

**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 RED ON THE ATTACHED PLAN A TO THE AMENDED PARTICULARS OF CLAIM**

**Defendants**

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**NOTE OF REVIEW HEARING BEFORE  
& *EX TEMPORE* JUDGMENT OF MR JUSTICE FREEDMAN  
ON 22 OCTOBER 2025**

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The hearing commenced at 10:30 before Mr Justice Freedman (“J”). Tom Roscoe (“TR”) appeared for the Claimants. No one attended for the Defendants.

**Opening**

1. TR confirmed his appearance on behalf of the Claimants. It was noted that there was no attendance from the Defendant.
2. J asked whether the Claimants were proposing an application to renew the injunction. TR clarified the Claimants were not proposing an application to renew or present a new application, but rather were attending in accordance with the previous order made.
3. J confirmed the hearing is not a de novo hearing. J confirmed he had the opportunity to review the evidence and exhibits for this hearing, including the previous witness evidence and exhibits.

4. J noted that these review hearings are the subject of a dozen other cases for judicial consideration.
5. J pointed out that he had not received the skeleton argument of the Claimants (“**Skeleton Argument**”). A paper version of this was handed up to J. J expressed the view that nothing in the skeleton argument was likely to take him by surprise.

### **Background**

6. J noted that this is a review hearing and referenced Bourne J on procedural matters. J expressed the view that he would expect the court to focus on the threat Just Stop Oil (JSO) and other environmental groups pose to the infrastructure in this country, particularly in this instance.
7. TR commented that J will not be particularly disadvantaged by not having read the skeleton argument of the Claimants.
8. TR said they were buoyed by the JSO announcement that ““*GB News was right for once*”. J confirmed that he had this reference in mind.
9. TR said he did not know what oral development would be of assistance to J.
10. J stated that at the previous hearing, TR took Farbey J into detail throughout the without notice procedure. J understood that there ere a large number of matters to satisfy the court on.
11. J expressed the view that he could rely on the facts Farbey J was satisfied with in that hearing. Fareby J had considered the *American Cyanamid* principles and noted amongst other things that it was just and convenient to make the order, that other remedies were insufficient, that trespass had been considered and that the plans put forward were of satisfactory detail. J stated that since those matters were considered satisfied by Farbey J, J did not need to go through them again.
12. J noted that the only question he had to consider was whether there had been material change that would make the judgement no longer warranted. J clarified that material change would involve significant reductions in the threat of activity at LSA.

13. J noted that there does not seem to be any evidence to suggest that those who insist on causing trouble will halt from doing so. TR agreed with J on this point.
14. J stated that in so far as a reduction in direct activity has occurred for LSA and others, it is J's view that this would be because the injunction has been in place
15. TR agreed with Turner J in London Heathrow case, which is recorded at [2025] EWHC 2489 KB, which was complicated by breaches and named Defendants. Turner J was satisfied, and J noted that this complication was not here.
16. J considered that each airport is different and to be looked at individually, but also took the view to look at this matter in the round.
17. J stated that if Bourne J in [2025] 6 WLUK 499 considered there were significant threats to 10 UK airports, it would be illogical or irrational to render the injunction unjustified here. Even putting aside the decision of Bourne J, it seemed to J that there was ample material in this case to be confident that no material change has occurred as to render the injunction unjustified.
18. TR was grateful for this statement from J and did not trouble J further on the facts.
19. TR stated that for the sake of good order and completeness, he wished to raise a number of points:
  - 19.1.1. In paragraph 15 of the Skeleton Argument, it was noted that YL needs to be satisfied. J stated they had read PS1, and could see that the order was made in accordance with the guidance set out in *Wolverhampton CC v London Gypsies & Travellers* [2024] 2 W.L.R. 45 (the "**Wolverhampton Guidance**"). J noted that the request for the review hearing had been circulated as per The *Wolverhampton* Guidance, and as was the application notice and notice of the hearing through the usual gateways. TR stated he was satisfied that proper hearing of the notice had been given.
  - 19.1.2. In paragraphs 23, 24.2 and 26 of the Skeleton Argument, TR made reference to full and frank disclosure with his point on two MBI rights cases. TR noted it was a subject of debate raised by *Nicklin J in MBR Acres Limited v John Curtain & Persons Unknown* [2025] [2025] EWHC 331

(KB). TR expressed the view that it was ultimately a case management matter and that no other airport judges followed this. J thanked TR for raising this, and noted that Bourne J being considered, J adopted the same approach here.

19.1.3. TR's final point was in relation to the application notice. TR noted that the way it was drafted referred to the need for an 'application'. TR proposed tweaking 'application' in the ordinance draft order tab 1 bundle to 'request'. TR confirmed that the Claimants had requested this hearing, but wanted it to be as close to the anniversary as possible. J stated it was astonishing the date of the hearing had not taken place before today, but noted the long vacation gets in the way. J stated that the Claimants had requested this hearing to be in March, and that this review hearing was not as urgent. TR said that the only change was that courts have ordered against 'tinkering' with the previous order. J stated that it looked like the terms of the order were fairly standard and mirrored other airports. He noted that there was a lot to be said here for uniformity.

20. J told TR he was very helpful. J said TR could address him further if needed, but otherwise would proceed with a short ex tempore judgement.

### **Judgement of Freedman J**

- (1) On 14th August 2024, Farbey J granted an injunction to the operators of London Southend Airport (LSA) in Essex, and to 2 subsidiary operators of the airport (London Southend Solar Limited and Thames Gateway Airport Limited).
- (2) The effect of the injunction was to prohibit persons unknown but linked to Just Stop Oil (JSO) and other environmental campaigns from committing acts of trespass and nuisance at LSA.
- (3) The injunction was obtained pursuant to a without notice application because of the urgency of the situation, but Farbey J and in accordance with the *Wolverhampton* Guidance, made provision for the order to be notified to the

Defendants by uploading a copy to the airport's website, affixing it at specified locations, and sending it to known email addresses.

- (4) On the evidence before me, I am satisfied that the *Wolverhampton* Guidance followed has been followed to the letter.
- (5) Although the order made by Farbey J was for period of 5 years until 14th August 2029, paragraph 3 of that order provided that the injunction should be reviewed annually. That is the purpose of the hearing today.
- (6) The order provided that the injunction would lapse on the anniversary of the injunction unless an application for a review to take place commenced before then. The Claimants have complied with that provision by filing an application notice 1 day before the anniversary.
- (7) The Claimants have complied with this provision by filing application notice 13/8, although it is right to confirm in fact that the Claimants requested a review as far back as March 2025.
- (8) The application notice and reference to the date of this hearing have again been circulated in accordance with the *Wolverhampton* Guidance.
- (9) Perhaps unsurprisingly, notwithstanding notice being given to the Defendants, there is no attendance today by any Defendant, nor are they legally represented at this hearing.
- (10) The Senior Associate of the Claimants firm of solicitors, Mr Phil Spencer, confirms his firm has not received any communications from anyone in relation to the injunction itself or the notice of the hearing or the review hearing today.
- (11) Farbey J was assisted by TR of Counsel in August 2024 when she granted the order. I am similarly assisted by him today.
- (12) I can confirm I have received the skeleton argument from TR.
- (13) I have the advantage of a full note of the ex temp judgement given by Farbey J. Because this is a review hearing, it is not necessary to rehearse any part of that judgement other than to summarise in outline her findings:

- (a) First, JSO and other EG had targeted LSA on numerous occasions.
- (b) Second, there was good evidence of threatened unlawful activities by environmental campaigners (including JSO) during the summer 2024.
- (c) Third, the action threatened by JSO and others posed a significant threat to the health and safety of all users of the airport, including passengers, airport staff, those operating businesses at the airport and emergency services. The disruption caused by threatened action by campaigners such as JSO were also cause for serious economic loss due to disturbance to travel plans.
- (d) Fourth, in terms of cause of action, Farbey J was satisfied that the Defendant's activities can give rise to claims in nuisance and trespass.
- (e) Fifth, Farbey J was provided with a map of the Claimant's land delineating the area of land the Claimant wished to protect by the injunction. Farbey J was satisfied that this land would be under the control of one or more of the Claimants.
- (f) Sixth, obviously by virtue of the order being made at London Stanstead Airport, along with other airports in the UK requiring protection of the injunction, Farbey J was satisfied that the evidence before the court strongly supported that the balance of convenience fell in favour of granting the relief sought.
- (g) Out of an abundance of caution, Farbey J expressed a view that it was no less than a necessary and proportionate qualification on the Defendant's Article 10 and Article 11 rights.
- (h) The added rider was that, in so far as there are bylaws in place, and indeed the possibility of criminal proceedings, in the view of the court that did not provide an adequate alternative route of remedy.

- (14) So now I turn to the review hearing today. The nature of a review hearing was considered by Bourne J when he had to hold a review hearing in relation to orders made for 10 airports. MJB cited *Wolverhampton* Guidance para 2.2.5 where the Supreme Court observed at the hearing that all parties have the opportunity to give full and complete disclosure to the court, etc. [quote]....'ought to be made' whether there is further evidence to be made.
- (15) In BJ High Speed HS2 case 2024 ewhc 1277kb, Ritchard J described the court's task in a review hearing as
- a. ["drawing these authorities together, in the view of an interim injunction against the Defendant's, this judge is not starting over. It is to understand the substratum, the reason for the fear, unlawful action. If nothing material has changed, the D remains rightfully and justifiably fearful, they can continue. rigor observed+fulfilled'....para 33 OTOH, etc.]
  - b. Para 33 "If material matters have changed, the court can be required to analyse the circumstances, where the scope details of the interim injunction can be altered. If so, the original threshold apply"
- (16) It follows that my task is to consider since last year any material change in circumstances affecting, diminishing or removing the need for the injunction to remain in place.
- (17) Before I embark on this task, it is useful to give some context. 12 other airports in the UK obtained similar injunctions in the summer 2024. As I've said, MJ B already conducted a review hearing for 12 airports heard on a joint basis. He concluded that each injunction should continue without change save for minor alteration to the geographical extent to London City Airport.
- (18) It is also right to note that 2 other major city airports, London Heathrow Airport and London Gatwick Airport, were also granted an injunction and at the review hearings of those injunctions, no changes were made.

- (19) The question therefore remains in relation to LSA as to whether a significant risk of direct action by JSO or other environmental organisations.
- (20) In relation to all other 12 airports I have alluded to, the court found that the risk had not abated since the injunction was granted.
- (21) As I observed to TR when he was addressing me, it is of course right that each injunction is considered separately and individually. But on the other hand, if there has been good evidence of on-going threats to the 12 main airports in this country, it would be somewhat irrational for a court to conclude that no such threat continues to exist to LSA. But it is necessary nevertheless that each airport is given separate consideration and individual review.
- (22) Before turning to evidence for considering the risk here, it is worthy of note that operations have grown substantially at LSA in preceding year.
- (23) I have a witness statement from Mark Taylor (MT), who is the Managing Director for Operations at LSA. In his statement, he tells me that passenger numbers have risen to around 700,000, up from 300,000 in 2024. Since April 2025, LSA has served 73-89K passengers per month, which is up from 33,000-37,000 for the same period in 2024.
- (24) It is also the case that this airport has enjoyed an increased presence in the media. MT attributes that to the fact that private jet centre located at airport has handled a number of high-profile people including celebrities, and hosts various activities covered by the press including RAF Red Arrow memorials and other jet fighter typhoon displays by RAF.
- (25) It is his view, and it is an entirely justified view, that the developments at LSA, along with its growth and larger scale, makes it a potential target for disruptive activities.
- (26) Before I leave his evidence, he informs me that whilst all other major UK airports have dedicated high profile armed police on site, that is not the position at LSA. LSA must instead rely on the response of local policing teams. To some extent, this point renders LSA a little more vulnerable.

- (27) In relation to the ongoing risk of unlawful activity, TR relies on Mr Phillip Spencer. In his statement, he summarises activities of protestors at various airports in 2024 and early 2025.
- (28) Those seem to me to strongly suggest that there remains a persistent risk of direct activity at this airport and others. But, in the interest of frank disclosure, it has been pointed out that on March 27 2025, JSO made an announcement which purported to give the impression that it had decided to withdraw from disruptive protests, including direct action. JSO released an announcement on its website headed 'We Are Hanging Up The High Viz'. It went on to explain that they would no longer engage in disruptive activity they had done so in the past.
- (29) If JSO had stood by what they had posted on the website, it might have given some calls for optimism that they would not engage in direct action at airports in future. However, on 18 May 2025, broadcaster Ben Leo reported on GB News reported as follows *"I can exclusively reveal that Just Stop Oil is plotting a very big comeback"*.
- (30) JSO were then able to clarify matters on 24 June 2025, as they emailed solicitors acting on behalf of London City Airport in response to article confirming a great comeback by saying *"GB News was right for once"*, and that they were *"plotting a very big comeback"*.
- (31) That statement, and the implications of it, are clearly very relevant when considering whether there is an ongoing risk posed by JSO. Moreover, and regardless of the intentions of JSO, it is plain that there are a number of other organisations engaging in campaigning on behalf of environment acting in a disruptive manner.
- (32) Mr Spencer makes reference to 4 such organisations:
- a. Youth Demands, which is said to be 'a youth resistance organisation'. This group takes pride in the fact that they managed to blockade central London in the summer of 2024;

- b. Fossil Free London, a climate activist group founded in 2019. Their website states "Fossil Free London is a climate justice organisation dedicated to disrupting the fossil fuel industry here in our city";
- c. Extinction Rebellion, which remains a very well-known climate activist group that I understand publicised its intention to take further action; and
- d. SHUT THE SYSTEM, a new group with their plan and aim to shut down the fossil fuel economy.

- (33) And so in my judgment there is a large amount of material which justifies the need for an order to protect this airport.
- (34) Insofar as it is to be argued that there's been some reduction of direct action at airports during 2025, and therefore in some way risk has somehow diminished, I agree with MJB that it is much more likely to be the case that it is the grant of the injunction that is more likely to be the more effective deterrent. I accept that removing the injunction at this time would create a real risk of resumption of disruptive activity at LSA.
- (35) To conclude, looking at totality of the evidence, I'm satisfied that there has been no material change that removes or significant diminish the need of the injunction granted in 2024, and it shall remain in force.
- (36) The appropriate steps must be taken to publicise the order following this review. It will of course need to be a reviewed in 1 years' time.
- (37) TR rightly raises a point regarding the mechanisms of this. There does not need to be an application notice, rather it can be requested simply by an email to the court listing at the Royal Courts of Justice asking for it to be listed.
- (38) In meantime, it is of course open to anyone to apply to vary or discharge the order. As with any interim relief such as this, there must be an undertaking for damages given at the time since making the last order.

### **Comments Following Judgement**

(39) J asked TR to confirm if the judgement had covered all matters

(40) TR noted that it had, and asked whether J had seen the order in draft form.

(41) J stated he was satisfied that the order in draft form reflected what needs to be stated and circulated to the Defendants in accordance the *Wolverhampton* Guidance. TR thanked J.

The hearing concluded at 11:00.