

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

B E T W E E N:

HEATHROW AIRPORT LIMITED

Claimant

-and-

(1) PERSONS UNKNOWN WHO (IN CONNECTION WITH JUST STOP OIL OR OTHER ENVIRONMENTAL CAMPAIGN) ENTER, OCCUPY OR REMAIN (WITHOUT THE CLAIMANT'S CONSENT) UPON 'LONDON HEATHROW AIRPORT' AS IS SHOWN EDGED PURPLE ON THE ATTACHED PLAN A TO THE RE-AMENDED PARTICULARS OF CLAIM

(2)-(6) THE NAMED DEFENDANTS JOINED BY THE ORDER OF MR JUSTICE DEXTER DIAS DATED 11 DECEMBER 2024 AND BY THE ORDER OF MR JUSTICE RITCHIE DATED 14 FEBRUARY 2025, AND WHOSE NAMES ARE SET OUT IN SCHEDULE 2 TO THE RE-AMENDED PARTICULARS OF CLAIM

Defendants

SKELETON ARGUMENT OF THE CLAIMANT

For the 9 July 2026 Second Annual Review Hearing of the 9 July 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 C's amendment application (explained herein); and (ii) evidence of service/notification (in Spencer 4).

- (i) 9 July 2024 Injunction **[4/46ff]**
- (ii) 9 July 2024 Judgment of Julian Knowles J in Heathrow Airport Limited v Persons Unknown [2024] EWHC 2599 (KB) **[AB/Tab 2]**
- (iii) 23 July 2025 Judgment of Turner J (on the first annual review hearing) in Heathrow Airport Limited v Persons Unknown [2025] EWHC 2489 (KB) **[AB/Tab 9]**
- (iv) Evidence in support of the original injunction in Markanday 1 **[11/145ff]** & Coen 1 **[12/164ff]**
- (v) Evidence in support of the 2025 renewal in Fielding 1 **[19/219ff]** & Spencer 1 **[20/223ff]**
- (vi) Evidence in support of renewal at this review in Spencer 3 **[9/94ff]**
- (vii) Updating W/S from Mr Spencer ("Spencer 4") confirming recent steps of service/notification of this review hearing **[To be filed separately]**

Introduction

1. On 9 July 2024 the Claimant was granted an injunction [4/46ff] by Mr Justice Julian Knowles (the “**Injunction**”) restraining certain “persons unknown” (defined by reference to conduct in relation to Just Stop Oil (“**JSO**”) or other environmental campaign) from entering Heathrow Airport without the Claimant’s consent.
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. The Injunction was continued at the first review hearing before Mr Justice Turner on 23 July 2025, as varied. A copy of the varied order presently in force is at [7/81ff].
3. Mr Justice Soole has recently heard similar second annual review hearings for 11 other major UK airports: 10 (London City, Manchester, Stansted, East Midlands, Leeds Bradford, Luton, Newcastle, Birmingham, Bristol and Liverpool) on 30 June 2026; and London Southend Airport on 2 July 2026. In each case, Mr Justice Soole continued the relevant injunctions until further annual review and amended the form of the injunction so that it expressly captured the “Take Back Power” or other wealth inequality campaign, to the extent distinct from an environmental campaign in the case of injunctions in a form which may otherwise have left such a ‘loophole’).
4. The Claimant invites the Court to adopt the same course at this hearing. The position in respect of “Take Back Power” (“**TBP**”) / wealth inequality campaigns is explained fully below in the context of the “Amendment Application”.
5. One distinguishing feature of the injunction in the present case (compared with those 11 other airports) is that there are named defendants in this case. Those named defendants were added by the 11 December 2024 Order of Mr Justice Dexter Dias [5/58ff] and 13 February 2025 Order of Mr Justice Ritchie [6/69ff]. Those named defendants are all persons who (at least well arguably) breached the Injunction shortly after it was granted in circumstances described at §§15-36 of Markanday 2 [13/178ff].
6. Those named defendants are mentioned at the outset for completeness. For the purposes of this second annual review hearing, their inclusion is not of central relevance: the purposes of review hearings in “*newcomer injunctions*” such as the present is by way of

protection of the interests who are not named defendants: e.g. *Wolverhampton* at [225]. The named defendants, as parties to these proceedings in their own right, have been and remain at liberty to defend the claim against them or otherwise seek to vary or discharge the Injunction insofar as it applies to them. None has done so.

7. 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.
8. The Claimant’s 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 largest and most well-known airport.

Notification of this Hearing

9. 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 at §§8-12 [4/48ff] 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. Separate mechanisms are included for service on the named defendants. As to the Claimant’s compliance with those provisions:

9.1. The underlying claim documents (§8) and the Injunction itself (§9) were served in accordance with those provisions by 20 August 2024 (see Coen 2 at §9ff [14/192ff]). (The form of warning notice at the airport has since been updated; though in a larger format which is (as to contents) substantially the same: Spencer 4 at §7.)

9.2. The orders adding the named defendants included mechanisms for service of documents. Those mechanisms were complicated by the fact that, at the time, some of the defendants were in prison in connection with their conduct at the Airport (or otherwise). The Claimant does not understand that any of them is currently in

prison. Those mechanisms are set out at §9 of the Dexter Dias J Order [5/64] (and, in like terms, at §6 of the Ritchie J Order [6/73]).

- 9.3. Proper notice of the first review hearing was given to the “persons unknown” and the named defendants in accordance with those mechanisms (as held at [1] of Mr Justice Turner’s *ex tempore* judgment [AB/Tab 9]).
- 9.4. The First Review Order [7/78ff] was thereafter served in accordance with the requirements of §3 of that order (by reference back to the mechanisms at §§8-12 of the underlying Injunction): Spencer 2 at §6-8 [22/252ff].
- 9.5. The Claimant has complied with the requirements in the Injunction as to notice of this second review hearing: on 1 June 2026 it was uploaded to the Airport’s website in accordance with §10.1 of the Injunction: Spencer 3 at §39 [9/104].
- 9.6. Confirmation of the balance of the steps taken is set out in Spencer 4 at §§10-18.
10. Notice of this hearing has, therefore, been properly given. The position as to notification of the Amendment Application is addressed separately at §39 below.
11. There has been no communication received by the Claimant (or its 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 Claimant is 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

12. 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.
13. In common with the Claimant, those airports all obtained renewals of their injunctions at hearings in 2025. As noted above, 11 airports have recently had their injunctions renewed (and amended). London Gatwick Airport has its second annual review hearing listed for 17 July 2026.

14. Whether (and in what terms) 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 recent decisions on the second review of the 11 other airport injunctions is likely to be (at least) highly persuasive to the approach to be adopted at this hearing.
- 14.2. It may be thought anomalous 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 §35 [9/103].
- 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. The most efficient way for the Court to understand the background to the Injunction and the First Review Order may be to read the Court's 2024 & 2025 Judgments by which the Injunction was made and continued: [AB/Tab 2] & [AB/Tab 9]. The Court is asked to consider those judgments 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 Markanday 1 and Coen 1. Additional detail of the circumstances at the time of the first review hearing is set out in Fielding 1 & Spencer 2: The Court's attention is directed, in particular, to:
 - 20.1. §§14-45 of Markanday 1 [11/148ff] which sets out details of JSO and JSO's campaign against UK airports in the summer of 2024.
 - 20.2. §25 of Coen 1 [12/169] which set out further detail of JSO and other environmental campaigns targeting UK and European airports.
 - 20.3. §16 of Spencer 1 [20/227], which summarises the incidents of breach of the original Injunction at the Airport in July and August 2024 (more detail is given in §§15-36 of Markanday 2 [13/182ff]). §§43-64 of Spencer 2 [20/232ff] set out details of the

wider threat of direct action posed by JSO and other environmental campaign groups.

20.4. §§6-12 of Fielding 1 [19/220ff], which sets out the likely impact of the feared direct action on Heathrow.

Lack of material change of circumstances

21. The position at the time of the Injunction and the First Review Hearing was therefore that there was evidence of a clear and express threat of unlawful action to disrupt the UK aviation sector in the summer of 2024 – and Heathrow Airport in particular - 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), and 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.
22. 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 key question which therefore arises, and which the Claimant recognises 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 injunction (and the others like it); or (ii) reflective of a material change in the underlying risk of such activities.
23. 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 Claimant points to:
 - 23.1. 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 §14-18 [9/97ff] (albeit such ‘comeback’ as may be anticipated would appear not yet to have materialised; alternatively may be represented by the TBP campaign).

23.2. 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 (at §33(b)) that JSO is itself a coalition of groups, and (at §38) it is a “*member of the A22 Network of civil resistance projects*” [11/154 & 155]. 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.

23.3. Spencer 3 sets out at §§18-29 the emergence and development of various campaign groups [7/98ff]:

- (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 !!*” (§18) [10/115]. 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*” [10/117] and justifies the use of disruptive direct action by reference to JSO’s activities (§§20-21). 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 (§22).
- (iv) The threat posed by other campaign groups, as set out in Spencer 1 at §§51-64 [20/236ff], continues to exist: Spencer 3 at §25-30 [9/100ff].
- (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 §29 [9/101]).

- 23.4. Spencer 3, further, makes the point that (since 30 April 2026) the UK terror threat level has been raised to “*severe*” (meaning an attack is “*highly likely*”). As recorded in the *Gatwick Airport* decision [AB/Tab 8], the threat of terrorism is a particularly acute factor at airports. Whilst direct action protest is not to be equated with terrorism, the effects of direct action protest in such environments causes particular problems: “*Such organisations are acutely sensitive to chaotic dysfunction caused by unlawful direct function*” and “*terrorism is facilitated by chaos*”.
24. It is submitted that the inferences to be drawn from this are that:
- 24.1. 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.
- 24.2. A significant proportion of such persons have environmental, climate or anti-fossil fuel concerns as a central motivation.
- 24.3. 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.
- 24.4. Airports, and this major airport in particular, are particularly sensitive environments to unlawful direct action.
- 24.5. Were the injunction not to be renewed, publication of that fact would likely further exacerbate the risk of unlawful direct action at the Airport.
25. The authorities, further, tend in favour of drawing such inference in the case of doubt:
- 25.1. 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] [AB/Tab 5].

- 25.2. That was the view taken by Bourne J at the first annual 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] [AB/Tab 7].
26. 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 Claimant’s 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.
27. 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?

28. The Injunction has produced its desired effect. Following initial breaches in the weeks immediately following its grant, there have been no breaches of it: Spencer 3 at §11-12 [9/97].
29. 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)

30. It is convenient, under this head, also expressly to address the Claimant’s continuing duty of full and frank disclosure (notwithstanding the Claimant’s endeavours throughout its evidence and this skeleton argument to discharge that duty).
31. 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:

- 31.1. It cannot, for the reasons set out in Spencer 3 at §§14-15 [9/97], 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.
- 31.2. It is submitted, in any event, that it would be unduly onerous on the Claimant – 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.
- 31.3. 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.
- 31.4. 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 – particularly long-haul travel in premium cabins, as is a particular focus of the services at Heathrow.

32. Save for those points, and save as covered further in relation to the Amendment Application below, the Claimant does 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.

Is there a proper justification to continue the Injunction?

33. There are proper justifications for the continuance of the Injunction.
34. First, the Airport is the busiest and most well-known of UK airports. Evidence of the scale and complexity of its operations is set out in Fielding 1: §9 [19/220]. Disruption caused by unlawful direct-action protest does not just prejudice the Claimant itself.
35. Second, the Airport is progressing expansion plans which are likely to attract opposition by environmental groups: Fielding 1 at §§1-18 [19/219ff]; Spencer 3 at §48 [9/105].
36. Third, the increase of terrorist threat level combined with an armed police presence at the Airport (Fielding 1 at §11 [19/221]) makes the Airport a patently unsuitable location for direct action protest.
37. Fourth, not renewing the Injunction at this particular time of year would carry an especially acute risk of prompting unlawful activity at the Airport. JSO's original threat in 2024 was to cause "*a summer of chaos*". The recent heat-wave is likely to give further impetus to such actions at this time of year.

Whether and on what basis to make a further order

38. 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].

The Amendment Application

39. As foreshadowed above, there is one change to the scope of the Injunction that the Claimant seeks:

39.1. 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”.

- 39.2. 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.
- 39.3. However, the 11 airports who had their review hearings on 30 June 2026 and 2 July 2026 had (it is respectfully suggested, correctly) observed that there is a risk of undesirable ambiguity – or a “loophole” – in that the injunction (given the way “Persons Unknown” is defined) may not apply in the event that direct action was carried out ostensibly for reason of a wealth inequality rather than environmental campaign.
- 39.4. The change that the Claimant seeks 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.
40. To that end (and as set out in Spencer 4 at §§19ff):
- 40.1. The Claimant filed an application to make the necessary amendment to the definition of the “persons unknown” (and amend the Claim Form and Particulars of Claim to reflect that change and (in the PoC) set out particulars of the threat posed by TBP) at approximately 14:39 on Friday 3 July 2026 (“the **Amendment Application**”).
- 40.2. That (still, technically, draft) Amendment Application were emailed to the email addresses listed in Schedule 3 to the Order at 15:32 the same day. At 15:42 they were also emailed to the new TBP email addresses set out at §20.
- 40.3. They were uploaded to the injunction page of the Heathrow website at approximately 16:41 on the same day. Confirmation that this had occurred was sent to the Schedule 3 email addresses and TBP addresses at approximately 17:05 and 17:06 (respectively) the same day.

40.4. Hard copy notices advertising the application (and directing the reader to the website), in the form set out at §19.3 of Spencer 4, were put at all-but-two of the 28 notice locations indicated on the plan at Schedule 4 to the Order. As explained in Spencer 4 at §19.4, it was not possible to exhibit the notice at the other two locations as, at one location, the perspex box for that purpose had been removed and, at the other, the entire sign had been removed. The Court is asked to waive that very minor non-compliance, which is beyond the Claimant's control.

41. At least three clear days' notice of the fact of the Amendment Application has therefore been given (*cf.* CPR r.23.7(b)). 5 days' notice (including the weekend) has been given. It is recognised that notification of the issued application has not occurred (but may have happened by the time of the hearing), however the Court is respectfully invited to find that adequate notice has been given, because:

41.1. Where, as here, there is no "fundamental" change to the order (in circumstances where the environmental and wealth inequality concerns voiced by the relevant campaigners are evidently so interlinked), the authorities suggest that necessary amendments to the order to account for changing circumstances are always matters for the review hearing – without necessitating formal application: *Esso Petroleum* at [8] **[AB/Tab 6]**; *Heathrow Airport* (2025) at [5] **[AB/Tab 9]**.

41.2. 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.

41.3. As aforesaid, at least three clear days' notice has been given of the contents of the application. In circumstances where the Claimant has not received an issued copy of the application back from the Court, it can do no more than notify the Amendment Application in draft. There is no prejudice caused by the lack of an issued application.

41.4. The Claimant is 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 Spencer 3.

- 41.5. 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) 15 June 2026 (Spencer 4 at §§12-13).
- 41.6. JSO & TBP have already been put on notice of the substance of the point in the context of the second review hearing for the 11 other airports which have already secured a like amendment.
- 41.7. (To date) no one from either group has engaged with the Claimant's solicitors (or seemingly those for the 11 other airports) nor, for example, has suggested, that they would wish to engage substantively with the application but require more time to do so.
- 41.8. 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.
42. It should be recorded (for completeness) that notice of the Amendment Application has not separately been notified to or served upon the named defendants: the amendment sought is not material to their position, because they are (by §1 of the existing injunction) expressly prohibited from entering upon the Airport without the Claimant's consent irrespective of their ostensible motivations.
43. In the circumstances, the Court is asked to make the necessary amendments to the Injunction to close the potential loophole concerning TBP / wealth-inequality campaign.

Form of Order

44. In terms of the form of order sought to give effect to the Amendment Application, and generally:

- 44.1. The approach of Mr Justice Soole at the recent second annual review hearings for the 11 other airports was to prefer to re-grant a ‘fresh’ injunction incorporating in one place the full terms of the order which those potentially affected would need to understand. That is, the learned Judge considered, preferable to the making of an order which continues or varies by reference another order – which course may require persons affected to consult multiple documents to understand the position.
- 44.2. The Claimant has therefore prepared an updated draft Order which reflects that approach. It seeks, so far as possible, to continue the same drafting language as the injunction presently in force so as to avoid engendering confusion on the part of those subject to it.
- 44.3. The Court will be taken through it in oral submissions.
- 44.4. The substance of the Amendment Application is given effect by giving the Claimant liberty to amend the Re-Amended Claim Form and Re-Amended Particulars of Claim: (i) to change the description of the “persons unknown” defendant to include TBP and wealth inequality campaigns; and (ii) set out brief particulars of the facts and matters relied upon in support of the claim against TBP / wealth inequality campaign in the Re-Re-APOC. It is proposed that the Claimant will file, and then serve (in accordance with the existing mechanisms in the Injunction), those amended statements of case shortly following this hearing.
- 44.5. By way of consequential amendments: (i) the Claimant proposes 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.
45. The Claimant asks that the Injunction be continued, with those changes, until the third annual review in or around 12 months’ time.

TOM ROSCOE

6 July 2026

Wilberforce Chambers