

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
[2026] EWHC 2248 (KB)

Royal Courts of Justice
Strand
London, WC2A 2LL

Tuesday, 30 June 2026

BEFORE:

THE HONOURABLE MR JUSTICE SOOLE

BETWEEN:

VARIOUS AIRPORTS

(London City; Manchester; Stansted; East Midlands; Leeds Bradford; London Luton;
Newcastle International; Birmingham; Liverpool John Lennon; Bristol)

Claimants

- and -

PERSONS UNKNOWN

Defendants

MR T MORSHEAD KC and MS E BARDEN appeared on behalf of the Claimants
THE DEFENDANTS did not appear and were not represented.

JUDGMENT
(Approved)

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1. MR JUSTICE SOOLE: This is the annual review hearing in respect of orders comprising precautionary injunctions against prospective protesters, at a number of airports in the UK, in respect of climate change and associated environmental issues. The actions and airports with which the hearing is concerned are: -
 1. KB-2024-001765, London City Airport.
 2. KB-2024-002132, Manchester Airport, Stansted Airport and East Midlands Airport.
 3. KB-2024-002317, Leeds Bradford Airport, London Luton Airport and Newcastle International Airport.
 4. KB-2024-002473, Birmingham Airport, Liverpool John Lennon Airport and Bristol Airport.
2. I will refer to the four actions by the first-named airport in each case; thus the London City action, the Manchester action, the Leeds/Bradford action and the Birmingham action. In each case the claimants appear by Mr Timothy Morshead KC and Ms Evie Barden. There has been no attendance by or representation for any person falling within the description of Persons Unknown, nor by or on behalf of anybody else.
3. The current continuing order in each case is as follows. London City action: 20 June 2024, Julian Knowles J, injunction until 20 June 2029, with yearly reviews. Manchester action: 5 July 2025, HHJ Coe KC sitting as a High Court judge, injunction until further order with early reviews. Leeds Bradford action: 19 July 2024, order, as amended under the slip rule, of 19 July and 22 July 2024, Ritchie J, injunction until further order with yearly reviews. Birmingham action: 6 August 2024, Jacobs J, injunction until further order with yearly reviews.
4. Each of these orders was continued with minor amendments by the order of Bourne J dated 24 June 2025, following the first annual review. By application notices in each action, each dated 2 June 2026, the various Claimants apply for the 2026 review to be listed. By various subsequent orders, each application was listed for today, all to be heard together as before.

5. The applicant's applications are in each case supported by witness statements dated 11 June 2026 and 24 June 2026 from the Claimants' solicitor with the current principal conduct of the matter, Mr Alexander James Wright. In each case, the witness statement dated 11 June 2026 sets out the background to the four actions in question. Mr Wright also refers to three other actions and consequent continuing orders, which relate to Heathrow Airport, Gatwick Airport and Southend Airport. The claimants in those three actions act by other solicitors.
6. In respect of the London City action, Mr Wright restates that the cause of action on which this injunction was sought and granted was in trespass alone. As to the other three actions, he has also sought protection in respect of areas of the airport which had been leased to third parties and thus to which the relevant claimants did not have immediate rights of possession. In those cases the cause of action was framed in private nuisance.
7. In respect of the airports at Manchester, Leeds Bradford, London Luton, Newcastle International and Liverpool John Lennon the areas of restraint include an element of public highways for which the cause of action is in public nuisance.
8. Mr Wright restates the health and safety risks which are presented by direct/unlawful protest activity on land belonging to the airport in question. As to events since the 2025 review and the orders of Bourne J on 24 June 2025, Mr Wright cites a range of protests over the past year by protesters variously under the banners of Extinction Rebellion, Greenpeace, Fossil Free London, Shut the System, Boycott Blood Insurance and Take Back Power. In respect of Extinction Rebellion, these have included disruption of the British Insurance awards; targeting the offices of March & Howden; staging a mock crime scene at Barclays Bank; occupying the lobby of Prudential Regulation Authority; staging protests at insurers AXA and AIG; and protesting outside Macquarie Group headquarters against expansion at Farnborough Airport. He acknowledges that none of these protests have taken place at London City Airport nor indeed at any other airport in the country.
9. As to the campaign group Just Stop Oil, Mr Wright states that he is not aware of any incident involving direct/unlawful protest activity attributable to JSO since the last review hearing. He recalls JSO's previous announcement on 27 March 2025 to the effect

that it was ceasing its ‘hi-vis’ activities, but also its subsequent apparent or potentially contradictory statements.

10. Mr Wright further points to links from JSO’s website to the campaign group Take Back Power and to JSO’s own website comment in June 2026, which refers to Take Back Power and states that: “...revolutionary change is needed now more than ever. Corrupt politicians are serving the interests of billionaires. Ordinary people are struggling to survive, and the media are shifting blame from their mates on mega yachts to the people on small boats. Meanwhile, the world is getting hotter and hotter. Nothing short of a political and economical revolution is going to get us out of this mess. It’s time to Take Back Power.”
11. Mr Wright continues that it strongly appears to him that Take Back Power is a successor to Just Stop Oil. The homepage of Take Back Power describes itself as a non-violent civil resistance group, which aims to put the 99% in charge through citizens assemblies. From the Take Back Power website Mr Wright cites a number of incidents involving their activists and supporters since December 2025, for example at the Ritz; Claridge’s; the Tower of London; outside Parliament; in supermarkets in four UK cities; at Sotheby’s auction house; and at a Ferrari dealership.
12. He states that this gives concern for London City, in particular because of its use by those who own private jets at the airport. He cites events in July 2025 when Extinction Rebellion supporters protested against private jets at London Oxford Airport and at an airport in Scotland; the protest against the expansion of Farnborough Airport; and to an incident back in June 2024 when two JSO protestors spraypainted two private jets at Stansted Airport. He states that London City is very concerned that it will become the focus of direct action by members of Take Back Power or the like, unless restrained by injunction.
13. For that reason, by separate applications dated 18 June 2026 to which I will refer later, the Claimants in all but the Manchester action apply to amend the description of Persons Unknown to include those protesting as wealth inequality campaigners as well as those protesting on climate change and environmental issues. As to the various other organisations which have appeared, e.g. Fossil Free London and Youth Demand, he

states that “Though names and tactics may change and evolve over time, possibly in an attempt to exploit potential loopholes in unlawful protest injunction orders, for a number of the activists the primary objective remains disruptive demonstrations against organisations that they believe stand opposed to their demands...Consequently there remains a continued risk to the Claimants’ airports that they will be the target of direct action in the absence of the protection afforded by the injunctions.”

14. Mr Wright states that the Claimants continue to have no objection to protests which are lawful and do not interfere with other’s rights, subject to those wishing to carry out a peaceful protest at the airport making a request for the claimants to designate an area for that purpose in accordance with the final recital in the 2024 order. He states that the continued lack of direct/unlawful protest activity at the airports, when set aside the continuing incidents which have occurred elsewhere, justifies the inference that protesters have been careful to ensure that their unlawful behaviour has taken place at premises which are not protected by an injunction. Accordingly he contends that the injunction has had the required deterrent effect and should be maintained.
15. Mr Wright then refers to the history of criminal proceedings against various protesters and the varying verdicts which have resulted. He suggested that this shows the protestors are more willing to take their chances with the jury than the judge. Mr Wright concludes that the impact of climate change continues to be firmly on the public agenda and to attract strong feelings and consequent willingness to contemplate disruptive action. The inference he and his clients draw from the evidence is that the injunctions have influenced the pattern of protest, with disruptive action being focussed principally on targets which do not have the benefit of protection by injunction.
16. In each case, the Claimants have a continuing concern that in the absence of such protection, disruptive action would take place and result in irreparable and serious potential harm to the airport and those who use it. He adds that most of the incidents in 2024 which were targeted by environmental protesters occurred between late June and August of that year, i.e. in the busiest period for holiday travel.
17. Mr Wright also identifies a particular concern from the raising on 30 April 2026 by the Joint Terrorism Analysis Centre of the national terrorism threat level from “substantial”

to “severe”, i.e. that “an attack is highly likely”. The suggested significance of this is that airports are acutely sensitive to chaotic disruption caused by unlawful direct action; and that, in turn, terrorism is facilitated by chaos. He cites observations to that effect by Ritchie J in his judgment when making the Leeds Bradford order: [2024] EWHC 2274 (KB).

18. Mr Wright’s statements in respect of the Manchester, Leeds Bradford and Birmingham actions are in similar general terms. He cites the same deterrent effect; and the same continuing concern that this will change if the injunction were not to continue.
19. As to Leeds Bradford, Mr Wright points out that the airport has granted its contractor a right to use and carry out works over an additional area in the vicinity of the terminal building, i.e. additional to that referred to in his first witness statement of 16 July 2024, and that the first Claimant retains exclusive possession or control of that area of land.

Application to amend

20. By application notices dated 18 June 2026, made in respect of all save the Manchester action, there is an application to reamend the claim form so as to extend the definition of Persons Unknown to include those campaigning in respect of wealth inequality as well as those in respect of climate and environmental issues. There is no such application in the Manchester action because in that case the definition of Persons Unknown is not limited to any particular cause of protest. I observe that, other than in respect of the title, there is no application to amend the body of the Particulars of Claim, e.g. by including reference to such campaigns in respect of wealth inequality and their apprehended consequences.
21. In addition:
 1. In the Manchester action, the application is to reamend the Particulars of Claim so as to reflect a revision effected by the East Midlands Airport Bylaws 2025, which replaced their predecessor.
 2. As to Leeds Bradford, the application is to amend the Particulars of Claim in order to reflect a change which results from the London Luton Airport Bylaws 2025.

Service and notice

22. By his single witness statement dated 24 June 2026 in each of the four actions, Mr Wright sets out the steps he has taken to –
1. Give due notice of this second review hearing and to serve his supporting witness statements. This includes notice in the Birmingham action and in the Manchester action to third-party occupiers within the red line of the injunction order boundary in respect of each airport.
 2. Serve the application notices dated 2 June 2026 and the consequent orders listing today's hearing.
 3. Serve the application notices dated 18 June 2026 to amend the claim forms and Particulars of Claim in various ways.
23. I was also told that the claimant's skeleton argument for today, dated 24 June 2026, was served in the same way. Insofar as the previous orders prescribed forms of service for these applications and documents, I am satisfied that these have been complied with.
24. Mr Wright's witness statement of 24 June 2026 states that he has uploaded the application dated 18 June 2026 to each individual airport's relevant website and sent a copy to the email addresses referred to in schedule 3 to each of the orders made in 2024. Furthermore he has sent emails in respect of each application dated 18 June 2026 to a number of additional email addresses relating to Take Back Power, Shut the System, Fossil Free London, Youth Demand and Extinction Rebellion. He has also used those email addresses for other notices served for the purpose of the hearing today. No responses have been received to the emails sent.

Full and frank disclosure

25. In accordance with their duty to the court, the Claimants have drawn attention to a number of procedural errors made since the order of Bourne J. These are set out in close detail in the skeleton argument to which I have referred.

26. The first matter concerns notification of the Bourne orders by email. The injunctions required service of any applications or documents to be effected by uploading and also by sending an email to email addresses identified in the order. The uploading requirement was met but it has not been possible to establish that the email provision was complied with by Mr Wright's predecessor, Mr Wortley. Following this discovery, the necessary emails were sent on 9 June 2026. It is submitted that the error must have been due to oversight rather than deliberate.
27. The second matter concerns notification of the Bourne orders by affixing at the sites. In the case covered by the Manchester action, HHJ Coe ordered that further applications or documents were also to be served by affixing a notice at locations marked on plans of the airport, setting out where the applications or documents could be found and obtained in hard copy. For those airports, the Claimants affixed copies of the relevant order of Bourne J at the locations marked on the plans and did so in the week of 30 June 2025.
28. In the cases of Leeds Bradford Airport, Newcastle International Airport and London Luton Airport, Ritchie J ordered that further documents were to be served by carrying out "each of the steps in paragraph 3" of his order. That paragraph included a direction requiring the claimants to affix a notice setting out where the documents and order could be found and obtained in hard copy. The formal notice that was referred to was a warning notice relating to the order made by Ritchie J. In the event a fresh warning notice was not affixed as apparently required by the relevant paragraph of Ritchie J's order. This reflected a misunderstanding of what was required. There may be a question as quite exactly what was required. On 15 June 2026, the orders of Bourne J were affixed at Leeds, Bradford and Newcastle International Airport at the relevant locations.
29. Thirdly, as to the London City Airport, by the order of Bourne J one substantive change was made to the existing injunction. In that case, the cause of action was trespass, such that the geographical scope of the injunction excluded areas over which third parties had interests and to which the claimants did not have an immediate right to possession. As a result of the grant of a further third-party interest, the claimant sought to reduce the scope of the injunction in order to introduce a new zone within the red line of the plan which was excluded from the scope of the injunction.

30. Bourne J gave permission to amend the claim form for that purpose and in consequence a new plan was annexed to the original order of Julian Knowles J. However it was noticed on 10 June 2026 that the order, as in fact amended, annexed a plan which suffered from a formatting problem. The effect was that only part of the redline boundary was visible.
31. Fourthly, in respect of London City Airport, contrary to what was required, the Claimants did not file an amended claim form following the hearing on 24 June 2025 and consequently also did not notify the Defendants. This was again at a time when Mr Wortley was dealing with these matters. This was rectified very recently on 15 June 2026.
32. Fifthly, the Claimants draw attention to the fact that a note of the 2025 review hearing was not uploaded to the dedicated website until 15 June 2026. Whilst there was no order or undertaking to do so, they observe that it might be argued that this should happen in any event, citing observations of Lightman J in *Interoute Telecommunications (UK) Ltd v Fashion Gossip Ltd*, unreported 23 September 1999. However they also point out that a transcript of the oral judgment of Bourne J has been on the websites since August 2025.

The review

33. In *Wolverhampton City Council and others v London Gypsies and Travellers and others* [2023] UKSC 47, [2024] 1 AC 983, the Supreme Court observed 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.”
34. Further in *High Speed Two (HS2) Ltd and Secretary of State for Transport v. Persons Unknown* [2024] EWHC 1277 (KB) at [32]-[33], Ritchie J summarised the court’s task on a review hearing as follows: “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”.

35. I have therefore in each case considered whether there has been any material change which affects the need for the injunction to be in place. For that purpose I have duly taken account of the evidence to which I have already referred and to the submissions made on behalf of each Claimant, both through the evidence of Mr Wright and in substantially similar terms through the submissions of Counsel on behalf of the claimants.
36. I note that the procedural errors which have been made and which have very properly been drawn to the attention of the court. I am quite satisfied they were wholly inadvertent. Of course strict compliance and great care is required, not least in cases involving Persons Unknown. However slips can occur and I see no basis to conclude that any prejudice to any Person Unknown within the defined class has resulted. I conclude there is no basis to discharge the injunction or procedural grounds nor any reason to take those into account when considering the substance of the question of whether the injunction should continue.
37. As to continuation of the order, I do not consider that there has been any material change in circumstances. I am quite satisfied there continues to be a compelling need for these orders. The evidence does indeed demonstrate the deterrent effect of the injunctions. However it does not follow that that there can be any relaxation against the continuing

background of similar type of direct-action protests. I have no doubt that if the restraint were removed, the real and imminent threat of direct action at these airports would resume. In short, all the ingredients that were present for the original grant of the orders remain and all the arguments which justified those orders are still in place.

38. As to the proposed extension of the definition of Persons Unknown to those protesting against wealth inequality, in addition to those campaigning on climate change and environmental issues, I have found this a less straightforward decision. On the one hand, there is real force in the evidence and supporting argument which demonstrate a fluidity between the organisations of protest, and not least between Just Stop Oil and Take Back Power. Further, I accept that the evidence of the protests which have taken place against private jets gives rise to real and understandable concern on the part of the airports. I accept that the present definition of the Persons Unknown would likely be seen as a loophole by such protesters and thus would or might result in direct action, of the type which these orders otherwise restrain, by those concerned in wealth inequality protests.
39. On the other hand, this is a new proposed class of protester. I am not considering this as a matter of review but de novo. Further the Claimants' application does not extend to the amendment of the Particulars of Claim in order to plead the essential basis of its case. Whilst these are unusual forms of proceedings which typically do not result in a final trial it is nonetheless necessary to have a case which pleads out the essential basis for the relief which is claimed.
40. Weighing up these matters, I am persuaded that there is sufficient to conclude that absence this amendment and an associated extension of the injunction, there is a real and imminent risk of harm in the same way as justifies the present and continuing orders. I also note that the Manchester order contains no limitation on the particular cause of protestors and that no application has been made to set aside or vary that order in the two years of its life. Furthermore there will be every opportunity for the amendment to be reviewed pursuant to the general liberty to apply.
41. Further, as with all the other applications when first heard in 2024, damages would not be an adequate remedy; and the balance of convenience points very firmly to the grant of relief. I add that the matter goes beyond a serious issue to be tried; the merits of the

claim would satisfy the heightened test which may apply in cases where the injunction is the essential relief which is sought.

42. I will therefore grant the amendment. However I will also require the relevant Claimants to prepare, file and serve Amended Particulars of Claim in respect of this class of protester. This will provide further relevant material in the event that any person seeks to take advantage of the liberty to apply to set aside this amendment.
43. I accede to all the other applications to amend. I will now hear Counsel on the final form and terms of the orders to be made.

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