



Neutral Citation Number: [2025] EWHC 2141 (KB)

Case No: KB-2025-LDS-000078

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
IN THE LEEDS DISTRICT REGISTRY
SITTING IN THE SHEFFIELD DISTRICT REGISTRY

Sheffield Combined Court
The Law Courts
50 West Bar
Sheffield
S3 8PH

Date: 13 August 2025

Before:

MRS JUSTICE STACEY DBE

Between:

- (1) SHEFFIELD ENVIRONMENTAL SERVICES
(2) VEOLIA ES SHEFFIELD LIMITED
(3) VEOLIA ES (UK) LIMITED

Claimant

- and -

Defendant

PERSONS UNKNOWN WHO, IN
CONNECTION WITH STRIKES ORGANISED
BY UNITE THE UNION AND WITHOUT THE
CLAIMANTS' CONSENT, ENTER OCCUPY
OR REMAIN ON, OR PREVENT SLOW DOWN
OR OTHERWISE INTEREFERE WITH THE
ACCESS OR EGRESS OF ANY OTHER
INDIVIDUAL OR VEHICLE TO OR FROM,
THE FOLLOWING SITES:

- (A) LUMLEY STREET DEPOT, LUMLEY
STREET, SHEFFIELD, S4 7ZJ (AS SHOWN
FOR IDENTIFICATION EDGED RED ON THE
ATTACHED PLAN 1)
(B) LUMLEY STREET WORKSHOP, LUMLEY
STREET, SHEFFIELD, S4 7ZJ (AS SHOWN
FOR IDENTIFICATION EDGED RED ON THE
ATTACHED PLAN 2)
(C) THE ENERGY RECOVERY FACILITY AT
BERNARD ROAD, SHEFFIELD, S4 7YX (AS
SHOWN FOR IDENTIFICATION EDGED RED
BUT EXCLUDING THE AREA SHADED
PURPLE ON THE ATTACHED PLAN 3)

(D) 93 TINSLEY PARK ROAD, SHEFFIELD, S9
5DL (AS SHOWN FOR IDENTIFICATION
EDGED RED ON THE ATTACHED PLAN 4)
(E) CROWN WORKS, ROTHERHAM ROAD,
BEIGHTON, SHEFFIELD, S20 1AH (AS
SHOWN FOR IDENTIFICATION EDGED RED
ON THE ATTACHED PLAN 5

Mr Yaaser Vanderman and Ms Jagoda Klimowicz (instructed by **Simmons & Simmons
LLP**) for the **Claimant**
No appearance or representation on behalf of the **Defendants**

Hearing dates: 13 June 2025

Approved Judgment

This judgment was handed down remotely at 10.30am on Wednesday 13th August 2025 by
circulation to the parties or their representatives by e-mail and by release to the National
Archives.

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Mrs Justice Stacey DBE:

1. The Claimants seek an injunction against persons described as Persons Unknown who, in connection with strikes organised by UNITE the Union and without the Claimants' consent, enter occupy or remain on, or prevent, slow down or otherwise interfere with the access or egress of any other individual or vehicle to or from five sites specified in the Sheffield area ("the Land"). The Claimants are part of a corporate group whose parent entity is Veolia Environnement S.A, ("Veolia"). Through a contract with the First Claimant, Veolia provides waste management services in Sheffield under a contract with Sheffield City Council ("the Sheffield City Council Contract"). The sites which comprise the Land are business premises used to deliver the Sheffield City Council Contract in which the First, Second or Third Claimant are the leaseholder or freeholder.
2. The order sought is that the Defendants must not, without the consent of the Claimants enter, occupy or remain upon the Land and that the Defendants must not, without the consent of the Claimants prevent, slow down or otherwise interfere with the access or egress of any other individual or vehicle to or from the Land. They also seek an order for Defendants to be both prohibited from doing the prohibited acts either by themselves, or in any other way, or by means of another person acting on their behalf or on their instructions.
3. They seek the injunction for a period of three years with a mandatory annual renewal hearing.

The evidence before the Court

4. Before the hearing, the court had before it two witness statements and exhibits (including CCTV footage) from Elizabeth Johnson, Interim Contract Manager at Veolia based at Lumley Street Depot with responsibility for Veolia's delivery of waste collection services in Sheffield dated 4 and 10 June 2025 respectively and one witness statement with exhibits from Donald Macphail, Chief Operating Officer for waste treatment division of Veolia nationally dated 4 June 2025 and correspondence from Veolia's lawyers with both the Court and UNITE the Union ("Unite")'s solicitors, Thompsons LLP.
5. Over the short adjournment during the hearing on 13 June 2025, further evidence was served consisting of two witness statements of Robert Allen, solicitor at Simmons and Simmons LLP, the Claimants' solicitors, which were accepted in evidence by the Court.
6. There was no appearance by or on behalf of the defendants nor evidence served.
7. The background to the application is a dispute between two trade unions. The GMB has an exclusive recognition agreement for collective bargaining with Veolia in respect of, amongst other things, pay, hours and holidays for workers employed by Veolia in the Sheffield City Council Contract. Unite would also like to be recognised for the purposes of collective bargaining by Veolia. GMB does not agree to Unite having a recognition agreement with Veolia and Veolia respects GMB's wishes. The GMB conducts collective bargaining with Veolia on behalf of all workers in the

bargaining unit within the collective agreement, regardless of which, if any union, the workers belong to.

8. Veolia employs approximately 200 staff on the Sheffield City Council Contract to drive its 60 refuse collection vehicles (“RCV”) which are based at their Lumley Street Depot (the name of the leasehold property on the south of Lumley Street, Sheffield, S4 7ZJ registered at the Land Registry SYK574817 of which the First Claimant is the leaseholder (referred to as Site A in the claim form)). The RCVs are scheduled to leave at 6.45am every weekday morning from the Lumley Street Depot to collect the household waste and recycling from the residents of Sheffield City and take it to the appropriate waste or recycling centre, before returning with empty RCVs to the Lumley Street Depot. Nearby to the Lumley Street Depot on the north side of Lumley Street is Veolia’s workshop for its RCVs on property (with the same address and postcode) which is leased to the First Claimant by Sheffield City Council registered at the Land Registry under leasehold title SYK437808 (referred to as site B in the claim form).
9. Veolia has three waste disposal sites relevant to the Sheffield City Council Contract. Veolia occupies a site at Bernard Road, Sheffield (listed as site C in the claim form, registered at the Land Registry under leasehold title number SYK437806) under a lease from Sheffield City Council to the First Claimant, where the domestic waste is taken for incineration, called an ERF (Energy Recovery Facility), referred to as the Bernard Road Site. Mixed dry recycling is taken to a waste disposal facility in Tinsley Park Road which is registered at the Land Registry under two leasehold title numbers, SYK5111006 (Tinsley Park Road A) and SYK611970 (Tinsley Park Road B) which Veolia through the Third Claimant occupies under leases from the respective freeholders (site D in the claim form). Paper and card recycling is taken to the third waste disposal facility at Crown Works, Rotherham Road, Beighton, S20 1AH, registered at the Land Registry under freehold title SYK133481, referred to as the Beighton Site. Veolia through the Third Claimant is the freehold owner of this site (referred to as site E in the claim form). During each round an RCV may need to visit the waste disposal facility to off load the waste or recycling a number of times depending on the volume of waste.
10. The operatives and drivers of the RCVs collect the rubbish from the bins on their pre-assigned route and work on a “Task and Finish” basis which means that they can leave work when they have either finished their round and taken all the waste and recycling to the appropriate site and returned their RCV back to the Lumley Street Depot or at the end of their shift at 3pm, whichever is the earlier. So the quicker they can complete their round, the quicker they can go home, which can sometimes be around noon, but more usually is 1-1.30pm. Crews collect around 70,000 bins per day when they collect the 100% target collection rate. The term for an unemptied or uncollected bin is a dropped bin.
11. Until recently, security at the Lumley Street Depot and Workshop and the Bernard Road Site consisted of CCTV cameras and pedestrian gates.
12. Veolia became aware of Unite’s interest in having collective bargaining arrangements with them in respect of the Sheffield City Council Contract in early 2024 and sought to involve the statutory body, Advisory, Conciliation and Arbitration Service (“Acas”) in the spring of 2024 to try to settle the dispute between the two unions. However, on

10 May 2024 Acas withdrew assistance since this was an inter-union dispute between two TUC affiliated trade unions and it is their long-standing policy not to become involved in such matters which are for trade unions to seek to resolve between themselves.

13. On 10 June 2024 Unite served a notice on Veolia that it intended to hold a ballot for industrial action under the statutory procedures in the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A 1992) for their members employed as driver and loader on the Sheffield City Council Contract. Their members were duly balloted to see if they wished to take part in strike action in the trade dispute described as Veolia's refusal to recognise Unite members to have their terms negotiated by their union and the strike action was expected to take place within the period from mid July 2024 to late December 2024. The ballot closed on 2 July 2024. Of the 78 individuals entitled to vote in the ballot, 56 cast a vote, 52 voted in favour of strike action and 4 against. Industrial action in the form of strike action commenced at the end of July 2024 and has continued since then, with following further periodic renewed ballots held every 12 weeks. Initially the strike action was discontinuous for one week in July 2024, but since then has been continuous strike action.
14. The most recent notification of ballot results on 6 February 2025 stated that the number of individuals entitled to vote in the ballot was 59, the number of votes cast was 47 and of those who chose to vote, 45 voted in favour of continued strike action, one voted against and there was one spoilt ballot paper. On 29 May 2025 Unite informed Veolia of its intention to hold a further ballot on 5 June 2025 to canvas the views of its members to take strike action expected to take place from early July to mid December 2025. The balloting constituency has now reduced to 56.
15. As this is an inter-union dispute between two TUC affiliated unions, GMB referred the dispute to the TUC in December 2024 under the Bridlington Principles established to help resolve disputes of this kind. The dispute has not yet been resolved and it is not known what steps the TUC has taken or is intending to take.
16. Unite has also tried to gain recognition with Veolia for its members on the Sheffield City Council Contract through the statutory trade union recognition machinery under TULR(C)A 1992 to the Central Arbitration Committee ("CAC"). Unite made an application to Veolia under the statutory procedure in February 2025 which was refused by Veolia on grounds of its of existing recognition agreement with GMB. Following Veolia's refusal Unite applied to the CAC as it was entitled to do under the procedure. The CAC refused to accept the application on 3 April 2025, declaring it inadmissible because of the existing recognition agreement in force between Veolia and the GMB which is an independent trade union, covering, as a minimum, pay, hours and holidays. Other than judicial review there is no right of appeal from a CAC decision.
17. From July 2024 Unite has held a picket line outside the Lumley Street Depot which has been conducted in accordance with the BEIS Code of Practice on picketing. The picket line is attended by Unite officials and some of Veolia's staff who are on strike. They play music and seek to persuade their fellow workers to support their cause and are not disrupting operations and acting in accordance with the law.

18. The strikes themselves have had some minimal impact on bin collections within Sheffield City Council. Full details had not been provided in the evidence, but in the course of the last week in March 2024 the number of dropped bins there was a total of 1,727 dropped bins varying from 1 to 996 each day, out of the 350,000 normal weekly collection rate across the city.
19. Following the CAC ruling that Unite's application was inadmissible, the General Secretary of Unite, Sharon Graham, came to Birmingham to address a rally outside the Lumley Street Depot on 11 April 2025. From the CCTV footage approximately 50 people seem to be in attendance. Ms Graham gave a rallying speech reassuring her members that they had Unite's full support, that although Unite had 101 current industrial disputes going on across the country she would do everything in her power to make sure that they would win the dispute and make Veolia recognise Unite. She said that they must now escalate the dispute and she would discuss with the team later what that escalation would look like.
20. At some point in time – it is not clear from the evidence whether this commenced before or after the Sharon Graham visit that day – in addition to the official picket line, a number of individuals associated with Unite wearing hi-vis jackets arrived at Lumley Road Depot from 6am and hand out leaflets, fire air horns, flares and red smoke, play loud music and hand out leaflets to Veolia staff as they are entering the site on their way to work.
21. This application is not a complaint about the picketing by Unite officials and their members employed by Veolia and Veolia does not allege that Unite has breached the Code of Practice on Picketing on the official picket line which it is conducting in accordance with ss.220 and 220A TULR(C)A 1992. It is about the protesters who are not currently thought by Veolia to be part of Unite who are acting apart from the Unite picket line. It is relevant to bear in mind that picketing outside s.220 is not per se tortious and unlawful. The point of s.220 is to confer immunity against certain tort actions such as inducing breach of contract and conspiracy where the act is done in the contemplation or furtherance of a trade dispute and the union complies with the various balloting provisions under what has come to be known as the “golden formula” set out in s. 219 TULR(C)A. Veolia does not seek for the official picket, or the activities of the individuals handing out leaflets described in paragraph 20 to be subject to the proposed injunction which do not interfere with the operation of the site.

The direct action

22. What Veolia objects to is a third group consisting mostly of masked individuals engaged in what they have termed as direct action which commenced on 15 April 2025 when sometime before 6.45am approximately nine masked individuals began walking slowly in continuous circles in front of the gate at Lumley Street Depot as soon as the gates to the depot opened, blocking the RCVs and preventing them from leaving the depot. From a comparison of the CCTV footage and the boundaries marked on the Land Registry plans it would appear that the slow walkers were mostly on the public highway but part of the circle involved walking on Veolia's land by a matter of a few inches, possibly a foot. The procession continued until 9.15am and had the effect of preventing any RCVs from leaving until 9.15am. As a result, 6,435

bins were dropped that day and it took three days until 17 April for the bin men to catch up and complete the collections scheduled for 15 April.

23. In response to the events on 15 April Veolia implemented a contingency plan. The RCVs were moved from Lumley Street to other of Veolia's sites and Veolia took on a new site on a temporary basis at Beeley Wood specifically to mitigate the effect of the disruption at the Lumley Street Depot. However, the contingency plan was not successful in mitigating the effect of the disruption at the Lumley Street Depot as when the 10 RCVs tried to leave the Beeley Wood site on 17 April 2025, masked individuals prevented them from doing so at both the back and front entrances to the Beeley Wood Site and only one RCV could leave the site. It had been an expensive and time consuming exercise (both logistically and in manpower) to set up the contingency site plan at Beeley Wood.
24. Direct action continued on the dates and times as set out below:

	Date	Location	Start Time	End Time	Impact
1.	15 April 2025	Lumley Street Depot	6.45 am	9.15 am	<ul style="list-style-type: none">• 2 hours and 30 mins delay• 6,435 dropped bins• Collection completed on approx. Thursday 17 April 2025.
2.	17 April 2025	Beeley Wood Site	6.20 am	8.45 am	<ul style="list-style-type: none">• 2 hours delay• 8,381 dropped bins• Collection completed on approx. Saturday 19 April 2025.
3.	24 April 2025	Lumley Street Depot	6.45 am	8.15 am	<ul style="list-style-type: none">• 1 hour and 30 mins delay• 2,901 dropped bins Collection completed on approx. Saturday 26 April 2025.
4.	25 April 2025	Lumley Street Depot	6.45 am	8.30 am	<ul style="list-style-type: none">• 1 hour and 45 mins delay• 7,174 dropped bins• Collection completed on approx. Saturday 26 April 2025.
		Workshop	6.45 am	8.30 am	
5.	1 May 2025	Lumley Street Depot	6.45 am	8.05 am	<ul style="list-style-type: none">• 1 hour and 25 mins delay• 5,040 dropped bins• Collection completed on approx. Saturday 3 May 2025.
		Workshop	6.45 am	8.10 am	
6.	7 May 2025	Lumley Street Depot	6.30 am	8 am	<ul style="list-style-type: none">• Approx. 1 hour and 25 mins delay• 1,790 dropped bins• Collection completed on
		Workshop	6.30 am	8.10 am	

					approx. Thursday 8 May 2025.
7.	8 May 2025	Lumley Street Depot	6.30 am	8.10 am	<ul style="list-style-type: none"> • Approx. 1 hour and 25 mins delay • 785 dropped bins • Collection completed on approx. Friday 9 May 2025.
		Workshop	6.30 am	8.10 am	
8.	13 May 2025	Lumley Street Depot	6.15 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 15 mins delay • 1,861 dropped bins • Collection completed on approx. Thursday 15 May 2025.
		Workshop Worthing Road Exit	6.15 am	8 am	
9.	15 May 2025	Lumley Street Depot	6 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 15 mins delay • 2,996 dropped bins • Collection completed on approx. Saturday 17 May 2025.
		Workshop	6 am	8 am	
10.	20 May 2025	Lumley Street Depot	6.15 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 20 mins delay • 1,811 dropped bins • Collection completed on approx. Friday 23 May 2025.
		Workshop	6.15 am	8.05 am	
11.	21 May 2025	Lumley Street Depot	6.15 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 25 mins delay • 6,075 dropped bins • Collection completed on approx. Saturday 24 May 2025.
		Workshop	6.15 am	8.10 am	
12.	22 May 2025	Lumley Street Depot	6.10 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 25 mins delay • 2,174 dropped bins • Collection completed on approx. Saturday 24 May 2025.
		Workshop	6.15 am	8.10 am	
13.	28 May 2025	Lumley Street Depot	6.45 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 15 mins delay • 3,866 dropped bins • Collection completed on approx. Friday 30 May 2025
		Workshop	6.45 am	8 am	
		Tinsley Park Road	10.25 am	11.30 am	
14.	29 May 2025	Lumley Street Depot	6.45 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 15 mins delay • 4,233 dropped bins • Collection completed on approx. Saturday 31 March 2025.
		Workshop	6.45 am	8 am	
		Tinsley Park Road	10.25 am	11.30 am	

15.	30 May 2025	Lumley Street Depot	6.45 am	8 am	<ul style="list-style-type: none"> • Approx. 1 hour and 15 mins delay • 10,377 dropped bins • Collection completed on approx. Saturday 31 March 2025.
		Workshop	6.45 am	8 am	
		Tinsley Park Road	10.25 am	11.35 am	
16.	3 June 2025	Lumley Street Depot	6.45 am	7.50 am	<ul style="list-style-type: none"> • Approx. 65 minutes delay • 1,344 dropped bins • Collection completed on approx. Wednesday 4 June 2025.
		Workshop	6.45 am	7.50 am	
		Tinsley Park Road	10.25 am	11.30 am	
17.	5 June 2025	Lumley Street Depot	6.45 am	7.50 am	<ul style="list-style-type: none"> • Approx. 65 minutes delay • 4,985 dropped bins • Collection completed on approx. Saturday 7 June 2025.
		Workshop	6.45 am	7.50 am	
		Tinsley Park Road	10.15 am	11.30 am	

25. Since the compiling of the table above and after Veolia took the steps set out below to give notice to the defendants of its application, the direct action has been repeated on three dates at two sites. On 11 June 2025 approximately 20 masked individuals walked in a circle in front of the Lumley Street Depot Entrance, and also at the Workshop Lumley Street Entrance and the Workshop Worthing Road Exit. They arrived at 6.10 am and left at 7.50 am. The direct action caused a 65 minute delay to the RCVs leaving Lumley Street. Masked individuals also arrived at 10.20 am and walked in a circle in front of vehicles attempting to leave the Tinsley Park Road Exit. They left at 11.15 am.
26. On 12 June 2025 approximately 20 masked individuals walked in front of the Lumley Street Depot Entrance, and the Workshop Lumley Street Entrance and the Workshop Worthing Road Exit. They arrived at 6.10 am and left at 7.50am. The direct action caused a 65 minute delay to the RCVs leaving Lumley Street. On the same day masked individuals walked in a circle in front of vehicles attempting to leave the Tinsley Park Road Exit. They arrived at 10.15 am and left at 11.26 am.
27. On 13 June 2025 RCVs were delayed by 10 minutes from leaving Lumley Street Depot by two groups of protesters walking slowly in circles in front of the gates between 6.45am and 7.50am.

Steps taken by Veolia and chronology from 15 April 2025 to date

28. Veolia have taken a number of other steps in addition to the contingency plan implemented immediately after the 15 April direct action. On 18 April 2025 Veolia erected a Health and Safety Notice at the Lumley Street Depot which stated that it acknowledged the right to lawful protest and wished to ensure the safety of all individuals involved. It stated that they were aware that there had been recent

incidents that had resulted in heightened risk to health and safety at this site. It was requested that all should adhere to the following safety guidelines:

“1. Avoid Moving Vehicles: Please maintain a safe distance from all moving vehicles (taking particular note of areas with large amounts of vehicle traffic such as access used by lorries and other vehicles).

2. Keep clear of Heavy Machinery: For your safety, do not approach or obstruct heavy machinery. Such machinery can pose significant risk to health and safety if not given adequate space to operate.

3. Consider your Surroundings: Always remain vigilant and aware of your surroundings to prevent any unintended incidents or risks to your health and safety or the health and safety of others. Your cooperation is greatly appreciated in ensuring a safe environment for everyone. Please ensure you take all reasonable safety precautions into account at all times.”

29. Temporary Heras fencing was installed along the boundary between Veolia’s land and the public highway on 18 April 2025 which was ineffective to prevent the action taking place. On 1 May 2025 Veolia painted a white line on the tarmac outside the Lumley Street Depot entrance demarcating the boundary between their property and the public highway which has been effective in reducing trespass onto their land, which is now occasional and minimal. But the circle of slow walkers outside the Lumley Street Depot has simply moved marginally further away from the gate to the site so as not to trespass on Veolia’s land as a result and it has not reduced the effectiveness of the direct action in stopping the RCVs from leaving the site.
30. Veolia have asked for police assistance on occasion. When the police have arrived they have allowed the protest activity to continue and consider it to be a civil matter. Veolia has ensured that supervisors are present on each occasion of direct action and additional security guards have been hired.

Harm

31. The harm identified in Ms Johnson’s statement is of the increased number of dropped bins since the direct action commenced set out above. The dropped bin data from the direct action on 11 and 12 June 2025 was not available in time for the hearing on 13 April.2025. There have been some complaints from Sheffield residents who have not had their bins emptied on the scheduled days and Veolia is responding to social media complaints informing residents to continue to leave their bins out for collection and the bins have then been emptied within two or three days of the normal collection day.
32. The Tinsley Park site is used by third parties and the road outside is narrow. There is concern, but there have been no problems yet specifically identified, of third party vehicles being trapped inside and vehicles, which include HGVs being unable to enter the site at the times when the entrance is obstructed.

33. The waste collection staff are impacted by their rounds taking longer and sometimes not being complete within their contracted hours, resulting in overtime. Supervisors and managers are finding it stressful and time consuming dealing with the disruption. Morale is being affected and there are concerns of increasing acrimony from the defendants towards the waste disposal staff who are not on strike, especially the GMB rep at the Lumley Street Depot and towards the managers.
34. The additional cost to Veolia is principally in overtime, but it has also incurred additional security costs since 15 April 2025 of around £2,500 per month. The Heras fencing was rented and then purchased costing £7,000 and the licence for the contingency site at Beeley Wood cost £8,000. The total costs have been in excess of £60,000.

Proceedings and notification of proceedings

35. Veolia issued proceedings and this application on 4 June 2025 in the Business and Property Courts of the Leeds District Registry with a certificate of urgency. Arrangements were made for the application to be heard in Sheffield since it is appropriate for the case to be heard as locally as possible to the subject matter of the application.
36. Veolia's solicitors sought to bring the proceedings and this application to the attention of the defendants by three means: by uploading a copy of the claim to their website: <https://www.sheffield.veolia.co.uk/> ("the Sheffield Veolia website"); by sending an email to the following email addresses:

sharon.graham@unitetheunion.org;

onay.kasab@unitetheunion.org;

stephen.pinder@unitetheunion.org;

clare.keogh@unitetheunion.org;

shane.sweeting@unitetheunion.org,

stating that a claim has been brought and an application made, and that the documents could be found at the Sheffield Veolia website; and, thirdly by affixing a notice at each Site stating that a claim had been brought and an application made, and that the documents could be found at the Sheffield Veolia website.

37. In her witness statement Ms Johnson confirmed that her colleagues, Steve Taylor and Terry Clements had affixed a notice on each of the sites that were subject to the claim and injunction application, which stated that the Claim had been brought, and the injunction application had been made. Hearing notices were put up online on the 6th of June, which was confirmed by Ian Burrows. Physical Hearing Notices were also put by Mr Clements at (1) The Tinsley Park Road Entrance (2) The Tinsley Park Road Exit, (3) At the Beighton Site by 17:11 on 6 June 2025 on the same date. On the 7 June 2025 the Hearing Notice was put up by another colleague of Elizabeth Johnson's, Shaun Teasdale, Operations Supervisor at Veolia, at the Lumley Street Depot, the Workshop Lumley Street Entrance, the Workshop Worthing Road Exit. Andy Gleason, a contract supervisor at Veolia also placed a Hearing Notice by the ERF exit on the 9th of June.

38. The notification came to the attention of Unite's solicitors, Thompsons, who have corresponded with Veolia about the terms of their proposed order to ensure that the lawful picketing and protesting by Unite is protected and Veolia have agreed to their suggested amendments. Unite is not a party to the proceedings. Thompsons have confirmed how they would like to be notified of the outcome and that they have received instructions from their client, Unite, that further communications be conducted solicitor to solicitor without the need to email the Unite email addresses that were used to draw their attention to the proceedings initially.
39. On 13 June 2025, the day of the hearing of this application, leaflets were handed out at the ERF in Bernard Road, in the early morning to inform passers by of the fact of the High Court injunction happening that day.
40. If an order were to be granted, the Claimants proposed to notify Persons Unknown of any Order granted by similar methods: by uploading a copy of the Order to the Sheffield Veolia website; by sending an email to the same email addresses as had been sent the notice of the proceedings stating that the Order had been made, and that it could be found at the Sheffield Veolia website; by affixing an A4 copy of the Order at each site; and by affixing warning notices of A2 size at each site.

The law and conclusions

41. Helpful guidance has been provided by the Supreme Court in *Wolverhampton City Council v London Gypsies and Travellers and ors* [2024] UKSC 47. The law, for now at least, is reasonably well settled. A court, may, in principle grant an injunction against persons unknown or "newcomers", whether on an interim or final basis, whether in an unauthorised traveller encampment or protest case, as a novel exercise of the court's equitable discretionary power, but such an injunction will only ever likely to be justified if the applicant:
- i) has demonstrated a compelling need for the protection of civil rights or the enforcement of public law not adequately met by any other available remedies (including statutory remedies),
 - ii) built into the application and the injunction sought procedural protection for the rights (including Convention rights) of those persons unknown who might be affected by it,
 - iii) complied in full with the disclosure duty which attached to the making of a without notice application and
 - iv) showed that, on the particular facts, it was just and convenient in all the circumstances that the injunction sought should be made.
42. If justified, any injunction made by the court had to (i) spell out clearly and in everyday terms the full extent of the acts it was prohibiting, corresponding as closely as possible to the actual or threatened unlawful conduct, (ii) extend no further than the minimum necessary to achieve the purpose for which it was granted, (iii) be subject to strict temporal and territorial limits, (iv) be actively publicised by the applicant so as to draw it to the attention of all actual and potential respondents and (v) include generous liberty to any person affected by its terms to apply to vary or discharge the

whole or any part of the injunction. The drafting of the order requires, precision, clarity, focus and rigour.

Service of the application and proceedings

43. Prior to any consideration of the substantive requirements it is first necessary to consider if Veolia has taken all reasonable steps to draw the application and the proceedings to the defendants given the inherent difficulties with service given that the defendants' identities are unknown. I am satisfied that Veolia does not know the identity of the protesters involved in the direct action obstructing their RCVs from leaving the Lumley Street Depot and the Tinsley Park Road Site and is unable to identify them as they are wearing masks and are otherwise unknown to them. I am further satisfied that the steps taken outlined above have been taken and constitutes all reasonable steps necessary to draw it to the defendants' attention in accordance with the approach in *Wolverhampton City Council* which were sufficient to bring the fact of the proceedings and this application to the attention of the defendants. If there was any question, it was dispelled by the witness statements served on the day of the hearing exhibiting a notice being handed out at the Lumley Street Depot stated to be "from sympathetic trade unionists" on the morning of 13 June 2025 before the hearing that refers to the hearing and includes details from the evidence served in support of the application: there can therefore be no doubt that the hearing came to the defendants' attention.
44. I am satisfied there has been sufficient compliance with CPR 55.6 and sufficient to amount to an informal approach justified under the alternative service provisions of CPR 16.5 to amount to compliance.
45. I turn next to the substantive requirements, and the tests set out in a number of cases including *Valero Energy Ltd v Persons Unknown* [2024] EWHC 134 (KB) at [58] and applying the law and the tests set out in *Valero* and *Wolverhampton City Council*, to the facts in this case I find as follows.
46. With the additional statements served I am satisfied that there has been full and frank disclosure by Veolia.

Causes of action

47. Trespass to land is the commission of an intentional act which results in the immediate and direct entry onto land in the possession of another without justification. If land is subject to a public right of way or similar, a person who unlawfully uses the land for any purpose other than that of exercising the right to which it is subject is a trespasser. However, the public have a right of reasonable use of the highway which may include protest. A protest involving obstructing the highway may be lawful by reason of Articles 10 and 11 ECHR.
48. Private nuisance is any continuous activity or state of affairs causing a substantial and unreasonable interference with a claimant's land or his use or enjoyment of that land. In the case of an easement, such as a right of way, there must be a substantial interference with the enjoyment of it. The unlawful interference with a claimant's right of access to its land via the public highway, where a claimant's land adjoins the public highway, can be a private nuisance.

49. Veolia has provided evidence of its legal rights, entitlement and interest in the land and the sites concerned.
50. Although trespass appears to be minimal since the painting of the lines the walking circle has largely taken place on the highway, from the videos and all evidence served in support of the application there is seemingly very cogent evidence of the commission of the tort of private nuisance by the walking circle causing a substantial and unreasonable interference with Veolia's use of its land by the blocking of the entrance and exit. There is sufficient to show more than a realistic prospect of success. There is a high risk and imminent threat that the defendants will commit the pleaded torts of nuisance and trespass with the same results as have already occurred since 15 April 2025.
51. As to potential defences, Articles 10 and 11 ECHR are relevant. I am satisfied that the defendants know of the hearing of the application but have chosen not to attend, be represented or ask for more time to respond. Even so, given the short notice given, it is necessary to consider if there may be arguments available to them to defend the application had they, or someone else on their behalf, been here to make them, either as to the law or the cogency of the claimant's evidence. I have scrutinized the claimant's evidence with a particularly keen eye, given the absence of representation on the part of the defendants. It appears thorough and cogent. So too the legal arguments. I find that any potential arguments would be weak and would not succeed. It would not assist with trespass (see *R v Hallam* [2025] 4 WLR 33 [34] and *HS2 Ltd v Persons Unknown* [2022] EWHC 2360 (KB) at [81] and [196]). As for private nuisance, the evidence supports a conclusion that the infringement is both substantial and unreasonable. A difficulty for the defendants is that Veolia has been measured and proportionate in its response to the direct action, seeking first to mitigate the more damaging effects of the direct action by, for example, demarcating their private property from the highway by the lines painted on the road and the erection of the Heras temporary fencing. The contingency plan at the Beeley Wood site was another non-confrontational way of seeking to ensure continuity of bin collection service, but which was not successful since the direct action continued at that site. So too was the attempt to involve Acas. Veolia has not rushed into this litigation without first seeking to find better ways to deal with the dispute.
52. Veolia appears also to have been very mindful of the additional care required where well established trade union picketing rights are involved and the interplay between the law that has developed under the common law in protest injunctions and the rights under TULR(C)A 1992. The Veolia managers have been scrupulous in disaggregating the harm from the lawful trade union and the direct action protests where a prima facie case of private nuisance has been made out. It is only the third of the three categories of protesters that are the target of this injunction. Having seen the video footage I would agree that the second category appears as good natured and well within the ambit of lawful protest and persuasion. The third category of mainly masked individuals blocking the entrance and exit to the Lumley Street Depot is a different matter however.
53. Subject to some necessary amendments to the wording discussed with counsel during the course of the hearing, the injunction sought is proportionate as its aims are sufficiently important to justify any interference; there is a rational connection between the means chosen and the aims; and, there is a fair balance between the various rights at

issue given. There has been no disruption to the Unite pickets who, in exercise of their Art 10 and 11 rights, continue to seek to persuade their colleagues. But by blocking the entrance the defendants are not seeking to persuade the bin men to support the cause of their striking Unite colleagues, but to compel them not to work by preventing them from leaving the Lumley Street Depot and other sites where the circular walking protest is preventing the RCVs from leaving or entering. It is causing harm to Veolia's delivery of the Sheffield City Council contract and considerable disruption to its working employees working longer than would be normal under the "task and finish" arrangement and then do overtime. The cost to Veolia has been over £60,000 and the direct action protest has gone on, albeit intermittently for eight weeks now.

54. Veolia has explored and exhausted all less restrictive or intrusive and less confrontational measures with no avail. The police safety notice and other measures outlined above have had no effect and I accept that this application is a last resort.
55. Damages would not be an adequate remedy given the nature of the damage, distress, disruption and inconvenience to the residents of Sheffield City Council are not easily quantifiable and nor is the impact of the sense of frustration and disruption to the employees of Veolia.
56. The defendants have been described as precisely as possible by reference to their prior unlawful conduct which I find sufficient to identify them given that Veolia does not and cannot easily find out their names and they wear masks. The precision in the areas in which they have been taking direct action is sufficiently clear and precise to prevent the risk of bystanders being caught within the terms of the proposed injunction.
57. As for the prohibition in the draft order. It required considerable revision and as first drafted by Mr Vanderman was too vague and imprecise, but he accurately judged the way the wind was blowing and quickly revised the draft to meet the Court's concerns. Minor quibbles were with archaic languages such as "access and egress" when better everyday terms were available. Of concern was the terms such as "slow down" which was too wide and too vague given the lawful activities strikers and their supporters entitled to do to seek to persuade their colleagues.
58. Of particular concern was the length of the proposed injunction which went way beyond the period of the strike action notified in accordance with TULR(C)A 1992 and was therefore unjustified. If there are further strikes notified after the balloting requirements have been adhered to, further applications may be made. I note however that the strike appears to have waning support and the number of Unite members, ballot turnout and support for industrial action has dwindled a little over the last year. This case is an example of the importance of understanding the fact sensitive nature of the dispute, the full context of the inter-union trade union dispute by reference to the wider rights and responsibilities under TUR(C)A 1992 in order to ensure the wording a proposed injunction is tailored to the facts.
59. But all these concerns were met by the redrafting proposals that Mr Vanderman and Ms Klimowicz quickly proposed in substitution.

In summary, Veolia has demonstrated a compelling need for the protection of its civil rights which is not adequately met by any other available remedies; procedural

protection for the rights (including Convention rights) of those persons unknown who might be affected by it have been built into the order; Veolia has complied in full with the disclosure duty in its evidence served with the application and showed that, on the particular facts, it was just and convenient in all the circumstances that the injunction sought should be made.

60. I therefore grant the injunction in the terms discussed during the course of the hearing recorded on the order which covers the period of the industrial action at Veolia's Sheffield City Council contract and provides sufficient protection and opportunity for the defendants to apply to have the order varied or discharged and satisfies the matters set out in paragraph 42 above.