

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
[2026] EWHC 2249 (KB)

Royal Courts of Justice
Strand
London WC2A 2LL

Thursday, 2 July 2026

BEFORE:

MR JUSTICE SOOLE

BETWEEN:

(1) LONDON SOUTHEND AIRPORT LTD
(2) LONDON SOUTHEND SOLAR LTD
(3) THAMES GATEWAY AIRPORT LTD

Claimants

- and -

PERSONS UNKNOWN

Defendant

Mr T ROSCOE (instructed by Bryan Cave Leighton Paisner LLP) on behalf of the
Claimants

THE DEFENDANTS did not appear and were not represented

JUDGMENT
(Approved)

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1. MR JUSTICE SOOLE: On 14 August 2024 Farbey J granted an injunction to the operators of London Southend Airport in Essex and two subsidiary operators of the airport, namely the first three Claimants in this action. The effect of the injunction was to prohibit Persons Unknown but linked to Just Stop Oil and other environmental campaigns from committing acts of trespass and nuisance at the airport.
2. The order was made for a period of five years until 14 August 2029 but in accordance with the modern practice as endorsed by the Supreme Court in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* [2023] UKSC 47, the order provided that the injunction should be reviewed annually. The first review took place before His Honour Judge Freedman, sitting as a Judge of the High Court, on 22 October 2025. He concluded that there had been no material change of circumstance and that the injunction should be continued.
3. The principles for a review are sufficiently stated in the following observations of the court. In *Wolverhampton* the Supreme Court said at [225] that the review hearing “... 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. At first instance in *High Speed Two (HS2) Ltd v Persons Unknown* [2024] EWHC 1277 (KB), Ritchie J, having referred to a number of authorities including *Wolverhampton*, stated at [32]-[33]: “Drawing these authorities together, on a review of an interim injunction against Pus and named Defendants, this Court is not starting de novo. The Judges who have previously made the interim injunctions have made findings justifying the interim injunctions. It is not the task of the Court on review to query or undermine those. However, it is vital to understand why they were made, to read and assimilate the findings, to understand the sub-strata of the quia timet, the reasons for the fear of unlawful direct action. Then it is necessary to determine, on the evidence, whether anything material has changed. If nothing material has changed, if the risk still exists as before and the claimant remains rightly and justifiably fearful of unlawful attacks, the extension may be granted so long as procedural and legal rigour has been observed and

fulfilled. On the other hand, if material matters have changed, the Court is required to analyse the changes, based on the evidence before it, and in the full light of the past decisions, to determine anew, whether the scope, details and need for the full interim injunction should be altered. To do so, the original thresholds for granting the interim injunction still apply.”

5. In *Esso Petroleum Co Ltd v Persons Unknown* [2025] EWHC 1768 (KB), Sweeting J, having acknowledged that the primary focus was not to revisit the merits afresh but rather to determine whether the injunction has outlasted the compelling need which led to its initial imposition in view of any changed circumstances, continued that: “...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. At this hearing, the Claimants have been represented by Mr Tom Roscoe of counsel and his instructing solicitors. There has been no attendance by or representation on behalf of anybody at all and thus nobody within the definition of Persons Unknown as set out in the heading of the claim form.

Service and notice

7. The first matters to consider are the important formalities of notification of the hearing today and the supply of all relevant and associated documents by the means set out in the order of Farbey J. The details of that are set out in particular in the fourth witness statement of Mr Philip Keith Spencer dated 1 July 2026. He is a senior associate in the Claimants’ solicitors. He states at paragraph 4 that the information in this statement “...is intended to amount to the “Certificate of Service” required by paragraph 11.2 of the injunction.”
8. There is no Certificate of Service as required by that paragraph but he states that he is providing the information in the form of a witness statement in order to provide greater

detail of the steps that have been taken thn could conveniently be included in a certificate. I accept that what has been provided is greater than that would be provided in a Certificate of Service and in consequence have concluded that it is appropriate to waive noncompliance with that particular formality.

9. I am satisfied that there has been compliance otherwise with all the requirements of service.

The review

10. I turn to the substance of the review and the evidence that is provided by the Claimants. This appears in two forms. First, the third witness statement, dated 17 June 2026, of Mr Spencer. Secondly, the third witness statement, dated 17 June 2026, of Mr Marc Taylor. He is the Managing Director for Operations of the first Claimant and has worked at London Southend Airport for over 27 years.
11. Mr Spencer states that the Claimants' position is that the risk of unlawful direct action being directed at Southend Airport by Just Stop Oil, including potentially under the guise of a new activist organisation or other environmental campaigners, has not abated since the injunction was granted. He affirms that since its grant there have been no breaches of its terms. His clients believe that the lack of direct action against the airport since the grant of the injunction demonstrates its success. However they believe that the underlying risk of unlawful direct action remains unchanged and would be heightened were the injunction not renewed.
12. Mr Spencer recites what was before the judge at the first review hearing. This includes the history of Just Stop Oil's announcement on its website in March 2025 that it would be "hanging up the hi vis" following the Government meeting its initial demand on oil and gas policy. However news reports later in May 2025 suggested that Just Stop Oil were planning on making a comeback. Those reports, he says, were confirmed by an email sent from Just Stop Oil to London City Airport's solicitors on 24 June 2025. He says he has no reason to believe that Just Stop Oil have resiled from their position.

13. Mr Spencer continues that the injunction was originally granted in the context of Just Stop Oil threatening to cause a summer of chaos. Summer remains an attractive target to disrupt aviation in the holiday period. He then refers to the emergence of a new civil resistance group called Take Back Power and notes that the Just Stop Oil website refers website visitors to its website. He exhibits a screenshot thereof, together with other pieces of publicity.
14. He states that it appears that Take Back Power is a project under the Just Stop Oil umbrella and in any case a movement which involves present or former members of Just Stop Oil.
15. He then refers to the landing page for the website of an organisation called Youth Demand, previously described in the press as JSO2.0, directing visitors to Take Back Power's website and displaying the same message as Just Stop Oil's website. He states that according to Take Back Power's website, its demand of the government is to institute a house of the people with powers to tax the super-rich in order to fix Britain. Whilst that is their primary demand, their website indicates that environmental policy is also one of its concerns. It states, for example, that the "super-rich" profit from "heating the world to boiling point".
16. The website refers to the success of Just Stop Oil's direct action activities and explains that disruptive and direct action is shown by history to be a necessary part of social change and refers to what it says is the success of Just Stop Oil in affecting government policy. Mr Spencer states that Take Back Power's direct action activities, since apparently forming in December 2025, include protests within the Ritz Hotel and Harrods; at a Ferrari dealership; orchestrating activities across London, taking produce from a supermarket, protesting at Liberty and disrupting access to Claridges.
17. He says that whilst the target of their direct action activities mention the super-rich and its direct action activities to date appear to have targeted the luxury retail sector, his client considers that its existence poses a real risk of direct action against the airport. This is for the following particular reasons:

1. Take Back Power's apparent connection to Just Stop Oil;

2. The fact that commercial airlines and their ultimate owners which operate from Southend are likely to be a potential target of demonstrations given their status as high profile commercial entities and with a perceived affiliation to the super-rich and their consumption of oil;
 3. The fact that private aviation also operates at the Southend Airport, in particular from its Jet Centre; and
 4. The airport regularly hosting the RAF Red Arrows and RAF Typhoon Jet Fighter Aircraft and other high profile aviation events.
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18. In any event, as to environmental climate campaign groups, he states that the airport believes that there remains a threat posed by other environmental campaign groups, such as Fossil Free London, Extinction Rebellion and Shut the System.
 19. Fossil Free London have staged protests directed at the oil and gas centre, including a demonstration outside Shell's London headquarters in May 2026.
 20. Extinction Rebellion remain an active group and he refers to articles on their website and how they were gaining strength. The article goes on to refer to a protester demonstration held at RAF Lakenheath in April this year. He says this shows that aviation sites remain a target of protester action; but that example relates to the US and Israel actions in the Middle East.
 21. He refers to Shut the System as an active group which has been, for example, targeting a supplier energy company Drax in April 2026 with slingshot rocks and using tools to attempt to cut into the workshop of a defence and aerospace company in the Midlands.
 22. He says that private aviation has been in the past and remains a prime target for environmental activist protests. He refers to the targeting of both Oxford Airport and Inverness Airport by Extinction Rebellion last year for protests against private jets. I understand there have been no such protests since the order of HHJ Freedman continuing the injunction.

23. Mr Spencer concludes they remain active groups who wish and intend to use unlawful direct action to further their causes and that the airport is likely to remain a high profile and attractive target for unlawful direct action activities. He suggests that the likely inference is that the cessation of direct action protests at the airport is a reflection of the success of the injunction, which has received wide publicity, rather than any material reduction in the underlying risk of such activities occurring in the absence of an injunction.
24. He observes next that Southend is not the only airport to have a hearing listed for their second annual review. He states, as is correct, that there was a hearing which took place on 30 June 2026 in effect of four actions brought by London City Airport, Manchester Airport, Stanstead Airport, East Midlands Airport, Leeds Bradford Airport, Luton Airport, Newcastle Airport, Birmingham Airport, Bristol Airport and Liverpool John Lennon Airport. That hearing was listed before me on 30 June 2026. I made the orders that were sought, including a matter to which I will return, namely the expansion of the definition of Persons Unknown so as to include wealth inequality campaigners as well as environmental campaigners. Having said that, I of course acknowledge that each application has to be looked at in its own terms.
25. I turn to the third witness statement of Mr Taylor. He states that the injunction has continued to be a proven deterrent and there has been no protest activity within the boundary of the airport since its commencement. Operations of the airport have continued to grow and it is currently the UK's fastest growing airport. Amongst other things, this year there has been a 113% increase in business and aviation charters serving VIP clients and business individuals through the Jet Centre.
26. As to what he describes as the ongoing threat, Mr Taylor refers back to and endorses the observations of Mr Spencer in his third witness statement. He expresses the particular concern that the airport's Jet Centre may be a particular target. He refers back to the earlier episodes at Oxford Airport involving Extinction Rebellion on 5 July 2025 and then in 2024 at Stansted Airport when a private jet was sprayed with orange paint.
27. He continues that, from an operational perspective, any risk to Southend Airport is exacerbated by the fact that all other London airports and nearly all other major UK

airports have dedicated high profile armed policing teams based onsite. Southend does not yet have any police based onsite and relies purely on response from the local policing teams. He refers to an unusual incident which occurred on 8 June 2026 at Southend Airport involving a group of 48 students. It is a somewhat perplexing incident. In the light of the details of that event Mr Roscoe rightly did not seek to rely on it.

Application to amend

28. In addition to the request for the review, the Claimants have by application notice dated 26 June 2026 sought to expand the definition of Persons Unknown in a similar way to that of the 10 airports to whom that relief was granted two days ago. The application notice in those cases was dated 18 June 2026 and was duly lodged and notified in accordance with the requirements in the underlying orders. The Claimants in this action first had notice of that application from the skeleton argument of the 10 airports claimants which was uploaded on 25 June 2026. That resulted in the preparation of this application of 26 June 2026, which has been now issued and sealed.
29. The evidence of steps to notify the Persons Unknown is set out in the fourth witness statement of Mr Spencer dated 1 July 2026. This states that his firm emailed the application documents in draft to the email addresses listed in the order of Farbey J at 7.11 pm on 26 June; and that they affixed notices at locations identified in that same order on Saturday 27 June. He exhibits an image of that notice. Thus the application is notified both online and in hardcopy on those points.
30. The application documents were uploaded in draft to the Claimants' injunction website on Sunday 28 June. The solicitors also emailed Take Back Power's email addresses on the evening of 26 June to inform them both of the second review hearing and the application. On Sunday 28 June emails to the same addresses informed them that the application documents in draft had been uploaded to the website. Mr Spencer states that upon receipt of the sealed application notice from the court, the Claimants' solicitor will upload to the website an email to the requisite addresses and also make the sealed application available at the train station, which is one of the required locations. I am told that the sealed application notice has been now received and has been uploaded and emailed accordingly.

31. On 29 June before 4 p.m. the Claimants filed their skeleton argument for the second review and the solicitors uploaded their skeleton argument and authorities bundle to the website just after 6 pm on the same day; and in other ways made documents available on that date.
32. As confirmed at today's hearing, there has been no response. Mr Roscoe acknowledges that in respect of the issued application there has been less than three days' notice required by CPR 23.7(1)(b). He submits that they have had the unsealed documents for that period of time and he also points out that the application is the same on substance as that which was heard on 30 June 2026 and to which there has been no response. He contends that no prejudice has resulted.
33. I am content to deal with the application today and for that purpose to abridge time accordingly. I am satisfied that the best possible steps have been taken and that no prejudice has been suffered. In any event, any continuing injunction and order allowing amendment would each be subject to the usual liberty to apply. This affords protection if somebody wishes to come back and object to the course that has been taken.

Submissions

34. Supported by the evidence which I have described, Mr Roscoe submits that there is an ongoing threat that such conduct as required the original injunction would re-emerge if the injunction were not continued. In short, that there continues to be a real and imminent risk of serious harm which compels continuation of injunctive relief,
35. He acknowledges that it might be argued that the absence of any breaches of the order gives rise to an implication that the threat had receded and therefore that this relief is no longer required. In response he submits that the evidence suggests that the effect of injunctions is to divert direct action into other areas which are not protected by an injunction. He has taken me through the material from the various campaigning organisations and the terms in which they are written. He emphasises the important position of the airport as a private aviation centre and the risk that this could involve.

36. Mr Roscoe also makes the point that, in circumstances where the recent review in respect of other airports has taken place and resulted in the continuation of the orders and also the expansion of the definition of Persons Unknown, the fact of that would add to the risk that campaigners would turn their attention to an airport that was unprotected. I take that into account as well as reminding myself that I look at each application on its own merits.
37. All in all, he submits that there is no material change of circumstance and that the right course is to continue the order made by Farbey J in 2024.
38. As to the application to amend, Mr Roscoe submits that environmental and wealth inequality campaigns do not exist in separate silos. As demonstrated by the publicity material which is exhibited, they are to a very great extent interwoven. That is most obviously so, he submits, in respect of private aviation whereby wealthy individuals are in a position to undertake activities which climate change campaigners regard as particularly destructive, namely in the respect of the use of private jets. Acknowledging that it might be argued that there was no need to make the amendment, he submits that there is or may be a potential loophole that should be closed.

Conclusions

39. Having considered the appropriate approach to review hearings as set out in the authorities and to all of the evidence which has been placed before me, I am quite satisfied that the injunctions should continue. In my judgment, the fact that the injunctions have been effective does not give any cause for relaxation. In the event that they were to be lifted, I am quite satisfied that the real and imminent risk of serious harm would continue; and that it is necessary to protect this airport, like the others, against it. The private jet facility is a very particular concern but it is only one of the matters which influenced my overall decision. In short, I conclude that there has been no material change of circumstance and that there is no other reason in any of the circumstances of the case not to continue with the order.
40. I am also persuaded that it is appropriate to grant the amendment of the claim form so as to expand the definition of Persons Unknown. I think it right to prevent there being any

such loophole. There is an evident and close link between the wealth inequality and environmental campaigns, both organisationally and in substance.

41. On reflection I do not consider that the proposed amendment is something which should be treated as a fundamental change to the scope or nature of the injunctive relief, nor therefore to be considered *de novo*. It is something which the review occasion is entitled to consider, the potential loophole having become apparent. To the extent that the further evidence of wealth inequality campaigning activity shows any change of circumstances, in my judgment it compels the amendment which is sought. In any event, even if required to consider the matter *de novo*, I have no doubt that from the outset such campaigns, linked as they are to environmental campaigning, share the same potential target; and that there is a compelling need for these claimants also to have protection from such campaigns.
42. As I made clear to Mr Roscoe in argument, my qualification is that, as in the applications by the 10 airports on 30 June, I consider it appropriate to require the Claimants to amend their Particulars of Claim not only as to the title of the Defendants but also as to the essential facts upon which they rely in respect of the wealth inequality campaigners. This they have done in a draft today and I am satisfied with its terms.
43. In reaching these decisions I have kept very firmly in mind the cherished right of protest. Nothing in this judgment undermines that importance; but it does not justify the incursions onto private property and/or nuisance which in the light of the evidence are rightly apprehended in the absence of injunctive protection.
44. I have heard from Counsel and discussed the appropriate form of order. Further drafting is necessary, which I will review later today.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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This transcript has been approved by the Judge