

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand
London, WC2A 2LL

Wednesday, 26th August 2025

BEFORE:

MR JUSTICE BOURNE

BETWEEN:

LONDON CITY AIRPORT LTD & ORS

Claimants

- and -

PERSONS UNKNOWN

Defendants

MR T MORSHEAD KC, MS E BARDEN (instructed by Eversheds Sutherland International LLP) appeared on behalf of the Claimant
THE DEFENDANTS were not present and not represented

JUDGMENT

(Approved)

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1. MR JUSTICE BOURNE: At this hearing I conducted the first annual review of injunctions granted at the separate hearings of four claims last year, concerning activities by environmental protestors at a total of ten airports at different locations in England. The relevant airports are identified in each order.
2. The claimants were represented by Mr Morshead, King’s Counsel and Ms Baden of counsel. There was no appearance by any defendant or by anyone expressing opposition to the continuation of the injunctions.
3. The injunctions were sought because in 2024, airports in England and elsewhere became targets in campaigns of disruptive environmental protest, notably by the campaigning group, “Just Stop Oil” (“JSO”). Individual airports and groups of airports sought injunctive relief against “Persons Unknown”, invoking the “newcomer” jurisdiction as explained by the Supreme Court in *Wolverhampton City Council v London Gypsies and Travellers* [2023] UKSC 47, [2024] 1 AC 983 (*“Wolverhampton”*).
4. I have read the judgments given when the original injunctions were granted of Julian Knowles J (20 June 2024, KB-2024-176) HHJ Coe KC (5 July, KB-2024-002132) and Ritchie J (19 July 2024, KB-2024-002317). I have also seen a note of what was said by Jacob J in KB-2024-002473 on 6 August 2024.
5. By way of context, I note that orders were also made at hearings in other claims concerning Heathrow (Julian Knowles J, 24 July 2024), Gatwick (Ritchie J, 19 July 2024) and Southend Airports (Farbey J, 14 August 2024). This review does not encompass those three cases.
6. Each judge was satisfied that an injunction was necessary to restrain the threat of tortious conduct and that it was just and convenient to make an order. In particular, because of threats of unlawful action by protest groups, viewed in the light of some previous incidents, and the potential for such action to cause health and safety risks (to the public, airport staff, emergency services and/or the protestors themselves) and delay and disruption to the public. In addition, each judge was satisfied that it was appropriate to grant injunction against “Persons Unknown.”

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7. I shall note increase the length of this judgment or extend the corpus of judicial discussions of this broad subject by repeating the statements of legal principle and factual considerations, which were set out by the judges when granting the injunctions last year.
8. It is, in particular, unnecessary for me to explore some distinctive characteristics of these cases which were considered by the judges, notably the fact that the claims concern a combination of (1) land owned by the claimants, (2) land not owned by the claimants but on which there is airport infrastructure and (3) public highways in and around the airports. The injunction granted to London City Airport covers land in category (1) only, whereas the injunctions in the other three cases cover all three categories. The claimants are not seeking any geographical expansion of the injunctions granted last year. London City Airport seeks, and I will grant, permission to amend to reflect a change of ownership of one specific area.
9. The nature of a review hearing of this kind was considered in *Wolverhampton* at paragraph 225, where the Supreme Court observed that the 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 has emerged, whether there is any proper justification for continuance; and whether and on what basis, a further order ought to be made.”
10. In *High Speed Two (HS2) Ltd & Anor v Persons Unknown* [2024] EWHC 1277 (KB), Richie J described the court’s task at a review hearing:

“Drawing these authorities together, on a review of an interim injunction against PUs [Persons Unknown] 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.

33. 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.”

11. I have therefore considered whether, since last year’s injunction orders were made, there has been any material change affecting, diminishing or removing the need for them to be in place.
12. Each application for review is supported by a witness statement by Stuart Wortley, a partner in Eversheds Sutherland (International) LLP, who represent the claimants. He sets out a chronology of incidents and events, occurring both before and since last year’s injunctions.
13. Of the events postdating any or all of the injunctions, Mr Moreshead emphasises several, including the following:-
 - (a) On 19 July 2024, one of the JSO founders, Roger Hallam, was found guilty with others of conspiring to organised protests to block the N25 motorway in November 2022. He was sentenced to five years in prison, later reduced on appeal to four years.
 - (b) On 24 July 2024, ten JSO activists were arrested at Heathrow Airport, seemingly equipped to be able to cut through fences and/or affix themselves to parts of the land or aircraft. Of those individuals, nine were later found guilty by a jury of conspiracy to cause a public nuisance. Five were sentenced to terms in prison of up to 15 months, and four were given suspended sentences.
 - (c) On 27 July 2024 a protest which was due to occur at London City Airport, was relocated to the Department of Transport.
 - (d) On 29 July 2024, eight JSO activists were arrested at Gatwick Airport on suspicion of interfering with public infrastructure.

26. I shall ask counsel to finalise the terms of an order whose effect is that the injunctions granted last year will remain in force. For practical reasons, and in principle, that seems to me preferable to the alternative of granting entirely new injunctions.

hearing, I should not change the approach taken by the previous judges, where the underlying circumstances have not materially changed. I am also mindful of the need, emphasised by the Supreme Court in *Wolverhampton* at paragraph 221, for defendants in injunctions to be defined as precisely as possible. It seems to me that that also favours a continuation of the approach taken last year.

22. Nor am I persuaded to depart from what was ordered last year by adopting a standard wording to define or describe the prohibited acts in the four cases before me. The differences in wording have not created any difficulty for me in conducting this review, and any potential defendant who has already become aware of the injunction in respect of any specific airport may already be aware of the existing wording, and that factor militates against a change.

23. I also accept the submission that it is not necessary to insert a provision requiring consent or permission to be obtained for any contempt application in the event of a breach of the injunction. Although such a provision could provide a helpful safeguard in some “**contra mundum**” cases, as described by Nicklin J in *M/R Acres*, in the present cases, no enforcement issue has arisen so far. That is by contrast with *MBR Acres*, where Nicklin J vigorously criticised the conduct of claimants who pursued a committal application, which he described as frivolous and bordering on vexatious. As Mr Morshead said, claimants who choose to commence committal proceedings for trivial breaches do so at their own risk. The courts have repeatedly said that, in cases which do not appear to have been cited to the court in *MBR Acres*, such as *Sectorguard Plc v Diemme Plc* [2009] EWHC 2693 (Ch), per Briggs J at paragraph 46. Meanwhile, in the circumstances of the present case, I have no reason to expect that such an issue will arise.

24. It seems to me, by way of confirmation, that the steps taken to publicise the orders last year, remain appropriate and sufficient.

25. I will provide for the next review to take place in one year from now. It will remain open for anyone to apply to vary or discharge the orders before then. The cases will again be listed together upon that occasion, but I see no need to consolidate them.

(e) On 30 July 2024, two JSO activists were arrested at Heathrow Airport after spraying orange paint around the Terminal 5 entrance hall and on destination boards in the departure lounge. Following a criminal trial, the jury was unable to return a verdict.

(f) On 31 July 2024, a protest by JSO and Fossil Free London, was held at the Docklands Light Railway Station, at London City Airport. That being an area excluded from the red line of the injunction.

(g) On 1 August 2024, six JSO activists were blocked access to the departure gates at Heathrow Terminal 5.

(h) On 5 August 2024, five JSO activists were arrested on their way to Manchester Airport and were in possession of bolt cutters, angle grinders, glue, sand and banners reading “oil kills”. Four of these individuals were subsequently found guilty of conspiracy to commit a public nuisance and then sentenced to terms of imprisonment, ranging between 18 and 30 months.

(i) On 21 February 2025, XR held a demonstration at Inverness Airport against climate change.

(j) On 27 May 2025, JSO made an announcement which at least gave the impression that it had now decided to withdraw from mounting disruptive protests of a direct action nature.

(k) However, 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 its subscribers with the comment, “GB News was right for once. We are ‘plotting a comeback’.”

(l) On 21 May 2025, London City Airport received intelligence information from the Metropolitan Police of a protest by environmental protest groups, which had been planned at Heathrow Airport, to be held at the Sofitel Hotel on 20 May 2025, where an annual general meeting for Shell was being held and which was within the redline boundary of the injunction obtained by that airport. The protest was relocated to the

Shell head office, “in order to avoid the risk of associated penalties for breaching the injunction.”

(m) Over the weekend of 14 and 15 June 2025, JSO arranged an event described as “Seeds of Rebellion”, which seemingly was part of a training programme – a “summer of resistance training” – where attenders would be taught how “to plan actions that cut through” and to “plant the seeds of the coming non-violent revolution.”

(n) JSO’s fundraising page currently invites donations for – “[A] New campaign [that] is in the works”

14. Mr Wortley’s evidence also mentions activities of other protest groups opposed to the use of fossil fuels including Youth Demand, Extinction Rebellion and Fossil Free London. He refers to disruptive protest activity in 2024 and 2025 by Extinction Rebellion, though not at airports. He also exhibited an email sent by the Metropolitan Police to London City Airport’s security team on 21 May 2025, which referred to the incident relating to the Shell AGM and said:

“... The injunction at [Heathrow Airport] had a real impact on the Shell protest yesterday and builds on your experiences. To remove an injunction now, would open up to further protest. And whilst JSO have stepped down, there appear to be a cycle of new groups emerging and this cannot be ruled out, so maintaining it would be very much recommended.”

15. I accept Mr Moreshead’s submission that that advice from the police is a relevant consideration. Although the announcement by JSO on 21 March 2025 could signal a reduction from the risk of unlawful activity at the airports, there is also clear evidence of a possible U-turn from that announcement. And, as Mr Morshead submits, even if JSO left the scene, it is too early to tell what the effect of that would be, having regard to the possibility of some JSO members continuing to support direct action, and to the continued existence of other protest groups. Nor is it possible to conclude that the risk has been materially reduced or removed by the imprisonment of some JSO activists referred to above.

16. Meanwhile, the substantial, though not total lack of direct action at the airports since the grant of the injunctions is consistent with the injunctions having proved to be an effective deterrent. I accept that removing the injunctions at present would create a real risk of a resumption of activity at airports.

17. When granting the injunctions, the judges last year concluded that enforcement of bylaws and criminal proceedings did not provide an adequate alternative remedy. That, in my view, has not changed.

18. In the circumstances considered as a whole, I conclude that there has been no material change which removes or seriously diminishes the justification or the rationale for the injunctions, and that they should continue in force.

19. Turning to the form of the order, Mr Morshead showed me the decision of Nicklin J in *MBR Acres Limited and Others v John Curtin & Persons Unknown* [2025] EWHC 331 (KB), which took a different approach of directing an injunction in a protest case, “**contra mundum**”, rather than by describing categories of defendants by reference to the conduct to be prohibited, which would also make service of the claim unnecessary. Nicklin J noted that the court must consider what other or better solutions may be available, having regard to enhanced police and local authority powers. He also indicated that orders should include a requirement that the court’s permission be obtained before any application is made to commit for contempt of court.

20. Mr Morshead submitted that it would be better in this case to retain a description of the intended defendants, by reference to the conduct being enjoined, and that that course was followed in a later decision of Soole J in *Chancellor, Masters and Scholars of the University of Cambridge v Persons Unknown* [2025] EWHC 724 (KB). He also submitted that a requirement for consent for committal proceedings should not be necessary, having regard to the safeguards built into the injunction and to the impact which applications for consent could have on costs and court resources.

21. In the present cases, the judges last year found it appropriate to describe or define the defendants by specific reference to the type of conduct to be enjoined. Although Nicklin J has identified a possible different approach, it seems to me that on a review