[NM7/Page 1 to 22]**;
- ii. At a return date on 4 October 2022, Fancourt J continued that interim relief, and permitted the Claimants to add 30 named Defendants to the Claim, against whom the Injunction Order was also granted. I exhibit a copy of the 4 October 2022 Order at **[NM7/Page 23 to 46]**;
- iii. Following an Application made by the Claimants, which was dealt with by Fancourt J without a hearing, by way of an Order dated 25 October 2022 four further Defendants were added to the Claim, and the Injunction Order granted against them also (with one of those Defendants being identified only by photograph and not by name). I exhibit a copy of the 25 October 2022 Order at **[NM7/Page 47 to 69]**;
- iv. The Claimants, on 7 November 2022, made an Application seeking that the final disposal of the Claim be heard at the hearing listed for February 2023;
- v. The Claimants, on 12 January 2023, made an Application seeking the adjournment of the final disposal of the Claim pending the expedited appeal to the Supreme Court in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046). I exhibit a copy of the Order made by Fancourt J at **[NM7/Page 70-76]**.

Content of this statement

8. To assist in navigating this statement, I shall cover the following topics:

- i. Events since the grant of the Injunction Orders:

- a. Service of the Injunction Orders;
 - b. Incidents of protest at the Claimants' Sites; and
 - c. Incidents of Animal Rebellion protest more generally.
- ii. The need to continue the Injunction Orders:
 - a. Effect of the Injunction Orders; and
 - b. Apprehension of future protest.

EVENTS SINCE THE GRANT OF THE INJUNCTION ORDERS

Service of the Injunction Orders

9. The Injunction Orders were served in accordance with paragraph 3 of those Orders. Paragraphs 3.1 to 3.5 provided for service additional to or in the alternative to personal service, and were conjunctive requirements; however, paragraphs 3.3 and 3.4 are only engaged when the address and/or telephone number of a named Defendant are known. Initially, as the Claimants had no named Defendants to the Injunction Order, paragraphs 3.3 and 3.4 were not engaged. However, the Claimants do now have addresses for some (but not all) of the named Defendants (which addresses were obtained from information shared by both Thames Valley Police and the Hertfordshire Constabulary, who themselves obtained the same upon the arrest of those persons at the Aylesbury and Hatfield Sites respectively).
10. Accordingly, service of the Injunction Order was effected on the defined categories of Persons Unknown in accordance with paragraphs 3.1, 3.2, 3.3 and 3.5 of the Injunction Order.
11. As to paragraph 3.1:
- i. The **4 October 2022 Injunction Order** was placed on the First Claimant's website on 7 October 2022 (which can be found at <https://www.arlafoods.co.uk>). I exhibit at [NM7/Page 77] a screenshot of the homepage of the First Claimant's website,

the menu along the top edge of the webpage provides the option ‘INJUNCTION NOTICE’. Clicking on that menu option takes you to a designated injunction webpage on the First Claimant’s website (www.arlafoods.co.uk/injunction-notice), which reads as follows, and a screenshot of which I exhibit at [NM7/Page 78]:

NOTICE OF INJUNCTION

Arla has obtained a court injunction that prevents unlawful protests at a number of its sites.

A copy of the injunction order and the relevant court documents are available here.

The underlined text reading ‘here’ is a link to the site hosted by my firm, Walker Morris LLP, on which the Injunction Orders (and other Orders made in these proceedings), the Application Notices, the Draft Orders and the Claim Forms, along with all evidence in support of the Claim and Applications can be found. I exhibit at [NM7/Page 79 to 81] a screenshot of the homepage of that website (which can be found at www.walkermorris.co.uk/arla-injunction).

- ii. Further, as to paragraph 3.1, on 2 September 2022 the ‘About’ section on the front page of the First Claimant’s Facebook page was updated to include [NM7/Page 82]:

Notice of Injunction: Arla has obtained a court injunction that prevents unlawful protests at a number of its sites. A copy of the injunction order and relevant court documents are available here:
<https://www.walkermorris.co.uk/arla-injunction>.

The hyperlink takes you to the aforementioned website hosted by Walker Morris LLP on which the Injunction Orders (and other Orders made in these proceedings), the Application Notices, the Draft Orders and the Claim Forms, along with all evidence in support of the Claim and Applications can be found.

- iii. Further, as to paragraph 3.1, the **25 October 2022 Injunction Order** was placed on the First Claimant’s website and Facebook page on 2 November 2022, and is

accessed by the same mechanism set out at (i) and (ii) above. The screen shot of the webpage hosted by Walker Morris referred to at (i) above [NM7/Page 80] also shows the 25 October 2022 Injunction Order to be present on the webpage.

12. As to paragraph 3.2:

- i. On 7 October 2022 at 11:50, I emailed a copy of the **4 October 2022 Injunction Order** to the 12 email addresses set out in paragraph 3.2 of the Injunction Order. I exhibit a copy of that email at [NM7/Pages 83 to 85], which also shows that I included the email chains from 2 September 2022 and 26 September 2022 which both included the link to the aforementioned website hosted by Walker Morris LLP at which the Injunction Orders (and other Orders made in these proceedings), the Application Notices, the Draft Orders and the Claim Forms, along with all evidence in support of the Claim and Applications can be found. The Order was again sent to the 12 email addresses on 8 November 2022 at 14:27 as the Claimants were serving the Application Notice seeking the final disposal of the Claim, which Application included the Injunction Order;
- ii. On 2 November 2022 at 14:46, I emailed a copy of the **25 October 2022 Injunction Order** to the 12 email addresses set out in paragraph 3.2 of the Injunction Order. I exhibit a copy of that email at [NM7/Page 86], which also shows that I included the link to the aforementioned website hosted by Walker Morris LLP at which the Injunction Orders (and other Orders made in these proceedings), the Application Notices, the Draft Orders and the Claim Forms, along with all evidence in support of the Claim and Applications can be found. The Order was again sent to the 12 email addresses on 8 November 2022 at 14:27 as the Claimants were serving the Application Notice seeking the final disposal of the Claim, which Application included the Injunction Order.

13. As to paragraph 3.3, the **4 October 2022 Injunction Order** was sent by post:

- i. On 7 October 2022 to the 7th to 10th, 12th (with that letter returned as the recipient refused to accept the letter), 13th, 16th to 29th, 31st and 34th to 37th Defendants;

- ii. On 17 October 2022 to the 30th, 38th and 39th Defendants;
- iii. On 8 November 2022 to the 7th to 10th, 13th, 16th to 20th, 21st (which letter was returned marked as ‘gone away’), 23rd to 31st, and the 34th to 39th Defendants. This second round of service occurred as the Claimants were serving the Application Notice seeking the final disposal of the Claim, which Application included the Injunction Order; and
- iv. On 8 November 2022 at 14:46 the Claimants also sent the Injunction Order by email to the 22nd Defendant, as the 22nd Defendant had requested on 3 November 2022 that all future communication should be by way of email (as per paragraph 3.6 of the Injunction Order).

14. Further, as to paragraph 3.3, the **25 October 2022 Injunction Order** was sent by post:

- i. On 2 November 2022 to the 30th, 38th and 39th Defendants; and
- ii. 8 November 2022 to the 7th to 10th, 13th, 16th to 20th, 21st (which letter was returned marked as ‘gone away’), 23rd to 31st, and the 34th to 39th Defendants. This second round of service occurred as the Claimants were serving the Application Notice seeking the final disposal of the Claim, which Application included the Injunction Order.

15. Accordingly, the Claimants have served the Injunction Orders by post wherever the Claimants have an address for a named Defendant.

16. Finally, as to paragraph 3.5, I am informed by the Claimants that on 2 September 2022 the required signs were placed on the perimeters of the four sites. I exhibit at the following pages a plan of each site, which marks the locations of the signs as placed on 2 September 2022:

- i. The Aylesbury Site [NM7/Page 87 to 88];
- ii. The Oakthorpe Site [NM7/Page 89 to 90];
- iii. The Hatfield Site [NM7/Page 91 to 92]; and

iv. The Stourton Site [NM7/Page 93 to 94].

17. Whilst those signs were placed on the perimeters of the four sites in September 2022, they are effective for the service of the October Injunction Orders also. I exhibit at [NM7/Page 95] an image that shows the content of each of those signs. The wording clearly states that the area is subject to a High Court injunction, and provides the weblink and QR code at which the Injunction Orders can be found (that weblink being that referred to above: www.walkermorris.co.uk/arla-injunction).

18. Further, after the first protest incident that was experienced at the Aylesbury Site on 4 September 2022 (for which, see below), I am informed by the Claimants further signs were also placed around the perimeter of the Aylesbury, Hatfield and Oakthorpe Sites.

19. I exhibit at [NM7/Page 96 to 132] certificates of service confirming that service of the Injunction Order on the defined categories of Persons Unknown has taken place in accordance with paragraph 3 of the Injunction Orders.

Incidents of protest: the Claimants' sites

September 2022 protests: update

20. In my third witness statement dated 26 September 2022, which statement I filed and served in advance of the 4 October 2022 return date, I detailed three major protest incidents that occurred at the Claimants' sites after the grant of the without notice Injunction Order by Bacon J, all of which included incidents of unlawful conduct, and breaches of that Injunction Order. Those incidents occurred on:

- i. 4 September 2022 at the Aylesbury Site;
- ii. 5 September 2022 at the Aylesbury Site; and
- iii. 8 September 2022 at the Hatfield Site.

21. I shall not repeat that content, and instead respectfully refer the Court to paragraphs 24 to 32 of my third witness statement, should the Court wish to remind itself of the same. By way of update to that statement, I understand from the Claimants that:

i. The estimated loss and damage suffered by the Claimants by reason of the incidents at the Aylesbury Site are in the sum of **£526,018.80** (excluding VAT). That loss is broken down as follows:

- a. £415,421.23 – written off milk and cream stock;
- b. £67,833.92 – additional security;
- c. £21,630 – cost of milk destruction;
- d. £8,742.00 – additional fencing;
- e. £5449.05 – flood lighting;
- f. £4,700.00 – drone;
- g. £1,042.60 – dog signage;
- h. £1,200.00 – repair to bird mesh

ii. The incident at the Hatfield Site caused the loss of 443 HGV tyres at a cost of **£581,111.00** to the Claimants.

22. I also stated at paragraph 33 of my third witness statement that the Claimants were working towards committal proceedings against those persons identified as being in breach of the Injunction Order of Bacon J. I explained (and further elaborated at paragraphs 37 to 45) that the Claimants were working with the relevant Police forces (Thames Valley Police and the Hertfordshire Constabulary), with the assistance of third-party disclosure Orders sought and obtained under CPR 31.17, to obtain the evidence necessary to bring those committal proceedings.

23. By way of an update, the process of preparing the committal proceedings remains ongoing. The evidence provided by the relevant Police forces, and through which the Claimants and their legal representatives (both in-house and external) have been required to sift, is voluminous. Further, whilst the relevant Police forces have been very helpful and co-operative (for which the Claimants are grateful), unfortunately the provision of the evidence has not always been especially prompt. As to the timetable of events:

- i. On 30 September 2022, the Claimants received some initial statements from the Hertfordshire Constabulary;
- ii. On 11 October 2022, the Claimants received some initial statements from Thames Valley Police;
- iii. On 23 November 2022, the Claimants received the first batch of video evidence from the Hertfordshire Constabulary in CD/DVD format;
- iv. On 20 December 2022, the Claimants received a witness statement from A/DS 5243 David Rogers of Thames Valley Police;
- v. On 18 January 2023 the Claimants received the second batch of video evidence from the Hertfordshire Constabulary in CD/DVD format.

24. Further, some of the data recently received from the Police was also corrupted, which again delayed the evidence review.

25. Further still, it has taken some time to properly assess and quantify the loss suffered by the Claimants by reason of the breaches of the Injunction Order on 4, 5 and 8 September 2022. As the Court may recall from my third witness statement, at the date of that statement, the losses were then only estimated losses and were increasing by reason of the knock-on effect to operations at the Aylesbury and Hatfield Sites.

26. To be clear, the Claimants fully understand that Police resources are finite and stretched, and that the Police are keen not to prejudice their own investigations by sharing evidence that they have not yet processed themselves. Whilst it is unfortunate and far from ideal that some evidence has only very recently been shared with the Claimants, the Claimants fully understand the operational reasons for the same and remain grateful to both Thames Valley Police and the Hertfordshire Constabulary for their continued support and co-operation.

27. The Claimants, and their legal teams, are now progressing the proposed committals as a matter of priority. I understand from both Thames Valley Police and the Hertfordshire

Constabulary that their investigations into the incidents on 4, 5 and 8 September 2022 remain ongoing.

Events since the grant of the 4 and 25 October 2022 Injunction Orders

28. The Claimants are pleased to report that, following the grant of the Injunction Orders dated 4 and 25 October 2022, there have been no further incidents of unlawful protest at the four sites protected by the Orders, and that the Injunction Orders appear to have been effective in this regard.
29. As the Court may recall from my third witness statement (at paragraph 35), Animal Rebellion, that being the group that appeared to organise and co-ordinate the September 2022 protests and is the group with which the Claimants are primarily concerned, temporarily paused its programme of direct action following the death of HM The Queen. As I shall explain below, Animal Rebellion are again ‘active’ and are engaging in further direct action, yet the Claimants have not, at the date of this witness statement, suffered any further incidents of unlawful protest.
30. As I shall set out below, the active nature of the Animal Rebellion group and its followers (and indeed some of the extreme acts engaged in, especially during December 2022) continue to cause the Claimants to reasonably apprehend that they will again be the target of unlawful acts of protest absent the protection of the Injunction Orders. Further, the Claimants are aware (as I shall set out below) that Animal Rebellion continue to recruit new members, such that the pool of persons inclined to engaged in acts of unlawful acts of protest is again increasing.

Incidents of protest: generally

31. Since the grant of the Injunction Orders, the Animal Rebellion group, with which the Defendants are aligned, have recommenced and continued a programme of direct action protest. I outline below some examples of incidents in which the group and its followers have engaged, each of which have been publicised on the Animal Rebellion website and/or its various social media outlets.

- i. On 20 December 2022, 12 supporters of the Animal Rebellion group broke into and stole 18 beagle puppies from the MBR Acres facility in Wyton, Cambridgeshire. For context, beagles are bred at MBR Acres for supply to the medical research industry. I exhibit at [NM7/Page 133 to 142] a copy of two articles from the Animal Rebellion webpage that detail this incident (<https://www.plantbasedfuture.animalrebellion.org/post/18-beagle-puppies-freed-from-life-of-suffering-as-rescuers-vow-to-put-animal-testing-on-trial>) and (<https://www.plantbasedfuture.animalrebellion.org/post/negotiations-begin-for-release-of-beagles-love-and-libby-captured-by-police-14-rescuers-detained>). I note that, in the latter website article, **Rosa Sharkey** (the 38th Defendant) is described as the ‘spokesperson’ for those who broke into the MBR Acres facility;
- ii. On 17 December 2022, as part of a ‘national day of action’, supporters of the Animal Rebellion group participated in restaurant ‘sit-ins’ at Heston Blumenthal’s ‘Dinner by Heston’ restaurant in Knightsbridge (eight supporters) (<https://www.plantbasedfuture.animalrebellion.org/post/heston-blumenthal-s-two-michelin-starred-dinner-occupied-by-supporters-of-animal-rebellion>) [NM7/143 to 146] and at the ‘House of Tides’ restaurant in Newcastle (nine supporters) (<https://www.plantbasedfuture.animalrebellion.org/post/michelin-star-newcastle-restaurant-house-of-tides-occupied-by-supporters-of-animal-rebellion>) [NM7/Page 147 to 149];
- iii. On 8 December 2022, 10 supporters of the Animal Rebellion group participated in a restaurant ‘sit-in’ at the ‘Da Terra’ restaurant in Bethnal Green (<https://www.plantbasedfuture.animalrebellion.org/post/two-michelin-star-restaurant-da-terra-occupied-by-supporters-of-animal-rebellion>) [NM7/Page 150 to 153];
- iv. On 3 December 2022, supporters of the Animal Rebellion group participated in restaurant ‘sit-ins’ at the ‘Mana’ restaurant in Manchester (16 supporters) (<https://www.plantbasedfuture.animalrebellion.org/post/michelin-star-manchester-restaurant-mana-occupied-by-supporters-of-animal-rebellion>) [NM7/Page 154 to 157] and at Salt Bae’s ‘Nusr-Et’ restaurant in London (eight supporters) (<https://www.plantbasedfuture.animalrebellion.org/post/salt-bae-s-ultra-premium->

[london-restaurant-peacefully-occupied-by-supporters-of-animal-rebellion](https://www.plantbasedfuture.animalrebellion.org/post/london-restaurant-peacefully-occupied-by-supporters-of-animal-rebellion))

[NM7/Page 158 to 162];

- v. On 19 November 2022, supporters of the Animal Rebellion group participated in a restaurant ‘sit-in’ at the ‘Restaurant Gordon Ramsay’ restaurant in Chelsea (14 supporters) (<https://www.plantbasedfuture.animalrebellion.org/post/celebrity-chef-gordon-ramsey-s-3-michelin-star-restaurant-in-chelsea-peacefully-occupied>) [NM7/Page 163 to 165]. I note that the website articles states that **Lucia Alexander** (the 17th Defendant) took part in this act of protest;
- vi. On 10 November 2022, Animal Rebellion described itself as ‘supporting’ and ‘standing in solidarity’ with Just Stop Oil activists who climbed gantries on the M25 and caused the closure of the road. Further, one of those who climbed on a gantry, Tom Gardener, is described by Animal Rebellion as a ‘supporter of Animal Rebellion’ (<https://www.plantbasedfuture.animalrebellion.org/post/m25-disrupted-for-the-fourth-day-animal-rebellion-supporters-take-action-with-just-stop-oil-again>) [NM7/Page 166 to 168]. See also <https://www.plantbasedfuture.animalrebellion.org/post/m25-shut-down-animal-rebellion-supports-just-stop-oil-on-third-day-of-motorway-disruption> [NM7/Page 169 to 171];
- vii. On 22 October 2022, three supporters of Animal Rebellion sat in the fountains in Trafalgar Square and poured green dye into the water therein (<https://www.plantbasedfuture.animalrebellion.org/post/trafalgar-square-fountains-dyed-green-supporters-of-animal-rebellion-occupy-fountains>) [NM7/Page 172 to 175];
- viii. On 15 October 2022, supporters of Animal Rebellion attended Fortnum & Mason (Piccadilly), Harrods (Knightsbridge), and supermarkets in London, Norwich, Manchester and Edinburgh and poured milk taken from the shelves of those shops onto the floor of the premises (<https://www.plantbasedfuture.animalrebellion.org/post/harrods-and-fortnum-mason-disrupted-again-high-end-department-stores-and-supermarkets-targeted>) [NM7/Page 176 to 179];

- ix. On 8 October 2022, supporters of Animal Rebellion marched from Green Park to Piccadilly Circus, entered Farlow's Hunting shop and poured red paint inside the shop, and also poured milk on the floor of nearby supermarkets (<https://www.plantbasedfuture.animalrebellion.org/post/hunting-shop-painted-red-pall-mall-brought-to-a-standstill-animal-rebellion-take-demand-for-a-pla>) [NM7/Page 180 to 183];
- x. On 7 October 2022, supporters of Animal Rebellion attended Fortnum & Mason (Piccadilly) and Selfridges (Oxford Street) and poured milk taken from the shelves of those shops onto the floor of the premises (<https://www.plantbasedfuture.animalrebellion.org/post/fortnum-mason-and-selfridges-disrupted-supporters-of-animal-rebellion-pour-out-milk>) [NM7/Page 184 to 187]. In the picture that accompanied this website article, I can identify the male engaged in the act of protest as **Steven Bone** (the 8th Defendant).

THE NEED TO CONTINUE THE INJUNCTION ORDERS

32. Following the temporary pause to the programme of protest and direct action by reason of the death of HM The Queen, Animal Rebellion and its supporters (including named Defendants to these proceedings) have once again recommenced direct action protest. Accordingly, the Claimants submit that there is a need to continue the Injunction Order, for the reasons that I shall set out below.
33. At the outset, I would highlight, and as was described in my second witness statement, and noted in my third witness statement, that simple and crude tactics that are easy to deploy with little preparation can cause enormous disruption and loss to the Claimants business; the incident at the Hatfield Site and the drilling and cutting of 443 tyres is a prime example of the same (causing £5811,111 of damage), as is the climbing of milk silos at the Aylesbury Site, which led to the destruction of 640,000 litres of milk at a cost of £437,051.23 (that being the loss of the product and the cost of destroying the same). The Claimants require the ongoing protection of the Injunction Orders to deter such acts, and to ensure that those who nonetheless engage in such activity can be dealt with robustly in

an effort to prevent reoccurrence of that conduct. Quite simply, protest is no excuse for trespass, least of all aggravated trespass of the sort seen at the Aylesbury and Hatfield Sites.

Effect of the Injunction Orders

34. As I have set out above, the Claimants have experienced three instances of unlawful protest, which events also include acts of individuals that are in breach of the Injunction Order. Clearly, in relation to those incidents, the Injunction Order granted by Bacon J did not have the desired deterring effect to prevent the unlawful conduct that caused loss and damage to the Claimants.
35. However, since those acts of unlawful protest, and since the granting of the Injunction Orders by Fancourt J, no further incidents have occurred at the Claimants' sites; that is despite Animal Rebellion and its supporters once again being active, and showing a propensity for aggravated trespass and damaged to property (evidenced by the incidents at the MBR Acres facility and the various shops, set out above).
36. Further, and as I set out in my third witness statement, it is hard to prove a negative. In this instance, it is almost impossible for the Claimants to show how many potential protestors have been deterred from engaging in unlawful conduct at the Claimants' sites.
37. I will not repeat the content of the same, but I respectfully refer the Court to paragraphs 49 to 54 of my third witness statement which sets out the Claimants belief that the Injunction Order granted by Bacon J (and now by extension, Fancourt J) has had a deterring effect on acts of unlawful protest at the Claimants' sites. I submitted in those paragraphs, and continue to submit, that the limited incidents of protest at the Claimants' sites is testament to the success of the Injunction Orders. Animal Rebellion are clearly active and engaging in acts of direct action protest (including with a continued focus on dairy products, as can be seen from the supermarket incidents set out above), yet the Claimants have not experienced further acts of unlawful protest beyond September 2022.
38. To remove the protection of the Injunction Orders now would expose the Claimants to the risk of great harm, in circumstances where the Claimants have already suffered significant losses by reason of unlawful protest in September 2022.

Apprehension of future protest

39. In my third witness statement, I extracted the statement by Animal Rebellion on 8 September announcing the temporary pause on protest action (which I have exhibited in full at [NM7/Page 188 to 190]):

This does not mark the end, but rather the beginning of something truly world-changing.

40. As such, it was clear that the pause on activity was simply temporary, rather than permanent, such that the Claimants reasonably apprehended further protest activity. The Claimants' apprehension proved correct and, as can be seen by the incidents set out at paragraph 31 above, a programme of direct action by Animal Rebellion and its supporters has recommenced.

41. Further, the Animal Rebellion 'This Changes Everything – A Plant Based Future' strategy document (the '**Strategy Document**') upon which the Claimants relied when seeking the without notice Injunction Order, and also at the return date on 4 October 2022, and which I again exhibit at [NM7/Page 191 to 194], sets out the following under the subheading 'strategy':

We need to make sure that we create a crisis at the start, so going with maximum intensity to make sure our issue is a number one news story, and after that we can keep our debate going with relatively minimal effort. [Insulate Britain] did this by going very hard in the first week or two, then only went once a week after that but stayed a national focus. Blockade Australia did this through their crazy 13 days of mega action, off which they are mass mobilising in Sydney in June.

42. For the reasons set out in the witness statement of Joanna Taylor (upon which the Claimants relied at the without notice hearing) (and especially paragraph 55), the Strategy Document is considered to be a credible source of information. Therefore, it seems that, even once the period of '*maximum intensity*' has passed, the Claimants can still expect anything up to a weekly protest event, as per the Strategy Document.

43. As has been stated in the Claimants' evidence in these proceedings, the Claimants' dairies collectively supply 40% of the milk supplied to UK supermarkets, with the Aylesbury Site processing 10% of the supply alone. If Animal Rebellion want to make good on their aim of stopping the supply of dairy, as they have repeatedly stated, they cannot do so without targeting the Claimants' sites. Indeed, the Animal Rebellion 'Plant-Based Campaign' webpage continues to present its cause under the heading '*Why we're disrupting the supply of dairy: the climate crisis changes everything*' (<https://www.plantbasedfuture.animalrebellion.org/plant-based-future>) [NM7/Page 195 to 205].

44. Therefore, the obvious inference is that, the Claimants and their sites are an obvious and prime target for Animal Rebellion supporters, and it is reasonable for the Claimants to apprehend further harm in nature of that experienced on 4, 5 and 8 September 2022.

Current programme of direct action and activist recruitment

45. The current programme of direct action being undertaken by Animal Rebellion and its supporters (including named Defendants to these proceedings), as set out at paragraph 31 above, whilst not being solely focussed on the dairy industry, is just as worrying for the Claimants as those historic programmes focussed solely on dairy. In particular:

- i. The supporters of Animal Rebellion are displaying a clear propensity to engage in aggravated trespass and property damage (such as the incidents at MBR Acres, which conduct was especially extreme, and in the various shops). The Claimants have suffered the effects of such conduct at the Aylesbury and Hatfield Sites, and it would appear that such conduct is still within the arsenal of direct action tactics being deployed by Animal Rebellion and its supporters. The Claimants reasonably apprehend that they will again be subjected to such conduct, and the harm that results from the same, absent the protection of the Injunction Orders;
- ii. The dairy industry is still clearly within the scope of the focus of Animal Rebellion and its supporters, as evidenced by the incidents in the supermarkets that targeted dairy based products rather than other animal-based products (such as meats).

Indeed, the transition to any plant-based food system, as demanded by Animal Rebellion, necessarily requires action against the dairy industry. As such, the Claimants continue to apprehend future acts of unlawful protest, and harm resulting from the same;

- iii. The bond between Animal Rebellion and other groups in the so-called ‘Rebel Alliance’ appears to be growing stronger, such that it is reasonable to apprehend that there may now be a wider pool of persons willing to assist in the programme of direct action undertaken by Animal Rebellion. In particular, I note the expression of solidarity from Animal Rebellion with Just Stop Oil activists in paragraph 31 above, and the overlap between the supporters of the two groups. Further, I note that the Animal Rebellion statement of 9 November 2022 (<https://www.plantbasedfuture.animalrebellion.org/post/a-statement-from-animal-rebellion>) [NM7/Page 200 to 201] again pledges its support for Just Stop Oil.

46. Further, and relatedly to (iii) above, Animal Rebellion continue to seek the support of new activists willing to engage in direct action.

- i. The Animal Rebellion website continues to host a ‘sign up’ form (<https://actionnetwork.org/forms/plant-based-future>) alongside a statement which reads, in part, ‘*Join us to rescue animals and combat the ecological and climate crisis in 2023!*’ [NM7/Page 202 to 203];
- ii. In a second ‘sign up’ page, the statement alongside the sign up form reads, in part, ‘*We are currently working on our 2023 campaign, and can’t wait to get started on actions!*’ (<https://www.plantbasedfuture.animalrebellion.org/take-action>) [NM7/Page 204 to 205].

47. As such, Animal Rebellion are clearly recruiting with a view to further direct action. As the Claimants have suffered past harm from direct action, and continue to operate a business to which Animal Rebellion and its supporters object (indeed, the First Claimant is the largest farmer-owned dairy co-operative in Europe), the Claimants reasonably apprehend further acts of unlawful trespass and resulting harm. As such, the continued

protection of the Injunction Orders is necessary, and I respectfully submit that it would be just and convenient to continue the same.

48. The recruitment of new and previously unidentified and unknown persons to the programme of direct action also continues to make the injunctive relief against persons unknown necessary. In circumstances where there is a fluctuating body of supporters of Animal Rebellion, the Claimants cannot know the identity of those who may attend the Claimants' sites and commit the apprehended wrongs and cause the apprehended harm, until they do attend the sites and engage in that conduct and cause that harm. To protect the Claimants against the acts of the so-called 'newcomer', injunctive relief against the defined categories of Persons Unknown is required, and I respectfully submit that the same should be continued.

49. Finally, Animal Rebellion's statement of 9 November 2022 (<https://www.plantbasedfuture.animalrebellion.org/post/a-statement-from-animal-rebellion>) [NM7/Page 200 to 201] draws a clear link between civil resistance arising out of '*...a time of deepening crisis. It is now the cost-of-living crisis, abject failure of political leadership, and the escalating climate and ecological emergencies altogether.*' As such, it is clear that Animal Rebellion and its supporters view themselves as being at the forefront of current discourse, and that the group intends to continue its campaign.

50. Therefore, for each of the foregoing reasons, the Claimants continue to apprehend acts of unlawful protest in the nature of those experienced on 4, 5 and 8 September 2022, and significant harm (including financial harm) resulting from the same. Accordingly, I respectfully submit that the Injunction Orders remain necessary to safeguard the rights of the Claimants, and that it remains just and convenient to grant the relief sought.

Statement of truth

I believe that the facts set out 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.



.....
Nicholas McQueen

Dated this 3rd day of February 2023