

Amended pursuant to the Order of Mrs Justice Stacey dated 13 June 2025

IN THE HIGH COURT OF JUSTICE

CLAIM NO: KB-2025-LDS-000078

KING'S BENCH DIVISION

CHANCERY DIVISION

BUSINESS AND PROPERTY COURT

LEEDS DISTRICT REGISTRY



BETWEEN:-

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

Claimants

- v -

PERSONS UNKNOWN WHO, IN SUPPORT OF CONNECTION WITH STRIKES ORGANISED BY UNITE THE UNION AND WITHOUT THE CLAIMANTS' CONSENT, ENTER OCCUPY OR REMAIN ON, OR BLOCK OR OBSTRUCT THE ENTERING OR EXITING PREVENT SLOW-DOWN OR OTHERWISE INTERFERE 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)

Defendants

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AMENDED PARTICULARS OF CLAIM

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I. INTRODUCTION

1. The First Claimant is a company incorporated in England & Wales with company number 03727031 and with its registered address at 210 Pentonville Road, London,

N1 9JY. The First Claimant is a provider of waste management services in Sheffield pursuant to a contract with Sheffield City Council (the "**Waste Management Contract**").

2. The Second Claimant is a company incorporated in England & Wales with company number 03709317 and with its registered address at 210 Pentonville Road, London, N1 9JY. The Second Claimant performs waste management services on behalf of the First Claimant as required under the Waste Management Contract.
3. The Third Claimant is a company incorporated in England & Wales with company number 02481991 and with its registered address at 210 Pentonville Road, London, N1 9JY. It provides waste management services to the public and private sector.
4. The First, Second and Third Claimants are members of the same corporate group, with the ultimate parent company known as Veolia Environnement S.A., a public company registered in France ("**Veolia**"). The Veolia group is a transnational group that provides waste, water, and energy management services for its clients in both the public and the private sector.
5. The Defendants are Persons Unknown who are activists engaging in a campaign of disruptive direct action. The Claimants understand that their aim is to compel Veolia to grant UNITE The Union ("**UNITE**"), a trade union operating in the United Kingdom, official union recognition in relation to its depot at Lumley Street, Sheffield, S4 7ZJ.

## II. LAND TO WHICH CLAIM RELATES

6. The land and property to which this Claim relates is at 5 sites: (i) the depot at Lumley Street, Sheffield, S4 7ZJ (the "**Lumley Street Depot**"); (ii) the workshop at Lumley Street, Sheffield, S4 7ZJ (the "**Lumley Street Workshop**"); (iii) the Energy Recovery Facility at Bernard Road, Sheffield, S4 7YX (the "**Bernard Road Site**"), but excluding the substation; (iv) the land at 93 Tinsley Park Road, Sheffield, S9 5DL (the "**Tinsley Park Road Site**"); and, (vi) the land at Crown Works, Rotherham Road, Beighton, Sheffield, S20 1AH (the "**Beighton Site**"), together the "**Sites**". The extent of these Sites are indicated on Plans 1-5, attached to the Claim Form.

7. The First Claimant is the registered owner of leasehold titles to three of the Sites:
  - (1) Lumley Street Depot, under title number SYK574817. This is the depot for refuse collection vehicles.
  - (2) Lumley Street Workshop, under title number SYK437808. This is a workshop for the refuse collection vehicles.
  - (3) Bernard Road Site, under title number SYK437806. This is an energy recovery facility – i.e. an incinerator where domestic waste is incinerated. The Bernard Road Site includes a substation, shaded purple on Plan 3, which is the subject of a lease to a third-party.
8. The Second Claimant has a licence to occupy land at Beeley Wood Lane, Sheffield, S6 1QT (“**Beeley Wood**”), pursuant to a licence agreement with AMG Investments Limited, dated 13 January 2025, and renewed on 14 May 2025. This is a contingency site to be used in case in the event of disruption during the present strikes.
9. The Third Claimant is the registered owner of the leasehold title to the Tinsley Park Road Site under title numbers SYK611970 and SYK511006. This is a waste disposal facility for mixed dry recycling. The Third Claimant is also the registered owner of the freehold title to the Beighton Site under title number SYK133481. This is a waste disposal facility for paper and card recycling.
10. The land over which injunctive relief is sought is referred to as the “**Land**”. The Land does not include: (1) Beeley Wood; or, (2) the substation at the Bernard Road Site, which is shaded purple on Plan 3.

### III. UNLAWFUL DIRECT ACTION

11. Protests first began at the Sites in July 2024, when UNITE announced that its members based at the Lumley Street Depot would go on strike for the following reason:

*“Employer’s [Veolia’s] refusal to recognise the right of Unite members to have terms negotiated by their Union.”*

12. On 11 April 2025, a large number of protestors attended an event at the Lumley Street Depot. Approximately 50 protestors gathered on the public highway directly adjacent to the Lumley Street Depot. They erected a gazebo on the public highway and listened to a speech from the General Secretary of Unite, Sharon Graham, in which she stated that "*this strike will be escalating*". Some protestors encroached upon the Lumley Street Depot without Veolia's consent.
13. Since this time, there has been an escalation in activity leading to direct action being undertaken at the Lumley Street Depot, the Lumley Street Workshop, Beeley Wood and the Tinsley Park Road Site by the Defendants with the effect of disrupting the Claimants' lawful activities. In particular, there have been the following 16 days of direct action to date:
  - (1) On 15 April 2025, vehicles were unable to leave the Lumley Street Depot for approximately 2.5 hours while the Defendants obstructed the exit of the depot by slowly walking in a circle. As a result, 6,435 bins were not collected from the residents of Sheffield on that day.
  - (2) On 17 April 2025, the Defendants prevented vehicles from exiting Beeley Wood for approximately 2 hours by slowly walking in front of the exit. As a result, 8,381 bins were not collected from Sheffield residents that day.
  - (3) On 24 April 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot for approximately 1 hour 30 minutes by slowly walking in front of the exit. As a result, 2,901 bins were not collected from Sheffield residents that day.
  - (4) On 25 April 2025, the Defendants blocked vehicles from exiting both the Lumley Street Depot and the Lumley Street Workshop for approximately 1 hour 45 minutes by slowly walking in front of the exit. As a result, 7,174 bins were not collected that day.
  - (5) On 1 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot and the Lumley Street Workshop for approximately 1 hour

20 minutes by slowly walking in front of the exit. As a result of the disruption, 5,040 bins were not collected that day.

- (6) On 7 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot and the Lumley Street Workshop for approximately 1 hour 45 minutes by slowly walking in front of the exit. As a result of the disruption, 1,790 bins were not collected that day.
- (7) On 8 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot and the Lumley Street Workshop for approximately 1 hour 40 minutes by slowly walking in front of the exit. As a result of the disruption, 785 bins were not collected that day.
- (8) On 13 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot and the Lumley Street Workshop for approximately 1 hour 45 minutes. As a result of the disruption, 1,861 bins were not collected that day.
- (9) On 15 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot and the Lumley Street Workshop for approximately 2 hours by slowly walking in front of the exit. As a result of the disruption, 2,996 bins were not collected that day.
- (10) On 20 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot for approximately 1 hour 45 minutes. As a result of the disruption, 1,811 bins were not collected that day.
- (11) On 21 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot for approximately 1 hour 45 minutes. As a result of the disruption, 6,075 bins were not collected that day.
- (12) On 22 May 2025, the Defendants blocked vehicles from exiting the Lumley Street Depot for approximately 1 hour 50 minutes. As a result of the disruption, 2,174 bins were not collected that day.

- (13) On 28 May 2025, the Defendants blocked vehicles from exiting the Tinsley Park Road Site for approximately 1 hour. The Defendants also blocked vehicles from exiting the Lumley Street Depot and the Lumley Street Workshop for approximately 1 hour 15 minutes. As a result of the disruption, 3,866 bins were not collected that day.
- (14) On 29 May 2025, the Defendants blocked vehicles from exiting the Tinsley Park Road Site for approximately 1 hour. The Defendants also blocked vehicles from exiting the Lumley Street Depot and the Lumley Street Workshop for approximately 1 hour 15 minutes. As a result of the disruption, 4,233 bins were not collected that day.
- (15) On both 30 May 2025 and 3 June 2025, the Defendants again blocked vehicles from exiting the Lumley Street Depot, the Lumley Street Workshop and the Tinsley Park Road Site. Further details on these events will be provided in due course.

#### IV. CAUSES OF ACTION

14. The incidents referred to above amount to trespass and/or private nuisance. The Claimants apprehend that, unless restrained by the Court, the Defendants will continue to carry out acts amounting to trespass and private nuisance on the Land.
15. In relation to trespass, the Defendants have entered onto the First and Third Claimants' land on numerous occasions since 11 April 2025. The Claimants have not consented to the Defendants entering, occupying or remaining on the land for the purpose of carrying out a protest or direct action or taking part in any demonstration, procession or public assembly. Moreover, the direct action amounts to breaches of the criminal law, under s.241(1)(c) of the Trade Union and Labour Relations (Consolidation) Act 1992 and s.137(1) of the Highways Act 1980.
16. In relation to private nuisance, the acts undertaken by protesters on the public highway referred to above amount to an undue and substantial interference with the Claimants' enjoyment of the Sites. In particular, the effect is that the Claimants'

employees, agents and licensees are not able to come and go from the Sites freely to undertake lawful activities due to their vehicles being blocked by the Defendants.

17. The Defendants' unlawful conduct is causing substantial harm and losses. In particular:

- (1) The Claimants have suffered and continue to suffer financial loss and reputational harm as a result of the direct action.
- (2) The direct action is causing harm to the Claimants' employees. It is leading to damage to morale, including due to the overtime that they are being required to work in order to collect all of the bins.
- (3) The direct action is causing harm to the public. From the start of the direct action, many thousands of bins have not been collected on the day they were supposed to be collected. This is leading to an increasing number of complaints from members of the public.
- (4) The Defendants and/or others may suffer physical harm as a result of the direct action.
- (5) Third parties attempting to use the Claimants' disposal sites may be impacted by the disruption.

#### V. RELIEF SOUGHT

18. As a result of the above, the Claimant seeks injunctive relief to prevent the apprehended trespasses and nuisance.

#### VI. IDENTITIES OF THE DEFENDANTS

19. The Claimants are not aware of the identities of any individuals who have carried out or are likely to carry out direct action on the Land. As the protesters have been using masks to hide their faces, the Claimants are unable to identify the participating individuals.

## VII. SERVICE/NOTIFICATION

20. Pursuant to *Wolverhampton CC v London Gypsies & Travellers* [2024] 2 WLR 45, the Claimants are not able to serve Persons Unknown. Rather, the Claimants propose to notify Persons Unknown of the Claim Form by taking the following steps:

- (1) Uploading a copy onto the following website:  
<https://www.sheffield.veolia.co.uk/>.
- (2) Sending an email to a number of email addresses belonging to prominent officers at UNITE stating that a claim has been brought and that the documents can be found at the website referred to above.
- (3) Affixing a notice at those locations marked with an "x" on Plans 1-5 stating that the claim has been brought and setting out where these documents can be found and obtained in hard copy.

## VIII. HUMAN RIGHTS

21. Any reliance by the Defendants on their rights to freedom of expression and/or assembly within Articles 10/11 ECHR provides no defence to this claim.

- (1) Insofar as the claim relates to actions undertaken on the Sites, Articles 10 and 11 ECHR include no right to trespass on private property and thereby override the rights of private landowners.
- (2) Insofar as the claim relates to actions undertaken on the public highway, and if Articles 10 and 11 ECHR are engaged, the grant of an injunction by the Court is justified as a necessary and proportionate measure to pursue the legitimate aim of protecting the Claimants' right of peaceful possession of the Land under Article 1 Protocol 1 ECHR as:
  - i. Less weight is to be given to protection of direct action as opposed to simple protest.

- ii. The direct action thus far has involved sustained unlawful activity over a period of 7 weeks.
- iii. The harm being caused to the Claimants, their employees and the wider public is substantial.
- iv. The injunction sought would not prevent the protesters from protesting near to the Sites, merely from undertaking unlawful direct action.
- v. The direct action amounts to breaches of the criminal law, under s.241(1)(c) of the Trade Union and Labour Relations (Consolidation) Act 1992 and s.137(1) of the Highways Act 1980.
- vi. No less restrictive measures are available. In particular, reactive police presence at the protests has not prevented the direct action.

**AND THE CLAIMANTS CLAIM**

- (1) An order that until 4 June 2028 the Defendants must not, without the consent of the Claimants enter, occupy or remain upon the Land.
- (2) An order that until 4 June 2028 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.
- (3) Costs; and,
- (4) Further and/or other relief.

**YAASER VANDERMAN  
JAGODA KLIMOWICZ**

**Brick Court Chambers**

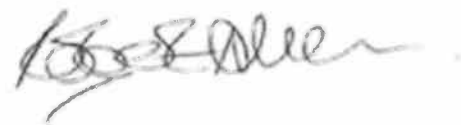
**4 June 2025**

**17 June 2025**

**STATEMENT OF TRUTH**

The Claimants believe that the facts stated in these amended particulars of claim are true. The Claimants 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.

I am duly authorised by the Claimants to sign this statement.



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Robert Allen

Claimants' solicitor

Partner at Simmons & Simmons LLP