

KB-2024-001765 / KB-2024-002132 / KB-2024-002317 / KB-2024-002473
Hearing Note – Second Annual Review Hearing of Airport Injunctions

30 June 2026 (Court: Court 16)

Before: Mr Justice Soole (Soole J)

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

For the Defendants: No persons attending

ATTENDANCE

No person appeared to oppose the applications.

PURPOSE OF THE HEARING

TMKC explained that this was the second annual review hearing of airport-related newcomer injunctions granted in 2024.

TMKC proposed a four-part structure: (1) adequacy of service and notification, including applications to amend; (2) whether any material change in circumstances indicated that the orders had outlived their purpose; (3) whether any other reason existed to discharge the orders; and (4) what modifications were appropriate in light of current circumstances.

Soole J confirmed that he had read the relevant orders and 2024 judgments / notes of hearing, the witness statements of Mr Wright, the composite application notice of 18 June 2026, the witness statement of Mr Wright of 24 June 2026, and the draft orders.

RELEVANT LAW

TMKC submitted that the applicable principles were set out in the judgment of Lambert J in *Valero* at paragraphs 5–13: the exercise is an audit to consider whether there has been a material change in circumstances and whether the orders require updating. TMKC also referred to Swift J in *Exolum Pipeline System Limited v Persons Unknown* [2025] EWHC 1913 (KB) at paragraph 14, concerning injunctive relief for oil infrastructure providers.

Soole J raised the question of whether, given the absence of breaches, a continued need for the injunctions existed. TMKC submitted that the injunctions had quietened the outlets for protest, not the underlying motivations; the threat remained in the background and there was no reason to think that, if relief were lifted, protest activity would not resume. The jurisdiction was equitable and flexible.

NOTIFICATION AND SERVICE

TMKC submitted that notification of the hearing and the applications to amend had been given as required. Steps were taken to notify using the same email addresses, and Mr Wright’s 24 June 2026 witness statement identified additional email addresses, including those traced to a splinter group, Take Back Power, and possible related organisations.

Soole J asked whether everything had been served on everyone. TMKC confirmed that there was a continuing monitoring process under paragraph 2.12.2, that all those with a right to be at the airports had been notified, and that no objections had been received. TMKC acknowledged that, given the large number of occupiers, it could not be said that every single person had been notified at all airports.

CLAIMANTS’ SUBMISSIONS

Continued need for the injunctions

TMKC referred to the skeleton argument at paragraphs 36–83, setting out the history of the initial orders and recent events. A recent incident at an airport (paragraph 80 of the skeleton argument)

illustrated the concern noted by Knowles J regarding “exquisite vulnerability”: what may have been a prank caused two-hour delays due to the high level of alert. Taken alone, it was perhaps equivocal as to whether it formed part of a campaign.

The evidence also referred to the Joint Terrorism Analysis Centre raising the threat level, meaning an attack was highly likely. Soole J observed that this was not to suggest protesters fell into that category, but, as Ritchie J had noted, terrorists can feed on chaos.

TMKC submitted that a further feature since December 2025 was the emergence of Take Back Power, which appeared to overlap with JSO and was strongly suggested to be a phoenix group. This was relevant because three of the orders were limited to environmental protests, giving rise to a potential loophole. Soole J noted that the Manchester order was made against persons unknown whether connected with JSO or otherwise, whereas other orders were limited to environmental campaigns.

Application to amend description of persons unknown

TMKC submitted that there were two possible approaches. Ordinarily, one would expect amendments to flow from facts pleaded in the particulars of claim. However, in this unusual jurisdiction, the Supreme Court in *Wolverhampton CC and Others v London Gypsies and Travellers and others* [2023] UKSC 47 recognised that the focus was on the facts and procedural safeguards—in particular whether those affected had had the opportunity to apply to vary or discharge the order. Requiring full pleading amendments may be disproportionate. A possible solution would be to permit the amendment now with a requirement to amend the particulars of claim as a follow-up.

Soole J observed that there needed to be a link between the description of the parties and the substantive claim. Soole J acknowledged that these cases tend not to go to trial, where the purpose of pleadings was to identify issues; nonetheless, form of structure was to be preferred.

TMKC proposed a hybrid solution: the court could permit the amendment to close the loophole and direct that the particulars of claim be amended in due course. The facts summarised in the skeleton argument (pages 67–81) provided the factual framework. The compelling need that justified the orders in 2024 had not changed.

Soole J confirmed that the law was clear: this review hearing was not starting from scratch but was a review to consider whether anything had changed. TMKC noted that the injunctions extended outside the airport perimeter onto the highway at Manchester, Leeds Bradford, Luton, Newcastle and Liverpool, though the extensions were relatively modest. Private nuisance was relied upon in relation to all airports except London City Airport.

TMKC referred to evidence of recent protest activity, including the incident on 6 February 2026 when two activists locked themselves in front of Carriage Gate, blocking access to the Palace of Westminster.

Procedural matters

TMKC drew five matters to the court's attention (addressed at paragraph 7 of the skeleton argument).

Last year's review order required both uploading of orders and sending of emails. The uploading was carried out, but it had not been possible to verify whether the emails were sent; the Claimants proceeded on the basis that they were not. It was submitted that the probable explanation was that the omission was inadvertent. None of the orders suggested that the injunction would lapse automatically if notification of the review order did not occur.

Soole J noted that the injunction order continued in any event; this was not simply a matter of discharging it and granting a fresh order. TMKC confirmed that what was potentially missing was confirmation that the court had reviewed the matter and concluded the injunction order should not be discharged.

TMKC explained that, before Mr Justice Bourne, it was necessary to exclude from the injunction a parcel of land at London City Airport which had been leased to a third-party occupier (the blue land

in the bottom right-hand corner of the plan). Mr Justice Bourne allowed the amendment. However, when the sealed order was returned, a formatting error meant that only part of the plan was visible. The plan sent for sealing was correct, but nobody noticed the error upon return. A mitigating factor was that the warning notices erected on site were correct.

TMKC brought to the Court's attention the fact that a copy of the 2025 Bourne J Order had not been affixed at all airports following the 2025 review hearing. The issue arose in the context of the orders made by Ritchie J in relation to LBA, NCIL and LTN, where, adopting a purposive interpretation of the order, fresh notices ought arguably to have been affixed following the review hearing. It was submitted that the Claimants had proceeded on their understanding of the order and that the omission to affix fresh notices was almost certainly inadvertent. TMKC confirmed to the Court that copies of the orders were affixed by 15 June 2026 at LBA, NCIL and LTN.

TMKC raised two additional matters relating to LCY. First, although permission had been obtained to amend the claim form, the amended claim form was not in fact filed at the time; it had now been filed. Second, there was a question as to whether a note of the 2025 review hearing ought to have been provided. TMKC submitted that these applications were technically *ex parte* but were really *ex parte* on notice, and there was no order requiring a note of the hearing. It was confirmed that a note of the hearing had been filed in advance of the 2026 review hearing.

FORM OF ORDER SOUGHT

Amendment orders and penal notices

Soole J queried whether, if the description of Persons Unknown were changed, this could be done through an amending order without being reflected in a penal notice. Protesters were not legally trained, and Soole J queried whether it would be preferable for the injunction to be contained within a single order.

Soole J indicated that the five-year end date for LCY could be incorporated into a fresh order. It may be possible to continue the proceedings through a new order providing that the order of Knowles J was discharged upon sealing of the replacement order. TMKC submitted that equity was concerned with substance; discharging the existing order and replacing it with a new one was a potential route forward.

Soole J summarised the rolling variations as: (i) the wealth and equality amendment to the description of persons unknown; (ii) revision to paragraph 9 of the Ritchie orders; and (iii) correction of the London City Airport plan.

Variation of the Ritchie order

Soole J proposed varying paragraph 9 of the Ritchie order so that service would be effected by carrying out the steps in paragraphs 3(a) and 3(b) only, with paragraph 3(c) (affixing of hard-copy notices) deleted. TMKC agreed this was the correct solution but submitted that a separate provision preserving the requirement for warning notices would be needed. The draft order already provided for updated warning notices and there would in any event be fresh notifications.

Take Back Power and scope of the orders

Soole J noted that nothing in the 2024 or 2025 orders specifically dealt with Take Back Power. In the case of the Coe order, which already referred to all protests, a fresh order might be avoided. Soole J indicated that he was minded to make as few changes as necessary. It was noted that the applications dated 18 June 2026 to amend the claim form had been served, including by email on 19 June to additional addresses.

Amendments to Particulars of Claim

TMKC identified technical tidying-up amendments to the particulars of claim concerning East Midlands Airport, Manchester, and London Luton Airport. In relation to London Luton, the amendment required a change to the plan because reliance on the byelaws would otherwise expand the scope of the order beyond the 2024 protection; accordingly, that small area had been removed from the plan. In Manchester, the amendment was simply a change to the relevant reference.

DISCUSSION

Soole J asked whether any explicit threats had been made against airports in respect of Take Back Power. TMKC confirmed that there had been none. Soole J noted incidents concerning private jets at London Oxford Airport on 5 July 2025 and activity involving Extinction Rebellion at Inverness Airport on 21 February 2025 and Farnborough on 19 January 2026.

Soole J raised the question of whether, insofar as the amendment would extend the injunctions to a new class of persons, the court was required to approach that aspect as a fresh application rather than a review. TMKC accepted that the answer was probably yes. Soole J indicated that whilst he would consider matters it was open to him to determine that the need remained, because if the injunctions were removed in circumstances where protest groups move fluidly between causes and organisations, the deterrent effect could be lost.

TMKC submitted that the test remained one of compelling need, but the context giving rise to that need should not be ignored. The potential exploitation of a loophole may itself amount to a compelling need. There was no fixed list of criteria; the test was sufficiently flexible, particularly given the consequences that could flow if such a loophole were exploited. It did not matter in TMKC's submission whether the protest concerned fuel, eggs, or any other issue - the relevant threat was protest activity on airport premises. It was noted that all previous judges had considered it necessary to include a description of the protests within the order.

Soole J then adjourned the hearing and confirmed that he would return at 14.00 to deliver Judgment.