

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 (AS DEFINED IN THE CLAIM FORM)

Defendants

**CLAIMANTS' NOTE OF *EX TEMPORE* JUDGMENT OF HIS HONOUR
JUDGE BADDELEY
ON 5 DECEMBER 2025**

This is a note of the *ex tempore* judgment of HHJ Baddeley handed down on at a hearing on 5 December 2025 (the "**Judgment**") prepared by Simmons & Simmons LLP and reviewed by Counsel for the Claimants. This note records the legal team's note and recollection of the Judgment as best as possible but may be subject to errors. Typographical adjustments have been made to correct any obvious errors. An official transcript of the Judgment has been applied for and will be uploaded to www.sheffield.veolia.co.uk once available.

Judgment

1. The Claimants in this case are Sheffield Environmental Services Limited, Veolia ES Sheffield Limited, and Veolia ES (UK) Limited. They are all connected companies within

the Veolia group. The Claimants are all represented today by Ms Barden, Counsel. The Defendants are Persons Unknown who, in support of strikes organised by Unite the Union (“Unite”) 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 five named sites in Sheffield run by the Claimants.

2. No Defendants or Persons Unknown have attended Court today.
3. This is an application to extend the injunction order made under the *Wolverhampton CC & Ors v London Gypsies and Travellers & Ors* [2023] UKSC 47 jurisdiction. The order was made by Mrs Justice Stacey on 13 June 2025 (the “**Injunction Order**”). The Injunction Order was made for a period of six months and therefore expires next week. The Claimants seek an extension for a further six months.
4. I have considered a considerable amount of documentation, consisting of a core bundle, three exhibit bundles, a supplementary bundle and an e-bundle containing several videos. I also have an authorities’ bundle. There are 12 witness statements in total: five were prepared before the initial injunction application hearing heard by Mrs Justice Stacey, and a further seven have been prepared in support of the extension application today. There are five made by Robert Allen, two made by Elizabeth Johnson, Donald Macphail, and Sophie Garraty, and one made by Dean Ford.
5. I have considered the detailed and very helpful skeleton argument prepared by Ms Barden.
6. It will be necessary to consider this judgment alongside the judgment of Mrs Justice Stacey following the hearing on 13 June 2025.¹ However, I will summarise some of the key points from that judgment.
7. In paragraph 1, Mrs Justice Stacey noted that the Claimants sought an injunction. In paragraph 7 she referred to the background of the application being a dispute between two trade unions. The GMB has an exclusive recognition agreement for collective bargaining with Veolia. 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.

¹ *Sheffield Environmental Services & Ors v Persons Unknown* [2025] EWHC 2141 (KB).

8. Mrs Justice Stacey noted at paragraph 13 that there had been industrial action in the form of strike action from July 2024 and the strike action had continued since then following further periodic ballots held every 12 weeks.

9. Paragraph 17 reads that *“From July 2024, Unite have 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”*.

10. At paragraph 21, Mrs Justice Stacey said:

“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 protestors who are not currently thought by Veolia to be part of Unite who are acting apart from the Unite picket line.”

11. Rather, as explained in paragraph 22 of Mrs Justice Stacey’s judgment, Veolia considers this group of mostly masked individuals are engaged in what they term as direct action, which commenced on 15 April 2025.

12. Paragraphs 41 and 42 of the judgment referenced the *Wolverhampton* case, and Mrs Justice Stacey said in relation to that:

“41. 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 [...],*
- 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 vary or discharge the whole or any part of the injunction...*"

At paragraph 50, Justice Stacey noted that there was, "...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 [sic] land by the blocking of the entrance and exit."

13. At paragraph 53, Mrs Justice Stacey said:

"...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."

14. Finally, at paragraph 58, she said that *"of particular concern was the length of the proposed injunction [a three-year injunction was initially sought] which went way beyond the period of the strike action notified in accordance with TULR(C)A 1992 and was therefore unjustified"*. She went on to say:

“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.”

15. Moving onto events since the matter was before the Court in June, the evidence shows that the pickets have continued, generally on Tuesdays, Wednesdays and Thursdays, and more recently on alternate weeks.
16. There was an incident on 9 July 2025 where a mass picket took place at the Lumley Street Depot and on the same day, there was a protest at a contingency site leased² by the Claimants at Beeley Wood. That site was not covered by the June injunction, but there was some disruption there too. Bin lorries were delayed in departing due to the protest.
17. The next significant event that I have been referred to took place on 19 August 2025, which was said to be the one-year anniversary of the Sheffield bin strike. I have been shown some video evidence of the events that day. The video shows a group of individuals at the exit to the depot, almost entirely on the public highway. When the bin lorry shown on the video approached the exit to the site, the group parted so that the front of the vehicle could cross the line marking the edge of the site, but the individuals remained close to the sides of the vehicles, and the decision was taken that it was not safe for the vehicle to attempt to exit. Mr Ford refers to that in his statement. There was a delay before the lorry was able to leave the depot, and Mr Ford tells us that on that day 8,483 bins were dropped, that being about 13% of the total (the completion rate having been 87%).
18. There have also been further ballots. There was one that was known about when the matter was before the Court in June but the outcome was not yet known. There was a further ballot that took place on 15 September 2025. On 16 October 2025, Unite published an article on its website indicating that the strike would move from continuous to every other week, and that is what has been happening since 10 November this year.
19. There has also been a relevant incident at a site run by other Veolia companies, not the ones bringing this action, on 31 October 2025, in Leeds. The evidence shows a protest at that site in Leeds, indicating support for the “Sheffield bin strike”. Ms Garraty stated in

² Cs’ evidence was that the contingency site at Beeley Wood was licensed, rather than let.

her statement that she recognised two individuals from the Sheffield protests on the video footage from Leeds.

The Law

20. In terms of the law, I have already referred to the passages from the *Wolverhampton* case from Mrs Justice Stacey’s judgment. I shall not say more on that.

21. In relation to the law on applications to extend the injunctions, I have been referred to the judgment of Mr Justice Garnham in the case of *Rochdale Metropolitan Borough Council v Persons Unknown* [2025] EWHC 1314 (KB), where he noted at paragraph 44 the judgment of Mr Justice Ritchie in the case of *High Speed Two (HS2) Ltd v Persons Unknown* [2024] EWHC 1277 (KB) , where he said at paragraph 32:

“... on a review of an interim injunction against PUs and named Defendants, this Court is not starting de novo. The Judges who have previously made the interim injunctions have made findings justifying the interim injunctions. It is not the task of the Court on review to query or undermine those. However, it is vital to understand why they were made, to read and assimilate the findings [...] Then it is necessary to determine, on the evidence, whether anything material has changed. If nothing material has changed, if the risk still exists as before and the claimant remains rightly and justifiably fearful of unlawful attacks, the extension may be granted so long as procedural and legal rigour has been observed and fulfilled.”

22. Paragraph 51 of Mr Justice Garnham’s judgment says: “*This is not a “tick-box” exercise*”. The matters on which the court should focus are:

“...(i) how effective the order has been; (ii) whether any reasons or grounds for its discharge have emerged; (iii) whether there is any proper justification for its continuance; and (iv) whether and on what basis a further order ought to be made. Parties should give full disclosure, supported by appropriate evidence, directed towards those questions.”

Procedural and substantive points

23. Before dealing with the substantive points, I will deal with the procedural, particularly service. Having read Mr Allen’s evidence, I am satisfied that all reasonable and practicable steps have been taken to notify the relevant people of this application. As directed by Mrs Justice Stacey, the papers are on the website, Unite have been sent

copies and there are notices displayed at prominent locations at the relevant sites indicating where the papers can be found. It seems to me that the only further step that could be taken is advertisement in the press, but I cannot see that this would achieve anything further to bring notice of today's hearing to the attention of the people who need to see it.

24. Turning to the substance, I am satisfied that the evidence demonstrates a compelling need to extend the injunction by six months to protect the Claimants' rights; that it is just and convenient to extend the injunction for that period; and that there are adequate procedural safeguards in place to protect the defendants.

25. My reasons are as follows: firstly, the underlying dispute about the recognition of Veolia continues. Secondly, whilst the strikes are now every other week rather than continuous, the evidence is that support for the strikes is not significantly waning. The results of the two ballots since the matter was before the Court are as follows. On 24 June 2025, 46 out of 48 people voting voted in favour of industrial action. On 15 September 2025, 42 out of 44 people voted in favour. Comparing that to the earlier ballots: on 2 July 2024, 52 out of 56 voting voted in favour and on 6 February 2025, 45 out of 46 people voting voted in favour. Whilst it is true that there were four fewer people voting in favour in September 2025 compared to June 2025, in my view that reduction is not significant. The industrial action still has more than 95% support amongst those who voted.

26. Ms Garraty's evidence is that Unite have advised that there is to be a further ballot and that Unite have no intention of returning to the workplace full-time. Whilst on the face of it, a strike moving from continuous to week-on, week-off may indicate less enthusiasm, there is a statement on the Unite website from 16 October 2025 saying that the reason for this is to disrupt Veolia's use of agency strike-breakers.

27. It would not be right to dismiss this application because there have not been significant events at Sheffield since 19 August 2025. It may well be there have not been any significant events at Sheffield since then because the injunction is working. As Ms Barden points out, prior to the June hearing there were 20 days of disruption, and in the six months since then there have only been two, in July and August, as I have referred to.

28. It seems to me that the events in Leeds on 31 October 2025 are important. The photographic evidence indicates a link to the Sheffield dispute. There is no injunction

covering Leeds. It seems to me that that indicates that things may change at Sheffield should this injunction not continue.

29. In my judgment, the circumstances now are not significantly different to those in June when the injunction was granted. I cannot see any basis to discharge it. The injunction sought is in identical terms to the order made by Mrs Justice Stacey. There is no basis that I can see to change its wording. A further six months is justified and proportionate in the circumstances. Whilst the current strike action is only timetabled up until March 2026, Unite have said that there will be another ballot, and unless the dispute is resolved, action is likely to continue beyond that. It would not make sense, in my judgment, to require Veolia to bring this back in three months' time. Six months is a reasonable and proportionate extension.

Defendants

30. Finally, I will add that I have considered whether it will be necessary to join Mr Diviney and Mr Tice as named defendants to this application. They are not unknown individuals. We know that because Veolia's solicitors have sent letters before action to them following the August incident. On balance, I do not require them to be joined. In my judgment it is not necessary. There is no evidence that they breached the injunction since August. The letters they were sent amounted to a shot across the bows, and they have worked.