

- 1) Made on behalf of the Claimants
- 2) Donald John Fraser Macphail
- 3) Second Witness Statement
- 4) Exhibit DM2
- 5) Dated 21 October 2025

CLAIM NO: M10SE015

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

BETWEEN

(1) SHEFFIELD ENVIRONMENTAL SERVICES LIMITED

(2) VEOLIA ES SHEFFIELD LIMITED

(3) VEOLIA ES (UK) LIMITED

Claimants

and

PERSONS UNKNOWN

Defendants

**SECOND WITNESS STATEMENT OF DONALD JOHN FRASER
MACPHAIL**

I, Donald John Fraser Macphail of 210 Pentonville Road, London N1 9JY will say
as follows:-

SECTION A: INTRODUCTION

1. I am Chief Operating Officer ("COO") for the Waste Treatment division within the UK for the Veolia Environnement group of companies and am employed by Veolia ES (UK) Limited, based at 210 Pentonville Road, London N1 9JY.
2. I have held the role of COO since January 2020. Prior to that, I was Regional Director for the Midlands for Veolia from February 2013 to January 2020. Earlier in my career I also worked for the Cleanaway waste business. I have responsibility for leading all operations and business performance in relation to Veolia's waste treatment services, including hazardous waste, across the UK.
3. By virtue of my role, I have been involved in the underlying matters that led to Veolia obtaining the Injunction against Persons Unknown (the "Defendants") which was granted by order of Mrs Justice Stacey on 13 June 2025 (the "Injunction Order") and remain involved in overseeing matters relating to the Injunction Order.
4. I am duly authorised by the Claimants to make this witness statement on behalf of the Claimants in support of their application for an extension of the Injunction Order (the "Injunction Extension Application"). For further information regarding the background to the Injunction Extension Application, I refer to the witness statement of Dean Anthony Ford.
5. I am the same Donald John Fraser Macphail who has previously given a witness statement in these proceedings, namely, my first witness statement dated 4 June 2025 (and Exhibit DM1). I adopt the terms as defined in that statement.
6. The facts and matters to which I refer in this witness statement are true to the best of my knowledge, information and belief. Where I rely upon others or documents as the source of my knowledge, I set out the

source of that information, which is also true to the best of my knowledge, information and belief.

7. This statement has been prepared for me by the solicitors for the Claimants, Simmons & Simmons LLP ("S&S"), through the exchange of emails between me and S&S. In making this statement I do not intend to waive privilege in any respect and I am not authorised by the Claimants to do so.
8. I exhibit to this statement a paginated bundle of documents marked "**DM2**" to which I shall refer in the course of this statement. References in this statement in the form **[DM2/[•]]** are to pages of Exhibit DM2.
9. My statement is structured into the following sections (this introduction being Section A):-
 - (A) Section B: Cross-undertaking in damages; and
 - (B) Section C: Full and frank disclosure.

SECTION B: CROSS-UNDERTAKING IN DAMAGES

10. In the event that the extension of the Injunction Order is granted, I can confirm that the Claimants will provide the undertakings set out in **Schedule 2 of the Draft Order**.
11. The Claimants' ability to meet any order made pursuant to the cross-undertaking in damages can be demonstrated by the published accounts at **[DM2/3-167]**.

SECTION C: FULL AND FRANK DISCLOSURE

- 12. I have been advised by S&S of the need to provide full and frank disclosure in this application and at all stages of the process and I have sought to comply with that obligation in the preparation of this statement.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Signed

Full name

Donald John Fraser Macphail

Position or Office held

Chief Operations Officer, Waste Treatment
division within the UK for the Veolia
Environnement group

Dated

21 October 2025