

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

B E T W E E N:

- (1) LONDON SOUTHEND AIRPORT 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

SKELETON ARGUMENT OF THE CLAIMANTS

For the 2 July 2026 Review Hearing of the 14 August 2024 Injunction

Suggested pre-reading (t/e 1.5 hours):

Bundle references to the Hearing Bundle are in the form [Tab/Page]. References to WS are given in the form "Surname # of statement" (e.g. the 1st witness of Mr Phil Spencer is "Spencer 1"). A separate Authorities Bundle is also being supplied, together with a short supplemental bundle introducing: (i) documents relating to Cs' amendment application (explained herein); and (ii) evidence of service/notification (in Spencer 4).

- (i) *Draft Order sought (appending a conformed version of the existing injunction): [1/3ff]*
- (ii) *The note of Mrs Justice Farbey's 14.8.24 ex tempore judgment, recording the reasons for the grant of the Injunction [8/71ff]*
- (iii) *The note of HHJ Freedman's ex tempore judgment in the 22 October 2025 review hearing, recording the reasons for making the First Review Order [Authos bundle]*
- (iv) *Evidence in support of the original injunction in Taylor 1 [11/148ff] & Markanday 1 [10/125ff]*
- (v) *Evidence in support of the 2025 renewal in Spencer 1 [12/161] and Taylor 2 [13/176]*
- (vi) *Evidence in support of renewal at this review in Spencer 3 [7/46ff] and Taylor 3 [9/117ff]*
- (vii) *Updating W/S from Mr Spencer ("Spencer 4") confirming recent steps of service/notification of this review hearing [Filed separately]*

Introduction

1. On 14 August 2024 the Claimants (all companies with property interests at London Southend Airport, the “**Airport**”) were granted an injunction [4/31] by Mrs Justice Farbey (the “**Injunction**”) 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, climate or fossil-fuel campaign and/or protest.
2. The Injunction was for a period of 5 years (§1), but subject to annual review at a “review hearing” to be held as close to the anniversary of the Injunction as convenient for the Court (§3). This is the second such review hearing (which in fact comes less than 9 months following the first).
3. The Injunction was continued at the first review hearing on 22 October 2025 (“the **First Review Hearing**”) by Order of His Honour Judge Freedman (sitting as a Judge of the High Court) [5/42] (“the **First Review Order**”). A note of HHJ Freedman’s *ex tempore* judgment on that occasion (the “**First Review Decision**”) is included in the authorities bundle.
4. The Court is now asked, for the reasons set out below, to renew the Injunction for a further year. As explained at §§45-48 below (re. the “Amendment Application”), the only material variation to the Injunction the Claimants seek is expressly to provide that it should cover activities by a “new project” / spin-off group of JSO (Take Back Power) – including activities ostensibly directed at the “super rich” and motivated by wealth inequality concerns (whether in addition to, or instead of, environmental concerns).
5. The Injunction was obtained in circumstances where various environmental activists, including those affiliated with JSO, had embarked on a coordinated campaign in the summer of 2024 in which they threatened to commit, and did commit, unlawful acts of “direct action” at UK airports.
6. The Claimants’ position is that the threat of unlawful activity has not abated, and certainly not to the extent as amounts to a sufficient change in circumstance as would justify the non-continuance of the Injunction. The Injunction remains a necessary and effective measure to restrain unlawful activity and to ensure the safe and orderly operation of the UK’s fastest-growing airport.

7. The Injunction is in the form of a “newcomer injunction”, because at the time of the application the Claimants did not know the names of the individuals who threatened to commit unlawful acts at the Airport. That position has not changed: Spencer 3 at §10 [7/48].
8. In accordance with the guidance in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* [2023] UKSC 47 (the leading authority on such “newcomer injunctions”), the Injunction contains detailed mechanisms for notification of the Injunction and other documents in these proceedings, including notice of this hearing, to those who may be affected by it. As to the Claimants’ compliance with those provisions:
 - 8.1. The underlying claim documents (§7) and the Injunction itself (§8) were served in accordance with those provisions by 20 August 2024 (see Spencer 1 at §9 [12/163]).
 - 8.2. Proper notice of the first review hearing was given: Spencer 1 at §§46-47 [12/172ff] and Spencer 2 §§5-7 [14/182].
 - 8.3. On 30 October 2025 the First Review Order was, by email and on the Airport’s website, properly notified to the Defendants in accordance with §§9-10 of the Injunction: Spencer 3 at §35 [7/55].
 - 8.4. The Claimants have complied with the requirements in the Injunction as to notice of this second review hearing. On 9 June 2026 it was uploaded to the Airport’s website in accordance with §9.1 & §10 of the Injunction: Spencer 3 at §37 [7/55ff].
 - 8.5. On 17 June 2026 the Claimants gave notification of the additional evidence relied on at this hearing in compliance with §9 of the Injunction: Spencer 4 at §11.
 - 8.6. On 25-27 June 2026, notification of the hearing bundle for this hearing was also given in accordance with that §9: Spencer 4 at §12.
9. Notice of this hearing has, therefore, been properly given. The position as to notification of the Amendment Application is addressed separately at §46 below.
10. There has been no communication received by the Claimants (or their legal team) from any person potentially affected by the Injunction. There were no appearances by any such

person at the first review hearing and (so far as the Claimants are aware) the same is true in relation to all other airport injunctions. It is not, therefore, anticipated that there will be any other appearances at this hearing.

Other Airport Review Hearings

11. In the few months preceding the grant of the Injunction all other major UK airports had obtained injunctions in similar terms. Each was granted against persons unknown and each was granted for a period of five years subject to annual review. In common with the Claimants, those airports all obtained renewals of their injunctions at hearings in 2025.
12. Spencer 3 explains at §§31-34 [7/54ff] that other airports have second annual review hearings listed for dates close in time to this hearing:
 - 12.1. A group of ten airports being represented together (London City, Manchester, Stansted, East Midlands, Leeds Bradford, Luton, Newcastle, Birmingham, Bristol and Liverpool) have their second annual review hearing listed for 30 June 2026. That review hearing comes after preparation of this skeleton, but will have occurred before the hearing. One feature of those airports' approach at that second review hearing has been to observe that direct action protests at airports ostensibly carried out in connection with a campaign against wealth inequality rather than environmental concerns may not be captured by the existing form of injunctions. They seek amendments to their injunctions to cover-off the point. In view of that point having been identified (and, indeed, now publicised) the Claimants seek to make the same amendment in this case.
 - 12.2. London Heathrow Airport (with the same legal team as represents the Claimants) has its second annual review hearing listed for 9 July 2026.
13. It has since been announced that London Gatwick Airport has its second annual review hearing listed for 17 July 2026.
14. As was noted in the First Review Decision at [21], whether to renew the injunction in respect of each airport requires separate consideration. The position of other major UK airports is relevant, however, because:

- 14.1. The Court’s decision on the second review of the 10 airport injunctions on 30 June 2026 is likely to be (at least) highly persuasive to the approach to be adopted at this hearing.
- 14.2. HHJ Freedman observed in the First Review Decision at [21] that it would at least be “*somewhat irrational*” to conclude that no threat remains to the Airport if there is good evidence of ongoing threats to other major UK airports (i.e. as would persuade the Court in the context of those other proceedings that those injunctions should be continued).
- 14.3. That these other major airports are now seeking the continuance of their injunctions at a second review is evidence of a common view in the UK aviation sector that the threat of unlawful acts at UK airports persists and would be likely to materialise without the protection of injunctive relief: Spencer 3 at §34 [7/55].
- 14.4. It is submitted, particularly in relation to the Amendment Application, that it is desirable that there should be material consistency in the approach adopted to protect major UK airports from materially the same risks that they are facing.

The Nature of a Review Hearing

15. There is a growing body of case-law concerning the proper approach to take on applications for the renewal of a newcomer injunction against persons unknown.
16. From that case-law can be derived the following principles:
 - 16.1. The Court reviewing an injunction must understand the findings and reasoning of the Court which granted the original injunction, but should not query or undermine that Court’s decision or rehear the application: *High Speed Two (HS2) Ltd v Persons Unknown* [2024] EWHC 1277 (KB) at [32]-[33].
 - 16.2. That said, there is no legal presumption in favour of renewal: *Esso Petroleum Co Ltd v Persons Unknown* [2025] EWHC 1768 (KB) at [8].
 - 16.3. The Court’s primary task at any review hearing is to identify whether there has been a material change of circumstances since the injunction was granted (or last

renewed) such as would justify amending or not continuing the injunction: Heathrow Airport Ltd v Persons Unknown [2025] EWHC 2489 (KB) at [5].

16.4. The renewal application should only be heard *de novo* (i.e., as if it were an original application for a new injunction) if: (a) there has been a material change of circumstances and that change necessitates a *de novo* hearing; (b) the terms of the original order require as much; or (c) the Court is asked to make fundamental changes to the scope or nature of the relief: Rochdale MBC v Persons Unknown [2025] EWHC 1314 (KB) at [50] and [52]; Basingstoke and Deane BC v Loveridge [2025] EWHC 738 (KB) at [23]-[25]; Esso Petroleum at [8]. Factor (b) does not apply in this case. The change sought by the Amendment Application is not “fundamental”, such that (c) is not engaged.

16.5. In any other case, the Court, having considered whether there has been a material change of circumstances, should decide whether to continue the injunction on the narrower basis of the four factors contemplated in Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors [2023] UKSC 47 at [225]. That is the approach advocated in Rochdale at [51].

16.6. Those four factors (the “**Review Factors**”) focus on developments since the grant or last renewal of the injunction. They are:

- (i) how effective the order has been;
- (ii) whether any grounds to discharge it have emerged;
- (iii) whether there is any proper justification for its continuation; and
- (iv) whether and on what basis to make a further order.

16.7. The approach advocated in Rochdale was commended in Esso Petroleum at [8] as being “*practical and proportionate*”. It has been applied in several subsequent cases. In Birmingham City Council v Persons Unknown [2026] EWCC 33 (handed down on 18 May 2026), for example, Choudhury J applied Rochdale and, having decided that there had been no material change of circumstances, determined the renewal application by considering each Review Factor (see [23]-[30]).

17. This summary is consistent with the approaches taken in the First Review Decision (at [14]-[16]) and in other airports' 2025 renewal applications: e.g. *London City Airport Ltd v Persons Unknown* [2025] EWHC 2223 (KB) at [9]-[11]; *Gatwick Airport Ltd v Persons Unknown* [2025] EWHC 2228 (KB) at [8]-[9]; and *Heathrow* at [4]-[5].
18. It is submitted, in light of the foregoing, that the proper course for the Court to take at this review hearing is (1) to understand the original reasons for the Injunction and the First Review Order, (2) to consider, in light of that understanding, whether any material change of circumstances has occurred and whether to conduct a *de novo* hearing of the application and (3), if a *de novo* hearing is not necessary, to determine on the basis of the four Review Factors whether to renew the Injunction.

The Injunction and the First Review Order

19. It is submitted that the most efficient way for the Court to understand the background to the Injunction and the First Review Order is to read the note of Mrs Justice Farbey's *ex tempore* judgment, recording the reasons for granting the Injunction [8/71ff]; and the note of HHJ Freedman's *ex tempore* judgment, recording the reasons for granting the First Review Order (included in the Authorities Bundle). The Court is asked to consider those documents at this juncture to avoid repetition of the points of factual detail herein.
20. Additional detail of the factual background (as it stood at the time of the original application) is set out in Taylor 1 and Markanday 1. Additional detail of the circumstances at the time of the first review hearing is set out in Spencer 1 and Taylor 2. The Court's attention is directed, in particular, to:
 - 20.1. §28 of Taylor 1, which gives details of previous Extinction Rebellion actions directed at the Airport in 2019-2021 [11/153ff].
 - 20.2. §§25-37 of Markanday 1 [10/131ff] which sets out details of JSO's campaign against UK airports in the summer of 2024.
 - 20.3. §§38-53 of Markanday 1 [10/135ff] which sets out details of unlawful direct action protests at UK airports in the lead up to the Injunction being granted. These include, for example, (at §§39-40) serious incidents where activists breached (at Stansted)

and were evidently planning to breach (at Heathrow) security fences to gain unauthorised access to runways in June and July 2024.

- 20.4. An updated list of such direct-action protests relating to UK airports is set out at §22 of Spencer 1 for the First Review Hearing [12/166ff]. See, in particular, the additional detail of the incident concerning Manchester Airport on 6 August 2024, when five JSO activists were arrested on route to that airport equipped with bolt cutters, angle grinders, glue, sand and banners.
21. 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 [11/153ff]).
22. 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 [11/156].
23. The justification for the Injunction had, if anything, increased at the time of the First Review Order. That was because (i) acts of unlawful direct action had been carried out since the Injunction was granted (although not at the Airport), (ii) the Airport’s operations and passenger numbers had grown considerably, and (iii) it was receiving significant media attention: Taylor 2 at §9 and §§12-14 [13/178ff].

Lack of material change of circumstances

24. The position at the time of the Injunction and the First Review Hearing was evidence of a clear and express threat of unlawful action to disrupt the UK aviation sector in the summer of 2024 – which was to a material degree acted upon at the time. The threatened conduct went beyond merely non-violent disruptive conduct (even if still unlawful), but included serious threats of incursions onto runways and damage to aircraft and associated infrastructure – with obvious and very serious safety implications. Some threatened examples of this were only prevented by the prompt intervention of the Police.
25. It is recognised, however, that there have not been any events of ‘direct action’ targeted at major UK airports, or this Airport in particular, since the First Review Hearing (a recent

incident at the Airport which was feared to be such an event was probably a false alarm: see Taylor 3 at §17 [9/122ff], and further §43 below). A key question which therefore arises, and which the Claimants recognise is likely to be the key question for the Court on this occasion, is whether that is: (i) the result of the efficacy of the Injunctions (and the others like it); or (ii) reflective of a material change in the underlying risk of such activities.

26. It is submitted that (i) is more likely, and that there has been no material change in the underlying risk (or sufficient change in that underlying risk) as would justify a *de novo* consideration of the injunction or non-renewal of the injunction. In support of that conclusion, the Claimants point to:

26.1. JSO's position at the time of the First Review Hearing was that it was "*plotting a very big comeback.*" There is no indication that JSO has resiled from that position: Spencer 3 at §14 [7/49ff] (albeit such 'comeback' as may be anticipated would appear not yet to have materialised).

26.2. In any event, there is considerable jeopardy in any assumption that, because one named group is not presently active, other environmental or other campaign groups are not planning or will not launch unlawful direct action at the Airport. Markanday 1 explained that JSO is itself a "*member of the A22 Network of civil resistance projects*" [10/129]. The reality is likely to be that these various campaign groups amount to loose and shifting associations of many of the same individuals who operate under different banners from time-to-time. Spencer 3 sets out at §§16-27 the growth and development of various campaign groups [7/50ff]:

- (i) These include "*Take Back Power*" ("**TBP**"), to whose website the JSO website's landing page contains a link under the heading "*!! NEW PROJECT ALERT !!*" (§16). TBP therefore appears to be under the umbrella of, or connected with, JSO's activity. It may be that TBP is the "comeback" that JSO was plotting.
- (ii) Although TBP's primary demand concerns taxation of the super-rich, TBP's website states that the super-rich "*profit from [...] heating the world to boiling point*" and justifies the use of disruptive direct action by reference to

JSO's activities (§§18-19). Environmental objectives or concerns would therefore appear to be a central limb of TBP's motivations.

- (iii) Since the first review hearing TBP have performed various acts of direct action in London, including occupation of and causing disruption on the sites of luxury hotels and retailers (§20).
- (iv) The threat posed by other campaign groups, as set out in Spencer 1 at §§30-43 [12/169ff], continues to exist: Spencer 3 at §§24-29 [7/52ff]. In particular, it is notable that Extinction Rebellion, who last year targeted Oxford and Inverness Airports for protests against the private aviation sector (Spencer 3 at §28; Spencer 1 at §22 & 29 [7/51ff]), has intimated that this year it will carry out a summer of protests (Spencer 3 at §26); and that Greenpeace on 10 June 2026 publicly expressed its desire to "*Ground Private Jets*" (Spencer 3 at §29).
- (v) The group "*Shut the System*", whose stated strategy is to "*disable the physical infrastructure of significant carbon emitters*", has as recently as April 2026 used physical force to target the property and machinery of an energy company and an aerospace company (Spencer 3 at §27 [7/53]).

26.3. The focus of Extinction Rebellion's 2025 "summer of action", including planned events at Oxford Airport (which does not benefit from an injunction) may tend to indicate that the effect of the Injunction (and others like it) has been to displace direct action activity at other targets. The corollary is that, *but for* the Injunction, the Airport would be at real risk of being a target itself.

27. It is submitted that the inferences to be drawn from this are that:

- 27.1. There has been no material change to the existence of persons unknown, grouping under related and shifting 'campaign groups' of different labels, who remain committed to using 'direct action' activities to further their causes; including physical damage to property.
- 27.2. A significant proportion of such persons have environmental, climate or anti-fossil fuel concerns as a central motivation.

- 27.3. The targeting of direct action at locations *other* than airports with the benefit of injunctions is likely, in large part, to be because of the injunctions, rather than diminishment of such airports as otherwise attractive targets.
- 27.4. Were the injunction not to be renewed, publication of that fact would likely further exacerbate the risk of unlawful direct action at the Airport.
28. The authorities, further, tend in favour of drawing such inference in the case of doubt:
- 28.1. In the absence of evidence positively demonstrating a dissipation of the threat, the proper conclusion is that a reduction in the threat is evidence not that the Injunction is no longer necessary but that it is having its intended effect: *Rochdale* at [57].
- 28.2. That was the view taken by Bourne J at the review hearing for the ten airports whose renewal applications were heard together. The reduction in direct action since the grant of the injunctions was “*consistent with the injunctions having proved to be an effective deterrent*” whereas to remove the injunctions “*would create a real risk of a resumption of activity at airports*”: *London City Airport* at [16].
29. In relation to the threat facing this Airport, in particular:
- 29.1. The growth of the Airport’s operations, passenger numbers and public profile has continued its sharp upward trajectory, and it is now the UK’s fastest-growing airport: Taylor 3 at §9 [9/118ff]. Its year-on-year passenger growth in Q1 of 2026 was 247% (compared with a UK average of 2.3%) and its Jet Centre (accommodating private aviation) grew by 133%: Taylor 3 at §9(b)-(c).
- 29.2. The Airport has continued to receive media attention, for its strong passenger growth, for the use of the Jet Centre by prominent celebrities and sport teams, and for it hosting air-shows and planes used in public events: Taylor 3 at §§13-14(a) [9/120ff].
- 29.3. It remains the case that the Airport has certain features which make it a potentially attractive target for direct action, including notably that it: (i) lacks an on-site policing presence (Taylor 3 at §15 [9/121]); (ii) does not use jet-bridges, such that

passengers have access to the apron (which leads on to taxi-ways and the runway) whilst boarding and disembarking planes: Taylor 1 at §33(f) [11/156].

29.4. The Airport is therefore likely to remain a more attractive target for direct action.

30. In these circumstances it is submitted that, since the First Review Order was made, there has been no material change of circumstances – in respect of either the Claimants’ vulnerability to unlawful direct action or the threat thereof – such as would justify either (i) amending or not continuing the Injunction or (ii) conducting a *de novo* hearing of the application to continue the Injunction against the full set of *Wolverhampton* criteria.
31. That leaves the question of whether, bearing in mind the lack of a material change of circumstances, the Court should, on the basis of the four Review Factors, continue the Injunction for a further year.

The Four Review Factors

Has the Injunction been effective?

32. The Injunction has produced its desired effect. Since the grant of the Injunction, there have been no breaches of it: Spencer 3 at §12 [7/49].
33. The Court cannot be sure that this is exclusively due to the Injunction’s efficacy rather than a dissipation or diminution in the threat of direct action, but – for the reasons already set out – it is submitted that this is the proper inference to be drawn.

Are there grounds for discharge? (Including full and frank disclosure)

34. It is convenient, under this head, also expressly to address the Claimants’ continuing duty of full and frank disclosure (notwithstanding the Claimants’ endeavours throughout their evidence and this skeleton argument to discharge that duty).
35. It might be said against the continuation of the Injunction that any perception of an ongoing threat of unlawful direct action at the Airport is unrealistic in circumstances where JSO appear to have ceased (or not yet resumed) their activities and where the other campaign groups set out in Spencer 3 do not appear to be primarily concerned with the environment and have not stated any intention to attack airports. As to that:

- 35.1. It cannot, for the reasons accepted in the First Review Decision at §§29-31 and set out in Spencer 3 at §14 [7/49ff], be said that JSO has unequivocally disavowed its earlier threat in 2024 of direct action at UK airports. There is every reason to consider that, with the publicity that would follow from a decision not to renew the Injunction and given JSO's initial threat of a "*summer of chaos*", to discharge the Injunction would act as the trigger for unlawful direct action in the summer period immediately following this hearing.
- 35.2. It is submitted, in any event, that it would be unduly onerous on the Claimants – and inconsistent with the nature of a review hearing as clarified in *Rochdale*, *Esso Petroleum* and *Birmingham City Council* – to give the benefit of the doubt to the Defendants on this point. The Court should be cautious in discharging the Injunction in the absence of unambiguous evidence as to the cessation of the threat.
- 35.3. Even if JSO as a named organisation ceases to operate, it is inherent in the amorphous and constantly evolving nature of direct-action protest groups that (at least some of) the individuals behind them are likely to continue to pursue similar causes, albeit under the guise of different campaigns whose stated concerns and objectives might subtly differ from JSO's.
- 35.4. Further, just as the Court should not infer from an absence of breaches of the Injunction that it is no longer needed, the Court should not assume, on the basis that other campaign groups focus their messaging more on the super-rich than on airports specifically, that a discharge of the Injunction would not lead to further unlawful direct action at airports. Insofar as there has been a diversion of focus away from airports and towards energy companies and luxury services, that may well be explained by awareness among campaign groups of the injunctive relief which currently shields airports. It is reasonably to be anticipated, instead, that airports would be a natural target for campaigns against the perceived ill-effects of the activities of "the super-rich"; e.g. in view of the likelihood that the wealthy are disproportionate users of air-travel and (obviously) private aviation.
36. Save for those points, and save as covered further in relation to the Amendment Application below, the Claimants do not consider that there are any other new matters

arising on this second review hearing which need to be expressly raised by way of full and frank disclosure.

37. That duty was separately addressed on the substance of the initial grant of the Injunction before Farbey J (see, in particular §44 on [8/70ff]), and on the First Review Hearing (see §19 of the note of that hearing in the Authorities Bundle). In particular, on the First Review Hearing:

37.1. The Airport sought (and was granted) an amendment to §3 of the Order permitting them to request (rather than formally apply for) a renewal hearing.

37.2. There was a suggestion in another first instance authority that the Court may see fit to include a permission requirement for the bringing of contempt proceedings in case of any breach. HHJ Freedman did not see fit to include any such requirement in this case.

Is there a proper justification to continue the Injunction?

38. There are proper justifications for the continuance of the Injunction.

39. First, the growing success and profile of the Airport have increased its vulnerability to attacks:

39.1. This growth was, to some degree, already underway at the time of the First Review Order in October 2025. HHJ Freedman regarded as “*entirely justified*” Mr Taylor’s view that the increased passenger numbers and media presence of the Airport made it a potential target for disruptive activity: First Review Decision at [25].

39.2. In particular, the continued growth of the Airport’s Jet Centre (at a rate of 133% year-on-year) and media presence has increased yet further its vulnerability to groups such as TBP and Extinction Rebellion which target private aviation, as well as to groups such as Shut the System, which targets “*carbon emitters*” with physical force and property damage.

40. Second, as set out in Taylor 3 at §15 [9/121], the Airport continues to rely on local policing units to respond to incidents on the site. This is to be contrasted with nearly all other major UK airports, which have dedicated police on site. This increases the risk of

disruption caused by, and delay in response to, any unlawful activity by the Defendants. HHJ Freedman accepted that these matters rendered the Airport “*a little more vulnerable*”: First Review Decision at [26].

41. Third, not renewing the Injunction at this particular time of year would carry an especially acute risk of prompting unlawful activity at the Airport. That is because: JSO’s original threat in 2024 was to cause “*a summer of chaos*” (Spencer 3 at §15 [7/50]); Extinction Rebellion has intimated that it is planning protest action for this summer (Spencer 3 at §25 [7/52ff]). The recent heat-wave is likely to give further impetus to such actions. The Airport, whose passengers are largely leisure-focused, would be most prejudiced by disruption during the imminent holiday period (Taylor 3 at §9(a) and (f) [9/119]).
42. Fourth, the Airport continues to serve the national interest by providing air support for oil spill response teams and HM Coastguard: Taylor 3 at §14(c) [9/121]. To discontinue the Injunction would therefore pose a threat of disruption and harm not just to the Claimants and the Airport’s passengers but also to public safety.
43. It is relevant here also to draw attention to an incident at the airport on 8 June 2026, addressed in Taylor 3 at §17 [9/122ff]. In short, a concern was raised by security staff that members of a group of students – apparently travelling on a hockey tour – had a JSO hat, walkie talkies and what appeared to be “*a tin of ‘super glue’ hairspray*”. This was initially seen as posing a potential risk of direct-action activity. In the event, that concern appears to have been ill-founded. It (only) serves, however, to illustrate the real heightened tensions under which the Airport security is operating and the genuine ongoing perception of risk of unlawful direct-action protest.

Whether and on what basis to make a further order

44. The focus at this stage is on the terms of the further order. That is the approach adopted, for example, in *Birmingham City Council* at [28].
45. As foreshadowed above, there is one change to the scope of the Injunction that the Claimants seek:

- 45.1. As already explained, there has been a shift in focus of the ‘messaging’ between JSO (originally) and now its “new project” in the form of TBP. The latter’s messaging is less overtly environmental, but instead encompasses wider concerns about wealth inequality / “the super-rich”.
- 45.2. It is submitted that the reality, in particular in the context of potential direct-action protests at airports, is that the two motivations are likely to be indistinguishable. In other words, it is difficult to imagine what objection might be taken to the provision by airports of services to “the super-rich” other than an environmental one.
- 45.3. However, the 10 airports with their review hearing on 30 June 2026 have (it is respectfully suggested, correctly) observed that there is a risk of undesirable ambiguity. As explained in their (publicly available) skeleton argument dated 24 June 2026 at §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. 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. For that reason, Cs are concerned that they could become the focus of direct action by Take Back Power.”*
- 45.4. The same position applies here *mutatis mutandis*.
- 45.5. The change that the Claimants seek (following, e.g., the formulation proposed by London City Airport) is to make clear that, as well as applying to JSO or other *environmental campaign*, the Injunction should also apply (for the avoidance of any doubt) to TBP or other *wealth inequality campaign*.
46. To that end (and reflecting the mechanisms for service of “further applications” at §9-11 of the Injunction):

- 46.1. The point was identified in the second review hearing documents for those 10 airports which (the Claimants understand) were publicly uploaded on or shortly before 25 June 2026 (and came to the Claimants' attention on that date).
- 46.2. The following working day (Friday 26 June 2026), the Claimants prepared a draft application notice ("the **Amendment Application**") and updated draft Order seeking to make the necessary amendment (to be achieved, principally, by an amendment to the definition of "persons unknown" to include TBP and wealth inequality campaign).
- 46.3. The application was CE-Filed at approximately 18:38 that evening. It was emailed (in draft) to the email addresses for both JSO and TBP provided on their respective websites shortly thereafter (between 19:11 and 19:17).
- 46.4. On Saturday 27 June 2026, a hard-copy notice was affixed at the green and purple dot locations at Plan B of the Injunction informing the reader that this application had been filed, and containing details of the website where it would be posted.
- 46.5. On Sunday 28 June 2026, the draft application documents were uploaded onto the injunction page on the Airport website, and JSO and TBP were again emailed to direct them to the website and the fact that this had been done.
- 46.6. It is anticipated that the Claimants will receive the issued copy of the application notice from the Court today (Monday 29 June 2026), at which point the sealed copy will be uploaded to the website and emailed to the JSO and TBP email addresses. A hard copy will also be made available at the Airport Train station (which is not formally required by the Injunction; but is consistent with the approach that has been taken with other documents in these proceedings – as set out in the Notice of the Injunction at Schedule 5 of the Injunction).
- 46.7. That the above steps of notification have been (and, as relate to the sealed documents, will be) taken is confirmed in Spencer 4 at §13-15.
47. At least three clear days' notice of the fact of the Amendment Application has therefore been given (*cf.* CPR r.23.7(b)). It is recognised that service of the issued version will not have taken place more than three clear days before the hearing (it is likely to be two

days), however the Court is respectfully invited to find that adequate notice has been given, because:

- 47.1. As aforesaid, three clear days' notice has been given of the substance of the application. The Claimants have acted swiftly once the point was identified in the 10 other airports' documentation.
- 47.2. The Claimants are not relying on any material further evidence in support of the Application: the substance of the point concerning the threat presented by TBP and its ostensible motivations is already set out in §§18-22 of Spencer 3 [7/50ff].
- 47.3. In circumstances where it is evident (from JSO's own website) that TBP is a "project" of JSO, it is very likely that there is material (if not complete) overlap between the natural persons involved with JSO and TBP. The former have been on notice of this review hearing (and that evidence in support of it) since (latest) 17 June 2026 (Spencer 4 at §§9-11).
- 47.4. JSO & TBP have already been put on notice of the substance of the point in the context of the second review hearing for those 10 other airports. Those 10 airports' skeleton argument suggests that they were notified of these matters by 18 June 2026 (§32).
- 47.5. (To date) no one from either group has engaged with the Claimants' solicitors (or seemingly those for the 10 other airports) nor, for example, has suggested, that they would wish to engage substantively with the application but require more time to do so.
- 47.6. The nature of "newcomer" injunctions such as these is that they are, or may, always to an extent be "without notice" to some potentially affected persons. It is, in part, for that reason that they (as here) contain detailed liberty to apply provisions. Thus, were any potentially affected person to wish after this hearing to contend that they had inadequate notice of any element of it, and would wish to seek to vary (or discharge) the Injunction in whole or in part as a result, they would be free so to do.

- 47.7. The purpose of a review hearing includes the consideration of any appropriate changes to the form of order, arguably irrespective of whether any formal application has been made for amendment at all. It might therefore reasonably be argued that the making of a formal application has been a strictly unnecessary approach, reasonably taken out of an abundance of caution.
48. In the circumstances, the Court is asked to make the necessary amendments to the Injunction to close the potential loop-hole concerning TBP / wealth-inequality campaign. In terms of the form of order required to achieve that, and generally:
- 48.1. A ‘tracked’ updated draft Order (as appended to the Amendment Application notice) is included in the supplemental bundle (with changes from the version in Tab 1 of the hearing bundle shown in red). The Court will be taken through it in oral submissions.
- 48.2. It is in two parts. The first part is the order which the Court is being asked to make at this hearing. The second part is the original Injunction, with amendments made to it to incorporate changes made by the operative part of the Court’s order. It is intended that this “conformed” version of the Injunction will most fairly and conveniently communicate to those potentially affected by the Injunction, in one place, what its terms presently are.
- 48.3. The substance of the Amendment Application is given effect to by giving the Claimants liberty to amend the Claim Form and Amended Particulars of Claim (only) to change the description of the “persons unknown” defendant to include TBP and wealth inequality campaign. It is proposed that the Claimants will file, and then serve (in accordance with the existing mechanisms in the Injunction) those amended statements of case with the changed definition of the defendant shortly following this hearing.
- 48.4. On further review for the purposes of preparing this skeleton, it is observed that a corresponding amendment will be required to paragraph 1 of the body of the Order so that the prohibited conduct ‘matches up’ with the changed definition of the Defendant.

- 48.5. By way of consequential amendments: (i) the Claimants propose the addition to the TBP email addresses to the list of email addresses in Schedule 3 of the Injunction; and (ii) the Notice of the Injunction at Schedule 5 also requires updating to reflect TBP / wealth inequality campaign.
49. The Claimants ask that the Injunction be continued, with those changes, until the third annual review in or around 12 months' time.

TOM ROSCOE

29 June 2026

Wilberforce Chambers