

N244

## Application notice

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<b>Name of court</b> In the High Court of Justice King's Bench Division		<b>Claim no.</b> KB-2024-002596	
<b>Fee account no.</b> (if applicable)		<b>Help with Fees - Ref. no.</b> (if applicable)	
PBA0076972		H W F - - - - -	
<b>Warrant no.</b> (if applicable)			
<b>Claimant's name (including ref.)</b> (1) LONDON SOUTHEND AIRPORT COMPANY LIMITED (2) LONDON SOUTHEND SOLAR LIMITED (3) THAMES GATEWAY AIRPORT LIMITED			
<b>Defendant's name (including ref.)</b> 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			
<b>Date</b>		26 June 2026	

1. What is your name or, if you are a legal representative, the name of your firm?

Bryan Cave Leighton Paisner LLP

2. Are you a  Claimant  Defendant  Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

1. An order amending the description of the Defendant (persons unknown) so that it expressly covers unlawful activities carried out by the "Take Back Power" group and/or ostensibly in connection with a campaign against wealth inequality.
2. Orders pursuant to CPR r.17.1 to permit amendments to the Claim Form and Amended Particulars of Claim to record that change, and for the existing Injunction to be varied to reflect the change (in the manner provided in the amended draft Order filed herewith).
3. The order is sought because (as explained in the 3<sup>rd</sup> Witness Statement of Philip Spencer, already filed in these proceedings), Take Back Power has been announced as a "new project" of Just Stop Oil, and is a campaign ostensibly directed against "the super rich" including (but not necessarily limited to) their perceived effect on climate change.
4. The existing description of the Defendant therefore risks ambiguity or a lacuna in the event that unlawful direct action is carried out by Take Back Power and/or ostensibly directed at socioeconomic issues as opposed to environmental campaigns.
5. There is a second annual review hearing for 10 other major UK airports' similar injunctions on 30 June 2026. Those airports have identified the above ambiguity or a lacuna and have sought a like amendment to the description of the Defendant to address it. It is desirable that a common approach should be adopted between similar injunctions affecting all major UK airports.

4. Have you attached a draft of the order you are applying for? [The draft order attach shows, tracked, amendments made to the draft Order presently in the hearing bundle at Tab 1. Also attached is the skeleton argument of the 10 airports who have their review hearing on 30 June 2026.]

Yes

No

5. How do you want to have this application dealt with?

at a hearing

without a hearing

at a remote hearing

6. How long do you think the hearing will last?

N/A

Hours

N/A

Minutes

Is this time estimate agreed by all parties?

Yes

No

7. Give details of any fixed trial date or period

Injunction Renewal Hearing 2 July 2026

8. What level of Judge does your hearing need?

Judge

9. Who should be served with this application?

The Defendant: Claimants to serve

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement [Spencer 3 dated 17 June 2026]  
 the statement of case  
 the evidence set out in the box below

1. The second annual review hearing of an injunction preventing unlawful ‘direct action’ protest at London Southend Airport is to be heard on 2 July 2026.
2. The Defendant to the existing proceedings (and injunction) is: “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.”
3. As explained in Spencer 3, already filed in these proceedings (and contained in the hearing bundle (at Tab 7, p.46ff), Just Stop Oil’s website advertises (as a “New Project”) an (apparently) related group called “Take Back Power”.
4. Take Back Power’s own website (as also explained in Spencer 3) expresses an intention to “*undertake nonviolent action to resist the super-rich*”. That appears to be motivated, at least in part, by environmental concerns (e.g., the statement that the super-rich “*profit from [...] heating the world to building point*”, but may also be motivated by broader socioeconomic concerns. Take Back Power has carried out unlawful direct-action activities against luxury retailers.
5. The Claimants reasonably fear that London Southend Airport is, absent injunctive relief, a likely target for such direct-action activities. That is particularly so given (as explained in Spencer 3 and Taylor 3 already filed in these proceedings) the private aviation services offered at the airport.
6. Whilst the Claimants consider that direct-action activities targeted against private (or other) aviation at Southend Airport would properly be characterised as having sufficient environmental motivation to fall within the existing definition of the persons unknown defendant, they recognise that some ambiguity may in practice arise if ostensibly carried out with socioeconomic motivations.
7. They, further, note that 10 other UK airports (London City, Manchester, Stansted, East Midlands, Leeds Bradford, Luton, Newcastle, Birmingham, Bristol and Liverpool), have the benefit of similar injunctions which are (together) subject to a second annual review to be heard on 30 June 2026.
8. 7 of those 10 other airports have (by application notices dated 18 June 2026) sought leave to amend the definition of the defendant in like terms to the amendment now sought by the Claimants. In so doing, they have identified (and therefore drawn focus to) the potential ambiguity identified above (the drafting of the orders affecting the other 3 was seemingly not affected, as the drafting already covered the point). This application notice appends the publicly available skeleton argument of those 10 airports which explains the position at paras 84-89.
9. In those circumstances, the Claimants consider that it would be desirable: (i) to ensure that any potential ambiguity was removed; and (ii) for injunctions affecting all major UK airports against materially the same threat to be in materially the same terms.
10. The Claimants, therefore, seek leave to amend the definition of the Defendant (and to amend their Claim Form and Amended Particulars of Claim accordingly) so that it reads (mirroring the language in the draft Order sought by those 7 airports):

“PERSONS UNKNOWN WHO (IN CONNECTION WITH JUST STOP OIL OR OTHER ENVIRONMENTAL CAMPAIGN OR THE TAKE BACK POWER CAMPAIGN OR OTHER WEALTH INEQUALITY 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 RE-AMENDED PARTICULARS OF CLAIM.”

11. This application will be served in accordance with the mechanisms provided for service under the existing Injunction.
12. In addition, the Claimants will provide notice of this Application to Take Back Power via the email addresses available on its website. The Claimants are unaware of any other practicable step as may be taken to notify Take Back Power of this application.
13. That these steps have been taken will be confirmed in a further witness statement confirming the notification/service requirements taken in advance of the hearing on 2 July 2026.
14. For the benefit of the reader of this Application and any person potentially affected by it: all relevant documents concerning the Injunction and the second annual review hearing can be found at: <https://londonsouthendairport.com/corporate/injunction>

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No


# Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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 believe that the facts stated in section 10 (and any continuation sheets) are true.

The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

## Signature



Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

## Date

Day

26

Month

06

Year

2026

## Full name

Rebecca Flynn

## Name of applicant's legal representative's firm

Bryan Cave Leighton Paisner LLP

## If signing on behalf of firm or company give position or office held

Associate

Applicant's address to which documents should be sent.

Building and street

Governor's House

Second line of address

5 Laurence Pountney Hill

Town or city

London

County (optional)

Postcode

E	C	4	R	0	B	R
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If applicable

Phone number

020 3400 4344

Fax phone number

DX number

Your Ref.

Email

CLAIM NO: KB-2024-001765  
CLAIM NO: KB-2024-002132  
CLAIM NO: KB-2024-002317  
CLAIM NO: KB-2024-002473

IN THE HIGH COURT OF JUSTICE  
KINGS BENCH DIVISION

BETWEEN :

(1) LONDON CITY AIRPORT LIMITED  
(2) DOCKLANDS AVIATION GROUP LIMITED

Claimants

and

PERSONS UNKNOWN  
[more fully described in the Claim Form]

Defendants

AND BETWEEN:

(1) MANCHESTER AIRPORT PLC  
[and others more fully described in the Claim Form]

Claimants

and

PERSONS UNKNOWN  
[more fully described in the Claim Form]

Defendants

AND BETWEEN:

(1) LEEDS BRADFORD AIRPORT LIMITED  
[and others more fully described in the Claim Form]

Claimants

and

PERSONS UNKNOWN  
[more fully described in the Claim Form]

Defendants

AND BETWEEN:

(1) BIRMINGHAM AIRPORT LIMITED  
[and others more fully described in the Claim Form]

Claimants

and

PERSONS UNKNOWN  
[more fully described in the Claim Form]

Defendants

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CLAIMANTS' SKELETON ARGUMENT

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For hearing 30 June 2026: time estimate 1 day

**References are in the form:**

[PAGE] referring to the supplemental hearing bundle for the hearing

[AB/PAGE] referring to the authorities bundle

**Suggested Pre-Reading (Time Estimate: 2 hours of judicial time)**

- The Claimants' chronology
- Order of Julian Knowles J dated 20 June 2024 ("**Knowles J Order**") [52-67]
- The judgment of Julian Knowles J, with neutral citation [2024] EWHC 2557 (KB) ("**the Knowles J Judgment**") [74-85]
- Orders of HHJ Coe KC dated 5 July 2024 ("**HHJ Coe Orders**") [732-765]
- The judgment of HHJ Coe KC, with neutral citation [2024] EWHC 2247 (KB) ("**the HHJ Coe Judgment**") [775-782]
- Orders of Ritchie J dated 18 July 2024 ("**Ritchie J Orders**") [1157-1188]
- The judgment of Ritchie J dated 18 July 2024, with neutral citation [2024] EWHC 2274 (KB) ("**the Ritchie J Judgment**") [1199-1212]
- Orders of Jacobs J dated 6 August 2024 ("**Jacobs J Orders**") [1654-1686]
- The note of the hearing before Jacobs J [1689-1697]
- Orders of Bourne J dated 24 June 2025 ("**Bourne J Orders**") [86-103; 783-785; 1213-1215; 1698-1700]
- The judgment of Bourne J dated 26 August 2025, with neutral citation [2025] EWHC 2223 (KB) ("**the Bourne J Judgment**") [106-115]
- The first witness statement of Alexander Wright dated 11 June 2026<sup>1</sup> in claim number KB-2024-001765 [125-142]
- The application notices dated 18 June 2026 [394-399; 1098-1103; 1571-1577; 1982-1987]
- The second witness statement of Alexander Wright dated 24 June 2026 [415-426]
- The draft orders [2008-2025; 2026-2028; 2029-2063; 2064-2100]

**Introduction**

1. Between them, Cs own and operate the ten airports at (1) London City, (2) Manchester, (3) Stansted, (4) East Midlands, (5) Leeds Bradford, (6) London Luton, (7) Newcastle

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<sup>1</sup> The Court is referred to this statement by way of example given the evidence produced in the other three claims is almost identical. Where there are distinctions, we explain those in the body of this skeleton argument.

International, (8) Birmingham, (9) Liverpool and (10) Bristol (“**the Airports**”). In June, July and August 2024, they obtained injunctions, provoked by a threatened campaign of disruptive protest at airports in the UK by Just Stop Oil (“**JSO**”).

2. On 24 June 2025, Bourne J carried out the first annual review of those injunctions and determined that they should continue in force. This hearing has been listed as the second annual review.

3. As explained by the Supreme Court in *Wolverhampton CC and others v. London Gypsies and Travellers and others* [2023] UKSC 47; [2024] 1 AC 983 [**AB/77**], the purpose of a review is that it:

“225. ... will give all parties an opportunity to make full and complete disclosure to the court, supported by appropriate evidence, as to how effective the order has been; whether any reasons or grounds for its discharge have emerged; whether there is any proper justification for its continuance; and whether and on what basis a further order ought to be made.”

4. That formulation assumes a “contested” review in which at least one person comes forward with objections to the order, or to aspects of the order. In practice, in the case of an un-contested review, the Courts have held that the primary focus for the Court on review is not to revisit the merits of the case as if *de novo* but, rather, to assimilate the matter sufficiently to take an informed view about whether the injunction has outlasted the compelling need which led to its being made in the first place, in view of any changed circumstances. That is really the only — and certainly the best — practical / proportionate way of dealing with these matters. For a convenient recent judicial summary of the appropriate approach, see *Valero Energy Limited v. PU (2026 review)* [2026] EWHC 397 (KB) at ¶¶5–13 [**AB/85-87**].

5. Where, as here, Cs suggest that the Order needs updating in light of changed circumstances, the approach adopted to date was summarised by Sweeting J in *Esso Petroleum v. PU* [2025] EWHC 1768 (KB), *per* Sweeting J at ¶¶5–8 [**AB/93**]:

“8. I agree that this is the practical and proportionate way to approach a review ordered as part of the original grant of relief. Such a review is also an opportunity to make necessary adjustments in the light of experience of the practical operation of the injunction and changing circumstances. The Court should nevertheless be wary of embarking upon fundamental changes to the scope or nature of injunctive relief at a review hearing rather than requiring a further and full application to be made. I also bear in mind that there is no legal presumption of continuance.”

6. Cs seek orders that the injunctions remain in full force, subject to certain variations, all of which (it is submitted) are “necessary adjustments in the light of experience of the practical operation of the injunction and changing circumstances”. Additionally, it will be necessary to refer the Court to certain procedural points which have occurred by way of full and frank disclosure, but Cs will suggest that these matters, while unfortunate, certainly do not indicate that the injunctions have outlasted the compelling need which led to their imposition.

## Full and frank disclosure

7. Five procedural matters are drawn to the Court's attention by way of full and frank disclosure:

### (1) Notification of the Bourne J Orders by email

8. The injunctions required service of any applications or documents in the proceedings to be effected by:

- (1) Uploading the order to each Airport's dedicated website page.
- (2) Sending an email stating that the documents could be found at the dedicated website to email addresses identified in the orders.

[91 at ¶11; 735-736 at ¶¶5 and 10; 1159-1160 at ¶¶3 and 9; 1656 at ¶5]

9. The "uploading" requirement was met [127 at ¶4.1.1; 810 at ¶4.1.1; 1240-1241 at ¶4.1.1; 1725-1726 at ¶4.1.1].

10. The "email" requirement is more doubtful: in preparing for this hearing, Cs' solicitors have been unable to verify whether emails were sent to the required email addresses in 2025. It is not known whether this is a mere difficulty of verification, or whether in fact the "email" requirement was overlooked. The problem has arisen because the key personnel at Eversheds Sutherland (International) LLP who dealt with these cases have left the firm. The fee earners now dealing with these cases cannot identify from the files what the departed individuals did, and the departed solicitors (who have, of course, been contacted) cannot now recall what occurred. As Cs' solicitors do not know whether the required emails were sent in 2025, on 9 June 2026, Mr Wright sent the Bourne J Orders by email to the relevant email addresses [128 at ¶¶4.2-4.3; 811 at ¶¶4.2-4.3; 1241 at ¶¶4.2-4.3; 1726 at ¶¶4.2-4.3].

11. Because they cannot prove otherwise, Cs proceed on the basis that the relevant emails were not sent until 9 June 2026.

12. A failure to comply with the service requirement for an injunction is a serious matter. It might, in an appropriate case, justify the Court not making or discharging an injunction.

13. We suggest that this is not one of those cases:

- (1) The most likely explanation is that any failure to serve the orders by email was by oversight and accidental, rather than deliberate. It was corrected as soon as the error came to light.
- (2) The form of orders under review at the hearing on 24 June 2025 did not imply that the injunctions would lapse subject to review. The Bourne J Orders did not replace the earlier orders made by Knowles J, HHJ Coe, Ritchie J or Jacobs J but

directed they were to remain in full force and effect [86-87; 783-785; 1213-1215; 1698-1700]. Other than in relation to London City Airport which is more fully addressed below, the original orders remained unaffected save for a minor amendment to list subsequent review hearings together. The obligation on an applicant to take steps to actively draw the order to the attention of all actual and potential respondent is so that those respondents know of the terms and scope of the injunction and that they can apply to vary or discharge it should they wish: ¶230 of *Wolverhampton* [AB/78]. Given the nature of the Bourne J Orders, no – or at most very limited – prejudice was caused to Ds by Cs’ failure to give notice by email: the persons controlling the email accounts were, or ought to have been, aware of the restrictions in the injunctions and their scope and what rights they had to apply because the original orders had been sent to the email addresses following the hearings in June, July and August 2024 and they had been notified that an application had been made to review those orders.

- (3) Had there been a breach of the injunctions since the 2025 review hearing, it is highly likely that the point would have been spotted in good time to protect any alleged contemnor, because the exercise which has been undertaken prior to the forthcoming review hearing (of reviewing what steps had been taken to notify Ds of the order) would then have been undertaken, with the result that no committal could or would have proceeded. So, the consequence of the failure rests with Cs.

(2) Notification of the Bourne J Orders by affixing at the sites

14. In the cases of Manchester Airport [735-736 at ¶¶5c and 1]; Stansted Airport [746-747 at ¶¶5c and 10]; East Midlands Airport [757-758 at ¶¶5c and 10], HHJ Coe KC ordered that further applications or documents were also to be served by affixing a notice at locations marked on plans of the airport, setting out where the applications or documents could be found and obtained in hard copy. For those Airports, Cs affixed copies of the relevant Bourne J Order at the locations marked on the plans in the week of 30 June 2025 [811 at ¶4.1.3].
15. In the cases of Leeds Bradford Airport, Newcastle International Airport and London Luton Airport, Ritchie J ordered that further documents were to be served by carrying out “each of the steps in paragraph 3” of his order [1160; 1170; 1181]. Paragraph 3 included a direction requiring the claimant to affix a notice setting out where the “Claim Documents and this Order” could be found and obtained in hard copy at locations on a plan “in the form specified in Schedule 4” [1159; 1169; 1180]. The form of notice at Schedule 4 to the Ritchie J Orders was a warning notice relating to the order made by Ritchie J [1165-1166; 1176-1177; 1187-1188].
16. In light of defined terms and the form of warning notice being prescribed as the one at Schedule 4 and Bourne J not ordering the replacement of that warning notice, no fresh

notices were affixed at Leeds Bradford, Newcastle International or London Luton Airports and the original warning notices remain present: ¶4.1.2 [1241].

17. Cs took the steps that they understood constituted the requirements of paragraph 3 and 9 of the Ritchie J Orders [1241 at ¶4.1.3]. Additionally, in the case of London Luton Airport, on 1 July 2025, a copy of the Bourne J Order was affixed at the locations marked “X” on the plan to the Ritchie J Order [141 at ¶¶4.1.3.1].
18. However, in preparing for the review hearing, Cs have identified that there is some arguable ambiguity in what was required for notification of further documents or applications by the Ritchie J Orders i.e., whether they had been directed to affix a notice setting out where the Bourne J Order could be obtained at Leeds Bradford, London Luton and Newcastle International Airports on the locations marked X. In consequence:
  - (1) On 15 June 2026, the Bourne J Orders were affixed at Leeds Bradford and Newcastle International Airport at the relevant locations [426 at ¶7.1.2].
  - (2) Cs invite the Court to vary the Ritchie J Orders so as to specify a notice must be affixed at the relevant locations at the Airports identifying where further documents can be found or obtained in hard copy. Cs also propose to affix any order made following this year’s review hearing at each of the Airports.

(3) London City Airport: the form of order

19. The one substantive change to the original injunction made in 2024 was in the case of London City Airport. In that case, Cs’ cause of action was trespass such that the geographical scope of the injunction excluded certain areas over which third parties had interests and to which Cs did not have an immediate right to possession. As a result of a grant of a further third party interest, Cs sought to reduce the scope of the injunction in order to introduce a new zone within the red line on the plan to the injunction which was excluded from the scope of the injunction [425 at ¶¶6.1-6.4; 665-670].
20. Bourne J gave permission to amend the claim form for that amendment and, in light of that, a new plan was annexed to the Knowles J Order. The minute of order prepared had that new plan annexed to the Knowles J Order which formed a schedule to Bourne J Order.
21. Cs’ solicitors noticed on 10 June 2026 that the amended Knowles J Order annexed to the Bourne J Order which was uploaded to the London City Airport website page had suffered a formatting issue: the revised plan was displayed portrait, rather than landscape. The effect of that was that only part of the red-line boundary was visible. The part which was not visible included the newly-excluded zone. This was a formatting error which had occurred in the process of the Court sealing the order [128 at ¶4.6; 425 at ¶6.5; 676-699], which Cs did not notice earlier.

22. Properly construed, the injunction extends to the “land known as London City Airport” which is then “shown for identification edged red on the attached Plan 1 at Schedule 1” to the Knowles J Order. The plan does not define the scope of “London City Airport” but is for identification purposes. Cs accept, however, that the existing plan to the amended Knowles J Order is unclear and invite the Court to vary the Knowles J Order at this hearing to correct that formatting error by replacing the correct plan in Schedule 1.
23. As set out above, the sealed order which had the formatting error was uploaded to the dedicated website on 27 June 2025 [86-103; 127-128 at ¶¶4.1.1 and 4.6].
24. Again, until 9 June 2026, the order was not sent to the specified email addresses. The points made above at paragraph 11 above apply *mutatis mutandis*. In relation to this Airport, Cs accept that an email recipient of the initial injunction would have erroneously thought that they would be in breach of the injunction by entering onto that part of the airport which, as of 24 June 2025, had been excluded from the scope of the injunction.
25. But the impact of that would, in practice, be minimal:
- (1) Such a person who wished to carry out protest activity in connection with JSO or another environment campaign could only carry out that direct action at London City Airport by entering the Airport over a roadway or from the Docklands Light Railway. The entrance-points fall within the scope of the injunction and they are points at which updated warning notices have been displayed from 6 August 2025 [128 at ¶¶4.4-4.6; 198 at the locations marked “X”]. Those warning notices had annexed to them the landscape plan which was approved by Bourne J at the hearing on 24 June 2025, so any person entering onto London City Airport would then be aware what the exclusion zones were [701].
  - (2) In any event, in order to reach the area excluded from the scope of the injunction, such a person could only access exclusion zones by crossing over parts of the airport within the scope of the injunction.

(4) London City Airport: permission to amend

26. Cs did not, in fact, file an amended claim form following the hearing on 24 June 2025 and, consequently, also did not notify Ds. Again, this arose because of the departure of certain solicitors from Eversheds Sutherland (International) LLP.
27. Cs have sought to rectify it: on 15 June 2026, an amended claim form was filed. It has not been returned by the Court but will be served once it has been [425 at ¶6.6].

(5) Note of the 24 June 2025 review hearing

28. A note of the 2025 review hearing was not uploaded to the dedicated websites until 15 June 2026 [426 at ¶7.1.1.2]. It might be said against Cs that, as an injunction against

Persons Unknown is always a without notice injunction, that was necessary as part of natural justice although there was no such direction or undertaking in the Bourne J Orders: *Interoute Telecommunications (UK) Ltd v Fashion Gossip Ltd*, unreported, 23 September 1999 *per* Lightman J [AB/99].

29. To that:

- (1) It is doubtful whether that rule applies in the case of a review hearing given that it is not a without notice application for an injunction: although there is no legal presumption that the order granted last year will continue, neither is there any presumption that it will lapse, provided that the review takes place: *WM Morrison Supermarkets Ltd v Persons Unknown* [2026] EWHC 1379 (KB) *per* HHJ Wall sitting as a Judge of the High Court at ¶16 [AB/105].
- (2) A transcript of the Bourne J Judgment has been on the websites since August 2025 [426 at ¶7.1.1.1]. The skeleton argument for that hearing also appears there [191; 884-886; 1317-1319; 1792-1794]. Anyone visiting that website, and who wished to appraise whether to apply to set aside or vary the Court's orders, would have been aware of, at very least, the nature of the submissions by Cs because of the skeleton argument and the Bourne J's summary in the judgment.
- (3) Further still, the note of the hearing was available on the websites between 3-5 days after notice of the hearing on 30 June 2026 was uploaded to the dedicated websites and emails were sent [416-417 at ¶¶2.1-2.3] and 15 days prior to the hearing itself. If any person wanted to apply to set aside or vary any orders at this hearing they have had sufficient opportunity to consider the note of the hearing.

### **Notice of this hearing**

30. Since Ds' Convention right to freedom of expression is engaged, and since Ds are (by definition) neither present nor represented, it might be said that by virtue of s.12 of the Human Rights Act 1998 ("HRA 1998") before making the order, the Court must be satisfied either that (i) Cs have taken all practicable steps to notify the respondents, or that (ii) there are compelling reasons why the respondents should not be notified.
31. Again, it is doubtful whether this provision applies in relation to a review hearing, for the reasons identified in ¶29(1).
32. However, Cs erred on the side of caution and have:
  - (1) Uploaded the application for continuation of the injunction and the notice of hearing to the dedicated websites [416-417 at ¶2.1]. In the case of the notice of hearing that Cs' solicitors produced this occurred on 10 or 12 June 2026. The sealed application was uploaded on 12, 16, 17 or 18 June 2026 [421 at ¶3.4]. Mr Wright's first statement for this review hearing was upload on 12 or 15 June 2026

[422-423 at ¶4.5];

- (2) Sent emails to the email addresses identified in the orders, as well as a further email address identified for Extinction Rebellion (“XR”) and other organisations who have emerged promoting direct action on organisations connected with the fossil fuel industry as well as other potentially relevant organisations known as Take Back Power (whose involvement is explained more fully below); Fossil Free London and Youth Demand [417-418 at ¶¶2.3-2.6]. Cs’ solicitors notice of hearing was sent on 11 and 12 June 2026, with Mr Wright’s first witness statement, and the sealed application notice was sent on 11 or 16 June 2026 [420-421 at ¶3.2; 422 at ¶4.4]; and
  - (3) Between 11 and 15 June 2026, affixed notices at the locations shown on the plans for each airport [418 at ¶¶2.8-2.9], which identify the time and date of the hearing and explain where copies of the relevant documents can be found [608-617].
33. Cs have also informed third party occupiers, where relevant, of the application to continue the initial injunctions for a further twelve month period [419 at ¶2.12; 1242-1243 at ¶¶5.3.2, 5.4.2, 5.5.2; 1727 at ¶¶5.4.2 and 5.5.2]. They have either had no response or no objection from those occupiers.
34. As to that:
- (1) What Cs have done by way of service or notification is – they submit – all that is “practicable”. That test is a less stringent test than “possible”.
  - (2) Cs struggle to think of additional steps beyond those taken, which are realistically likely to draw these proceedings to a materially larger pool of interested respondents.
  - (3) Moreover, unless and until someone is named as a defendant, or knowingly breaches the order, there is strictly no defendant to the proceedings and, by parity of reasoning, no available respondent to Cs’ application.
  - (4) In the circumstances, Cs submit that the test in the HRA 1998 is satisfied.
35. Clearly the issue of how notification might be effected is one upon which there can be different approaches. If present or represented, Ds could have made submissions to the effect that further and additional measures could have been taken. It might be said on behalf of Ds (for example) that the application could be advertised in local or national press. Whilst it is right to draw these potential arguments to the attention of the Court in the absence of any representation for Ds, there is no good reason to consider that the steps already taken are in any way inadequate, or that addition of any further measure would have any significant prospect of drawing the existence of the application to the attention of someone who would not have been made aware of its existence by the measures

actually undertaken.

### **The original threat and events up to the first review**

36. The background to these claims is explained in the Knowles J Judgment, the HHJ Coe Judgment and the Ritchie J Judgment:
- (1) JSO appeared to have been planning a campaign of disruptive protest during the summer related to the environment and opposing fossil fuels at airports since at least 9 March 2024 [¶¶4 and 20 Ritchie J Judgment [1200-1201; 1205]; ¶¶13-15 Knowles J Judgment [77-78]].
  - (2) On 2 June 2024, protestors affiliated with Extinction Rebellion (“XR”) carried out a protest at Farnborough airport [¶5 Ritchie J Judgment [1201]; ¶19 Knowles J Judgment [81]].
  - (3) By an email dated 6 June 2024, JSO emailed its members stating that the summer action at airports was coordinated internationally across Europe, taking the fight to airports [¶5 Ritchie J Judgment [1201]; ¶16 Knowles J Judgment [80]].
  - (4) On 20 June 2024, two protestors used an angle grinder to cut a hole in the perimeter fence at Stansted Airport and spray painted 2 aircraft using a fire extinguisher [¶4 Ritchie J Judgment [1200-1201]; ¶12 HHJ Coe Judgment [778]]. This resulted in the activity on the runway being suspended and three aircraft departures delayed.
  - (5) On 25 June 2024 protestors were apprehended at Gatwick Airport with bandages in their bags [¶23 Ritchie J Judgment [1206]; ¶12 HHJ Coe Judgment [778]].
37. On 20 June 2024, Knowles J granted an injunction in respect of London City Airport [52-67]. That order prohibited Ds from entering, occupying or remaining on London City Airport but excluding Third Party Areas, without the consent of the relevant Cs, until 20 June 2029 or final determination of the claim or further order
38. On 5 July 2024, HHJ Coe KC (Sitting as Deputy High Court Judge) granted injunctions in respect of the whole of Manchester Airport, Stansted Airport and East Midlands Airport (as shown on plans to the orders) with immediate effect and until varied, discharged or extended by further order and subject to periodic review on application at intervals not exceeding 12 months [732-743 by way of example]. The injunctions covered a broader list of prohibited acts as well prohibiting Ds from entering, occupying, or remaining on any part of the airports without the consent of the relevant claimants.
39. On 18 July 2024, Ritchie J granted injunctions in respect of Leeds Bradford Airport, Luton Airport and Newcastle International Airport [1157-1166 by way of example]. Again, the orders extended to the entirety of the land shown outlined in red on plans to

the orders. The injunctions prohibited Ds from entering, occupying or remaining on any part of the airports for the purpose of protesting about fossil fuels or the environment without the relevant claimants' consent. Again, they were granted with immediate effect and until varied, discharged or extended by further order and subject to periodic review on application at intervals not exceeding 12 months.

40. On 6 August 2024, Jacobs J granted injunctions in respect of Birmingham Airport, Bristol Airport, and Liverpool Airport [1654-1664 by way of example]. Those orders were in materially the same form as the Ritchie J Orders.
41. Although not the subject of these claims or the applications before the Court at this hearing, it is relevant to note that three other airports have been the subject of injunctions: Heathrow Airport, which was granted by Julian Knowles J on 10 July 2024; Gatwick Airport, granted by Ritchie J on 19 July 2024; and Southend Airport granted by Farbey J on 14 August 2024 [126 at ¶2.2.2].
42. Relevant events which occurred after some or all of those orders were made included:
  - (1) On 19 June 2024, the founder of JSO, Roger Hallam, was found guilty of conspiring to block the M25 motorway. The sentence he received, following an appeal, was four years in prison (reduced from an original sentence of five years): ¶13(a) of the Bourne J Judgment [109].
  - (2) On 24 July 2024, ten JSO activists were arrested at Heathrow Airport, seemingly equipped to cut through fences / affix themselves to parts of the land or aircraft. Nine of those individuals were later found guilty by a jury of conspiracy to cause a public nuisance, receiving sentences ranging from prison terms of 15 months to suspended sentences: ¶13(b) of the Bourne J Judgment [109].
  - (3) On 27 July 2024, a protest which was due to occur at London City Airport was relocated to the Department of Transport: ¶13(c) of the Bourne J Judgment [109].
  - (4) On 29 July 2024, eight JSO activists were arrested at Gatwick Airport on suspicion of interfering with public infrastructure: ¶13(d) of the Bourne J Judgment [109].
  - (5) On 30 July 2024, two JSO activists were arrested at Heathrow Airport after spraying orange paint around Terminal 5's entrance hall and on the destination boards at the departure lounge. A jury was unable to return a verdict: ¶13(e) of the Bourne J Judgment [110].
  - (6) On 31 July 2024, a protest by JSO and Fossil Free London was held at the Docklands Light Railway Station at London City Airport, being an area excluded from the scope of the injunction: ¶13(f) of the Bourne J Judgment [110].

- (7) On 1 August 2024, six JSO activists blocked access to departure gates at Heathrow Airport: ¶13(g) of the Bourne J Judgment [110].
  - (8) On 5 August 2024, five JSO activists were arrested on their way to Manchester Airport, with bolt cutters, angle grinders, glue, sand and banners reading “oil kills”. Four of them were subsequently found guilty of conspiracy to commit a public nuisance and sentenced to terms in prison: ¶13(h) of the Bourne J Judgment [110].
  - (9) On 21 February 2025, XR held a demonstration at Inverness Airport against climate change: ¶13(i) of the Bourne J Judgment [110].
  - (10) On 27 March<sup>2</sup> 2025, JSO made an announcement which appeared to give the impression that it was withdrawing from mounting protests by direct action: ¶13(j) of the Bourne J Judgment [110].
  - (11) On 18 May 2025, GB News reported that JSO was considering a “dramatic U-turn” and, on 21 May 2025, JSO sent a link to the article to its subscribers with the comment “GB News was right for once. We are ‘plotting a comeback’”: ¶13(k) of the Bourne J Judgment [110].
  - (12) On 21 May 2025, London City Airport received intelligence that a protest planned to take place at Heathrow Airport had been relocated because of the injunction obtained by the airport and “to avoid the risk of associated penalties for breaching the injunction”: ¶13(l) of the Bourne J Judgment [110].
  - (13) JSO was advertising training programmes teaching those attending how to “plan the seeds of the coming non-violent revolution” and was taking donations for a “New campaign [that] was in the works”: ¶¶13(m)-(n) of the Bourne J Judgment [111].
43. On 24 June 2025, Bourne J heard the first annual review of the injunctions granted by the Knowles J Order, the HHJ Coe Orders, the Ritchie J Orders and the Jacobs J Orders. He determined that, in the round, there had been no material change in circumstances that removed or seriously diminished the rationale for the injunctions and that they should continue in force: ¶¶14-18 of the Bourne J Judgment [111-112].
  44. The Bourne J Orders ordered that the Knowles J Order, the HHJ Coe Orders, the Ritchie J Orders and the Jacobs J Orders remained in full force and effect, subject to certain variations to direct that the listing of the subsequent annual review hearing in each claim be heard together and consequential directions for that hearing.
  45. The orders made in respect of Heathrow Airport, Southend Airport and Gatwick Airport

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<sup>2</sup> The reference to 27 “May” 2025 in the judgment is a typing error. See [AB/130 at ¶15].

were also continued following the Court’s first annual review on 23 July 2025, 22 October 2025 and 18 July 2025 respectively: ¶9 [136].

### **Events since 24 June 2025**

46. A description of the relevant events since the injunctions were granted is set out in Cs’ chronology and in the evidence. Those identified as being the most relevant are:
47. On 3 July 2025, XR supporters blockaded the entrance to the Energy Insurance London Conference.
48. On 5 July 2025, XR launched its ‘Insure our Survival’ Campaign: a seven-day environmental / anti-fossil fuels protest as part of XR’s Summer of Action.
49. On 5 July 2025, XR supporters marched to London Oxford Airport to draw attention to the number of private jets carrying ultra-wealthy passengers: ¶7.2 [130; 238-239].
50. On 9 July 2025, XR supporters protested outside of Inverness Airport’s terminal to campaign against a private jet company: ¶7.2 [131; 242-244].
51. On 9 July 2025, XR supporters disrupted the British Insurance Awards by blocking the red carpet.
52. On 16 July 2025, XR supporters targeted AIG as part of the Insure Our Survival campaign.
53. On 26 July 2025, ten Greenpeace activists were arrested after suspending themselves from a bridge outside Edinburgh. They dangled themselves 25m above the water line, stopping a tanker for 24 hours.
54. On 22 August 2025, “Shut The System” announced that it is embarking on a “Summer of Sabotage” targeting businesses it considers to be the largest contributors to climate destruction.
55. On 8 September 2025, XR announce a protest campaign from 8-22 September, targeting companies that are enabling fossil fuel projects.
56. On 9 September 2025, XR protestors staged protests at the London offices of AXA and AIG, blocking access to the buildings.
57. On 18 September 2025, two JSO protestors who had spray painted private jets at Stansted Airport in June 2024 were found guilty of criminal damage at Chelmsford Crown Court and receiving suspended custodial sentences: ¶7.2 [132; 287-288; 366-368].
58. On 5 November 2025, Fossil Free London campaigners disrupted BP panel event at Simmons & Simmons LLP.
59. In December 2025, a group called Take Back Power carried out direct action by covering

the crown jewels at the Tower of London with custard and depositing manure at the Ritz in London [134 at ¶8.2; 332-333].

60. On 19 January 2026, XR protestors staged a protest outside the Macquarie Group Headquarters to protest against the expansion of Farnborough Airport. Two activists occupied the entrance to the building unfurling a banner that called for a ban on private jets and urged for ties to be severed with fossil fuels: ¶7.2 [132; 296].
61. On 30 April 2026, the Joint Terrorism Analysis Centre, which is the body responsible for setting the terrorism threat level for the UK, raised the terrorism threat level from “substantial” to “severe”, meaning an attack is “highly likely” [129-130; 219-224].
62. On 1 May 2026, Take Back Power activists occupied the luxury department store Liberty and disrupted access to the luxury hotel Claridge’s.
63. On 6 May 2026, Fossil Free London protested outside Shell HQ ahead of its quarterly profits’ announcement.
64. On 7 May 2026, climate activists disrupted a Barclays’ shareholder meeting.

### **The appropriate test for review**

65. Please see ¶¶3 – 5 above.

### **Submissions: introduction**

66. Overall, Cs’ position is that the circumstances which justified making the orders in June and July 2024, have not materially changed in a way that casts doubt on whether there continues to be a compelling need for the relief. There are no legal or factual developments or changes which necessitate the Court going behind the findings by the original judges.

### **(1) The basis for the orders**

67. The original threat and harm leading to the orders are set out at ¶36 above.

### **(2) Circumstances since the grant of the order**

68. This is addressed generally in ¶¶46 – 61 above.
69. Since JSO’s announcement in 2025, Cs are not aware of any incidents of direct action carried out by persons connected with JSO: ¶8.1.2.2 [133].
70. We make two points about that:
71. First, JSO does not appear to have entirely disappeared: ¶8.1.2 [133]. The group appears active on social media platforms and its website remains live. What appears to have happened is that activists historically connected with JSO have now started to protest

under a different banner known as “Take Back Power”: ¶¶8.1.2.1 and 8.1.3 [133]. Protestors protesting under the banner of Take Back Power have been routinely engaged in direct action since around December 2025 and, as an organisation, Take Back Power is avowedly committed to this as a means of achieving its aims: ¶8.2.4 [134; 338]. So far, no airports have been targeted by Take Back Power protestors.

72. Secondly, the injunctions sought by the airports was not exclusively directed at JSO. The apparent quietening down of JSO activity does not correspond with the end of direct action by other protest groups [134-136 at ¶¶8.2-8.4]. In addition to Take Back Power, XR and Fossil Free London have repeatedly carried out protests by direct action since the 2025 review hearing [130-132].

### **(3) Compelling need for the orders**

73. The evidence broadly indicates the following:

- (1) There has been no direct action at any of the Airports protected by injunctions since the 2025 review hearings: ¶11.2 [138; see also 823 at ¶12.2; 1254 at ¶12.2; 1737 at ¶11.2].
- (2) Nor have there been protests at Heathrow, Gatwick or Southend Airports since the 2025 review hearing: ¶7.2 [130-131].
- (3) There has, in contrast, been direct action at other locations in that period which the evidence identifies as being sites without the benefit of the protection of injunctions: ¶7.2 [130-131; 137-138].

74. As against Cs, it might be said that the evidence in paragraphs 73(1) and 73(2) above indicates that the injunctions have outlasted the compelling need which led to their initial imposition: airports have stopped being the focal point for activists’ attentions, as they have turned their sights on other targets as demonstrated by the evidence summarised in paragraph 73(3) above.

75. Cs say, taken together, the foregoing suggests two things which indicate that the threat remains and Cs’ concerns about the resumption of further incidents at the Airports is not misplaced:

76. First, the campaigners continue to maintain their strength of feeling about fossil fuels and/or climate change and continue to be prepared to engage in disruptive protest in order to draw attention to their causes and bring about their objectives [136 at ¶8.7]. The precise focus of certain campaigners has shifted as time has gone on, seemingly now including wealth inequality; but, many of the activists appear to be those formerly protesting under the JSO and XR banners and they have demonstrated that they continue to be prepared to use the same tactics.

77. Secondly, the other analysis of paragraph 73(3) above is that the injunctions have proved to be an effective deterrent and that protestors are prepared to ‘take their chances’ with the Criminal Courts but not where sites are protected by injunctions: ¶¶14.2-14.5 [141]. Cs infer that the apparent distinction between the Criminal Courts and the High Court injunctions in the protestors’ eyes stems from the number of examples of protestors not being found guilty of offences following criminal trials: ¶11.3 [139; 377-379; 380-382; 383-385; 386-387].
78. Indeed, Cs are concerned that, in removing the protection afforded by the injunctions, the Airports will become targets for such activity – especially given the examples of XR protests at or about airports in the last twelve months. As Swift J explained in *Exolum Pipeline System Limited v Persons Unknown* [2025] EWHC 1913 (KB) at ¶14 [AB/116-117]:
- “I fear that, once made, the need for orders such as this one can almost become self-perpetuating, in that any decision to remove the order would, from the point of view of the activists, wave a flag above these terminals marking their return to the category of targets for disruption. Even though Just Stop Oil and other likeminded organisations may be opportunistic, experience shows that they are also persistent and will take any opportunity that presents itself.”
79. This risk is particularly acute at airports where there is a premium on orderly conduct and which are acutely sensitive to chaos: ¶¶30 – 31 of Ritchie J Judgment [1208]; ¶¶13-14 HHJ Coe Judgment [778] and ¶6.3.1 of Mr Wright’s first statement for this hearing [130].
80. That is illustrated by the incident at London Southend Airport on 8 June 2026: ¶13.2 [140]. Although the students’ behaviour appeared, ultimately, to be innocent, the apparent connection with JSO and the seemingly erratic behaviour of the individuals caused police and security staff resources to be deployed to investigate and monitor them, resulting in a two hour delay.
81. The fear of chaos is, in part, because of the risk it poses from the point of view of terrorism. At ¶31, Ritchie J took this into account (“terrorism is facilitated by chaos” [1208]): he was there summarising evidence about the potential for even modest disruption to be treated by airport security as part of, or as a precursor to, a terrorist attack, out of an abundance of caution. The recently elevated terrorist threat only increases the risk of harm caused by protest activity at the Airports: there may be no ready way to tell, in the moment, whether disruptive protest activity is part of something more sinister.

#### **(4) Other *Wolverhampton* factors**

##### ***Full & frank disclosure***

82. Cs have sought to address the points of full and frank disclosure occurring to them, as well as points which might be taken against them, in the course of this skeleton argument.

### *Just and convenient*

83. In the round, therefore, this is a case where the relief has not outlasted the risk. It would be just and convenient to continue the injunctions.

### **The draft orders**

84. For the most part, Cs' proposed orders [2008-2025; 2026-2028; 2029-2063; 2064-2100] replicate the form of the orders made by Bourne J at the first annual review, which Cs commend to the Court as the approach to take subject to any adjustments it considers appropriate in light of the practical operation of the injunctions and any changing circumstances: *Esso Petroleum Company Limited v. Persons Unknown* [2025] EWHC 1768 (KB) at ¶8 *per. Sweeting J* [AB/93]).
85. Experience suggests that the Court will wish to be taken through the form of order during the hearing. At this stage, there are two amendments which Cs seek to the orders, which fall within the type of adjustment envisaged by Sweeting J:
86. First, Cs ask the Court for permission to amend the claim forms to amend the description of Ds [394-405; 1571-1582; 1982-1993]. Although there are individual variations in the existing descriptions of Ds, Ds are defined by a connection to JSO or environmental campaign or their purpose being or including protest about fossil fuels or the environment.
87. Cs are concerned to ensure that the relief granted by the Court is effective and does not provide loopholes which protestors can exploit. The existing description might be said not to capture someone protesting under the banner of Take Back Power or in connection with its aims, which appear to focus on (or might be capable of being presented as if they focus on) wealth inequality, as distinct from the environment [332-336]. Cs all have private jet facilities and the direct action at Stansted Airport's private jet facilities in 2024 was one of the incidents which provoked the Airports to obtain the injunctions in question. Protests by XR in July 2025 and January 2026 focused at or about private jet facilities shows there is an overlap between the causes of wealth inequality and the ending of fossil fuel usage: ¶8.2.5.3 [135]. For that reason, Cs are concerned that they could become the focus of direct action by Take Back Power.
88. Further, Take Back Power appears to be the phoenix group created following the apparent cessation of JSO's activities: according to the Guardian Newspaper, many of those being involved in Take Back Power "having taking [sic] part in actions with [XR], Just Stop Oil, Animal Rising and other groups in recent years": ¶¶8.1.2(c) and 8.1.3 [133; 328]. Those involved with these groups are experienced and not un-sophisticated and will be alive to the potential loopholes in Court orders and/or might even be seeking to create them: ¶8.7 [136]. The names of the groups change, as does the precise formulation of their aims, but, fundamentally, the evidence suggests that there are individuals who

remain committed to disruptive protest at their targets.

89. This concern would not apply in the claims in respect of Manchester Airport, Stansted Airport and East Midlands. In that case, no amendment is necessary to capture those connected with Take Back Power or its cause given that, although the description mentions JSO and XR, it is not done restrictively and anyone protesting at those Airports would be captured.
90. Secondly, the byelaws have changed for London Luton Airport and East Midlands Airport. For the most part, there is no material change which impacts on the claims – albeit that some consequential tidying up of the relevant Particulars of Claim will be necessary to reflect the correct iteration of the byelaws [1098 and 1108; 1571-1572 and 1588].
91. In the case of London Luton Airport, the plan to the byelaws has been varied. Save for the landing lights which were not within the 2005 plan to the byelaws, but which were within the scope of the protection of the injunction, the red line to the plan to the Ritchie J Order for London Luton Airport mirrors the 2025 byelaws plan: ¶14 of the Amended Particulars of Claim [1135]. The 2025 byelaw plan was varied in 2025 includes the new areas of land which are outside of the existing red line. Cs do not seek the inclusion of those new areas [1573]. Additionally, two parts of the public highway have been removed in the 2025 byelaws plan, shown shaded red on the plan at [1362]. Cs propose the removal of these sections of highway from the red line boundary of the injunction and have effected that by also removing some of the land within 2025 byelaws in order to ensure there is a clear geographical scope in accordance with the guidance in *Wolverhampton* [1583].

## Conclusion

92. The evidence shows that (1) the injunctions have proved an effective deterrent in preventing the sort of activity seen in 2024; (2) there continues to be a serious risk of that sort of activity resuming at the Airports, if the injunctions were to be discharged this year; and (3) these sites remain particularly sensitive to disruptive protest. Cs invite the Court to conclude that the circumstances are not sufficiently changed this year to suggest that the injunctions have outlasted the compelling need for them.

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