

Hearing Note – First Annual Review Hearing of Airport Injunctions

24 June 2025 (Court: Court 14)

Before: Bourne J (Bourne J)

For the Claimants: Timothy Morshead KC (“**TMKC**”) with Evie Barden

ATTENDANCE

No person appeared to oppose the applications, noted that the hearing had been listed for a day due to the possibility that individuals may have wished to attend and to make representations. TMKC advised Bourne J that the hearing had been notified as required by the various Orders and that, if any member of the public wished to attend or make representations, this hearing provided the opportunity to do so.

PURPOSE OF THE HEARING

The hearing was the first annual review of airport-related newcomer injunctions granted last year. TMKC explained that the various Claimants sought continuation of the existing injunctions, with draft forms of order to continue the injunctions and to address case-management matters.

Consideration given to the approach to be adopted, proceeded on the basis that the review was not a merits rehearing. The question to be considered was whether there had been a material change in the background circumstances diminishing the need for the injunctions, having assimilated sufficient background for that review.

NOTIFICATION AND SERVICE

TMKC submitted that notification had been given as required by the Orders. Bourne J was also taken to evidence from Mr Wortley explaining how the Orders had been served last year, with a typographical correction to paragraph 11.2: the date should read 21 June 2024, not 21 August 2024.

CLAIMANTS’ SUBMISSIONS

TMKC submitted that a concise, de minimis approach should be adopted, consistent with the approach in the Valero review hearing, because there had been no material change that undermined the basis on which the injunctions had been granted.

The Claimants’ position was that the injunctions should be reviewed together, rather than formally consolidated, because that was good case management. The Bourne J agreed.

TMKC submitted that there remained a compelling need for the injunctions. Although Just Stop Oil had made a March 2025 announcement suggesting that direct action would stop, subsequent communications and reports, including the GB News report and the 14/15 June 2025 Seeds of Rebellion event, made it unsafe to treat that announcement as a complete renunciation of direct action.

TMKC explained that the Claimants also relied on evidence that other groups, including Youth Demand, Extinction Rebellion and Fossil Fuel London, had not renounced direct action, and that a lone campaigner could act without affiliation to any group.

TMKC submitted that airports were particularly sensitive environments: the public cannot be kept out, protestors may intermingle with passengers, disruption can have cascading effects, and security concerns mean that a high premium is placed on orderly conduct.

TMKC referred to the police correspondence. The National Police Coordination Centre email taking account of the existence and effectiveness of injunctions; local police advice to London City Airport was that an injunction remained useful.

Discussion on Gatwick Airport and potential breach of their injunctions in July 2025, no knowledge as to whether committal applications were made and why not, if not.

TMKC submitted that, subject to the above, the absence of airport direct action since the injunctions were made was consistent with the injunctions working as a deterrent, rather than demonstrating that they were no longer necessary.

On proportionality and Convention rights, TMKC submitted that there had been no relevant change in the law, that the balancing exercise undertaken last year could be relied on subject to updated evidence, and that Article 10 and Article 11 rights could be exercised away from the airport areas.

FORM OF ORDER SOUGHT

TMKC invited Bourne J to retain the existing descriptive approach to “persons unknown”, rather than reducing the description to “persons unknown” only, noting Soole J’s approach in the Cambridge case, MBA Acres and the need for defendants to be defined as precisely as possible.

TMKC also invited the Court not to require permission before any application for committal. TMKC submitted that any issues arising from trivial or overzealous enforcement could be dealt with at the committal hearing, that no such applications had yet been made, and that there was no pattern of overzealous enforcement by the Claimants.

TMKC explained that the Claimants sought to homogenise the orders where appropriate. In relation to London City Airport, the relevant Claimants sought an amended plan to reflect a current ownership position, including an additional area let to a third party.

Hearing adjourned for Bourne J to consider matters ahead of issuing judgment.