

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

B E T W E E N:

- (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 PURPLE ON THE ATTACHED PLAN A TO THE AMENDED PARTICULARS OF CLAIM

Defendants

SKELETON ARGUMENT OF THE CLAIMANTS

For the 22 October 2025 Review Hearing of the 14 August 2024 Injunction

Suggested Pre-Reading (t/e 1 hour):

Bundle references to the Hearing Bundle are in the form [Tab/Page]. A separate Authorities Bundle [AB] is also being supplied.

- (i) *The 14 August 2024 Injunction [4/20-25]*
- (ii) *The note of Mrs Justice Farbey's ex tempore judgment, recording the reasons for the grant of the Injunction [9/79-85]*
- (iii) *Judgment of Bourne J in the 24 June 2025 review hearing re. 10 other airports: [9/106-115]*
- (iv) *Evidence in support of the original Injunction in Taylor 1 [10/250ff] & Markanday 1 [11/263ff].*
- (v) *Evidence in support of the renewal in Spencer 1 [8/42ff] and Taylor 2 [7/37ff]*
- (vi) *Updating WS from Mr Spencer ("Spencer 2") confirming recent steps of service / notification [filed separately]*
- (vii) *Draft Order sought: [1/1ff]*

Introduction

1. On 14 August 2024, the Claimants (all companies with property interests at London Southend Airport, "the **Airport**") were granted an injunction by Mrs Justice Farbey ("the **Injunction**": [4/20ff]) restraining certain "persons unknown" from entering or remaining

on the Airport, without the Claimants' consent, in connection with Just Stop Oil ("JSO") or other environmental campaign.

2. The Injunction was for a period of 5 years (§1), but subject to annual review (at a 'review hearing' to be listed as close to the anniversary of the Injunction as convenient for the Court) (§3). This is that review hearing.
3. The Injunction was sought and obtained on a *without notice* basis in the circumstances more fully set out in the Claimants' evidence in support of its original application (Taylor 1 [10/250ff] & Markanday 1 [11/263ff]). A note of Mrs Justice Farbey's *ex tempore* judgment, recording the reasons for the grant of the Injunction, is at [9/79-85].
4. In outline, however, the Injunction was granted in circumstances where persons (particularly) affiliated with JSO were embarked upon a campaign, motivated by environmental concerns, targeting UK airports with "direct action" in the summer of 2024. That campaign had materialised into acts of trespass and other disruptive actions at UK airports, and the concern was that more such acts were threatened.

Other Airport Review Hearings

5. At the time the Injunction was obtained, all other major UK airports had also sought and (by then) obtained similar injunctions in the preceding few months. There were some slight differences in the precise form of such injunctions, but each was styled as a "newcomer" injunction against persons unknown – and each was granted for a period of 5 years with annual review.
6. The review hearings for all of those other airport injunctions have now occurred. In each case, the injunctions were continued at the annual review hearings, as follows:
 - 6.1. 10 of those airports (London City, Manchester, Stansted, East Midlands, Leeds Bradford, Luton, Newcastle, Birmingham, Bristol and Liverpool) were represented by a single firm of solicitors, Eversheds Sutherland LLP. Those 10 airports (successfully) applied for the review hearings for their respective injunctions to be heard jointly, and that review hearing took place before Mr Justice Bourne on 24 June 2025 ("the **10A Review Hearing**"). All of those injunctions were continued at the 10A Review Hearing, with only a small amendment (in the case of London

City Airport) to reflect a change in the layout of part of that airport site since the injunction had been granted. The approved transcript of the judgment of Bourne J is at [9/106-115] (“the **10A Review Decision**”). The Form of continuation Order used at that hearing (being the City Airport example) is at [9/88-89].

- 6.2. Gatwick Airport’s review hearing took place on 18 July 2025 before Mr Duncan Atkinson KC (sitting as a Deputy High Court Judge). The approved transcript of the judgment is at [9/116-128] (“the **Gatwick Review Decision**”), and continuation Order is at [9/129-130].
- 6.3. Heathrow Airport’s review hearing took place on 23 July 2025 (with same legal team as now represents the Claimants). An approved judgment is now available ([2025] EWHC 2489 (KB)), and can be found in the short Authorities Bundle (“the **Heathrow Review Decision**”). The continuation Order is at [8/143-145].
7. Whilst each case needs to be considered on its own facts, it is suggested that the outcome of the other Review Hearings is relevant for two reasons:
 - 7.1. First, the judgments contain relevant guidance on the nature of review hearing such as this (which remain part of a developing jurisdiction, following the recognition of ‘newcomer’ injunctions in *Wolverhampton City Council v London Gypsies and Travellers* [2023] UKSC 47).
 - 7.2. Second, it would be anomalous – given the renewal of injunctions in respect of the 12 other major UK airports – if Southend Airport’s injunction were not to be renewed. That would leave Southend alone exposed to, and at an exacerbated risk of, unlawful action by environmental campaigners opposed to the aviation industry.

Nature of a Review Hearing

8. A review hearing of the present type is not a re-hearing of the original injunction application. As summarised by Bourne J at in the 10A Review Decision at [9]-[11] [9/109-109] (by application of principles articulated in *Wolverhampton* and *High Speed Two (HS2) Ltd v Persons Unknown* [2024] EWHC 1277 (KB), [2024] 5 WLUK 403):
 - 8.1. The purpose of the hearing is to give the parties an opportunity to make full and complete disclosure, supported by appropriate evidence, as to how effective the

order has been and whether there are proper grounds for its continuance / reasons for its discharge.

- 8.2. The purpose of the hearing is not to review or query or undermine the findings made by the original judge who made the injunction in the first place.
 - 8.3. If there has been no material change in the circumstances which affects, diminishes or removes the need for the injunction, then the extension may be granted – so long as procedural and legal safeguards continue to be observed.
 - 8.4. If there *has* been some material change in circumstances, that may warrant not renewing the injunction.
9. See also, to the same effect, [8]-[9] of the Gatwick Review Decision [9/19-120]. As there observed, a review hearing is also an occasion to make any necessary adjustments to the form of the Injunction to reflect experience of its practical operation.
 10. [4]-[5] of the Heathrow Review Decision is to the same effect.

Background to the Injunction

11. At this review hearing, therefore, it is necessary for the Court to have sufficient understanding of why the Injunction was originally made so as to be able to assess (against that understanding) whether anything material has changed as would undermine that original justification and therefore the continuation of the Injunction.
12. It is submitted that the most efficient way for the Court to glean that understanding is (as already suggested) for the Court to read the note of Mrs Justice Farbey's *ex tempore* judgment, recording the reasons for the grant of the judgment, at [9/79-85]. Additional detail of the factual background (as it then stood) can be seen in Taylor 1 [10/250ff] & Markanday 1 [11/263ff].
13. It is perhaps relevant to note that Southend Airport was not itself subject to any 'direct action' as a result of the JSO campaign in 2024 (though it has previously, in 2020/21, been subject to 'Extinction Rebellion' and JSO activities: see §28 of Taylor 1 [10/255]).
14. Instead, the risk to it as justified the grant of the Injunction was the general threat to UK airports as a result of JSO's campaign – exacerbated by particular features of Southend

as were likely to make it an attractive target for direct action campaigns: §33 of Taylor 1 [10/258].

Notice of the Injunction / this Review Hearing

15. The Injunction contains detailed provisions (at §§7-11 [4/22]) for service or notification of the Injunction and other documents in these proceedings. Pursuant to those provisions:

15.1. The underlying claims documents (§7) and the Injunction itself (§8) were served in accordance with those provisions by 20 August 2024. A certificate of service confirming that has been filed, and is at [12/286] (and see also §9 of Spencer 1 [8/44]).

15.2. There is then this slight nuance in §3 of the Injunction; it provides for annual review but also for the Claimants to *apply* for such review (with automatic lapsing of the Injunction absent such application).

15.3. In the event, the Claimants initially wrote (on 11 March 2025) to KBD listings to request a review hearing, and this hearing was listed in response (email of 14 April 2025) [5/31]. Notification of this hearing was duly given in accordance with §9 of the Injunction on 5 August 2025: §46 Spencer 1 [8/53].

15.4. However, out of an abundance of caution (and in case the need to “apply” for a review hearing included the need for a N244 Application Notice), such application was duly filed on 13 August 2025 (and so before the deadline under §4 of the Injunction) [6/32].

15.5. As explained in §47 of Spencer 1 [8/54], and clarified in §§5-7 of Spencer 2, the application has been served electronically in accordance with §§9.1 & 9.2 of the Injunction. A hard copy of the Review Hearing Notice of Listing, the Application Notice and the Hearing Bundle have been placed at the Train Station serving the Airport (which can be seen at the bottom of Plan B to the Injunction [4/29]). A letter giving notice of the application and availability of documents (in the form exhibited to Spencer 2) has been displayed at the ‘green’ and ‘purple’ spot locations, in accordance with the requirements for notice at §9.3 of the Injunction.

16. Proper notice of this review hearing has therefore been given. At the time of preparing this skeleton argument, no response to such notice has been received by any potentially interested person. It may be relevant for the Court to know that, so far as the Claimants are aware, no potentially interested persons sought to make representations at any of the earlier Airport Review Hearings either.

Subsequent Developments

17. It follows from the above explanation of the nature of a review hearing that its focus will be on developments that have occurred since the Injunction was granted and, therefore, on the question of whether anything material has changed as would militate against the continuation of the Injunction.
18. Consistent with the nature of the threat as justified the grant of the Injunction in the first place, the focus for this hearing should therefore be: (i) the nature of the threat that JSO (and other environmental campaigns) pose to UK airports generally; (ii) features of Southend Airport which have a bearing on the site-specific risk.
19. The evidence of the continued risk posed to UK airports by JSO and other environmental campaigns is set out in Spencer 1 at §§20-43 [8/46]. In particular, the Court's attention is drawn to:
 - 19.1. The carrying out / prevention of JSO direct action activities at Stansted, Gatwick, Heathrow, City and Manchester in the summer of 2024: §22.
 - 19.2. Wider activities against UK aviation and airports (e.g. Farnborough Airport, Inverness Airport and RAF Brize Norton) more recently (i.e. February and June 2025): *ibid*. Whilst the last of those incidents was not environmentally motivated; it may tend to show an increased willingness of demonstrators to 'take matters into their own hands' and damage property – including in ostensibly secure facilities – in order to achieve their aims.
 - 19.3. The fact that JSO appeared to announce a cessation of its activities in March 2025 (§24), only then to announce a "comeback" two months later (§§26-29).
 - 19.4. The (re-)emergence of other environmental campaign groups, such as 'Youth Demand', 'Fossil Free London', 'Extinction Rebellion' and 'Shut the System'. The

last of those groups, in particular, appears to advocate a strategy of destroying property of what it considers to be harmful industries: §43.

- 19.5. At [25] of the *ESSO Petroleum* decision, the continuing risk posed by JSO was addressed, and it was held (at [28]) that the language “*or other environmental campaign*” (present already in this Injunction) was appropriate to address the risks posed by the evolving nature of such campaign groups.
20. It is to be noted that in each of the earlier Review Hearings, the Court has been satisfied that such evidence served to demonstrate sufficient risk of unlawful direct action at UK airports as to justify the continuation of the relevant injunctions in those cases: e.g. [13]-[18] of the 10A Review Decision; [22]-[32] of the Gatwick Review Decision; [9]-[11] of the Heathrow Review Decision.
21. The reasons for fearing that, absent an injunction, Southend Airport would remain an attractive target for unlawful protest activity, are expanded upon in Taylor 2 at [9]-[16] [7/39ff]. In outline:
- 21.1. The passenger numbers at the airport have approximately doubled since last year (when the Injunction was granted): §9. This has been the subject of much media coverage §13.
- 21.2. There has also been much publicity of: (i) the private jet services at the airport, including the hosting of the England ‘Lioness’ Women’s football team: §14a.; (ii) services provided to high-profile display flights or air-shows, such as the Red Arrows, Battle of Britain Memorial Flight and RAF Typhoons § 14(b).
- 21.3. The airport provides support services to the UK offshore oil industry: *ibid*.
- 21.4. Southend lacks a dedicated on-site armed Police response team: §15.
22. In the premises, it is therefore submitted that there has been no material change in the threat of unlawful direct action at the Airport as would warrant the Injunction not being continued.

Issues of Full and Frank Disclosure

23. The Claimants remain under a duty of full and frank disclosure, and raise the following points in compliance with that duty (though without re-raising the points previously raised by way of compliance with the duty at the initial hearing¹).
24. First, the defendants (if represented) may argue that the evidence of risk of unlawful direct action by JSO or related environmental campaign: (i) generally; or (ii) at the Airport in particular, is insufficient. They may, in that connection, point to: (a) the lack of direct action at this Airport; and/or (b) the general drop-off in protest activity at UK Airports since the campaign in the summer of 2024. In response:
 - 24.1. The evidence summarised at §§17-21 suffices to demonstrate sufficient ongoing risk to justify the continuation of the Injunction, as has previously been held in respect of the other Airport Injunctions.
 - 24.2. Necessarily, where the Injunction has already been granted, the Court cannot be sure whether a drop-off in the enjoined activity thereafter is because of: (i) a diminishment in the underlying risk; or (ii) because the Injunction is effective. It is submitted that the latter is likely to be the case here, and there are sufficient grounds to apprehend that *but for* the Injunction, the Airport would be at material risk of unlawful direct action protest.
25. Second, and relatedly, JSO's announced pause in its activities in March 2025 might have been thought to amount to a material change in the level of risk facing the Airport. However, as already noted (§19.3), any such 'pause' was short-lived. These events have already been subject to detailed consideration in the earlier Review Hearings, and in each case have been held not to amount to a material change in circumstances nor matters that it was incumbent upon the Claimants unilaterally to bring to the Court's attention before the relevant Review Hearing.
26. Third, the Court at each earlier airport Review Hearing has been invited to consider whether (following *MBR Acres Limited v John Curtain & Persons Unknown* [2025] EWHC 331 at [390]), the Court should add a provision requiring the Claimants to seek

¹ Set out at §29 of that skeleton argument, publicly available at <https://london-southend-airport.com/wp-content/uploads/2024/08/Skeleton-Argument.pdf>

permission before bringing committal proceedings in respect of any breach. In this case, no enforcement issue has yet arisen. In those circumstances, the Court is invited to follow the course of the earlier airport Review Hearings (e.g. 10A Review Decision at [23] & Gatwick Review Decision at [41]) and not impose such requirement, on the basis that it would be disproportionate in the absence of any suggestion that the Claimants would commence committal proceedings inappropriately.

Form of Order Sought

27. Consistent with the approach taken at the 10A Review Hearing, the Claimants respectfully suggests that it is desirable for the original Injunction to remain (so far as practicable) in the same form as is currently in force.
28. There is, however, one minor amendment that the Court is asked to consider making; to remove the need for the Claimants formally to *apply* for a further review hearing (as opposed to *requesting* one not less than 28 days before the anniversary) (see §15 above); alternatively to clarify whether it does require in the future a N244 from the Claimants – or whether a request in writing for such review hearing will suffice.
29. The draft Order in the Hearing Bundle, that the Court is respectfully asked to make, therefore reflects that approach: [1/3-5].

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