

Amended pursuant to the Order of Mrs Justice Farbey dated 14 August 2024

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION

Claim No: KB-2024-002596

BETWEEN:

- (1) LONDON SOUTHEND AIRPORT COMPANY LIMITED**
- (2) LONDON SOUTHEND SOLAR LIMITED**
- (3) THAMES GATEWAY AIRPORT LIMITED**

Claimants

-and-

PERSONS UNKNOWN WHO (IN CONNECTION WITH JUST STOP OIL OR OTHER ENVIRONMENTAL CAMPAIGN) ENTER, OCCUPY OR REMAIN (WITHOUT THE CLAIMANTS' CONSENT) UPON 'LONDON SOUTHEND AIRPORT' AS IS SHOWN EDGED RED ON THE ATTACHED PLAN A TO THE AMENDED PARTICULARS OF CLAIM

Defendants

AMENDED PARTICULARS OF CLAIM

THE CLAIMANTS

1. The First Claimant is the operator of 'London Southend Airport', Southend-On-Sea, Essex ("the Airport"), as shown edged red on Plan A annexed to the Amended Particulars of Claim ("Plan A"). The Second Claimant and the Third Claimant are subsidiary companies of the First Claimant who also own interests in the land comprising the Airport and as such join this claim given their immediate right to possession of the areas further explained below.
2. As the operator of the Airport:

- a. The First Claimant holds a certificate for operation of the Airport issued by the UK Civil Aviation Authority (“CAA”) dated 13 June 2016, with reference number UK: EGMC – 001; and
- b. The First Claimant has made the ‘London Southend Airport – Byelaws 2021’ (“the Byelaws”) pursuant to section 63 and 64 of the Airports Act 1986 regulating the use and operation of the Airport and the conduct of all persons while within the Airport, which came into force on 18 April 2021.

THE LAND TO WHICH THE CLAIM RELATES

3. The land and property to which the Claim relates is the Airport. It does not include residential property.
4. The Claimants are the freehold and leasehold owners of the parcels of land that comprise the Airport pursuant to the titles listed in Schedule 1 to the Amended Particulars of Claim.
5. The Claimants have granted various leases and licences in respect of certain parts of the Airport. The areas in respect of which the Claimants have a right to immediate possession, pursuant either to freehold ownership or immediate leasehold interests, are shown shaded yellow on Plan A (excluding the areas hatched blue and shaded orange) (“the Yellow Land”).
6. As the operators of the Airport, as set out in Paragraphs 1 and 2 above, the Claimants between them still retain sufficient control over those parts of the Airport in respect of which they have granted leases and licences (including under the Byelaws), to entitle them to exercise control over the Airport in relation to any persons trespassing thereon.

THE DEFENDANTS

7. The Defendants are environmental activists associated with the Just Stop Oil campaign (or other environmental campaigns) who have committed to engaging in campaign of disruptive direct action at airports across the United Kingdom.

8. At a meeting in Birmingham in early March 2024, the environmental campaigners associated with the 'Just Stop Oil' campaign discussed the taking of direct action at airports across the UK in the summer of 2024.
9. The homepage of the website of Just Stop Oil emphasises the plans to target action on airports during the summer of 2024 and a video was published on 5 May 2024 at <https://www.youtube.com/watch?v=tbvYQFGAY48> which discloses an intention to disrupt airports in the UK in the summer months of 2024. Furthermore, multiple messages sent from the official Instagram account of Just Stop Oil demonstrate how campaigners associated with Just Stop Oil intend to target airports by direct action activities.
10. In support of their aim to disrupt airports in the summer months, two Just Stop Oil fundraising pages have been set up, namely:
 - a. "Fund Radical Climate Action — Just Stop Oil | Chuffed | Non-profit charity and social enterprise fundraising" (which has raised £165,948 as of 8 August 2024) and states:

"We're escalating our campaign this summer to take action at airports."
 - b. "Just Stop Oil: Summer Actions | Chuffed | Non-profit charity and social enterprise fundraising" (which has raised £24,650 as of 8 August 2024) and states:

"Just Stop Oil: Summer actions. This summer, we continue in resistance.

We'll be taking action at sites of key importance to the fossil fuel industry; super-polluting airports."
11. There has also been extensive media coverage of the Just Stop Oil plans and the danger they pose. A Daily Mail online article entitled '*Exclusive Revealed: The eco mob plot to ruin the summer holidays with activists planning to disrupt flights by gluing themselves to major airport runways*' states that Just Stop Oil have advocated the following means of protest:

- *“Cutting through fences and gluing themselves to runway tarmac;*
- *Cycling in circles on runways*
- *Climbing on to planes to prevent them from taking off*
- *Staging sit-ins at terminals 'day after day' to stop passengers getting inside airports.”*

12. Since the above threats, numerous incidents have been reported at multiple airports around England, as further detailed in the First Witness Statement of Akhil Markanday.

THE POTENTIAL EFFECTS OF THE THREATENED DIRECT ACTION

13. In summary, the potential risks and/or effects of the apprehended activities would include the following:

- a. A real risk to life and limb;
- b. Significant disruption to passengers;
- c. Significant disruption to airlines;
- d. Significant impact on businesses and the wider local economy;
- e. Consequential effects on the infrastructure network around the Airport;
- f. The need for deployment of additional Police resources at the Airport;
- g. Substantial economic losses to the Claimants.

THE THREATENED ACTS OF TRESPASS AND/OR NUISANCE

14. By reason of the foregoing, the Claimants apprehend that unless restrained by this Honourable Court, there is a serious and imminent risk that the Defendants will commit acts of trespass and nuisance by way of ‘direct action’ activities, in respect of and in connection with which they have no permission or licence to enter upon the Airport.

15. Members of the public have an implied consent to enter the Airport for air-travel and directly related purposes. All persons entering the Airport are subject to the Byelaws which regulate the use and operation of the Airport and the conduct of all persons while within the airport

16. By Byelaw 4(12), no person shall remain on the Airport after having been requested to leave, such request arising where that person is causing a disturbance or is about to commit an offence (including a breach of a Byelaw).
17. By Byelaw 4(16) of the Byelaws, no person shall intentionally obstruct or interfere with the proper use of the Airport or with any person acting in the execution of his duty in relation to the operation of the Airport.
18. By Byelaw 4(22) of the Byelaws, no person shall organise or take part in any demonstration, procession or public assembly likely to obstruct or interfere with the proper use of the Airport or obstruct or interfere with the safety of passengers or persons using the Airport.
19. Accordingly, although members of the public have an implied consent to enter the Airport for the purpose of travelling by air and for directly related purposes, they do not have permission to enter or remain or occupy any land thereon for the purposes of:
 - a. Causing a disturbance or being about to commit an offence, including breach of a Byelaw (Byelaw 4(12)); or
 - b. Intentionally obstructing or interfering with the proper use of the Airport (Byelaw 4(16)).
 - c. Organising or taking part in any demonstration, procession or public assembly likely to obstruct or interfere with the proper use of the Airport or obstruct or interfere with the safety of passengers or persons using the Airport (Byelaw 4(22)).
20. Further and/or alternatively, the threatened acts referred to above would amount to a nuisance, in that they would give rise to an unreasonable interference with the use and operation of the Airport and/or the Claimants' enjoyment of their proprietary rights in respect of the Airport premises summarised at paragraph 4 above and Schedule 1 below.
21. Further and/or alternatively, the nuisance referred to at Paragraph 19 above would also constitute a public nuisance in that the acts referred to above would substantially affect members of the public, including, but not limited, to persons wishing to use the Airport for the purpose of air travel as well as the Claimants. As such, the nuisance would 'materially

affect the reasonable comfort and convenience of a class of His Majesty's subjects' and the Claimants would suffer 'special damage' in respect thereof given the loss and damage referred to in Paragraph 13 above would constitute foreseeable and substantial damage over and above that suffered by the public at large.

22. Accordingly, as the operator of the Airport and by reason of the matters set out in Paragraph 6 above, the Claimants seek injunctive relief restraining the apprehended acts of trespass and/or nuisance in respect of the Airport.

HUMAN RIGHTS

23. Reliance by the Defendants on rights of freedom of expression and/or assembly within Articles 10 and/or 11 of the European Convention of Human Rights would not provide a defence in the particular circumstances of this claim.

AND THE CLAIMANTS CLAIM


- (1) An order that the Defendants must not, without the consent of the Claimants, enter, occupy or remain upon any part of the Airport;
- (2) Further or other relief as the Court thinks fit;
- (3) Costs.

TOM ROSCOE
TOM ROSCOE
Wilberforce Chambers

Statement of Truth

The Claimants believe that the facts stated in this 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.

DocuSigned by:

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Philip Keith Spencer

Senior Associate, Bryan Cave Leighton Paisner LLP

9 15 August 2024

SCHEDULE 1**TITLES OWNED BY THE CLAIMANTS****The First Claimant**

Title	Tenure	Description
EX468707	Freehold	land on the west side of Southend Road, Rochford, SS4 1HQ
EX573524	Freehold	2, Eastwoodbury Cottages, Eastwoodbury Lane, Southend-On-Sea, SS2 6UR
EX578232	Freehold	20, Smallholdings, Eastwoodbury Lane, Southend-On-Sea, SS2 6UP
EX589308	Freehold	19 Smallholdings, Eastwoodbury Lane, Southend-on-Sea, SS2 6UP
EX590259	Freehold	4, Eastwoodbury Cottages, Eastwoodbury Lane, Southend-On-Sea, SS2 6UR
EX596136	Freehold	1, Eastwoodbury Cottages, Eastwoodbury Lane, Southend-On-Sea, SS2 6UR
EX604152	Freehold	3 Eastwoodbury Cottages, Eastwoodbury Lane, Southend-on-Sea, SS2 6UR
EX683340	Freehold	land on the west side of Southend Road, Rochford
EX216541	Leasehold	land lying to the east of Aviation Way, Southend-on-Sea
EX515913	Leasehold	Southend Airport, Eastwoodbury Crescent, Southend-on-Sea
EX870383	Leasehold	Land lying to the west of Southend Road, Rochford
EX880489	Leasehold	land on the south side of Eastwoodbury Lane, Southend-On-Sea
Unregistered	Leasehold	land to the North side of Sutton Road, Rochford let from Sally Ann Stokes to the First Claimant by a lease dated 17 February 2012 for a term of 25 years commencing 1 February 2012.

The Second Claimant

Title	Tenure	Description
EX930812	Leasehold	Land at Aviation Way, Southend Airport, Southend-On-Sea

The Third Claimant

Title	Tenure	Description
EX969926	Leasehold	Holiday Inn Hotel, London Southend Airport

PLANA

