

- 1) Made on behalf of the Claimants
- 2) R Allen
- 3) Third Witness Statement
- 4) Exhibit RCKA3
- 5) Dated 22 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

and

PERSONS UNKNOWN

Claimants

Defendants

**THIRD WITNESS STATEMENT OF ROBERT CHARLES
KINKEAD ALLEN**

I, Robert Charles Kinkead Allen of Simmons & Simmons LLP, CityPoint, 1 Ropemaker St, London EC2Y 9SS will say as follows:-

SECTION A: INTRODUCTION

1. I am a solicitor of the Senior Courts of England and Wales and a Partner at Simmons & Simmons LLP ("S&S"). S&S is instructed by Sheffield Environmental Services Limited, Veolia ES Sheffield Limited and Veolia ES (UK) Limited (the "Claimants"), and I have conduct of these proceedings for the Claimants. The Claimants are part of a group of companies whose parent entity is Veolia Environnement S.A., which I refer to generally as "Veolia".
2. 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 to the injunction (the "Injunction Extension Application") against Persons Unknown (the "Defendants") which was granted by order of Mrs Justice Stacey on 13 June 2025 (the "Injunction Order").
3. I am the same Robert Charles Kinkead Allen who has previously given witness statements in these proceedings, namely, my first witness statement dated 12 June 2025 ("Allen 1") (and Exhibit RCKA1) and my second witness statement dated 13 June 2025 ("Allen 2") (and Exhibit RCKA2). I adopt the terms as defined in those statements.
4. 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.
5. In making this witness statement I do not intend to waive privilege in any respect and am not authorised by the Claimants to do so.
6. I exhibit to this statement a paginated bundle of documents marked "RCKA3" to which I shall refer in the course of this statement. References in this statement in bold square brackets in the form **[RCKA3/[•]]** are to the pages of Exhibit RCKA3.

7. My statement is structured into the following sections (this introduction being Section A):
 - (A) Section B: Background;
 - (B) Section C: The Injunction Claim and the terms of the Injunction Order;
 - (C) Section D: Notification of the Injunction Order;
 - (D) Section E: Other; and
 - (E) Section F: Duty of full and frank disclosure.

SECTION B: BACKGROUND

8. Since July 2024, employees at The Claimants' depot at Lumley Street, Sheffield, S4 7ZJ (the "Lumley Street Depot") who are members of Unite the Union ("UNITE") have balloted for and notified the Claimants of industrial strike action, which is aimed at compelling the Claimants to grant UNITE official recognition in relation to the Lumley Street Depot.
9. Since the strike action started, I am instructed that people have picketed every week since August 2024 at the Lumley Street Depot. There have also been protests at various of Veolia's sites in Sheffield.
10. Between 11 April 2025 and 13 June 2025, Persons Unknown in support of strikes organised by UNITE repeatedly engaged in unlawful direct action at the Lumley Street Depot and at the Claimants' other sites in Sheffield. The direct action took the form of individuals (wearing masks) preventing refuse collection vehicles ("RCVs") from leaving Veolia's sites by circling in front of the RCVs for substantial periods of time. On some occasions the direct action also took the form of trespass onto the Claimants' private property. The direct action was having a detrimental impact for the Claimants, their employees, and the wider public in Sheffield.

11. For further background on the Injunction Claim and the Injunction Application, please see the follow sections of the witness statements given in the Injunction Application:
 - (A) Section B (The land to which the claim relates), Section C (The claimants), Section D (The defendants), and Section E (Direct action) of the First Witness Statement of Elizabeth Johnson dated 4 June 2025 and Exhibit EJ1.
 - (B) Section C (Direct action) and Section D (The land to which the claim relates) of the Second Witness Statement of Elizabeth Johnson dated 10 June 2025 and Exhibit EJ2.
 - (C) Paragraphs 16 to 20 of Allen 1.
 - (D) Paragraphs 7 to 19 of Allen 2 .
 - (E) The Witness Statement of Donald MacPhail dated 4 June and Exhibit DM1.
12. Please see the witness statement of Dean Anthony Ford dated 22 October 2025 ("Ford 1") for an update on the factual background since the Injunction Hearing.

SECTION C: THE INJUNCTION CLAIM AND THE TERMS OF THE INJUNCTION ORDER

13. On 4 June 2025, the Claimants sought to bring an end to the direct action by bringing the Injunction Claim and the Injunction Application against Persons Unknown (including newcomers) to restrain them from acts of trespass and nuisance on five sites occupied by Veolia (as identified edged in red on plans 1 to 5 in the Injunction Order):
 - (A) Lumley Street Depot, Lumley Street, Sheffield, S4 7ZJ;
 - (B) Lumley Street Workshop, Lumley Street, Sheffield, S4 7ZJ;

- (C) The Energy Recovery Facility at Bernard Road, Sheffield, S4 7ZJ (but excluding the area of land shaded purple on plan 3 (the “ERF”);
 - (D) 93 Tinsley Park Road, Sheffield, S9 5DL (“Tinsley Park Road”); and
 - (E) Crown Works, Rotherham Road, Beighton, Sheffield, S20 1AH (“Beighton Site”),
- (together the “Land”).

14. Both the Injunction Claim and the Injunction Application were originally issued in the King’s Bench Division of the Business and Property Courts in the Leeds High Court District Registry under Claim No. KB-2025-LDS-000078.
15. On 13 June 2025, the hearing of the Injunction Application took place before Mrs Justice Stacey, in the Leeds District Registry sitting in Sheffield (the “Injunction Hearing”). Persons Unknown did not appear nor were they represented at the Injunction Hearing.
16. At the Injunction Hearing, Mrs Justice Stacey ordered that, until 13 December 2025 or final determination of the claim or further order in the meantime, whichever shall be earlier, the Defendants must not, without the consent of the Claimants, enter, occupy or remain upon the Land, or block or obstruct the exiting or entering of any other individual or vehicle to or from the Land (see paragraphs 1 to 4).
17. Mrs Justice Stacey also ordered that notification of the order was to be effected by the taking of various steps (as set out in paragraph 9), including affixing copies of the Injunction Order and warning notices (the “Warning Notices”) **[RCKA3/3-7]** at the relevant sites, with notification deemed to take place on the date on which all of the relevant steps have been carried out (see paragraph 12).
18. By paragraph 15 of the Injunction Order, Mrs Justice Stacey transferred the Injunction Claim from the King’s Bench Division in the Leeds District

Registry Business and Property Court to the Kings Bench Division in the Sheffield District Registry. A new claim number was issued once this transferred was effected (Claim No. M10SE015).

19. By paragraph 13 of the Injunction Order, Mrs Justice Stacey granted permission for the Claimants to file an Amended Claim Form and Amended Particulars of Claim amending the description of the Defendants to the following:

“Persons Unknown who, in support of strikes organised by UNITE the Union and without the Claimants’ consent, enter occupy or remain on, or block or obstruct the entering or exiting of any other individual or vehicle to or from, the following sites...”

20. The Claimants duly filed an amended Claim Form on 16 June 2025 and amended Particulars of Claim on 17 June 2025. On 11 August 2025, by post S&S received copies of these (and a further copy of the Injunction Order) which had been sealed (and in the case of the Injunction Order, resealed) but which contained certain errors (such as the documents being in black and white rather than in colour and containing the wrong issue date). On 18 August 2025, S&S wrote to the court to ask for corrected sealed copies. S&S subsequently received further sealed copies of these documents by post on 3 September 2025 with the errors corrected. The court confirmed by email that the copies received on 11 August 2025 should be disregarded [RCKA3/8-13]. The sealed copies received on 3 September 2025 were notified to Persons Unknown as explained at paragraph 24 below.

SECTION D: NOTIFICATION OF THE INJUNCTION ORDER AND OTHER DOCUMENTS

21. On 13 June 2025, the Claimants completed the following steps to notify the Defendant:
- (A) Ruth Alexander, Lead Education, Communications and Outreach Officer for Treatment East at Veolia, uploaded a copy of the

Injunction Order to <https://www.sheffield.veolia.co.uk> (the “Website”) (in accordance with paragraph 9(a) of the Injunction Order) and confirmed that that had been completed to my team at 16:47 on 13 June 2025.

(B) S&S sent an email attaching a copy of the Injunction Order to neiltodd@thompsons.law and neil.gillam@unitetheunion.org (in accordance with paragraph 9(b) of the Injunction Order) **[RCKA3/14-43]**.

22. The notification steps required by paragraphs 9(d) and 9(c) of the Injunction Order are set out in Section B of the witness statement of Sophie Garraty dated 22 October 2025 (“Garraty 1”).

23. The Claimants had taken the majority of the steps required to notify the Injunction Order on the Defendant by 16 June 2025, the next working day after the Injunction Order sealed. However, as explained in paragraph 11 of Garraty 1, due to the Claimants’ oversights in affixing the Injunction Order and the Warning Notices at the Workshop Entrance, all of the required steps were not completed until 16 August 2025. Accordingly, the Claimants’ position is that notification is deemed effective as of 16 August 2025.

24. The sealed copies of the Amended Claim Form and Amended Particulars of Claim were notified to the Defendants on 4 September 2025 by taking all steps outlined in paragraph 11 of the Injunction Order:

(A) S&S sent an email attaching the documents to neiltodd@thompsons.law at 14:32 on 4 September 2025 **[RCKA3/44-61]**; and

(B) Ruth Alexander, Lead Education, Communications and Outreach Officer for Treatment East at Veolia, uploaded copies to the Website and confirmed to my team that the same had been completed at 16:29 on 4 September 2025.

25. S&S have also provided Thompsons with copies of all further documents, pursuant to paragraph 11 of the Injunction Order, as follows:
- (A) On 18 June 2025, Allen 1 and Allen 2 **[RCKA3/62-133]**;
 - (B) On 19 June 2025, a note of the Injunction Hearing **[RCKA3/134-148]**
 - (C) On 3 July 2025, a transcript of the Injunction Hearing **[RCKA3/149-210]**
 - (D) On 12 August 2025, a hearing Notice for remote handing down of the judgment **[RCKA3/211-241]**
 - (E) On 13 August 2025, the Approved Judgment of Mrs Justice Stacey DBE (the "Injunction Judgment") **[RCKA3/242-258]**
26. All further documents relevant to the claim have been uploaded to the website, pursuant to paragraph 11 of the Injunction Order:
- (A) First Witness Statement of Robert Allen;
 - (B) Exhibit RCKA1;
 - (C) Second Witness Statement of Robert Allen;
 - (D) Exhibit RCKA2;
 - (E) Transcript of Hearing on 13 June 2025 (A note of the hearing was uploaded to the Website on 19 June 2025 and subsequently replaced with the transcript on 3 July 2025); and
 - (F) Approved Judgment of Mrs Justice Stacey DBE.

SECTION E: OTHER

27. The events since the Injunction Hearing up until the 9 July mass picket are set out at Section C of Garraty 1, including in relation to protesters standing close to the RCVs.
28. On 19 June 2025 at 12.30 pm, I understand from my colleague, Frances Gourdie, a solicitor at Simmons & Simmons LLP, that she spoke to UNITE's legal representative, Neil Todd (Partner at Thompsons Solicitors) to raise concerns about this conduct and the health and safety risks associated with this. Ms Gourdie took a note of the call. I understand from Ms Gourdie that she explained the concerns regarding people standing too close to the RCVs and preventing them from turning right. I understand that she explained that whilst Veolia does not have an issue with picketing and picketers communicating with the trucks as they were leaving the depot, people must not obstruct or block the vehicles as they are turning right out of the depot. Mr Todd asked Ms Gourdie for the opportunity to speak to his client before Veolia took steps to write to Unite about this issue, as he thought that his speaking to his client might de-escalate. On 23 June 2025, I understand from Ms Gourdie that she had a follow-up call with Mr Todd and that she took a note of the call. According to Ms Gourdie, Mr Todd had taken instructions from his client, who had implied that it was not Unite's picketers that were causing issues at the depot, and that Veolia should speak to Shane Sweeting, Unite's Regional Officer, because he would deal with it proportionately. I understand from Ms Gourdie that Mr Todd also said that if there were any further issues, that we should come back to him.
29. As set out Section D of Ford 1, on 19 August 2025 people took part in a mass picket at the Depot (the "August Mass Picket"). On 29 September 2025, S&S wrote to Mr Diviney and Mr Tice in relation to their participation in the August Mass Picket. The purpose of this letter was to put these individuals on notice that the Claimants considered their conduct during the August Mass Picket to have breached the terms of the Injunction Order but also to give them an opportunity to avoid further action being taken. As these individuals may not have realised the consequences of their actions

and in light of the severity of the potential consequences in contempt of court proceedings, the Claimants were not minded to bring contempt proceedings at this stage.

SECTION F: DUTY OF FULL AND FRANK DISCLOSURE

30. I understand the duty of full and frank disclosure and I have sought to comply with the duty 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

Robert Charles Kinkead Allen

Position or Office held

Partner at Simmons & Simmons LLP

Dated

22 October 2025