

Claimant  
N McQueen  
Second Witness Statement  
NM1  
11 July 2025

CLAIM NO: KB-2024-002361

**IN THE HIGH COURT OF JUSTICE**  
**KINGS BENCH DIVISION**

**B E T W E E N :-**

**(1) DRAX POWER LIMITED**

**Claimant**

**- and -**

**(1) PERSONS UNKNOWN WHO IN CONNECTION WITH RECLAIM THE POWER, AXE DRAX OR OTHER ENVIRONMENTAL CAMPAIGN ENTER OCCUPY OR REMAIN ON THE LAND SHOWN SHADED BLUE ON PLAN 1 OR LAND SHOWN SHADED BLUE ON PLAN 2 BEING LAND WITHIN OR ADJOINING DRAX POWER STATION, SELBY AND ITS ASSOCIATED PUMPING STATION WITHOUT THE CONSENT OF THE CLAIMANT**

**(2) PERSONS UNKNOWN WHO IN CONNECTION WITH RECLAIM THE POWER, AXE DRAX OR OTHER ENVIRONMENTAL CAMPAIGN CONGREGATE OR ASSEMBLE ON THE LAND SHOWN SHADED RED ON PLAN 1 AND PLAN 2 INCLUDING: (A) THE VERGE AND FOOTWAY ON THE WESTERN SIDE OF NEW ROAD, SELBY AND (B) VERGE TO THE NORTH OF THE FOOTWAY ON THE A645 AND (C) PUBLIC FOOTPATH TO THE NORTH AND WEST OF AND PASSING IN A FENCED CHANNEL THROUGH DRAX POWER STATION**

**(3) PERSONS UNKNOWN WHO IN CONNECTION WITH RECLAIM THE POWER, AXE DRAX OR OTHER ENVIRONMENTAL CAMPAIGN OBSTRUCT AND/OR INTERFERE WITH OR ATTEMPT TO OSBTRUCT AND/OR INTERFERE WITH ACCESS TO OR EGRESS FROM DRAX POWER STATION ON FOOT, BY VEHICLE OR BY RAIL BY THE CLAIMANT, ITS AGENTS, EMPLOYEES, CONTRACTORS OR OTHER LICENSEES**

**(4) PERSONS UNKNOWN CAUSING OR PERMITTING THE FLYING OF A DRONE OR DRONES ABOVE THE LAND SHOWN SHADED BLUE AND SHADED RED ON PLAN 1 BEING DRAX POWER STATION AND ADJOINING LAND.**

**Defendants**

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## SECOND WITNESS STATEMENT OF NICHOLAS MCQUEEN

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I, **NICHOLAS MCQUEEN** of Walker Morris LLP, 33 Wellington Street, Leeds, LS1 4DL, **WILL SAY AS FOLLOWS:**

- 1 I am a Partner of Walker Morris LLP. I represent the Claimant in these proceedings, being Drax Power Limited (company no. 04883589) (**Drax**). I am authorised to make this statement on behalf of the Claimant. The Claimant is the owner and operator of a power station that generates electricity through the burning of biomass.
- 2 The statements in this witness statement are from my own knowledge save where I state otherwise. Where statements are matters of information or belief, I provide the source of that information or belief.
- 3 I now refer to a paginated bundle of documents marked exhibit "NM2" containing true copies of the documents to which I shall refer in this witness statement marked [NM2/exhibit number].
- 4 On 25 July 2024 Mr Justice Ritchie granted an injunction to restrain the Defendants from entering occupying or remaining on the land shown shaded blue on Plan 1 or Plan 2 attached to the order (the **Injunction Order**).
- 5 Paragraph 7 of the Injunction Order provides for the injunction to be reviewed annually on each anniversary of the Injunction Order (or as close to this date as is convenient having regard to the Court's list), and unless the Claimant has applied for the review to take place the injunction shall lapse at 4pm on the anniversary of the Injunction Order. I exhibit a copy of the Injunction Order at [NM2/1].
- 6 This witness statement is made to update the court as to the Claimant's intention not to seek the continuation of the injunction at paragraphs 1 to 5 of the Order, and in support of the Claimant's application to stay of these proceedings as a consequence.
- 7 In the interest of costs, and in order to reduce the constraints on Court time, in circumstances where the Claimant is not seeking a continuation of the injunction, it considers that it is appropriate for this matter to be dealt with on the papers, without the need for a hearing. If, however, the Court considers it appropriate for a hearing to take place, the Claimant remains willing to attend such a hearing.
- 8 In this statement I shall address the following:
  - 8.1 The background to the claim and this application;
  - 8.2 The current position; and
  - 8.3 Full and frank disclosure.

### BACKGROUND

- 9 On 25 July 2024, Mr Justice Ritchie granted the Injunction Order against four defined categories of Persons Unknown. A note of the without notice hearing is exhibited at [NM2/2]. The Injunction

Order restrains acts of trespass, interference, obstruction or drone flying in relation to the Claimant's property, the Drax Power Station, Selby, North Yorkshire YO8 8PH (the **Property**).

- 10 At the time the Injunction Order was sought, there was a planned protest camp between 8 and 13 August 2024 near the Property (the **Protest Camp**), and the Claimant apprehended that there would be unlawful direct-action protest at the Property.

### **EFFICACY OF THE INJUNCTION**

- 11 Following the granting of the Injunction Order, some protestors did seek to attend the Protest Camp.
- 12 Between Wednesday 7 August 2024 and Tuesday 13 August 2024, a total of 22 individuals were arrested for public order offences in connection with the Protest Camp [NM2/3]. A number of those individuals are accused of having items including climbing ropes, ladders, bolt cutters, glue, gaffer tape and metal poles, to be used to "lock-on" to the Power Station.
- 13 The arrests were made at Bentley Urban Farm in Doncaster on the A645 at Goole, East Yorkshire. The arrests were not made at the Property.
- 14 The criminal proceedings against these individuals are ongoing, and the individuals have been granted unconditional bail with a return date of 22 September 2025 at Leeds Magistrates' Court [NM2/4].
- 15 Following the arrests, Reclaim the Power, the protest group responsible for organising the Protest Camp, issued a statement on 8 August 2024 setting out that the Protest Camp would not go ahead because essential items including tents, toilets and other materials had been seized as part of the arrests [NM2/5].
- 16 In the circumstances, no protestors attended the Property during the period 8 to 13 August 2024 and since the grant of the Injunction Order in July 2024, no acts of protest have been experienced at the Property.

### **APPREHENSION OF FUTURE PROTEST ACTIVITY**

- 17 Whilst it is clear that anti-Drax protest groups are still active, the Claimant does not consider that there is an immediate risk of illegal protest activity at the Property which requires the continuation of the Injunction Order at this stage.
- 18 Reclaim the Power's website currently sets out that it is "*setting our new strategy after our camp was shut down by a massive police operation last year. Watch this space.*" [NM2/6]. The "Donate" page of Reclaim the Power's website sets out that it has raised £22,706 of a target of £60,000 as a "Repair Fund" following the arrests of protestors and seizing of materials [NM2/7].
- 19 There is not currently any indication, at least in the public domain, of a similar event being planned this summer to the Protest Camp or other direct action specifically planned against the Site.

### **OTHER PROTEST ACTIVITY**

- 20 Axe Drax and Reclaim the Power have continued to publicly campaign against Drax and have taken direct action in relation to Drax and suppliers to Drax. Examples of Axe Drax's ongoing actions are listed on their website at <https://axedrax.uk/press/> [NM2/8]. This includes:
- 20.1 On 10 August 2024 activists from Axe Drax covered bus stops with anti-Drax posters. Reclaim the Power posted pictures of the direct action to their X account (formerly known as Twitter), exhibited at [NM/9];



- 20.2 On 11 February 2025 activists from Axe Drax occupied the offices of 5654 & Company, a corporate affairs consultancy, in response to the firm's work with Drax [NM2/10]. Axe Drax subsequently published a press release boasting that the direct action caused disruption resulting in all staff leaving the building [NM2/11];
- 20.3 On 27 February 2025, Axe Drax published a press release in relation to a protest in the vicinity of the Property, during which protestors held a burning banner that read "*Our Money, Our Future*" [NM2/12]. The protest took place within view of the Property and the press release features a photograph with the burning sign which includes the Property in the background;
- 20.4 On 11 March 2025 activists from the People and Planet society and Extinction Rebellion held a demonstration at University of Sheffield in response to the university's partnership with Drax [NM2/13];
- 20.5 On 2 April 2025, activists from Axe Drax disrupted the Argus Biomass Conference which Drax sponsored [NM2/14]. The protestors disrupted the keynote speaker and were subsequently removed from the conference;
- 20.6 On 25 April 2025, Axe Drax and Reclaim the Power broke in and occupied the European headquarters of Enviva, a supplier to Drax. Axe Drax and Reclaim the Power posted a video to their respective Instagram pages, showing activists inside Enviva's premises and unfurling a banner. A screenshot of the video is exhibited at [NM2/15]. The protestors displayed a banner with the words "*DRAX + ENVIVA: BURNING FORESTS POISONING COMMUNITIES*". Axe Drax posted pictures of the banner to its Bluesky social media account, exhibited at [NM2/16]. On 6 June 2025 Axe Drax issued a press release in response to police activity following the occupation of Enviva's headquarters on 25 April 2025. The press release indicated a clear intention to continue with direct action, stating "*We will not stop, this response shows we are more powerful than we think. It is up to all of us to step up.*" [NM2/17]; and
- 20.7 On 1 May 2025 activists from Axe Drax disrupted Drax's AGM, blocking building entrances, unfurling a banner reading "*Drax Kills*" and carried out a coordinated charging of the stage, requiring Drax to conclude the meeting early (denying shareholders the opportunity to put questions to the Drax board) [NM2/18].

## THE INJUNCTION ORDER

- 21 The Claimant is mindful of the tests which apply when a party is seeking an injunction of the sort granted last summer, and the particular considerations that are engaged where an injunction seeks to restrain activity on public land such as the highways adjacent to the Site. Having carefully considered whether it wishes to seek the continuation of the Injunction Order in its current form on review, the Claimant has decided it would be reasonable not to do so given that there is currently no evidence of which the Claimant is aware that indicates an immediate threat that protestors will attend the Property. Whilst the Injunction Order may have been effective at deterring acts of unlawful direct-action protest, which could have caused significant harm, the Claimant does not believe that the Injunction Order currently remains justified in circumstances where the immediate threat of the Reclaim the Power and Axe Drax taking direct action at the Property, which led to the Claimant seeking the Injunction Order last summer and which led to the Injunction Order being made last summer, has dissipated.
- 22 With regards to the underlying claim itself, the Claimant seeks an order that it be stayed. Whilst the immediate risk which gave rise to the urgent application for an injunction last year may have dissipated:

- 22.1 Both Axe Drax and Reclaim the Power continue to publicly and vocally protest against the Claimant;
- 22.2 Both Axe Drax and Reclaim the Power continue to engage in direct action; and
- 22.3 Reclaim the Power's website indicate that it has, to date undisclosed, future protest plans.
- 23 In the circumstances, the Claimant therefore considers that there is a potential that, should Reclaim the Power, Axe Drax or other protest groups indicate an intention to attend the Property to undertake direct action protests, the Claimant will need to apply to the court for an injunction in order to protect the Property in substantially the same terms as set out in the Injunction Order.
- 24 The Claimant therefore considers that it would be appropriate to stay the proceedings, with the provisions of the Injunction Order relating to variations, service and notification to be retained, such that these can be relied upon by the Claimant in circumstances where a further application to the Court is required.

## **CONCLUSION**

- 25 In respect of the Injunction Order, the Claimant requests that:
- 25.1 Paragraphs 1 to 7 of the Injunction Order are discharged;
- 25.2 The remaining paragraphs of the Injunction Order, in respect of Variations, Service and Notification are retained for the reasons set out above.

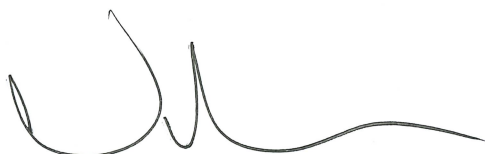
## **STATEMENT OF TRUTH**

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.

I am duly authorised to make this statement on behalf of the Claimants.

**Signed**



**Nicholas McQueen**

**11 July 2025**