

On behalf of: the Claimant  
By: Sean Foster Martell  
No: 2  
Exhibit: "SFM1"

Date: 26 March 2024

**QB-2021-003576**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Claimant

- and -

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF,  
ENDANGERING, OR PREVENTING THE FREE FLOW OF  
TRAFFIC ON THE M25 MOTORWAY, A2 A20 AND A2070 TRUNK  
ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21,  
A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4,  
M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE  
PURPOSE OF PROTESTING**

**(2) MX CATHERINE RENNIE-NASH AND 9 OTHERS**

Defendants

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**SECOND WITNESS STATEMENT OF  
SEAN FOSTER MARTELL**

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**I, SEAN FOSTER MARTELL**, of National Highways, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ **WILL SAY** as follows:

1. I have worked for the Claimant, National Highways Limited (and its predecessor organisations) as Head of Service Delivery since 2019. I am duly authorised by the Board of National Highways Limited ("NHL") to make this statement on behalf of NHL.

2. I make this statement in support of NHL's application for an extension of time to the injunction imposed by the Order of Mr Justice Cotter dated 5 May 2023 ("**Original Cotter Order**") (and the 2 further Orders of Mr Justice Cotter dated 24 July 2023 ("**July 2023 Order**") and 3 October 2023 ("**October 2023 Order**") (which orders together are referred to as "**the Cotter Injunction**").
3. The Cotter Injunction, currently in force until 23:59 hrs on 10 May 2024, provided for it to be reviewed at a hearing on 26 April 2024 ("**Review Hearing**").
4. The purpose of this witness statement is to explain why NHL believes it is necessary for the Cotter Injunction to be time extended from 23:59 hrs on 10 May 2024, until 23:59 hrs on 10 May 2026.
5. This statement is made from matters that are within my own knowledge, whether directly or resulting from matters reported to me, both orally and in writing. Where matters are based upon information received from a third-party, including material obtained and reviewed from open-source internet and social media platforms I identify the third-party source and believe the truth of the matters stated. True copies of the press and media I refer to in the footnotes to this witness statement are produced and shown to me in order at "**SFM1**".

### **Background to the JSO protests resulting in the Cotter Injunction**

6. On 13 September 2021, protestors affiliated with Insulate Britain ("**IB**"), an environmental activist group founded by members of the global environmental movement Extinction Rebellion, carried out forms of protest by blocking motorways and other parts of the Strategic Road Network, including the M25 ("**SRN**") (as well as other roads), by their physical presence, usually by sitting down on or gluing themselves to the road surface. The intention was to thereby prevent traffic from proceeding along the highway. Where IB protests took place, they caused traffic jams, congestion, significant tailing-back of traffic and disruption to public services such as the fire and ambulance services and to members of the general public.
7. The IB protests continued until 2 November 2021. The IB protests focused on the M25 in particular, albeit there were also protests on roads leading to the port of Dover (and within London).

8. Between the period of 13 September 2021 and 2 November 2021, IB protests were carried out on the SRN on 16 different days, with some days seeing several different protests occurring simultaneously or throughout the day at different locations on the SRN.
9. On 21 September 2021, an interim injunction in relation to the M25 was granted by Mr Justice Lavender in claim number QB-2021-003576 ("**M25 Injunction**").
10. Following the grant of the M25 Injunction, the IB protests moved southeast along the SRN, and on 24 September 2021 blocked the A20 in Kent and subsequently the port of Dover. On 24 September 2021, Mr Justice Cavanagh granted an injunction in relation to those parts of the SRN in Kent pursuant to claim number QB-2021-003626 ("**Kent Injunction**").
11. On 2 October 2021, Mr Justice Holgate granted an injunction in relation to certain M25 'feeder roads' pursuant to claim number QB-2021-003737 ("**M25 Feeder Roads Injunction**").
12. On 22 October 2021, NHL made its first application for contempt of court in relation to breaches by 9 named Defendants of the M25 Injunction. On 17 November 2021, the Divisional Court gave judgment in *National Highways Limited v Ana Heyatawin and others* [2021] EWHC 3078 (QB), finding that all nine Defendants were in contempt of court and committing them for immediate imprisonment for varying periods of between 3 and 6 months.
13. On 19 November 2021, NHL made a second application for contempt of court in relation to breaches by a further 9 named Defendants of the M25 Injunction. The Divisional Court gave judgment in *National Highways Limited v Benjamin Buse and others* [2021] EWHC 3404 (QB) on 15 December 2021, finding that all nine Defendants were in contempt of court, and committing them for imprisonment for varying periods of between 30 days and 3 months. Six of those Defendants had their periods of imprisonment suspended.
14. On 17 December 2021, NHL made a third application for contempt of court in relation to breaches by 19 named Defendants of the M25 Injunction. The application was determined on 2 February 2022 in *National Highways Limited v Arne Springorum and others* [2022] EWHC 205 (QB). 16 of the Defendants were found in contempt of Court, and they were committed for varying periods of imprisonment of between 24 and 60 days. Eleven of those Defendants had their

periods of imprisonment suspended. The application to commit the other 3 of those Defendants was dismissed as the Court was not satisfied that there had been a breach of the M25 Injunction by them.

15. On 15 February 2022, IB announced via a press release on its website that it had joined 'Just Stop Oil' ("**JSO**"), described as "*a coalition of groups working together to demand that the government immediately halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK*".<sup>1</sup>
16. On 11 March 2022, Animal Rebellion ("**AR**"), an animal and climate justice movement with the stated aim of compelling government action towards a plant-based food system, confirmed that it had joined the JSO coalition and that it "*will be joining Just Stop Oil to demand a just transition to sustainable solutions to the climate crisis*", "*We'll be on the streets in London alongside Just Stop Oil & Extinction Rebellion UK and all the other groups demanding change. Will you join us?*"<sup>2</sup>
17. On 24 March 2022, NHL made an application for summary judgment, seeking to join the three sets of proceedings under which the M25 Injunction, the Kent Injunction and the M25 Feeder Roads Injunction were granted and to be granted a final injunction in terms similar to those granted in the three interim injunctions (***National Highways Limited v Persons Unknown and others*** [2022] EWHC 1105 (QB)). On 9 May 2022, Mr Justice Bennathan made the "**Bennathan Order**", granting a final injunction against the 24 Defendants against whom NHL had made successful contempt of Court applications, and an interim injunction in respect of persons unknown and the remaining named Defendants at that time.
18. NHL successfully appealed the decision of Mr Justice Bennathan at a hearing on 16 February 2023, whereby the Court of Appeal amended the terms of the Bennathan Order such that a final injunction ("**Bennathan Injunction**") was granted against persons unknown and against all named Defendants. The Bennathan Injunction was to remain in force until 9 May 2023 pending further Order.

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<sup>1</sup> <https://insulatebritain.com/2022/02/15/breaking-insulate-britain-jointhe-just-stop-oil-coalition-we-need-to-insulate-britain-we-need-to-just-stop-oil/>

<sup>2</sup> <https://www.facebook.com/AnimalRebellion/photos/a.484325222319719/1131922960893272/?type=3>

19. No direct action by IB and/or JSO took place on the SRN in the period between 3 November 2021 and 19 July 2022, but JSO's campaign continued and its protest tactics varied both in nature and in respect of the areas and/or the organisations targeted. By way of example, incidents included activists seeking to disrupt the BAFTA film awards<sup>3</sup>; invading the pitches during Premier League football games<sup>4</sup>; conducting protests at various art galleries across the UK by spray painting "#JustStopOil" and "No New Oil" inside the galleries and by affixing themselves with superglue to various notable artworks displayed in the galleries<sup>5</sup>; and disrupting the British Grand Prix at Silverstone by entering onto the racetrack<sup>6</sup>.
20. In April 2022, JSO activists targeted ten critical oil facilities near London, Birmingham and Southampton by affixing themselves to the terminals' access roads to prevent oil tankers from entering or exiting the sites, by climbing atop and affixing themselves to oil tankers, and by occupying tunnels dug under the main access roads to the terminals. Further protests took place at petrol forecourts along the M25<sup>7</sup>.
21. On 20 July 2022, JSO protests took place in 3 separate locations on the M25 whereby 5 protestors climbed up and affixed themselves and JSO banners to overhead gantries between Junctions 10 and 11, Junctions 14 and 15, and Junctions 30 and 31. One of those protestors was a named Defendant to the Bennathan Injunction and the remaining four protestors were 'newcomers' who were not named Defendants, nor persons who were capable of being personally served with the Bennathan Injunction. In a press release by JSO on 20 July 2022, it declared the M25 "*a site of civil resistance*".<sup>8</sup> As a result of the protest at Junction 30 and 31, the M25 clockwise carriageway had to be closed by the police

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<sup>3</sup> The Independent, 'Just Stop Oil campaigners stage noisy protest at Baftas', 13 March 2022, <https://www.independent.co.uk/news/uk/baftas-government-tom-hiddleston-royal-albert-hall-london-b2034903.html>

<sup>4</sup> <https://www.bbc.co.uk/news/newsbeat-60795041>

<sup>5</sup> <https://juststopoil.org/2022/07/01/young-supporters-of-just-stop-oil-glue-themselves-to-a-turner-painting-at-manchester-art-gallery/> and <https://juststopoil.org/2022/06/30/young-supporters-of-just-stop-oil-glue-themselves-to-a-van-gogh-painting/>

<sup>6</sup> <https://juststopoil.org/2022/07/03/just-stop-oil-supporters-invade-the-track-at-silverstone-disrupting-the-british-grand-prix/>

<sup>7</sup> <https://juststopoil.org/2022/04/28/breaking-just-stop-oil-disrupts-service-stations/>

<sup>8</sup> <https://juststopoil.org/2022/07/20/just-stop-oil-declares-m25-a-site-of-civil-resistance-after-uk-temperatures-pass-40c/>

between the junctions for almost 6 hours, causing queues of up to 14 miles long with a maximum delay of 90 minutes for users of the clockwise carriageway. Moderate delays were also experienced by the users of the anti-clockwise carriageway, including the A282 Dartford River Crossing between Junctions 1A and 31 with a peak delay time of 25 minutes. The extent of the delay caused to vehicles travelling on the M25 on 20 July 2022 in respect of the protest between Junction 30 and Junction 31 alone is estimated to be 15,492 hours in total, affecting 49,892 vehicles with a total estimated economic cost of £234,543.

22. NHL made its fourth contempt of Court application against the one Named Defendant to the Bennathan Injunction who took part in the 20 July 2022 protest (*National Highways Limited v Louise Lancaster* [2021] EWHC 3080 (KB)). The application was determined on 7 October 2022. The Defendant was found to be in contempt of court and was sentenced to a term of imprisonment of 42 days, suspended for 2 years. No further action could be taken against the four other individuals who took part in the protest on 20 July 2022 as it was not possible for NHL to personally serve those individuals either prior to, or during the course of, the protest.
23. On 8 October 2022, during a continued daily campaign of protests carried out by JSO, it was announced by a JSO press release that AR had joined JSO in that day's protest and that it would "also be taking part in acts of non-violent civil resistance at several iconic locations in the centre of London".<sup>9</sup>
24. From the early morning of 17 October 2022 to the late evening of 18 October 2022, two individuals climbed the suspension cables of the Queen Elizabeth II Bridge at the Dartford Crossing on the M25 and suspended a large JSO banner, and themselves, each in a small hammock, at a height of approximately 200 feet above the carriageway in between the suspension cables. It was described by JSO in a press release of 17 October 2022 as "Day 17" in a month-long campaign of civil resistance<sup>10</sup> and resulted in all four carriageways of the bridge being closed between 05:00 on 17 October 2022 until approximately 22:00 on 18 October 2022. During the peak congestion period arising out of the Defendants' protest activity

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<sup>9</sup><https://juststopoil.org/2022/10/08/just-stop-oil-supporters-joined-by-animal-rebellion-on-8th-day-of-disruption-in-london/>

<sup>10</sup><https://juststopoil.org/2022/10/17/day-17-just-stop-oil-supporters-defy-gravity-by-climbing-the-qe2-bridge-forcing-police-to-close-the-bridge/>

and the subsequent road closure there were queues that reached a peak of 120 minutes in duration and 8.4 miles in length on the anti-clockwise carriageway. On the clockwise carriageway, congestion and therefore delays reached a peak of 120 minutes in duration and 7 miles in length. An estimated 629,206 vehicles were impacted with a total economic cost of £916,696.

25. In November 2022, NHL received information from a journalist that a significant protest action was planned on the M25 Motorway. On 5 November 2022, NHL made an urgent out of hours application for an interim injunction to protect the M25 Motorway from persons unknown intending to undertake environmental protest organised by JSO. Mr Justice Chamberlain granted an interim injunction that same day in relation to the M25 Motorway structures (“**M25 Structures Injunction**”) which prohibited the Defendants from entering or remaining upon or affixing themselves or any object to any Structure on the M25 Motorway or causing, assisting, facilitating or encouraging any other person to enter or remain upon or affix themselves or any object to any Structure on the M25 Motorway.
26. It was necessary for NHL to obtain the M25 Structures Injunction, in addition to the Bennathan Injunction, as whilst the M25 Structures Injunction restrained very similar conduct to that of the Bennathan Injunction, the service provisions of the Bennathan Injunction were confined to either: (i) personal service; or (ii) service via alternative means, namely by posting the Bennathan Injunction through the letterbox or affixing it to the front door of the address for service of the defendants who were named on the Bennathan Injunction. As the identities of those who would take part in the threatened action in November 2022 were unknown to NHL and given the proximity to the first day of the action, it would therefore have been impossible for NHL to serve the Bennathan Injunction upon them in time.
27. Over the course of 7, 8, 9 and 10 November 2022, JSO and AR<sup>11</sup> protestors disrupted the M25 at 38 different locations (“**November 2022 Protests**”) by climbing on to the overhead gantries, resulting in traffic having to be halted, often both clockwise and anti-clockwise, at these multiple locations across the M25. Due to the extent of the area that the protests took place at, six different police forces were required to respond to the protests. It is estimated that a total of 50,854

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<sup>11</sup> <https://www.independent.co.uk/tv/news/m25-just-stop-oil-climate-change-b2221280.html>

cumulative hours of vehicle delays were caused by the protests over the course of the four days, with a total economic cost of £769,996.

28. The M25 Structures Injunction was subsequently confirmed at a return date hearing by Mr Justice Soole on 28 November 2022 against Persons Unknown, and at that time, 65 Named Defendants. The M25 Structures Injunction remained in force until 23:59 hrs on 15 November 2023. NHL did not seek to extend it as by then its roads had the protection of the Cotter Injunction (see paragraph 30 below).
29. On 24 January 2023, NHL issued its fifth contempt of court application in relation to the protest on the Queen Elizabeth II Bridge on 17 and 18 October 2022 against the 2 protestors. The application was due to be heard on 13 and 14 June 2023 after the defendants asked NHL to agree to an adjournment. However, by the time of the hearing, the defendants had been found guilty of public nuisance in criminal proceedings, and sentenced to custodial sentences of 3 years and 2 years and 7 months respectively<sup>12</sup>. NHL took the view, with which the Court agreed, that due to those sentences (which the Court would have had regard to in determining sanction in the civil proceedings) there was no longer any public interest in pursuing the contempt application notwithstanding the very serious breach of the Bennathan Injunction, as the Court would be very limited in the sanction it could impose and its infrastructure was protected from these 2 protestors whilst ever they were in in jail.
30. On 24 April 2023, the Bennathan Injunction came before Mr Justice Cotter for review at a hearing where NHL was represented by Leading Counsel and some of the Named Defendants lodged submissions. This resulted in an Order dated 5 May 2023 (“**Original Cotter Order**”) (and 2 further Orders dated 24 July 2023 (“**July 2023 Order**”) and 3 October 2023 (“**October 2023 Order**”), which orders together are known as the “**Cotter Injunction**”.
31. The Cotter Injunction in simple terms varied the terms of the Bennathan Injunction extending its term to 23:59 hrs on 10 May 2024 and provided for the Review Hearing, as well as the removal of the majority of Named Defendants to the Bennathan Injunction, as a consequence of those Defendants providing to the Court undertakings that they would comply with the terms of the Cotter Injunction until 10 May 2025. 10 Named Defendants have not engaged or provided the

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<sup>12</sup> <https://www.theguardian.com/environment/2023/apr/21/just-stop-oil-protesters-jailed-for-dartford-crossing-protest>



proposed undertaking they were offered by the Court. They remain as Named Defendants to the Cotter Injunction and are listed by name at Schedule 1 of the draft Order sought by the Claimant at this Review Hearing. The Cotter Injunction is now the only injunction obtained by NHL which remains in force due to the fact that the M25 Structures Injunction lapsed by effluxion of time on 15 November 2023. The Cotter Injunction is therefore now the only injunctive protection that NHL has over the relevant roads to restrain unlawful protest activity. NHL reconfirms that the Cotter Injunction is not intended to prohibit lawful protest which does not block or endanger, or prevent the free flow of traffic on the Roads defined in paragraph 1 of the Original Cotter Order.

32. On 27 April 2023, NHL issued its sixth contempt of court application arising out of the November 2022 Protests whereby Essex and Kent police forces made arrests against 12 Defendants. The hearing commenced on 23 October 2023. Each of the 12 Named Defendants were found to be in contempt of court for breach of the M25 Structures Injunction. Ten Defendants were given no sanction on the basis of lack of actual knowledge of the injunction. One Defendant was given a 24-month suspended prison sentence for 40 days on terms that with immediate effect and until 23:59 hrs on 10 November 2025 the Defendant would not breach the terms of the M25 Structures Injunction. The remaining Defendant received a 24-month suspended prison sentence for 80 days on terms that with immediate effect and until 23:59 hrs on 10 November 2025 the Defendant would not breach the terms of the M25 Structures Injunction.
33. On 10 August 2023 NHL issued its seventh contempt of court application arising out of the November 2022 Protests whereby Surrey police force made arrests against 18 Defendants. The hearing commenced on 5 March 2024. The Court was offered and accepted undertakings from 11 Defendants who admitted breach of the M25 Structures Injunction each of whom promised to the Court that for a period of 2 years up to midnight on 28 February 2026 not to breach the terms of the M25 Structures Injunction. Five of the Defendants were each found to be in contempt of court for breach of the M25 Structures Injunction. No further sanction was given to 2 of the Defendants. One Defendant received a custodial sentence of 40 days suspended for 24 months on terms that until 23:59 on 8 March 2026 they would not breach the terms of the M25 Structures Injunction. 2 Defendants received a custodial sentence of 32 days suspended for 24 months on terms that until 23:59 on 8 March 2026 they would not breach the terms of the M25

Structures Injunction. The hearing was adjourned against 2 Defendants until 17 May 2024 as their trial could not proceed given that they chose to glue themselves to the gates of the Royal Courts of Justice<sup>13</sup>, for which they were arrested by the police. One of the Defendants is on remand in prison and has been refused bail pending trial for this action.

34. On 10 August 2023, NHL issued its eighth contempt of court application arising out of the November 2022 Protests whereby Thames, Hertfordshire and the Metropolitan Police made arrests against 14 Defendants. The hearing is listed to be heard on 4 June 2024 currently for 5 days. Several of the Defendants have already provided undertakings by consent admitting breach of the M25 Structures Injunction and have promised that for a period of 2 years up to midnight on 28 February 2026 not to breach the terms of the M25 Structures Injunction. Those undertakings will be submitted to the court prior to the hearing. The position to be taken by other Defendants remains unknown at this time.
35. No further protests have taken place directly on the SRN since 10 November 2022. In my opinion, that is because the approach of NHL in seeking the Court's protection and making applications for committal has been effective in making clear to potential direct action protestors that unlawful activity on the SRN will not be tolerated by NHL, or the Court. However, as I refer to at paragraph 36 onwards below, the SRN has been impacted by continued JSO protest action. I consider that there remains at significant risk of unlawful protest activity on the SRN if the protection of the Court were not to continue.

#### **Basis for the maintenance and extension of the Cotter Injunction**

36. Although there has been no direct protest activity on the SRN since the November 2022 Protests, JSO has continued to cause sustained and regular disruption in Central London in particular on roads and bridges in the control, management and ownership of Transport for London (as opposed to NHL). JSO has blocked many roads and bridges in London for significant periods of time between 1 October 2022 and the present.
37. The JSO protest activity has been widely reported by the media. Other direct action protests have disrupted major events in London such as Wimbledon Tennis,

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<sup>13</sup> <https://www.gbnews.com/news/just-stop-oil-activists-glue-royal-courts-of-justice-london>

an Ashes Test Match at Lords and the Chelsea Flower show and elsewhere. Outside of London, JSO have caused disruption at the World Snooker Championship in Sheffield<sup>14</sup> and similar style direct action protest took place at the Grand National horse race in Aintree, Liverpool and on the nearby M57 on 15 April 2023<sup>15</sup> (albeit the protest group involved was I understand “Animal Rising” who campaign about animal welfare). Indeed, in the earlier daily press releases on JSO's website, the group stated: "This is not a one day event, expect us every day and anywhere"<sup>16</sup>, and “We will not be intimidated by changes to the law, we will not be stopped by injunctions sought to silence nonviolent people. These are irrelevant when set against mass starvation, slaughter, the loss of our rights, freedoms and communities.”<sup>17</sup> These sorts of statements which JSO have acted and continue to act upon have been and continue to be a common theme throughout all of their press releases up until their more current ones.

38. It is for these reasons that in my view is that JSO continue to undertake a sustained and continuous campaign, and JSO members continue to diversify their tactics and aim to cause disruption to as many people as possible. The Bennathan Injunction and Cotter Injunction have undoubtedly had, and continue to have, a deterrent effect. It is my belief that to date there have been no further protests on the SRN since the November 2022 Protests because of NHL diligently enforcing these civil injunctions in 8 contempt applications. This deterrent effect is the main justification for seeking a time extension to the Cotter Injunction as there is no firm intelligence to suggest what and whom JSO may target next. In light of the continued willingness of JSO and other protest groups to undertake unlawful direct action, it would not be right, in my opinion, to equate lack of very recent protests on the SRN with a lack of need to continued protection for those roads.
39. By way of example, recent press releases suggest that JSO have and will continue to target the homes of Members of Parliament<sup>18</sup> and airports with the intent of

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<sup>14</sup><https://www.theguardian.com/sport/2023/apr/17/world-snooker-championship-disrupted-just-stop-oil-protestors-crucible-theatre-sheffield>

<sup>15</sup><https://www.dailymail.co.uk/news/article-11976887/Militant-animal-rights-activists-CLOSE-M57-motorway-near-Aintree-gluing-road.html>

<sup>16</sup><https://juststopoil.org/2022/10/22/day-22-just-stop-oil-blocks-roads-in-islington-to-demand-no-new-oil-and-gas/>

<sup>17</sup><https://juststopoil.org/2022/10/16/a-response-to-home-secretary-suella-braverman/>

<sup>18</sup><https://juststopoil.org/2024/03/15/just-stop-oil-supporters-disrupt-climate-criminal-mp/>

disrupting summer holidays to the detriment of the general public<sup>19</sup>. A JSO post on X from 10 March 2024 confirms that action will be taken at airports<sup>20</sup>. A spokesperson for JSO says in the *Daily Mail* article “High-profile actions are going to be happening in March against politicians. and in April we've got this four-day action phase. I'm not going to say the details because we want them to be nice and unprepared waiting for us.”

40. This threat could amount to anything. This was evidenced when JSO supporters halted the coach driving 23 asylum seekers to the Bibby Stockholm on 18 October 2023<sup>21</sup>. The same *Mail* article also suggests “The latest plot is part of an overhaul of the structure of Just Stop Oil (JSO), with the formation of a new organisation called 'Umbrella' under which JSO will be one of four wings. It will also include a youth wing called Youth Demand, a political wing – Assemble – and one for socio-economic issues called Robin Hood.”
41. Very recently on 18 March 2024, JSO targeted GB News at their offices in Paddington by throwing fake oil outside the TV Channel’s Main studio<sup>22</sup>. NHL’s own lawyers have also been targeted by JSO on 24 October 2023<sup>23</sup> and most recently by “Injunction Injustice” on 5 December 2023<sup>24</sup> which is an organisation supported by JSO members. On 22 January 2024, JSO supporters gathered outside Parliament in protest activity concerning the Offshore Petroleum Licensing Bill<sup>25</sup>. JSO are also joining forces with Pro – Palestine Protestors marching through Central London<sup>26</sup>.
42. That expanded JSO activity continues to involve unlawful action on roads. One of JSO’s tactics is blocking the roads by carrying out ‘go slow marches’. Such protests involve members of JSO walking slowly along the roads which brings the

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<sup>19</sup> <https://www.dailymail.co.uk/news/article-13177841/Eco-mob-plot-ruin-summer-holidays-disrupt-flights.html>

<sup>20</sup> [https://twitter.com/JustStop\\_Oil/status/1766787110508331466](https://twitter.com/JustStop_Oil/status/1766787110508331466)

<sup>21</sup> <https://www.thecanary.co.uk/2023/10/20/bibby-stockholm-protest-was-just-stop-oils-best-action-yet-because-climate-justice-is-inextricably-intersectional/>

<sup>22</sup> <https://www.independent.co.uk/climate-change/news/gb-news-paddington-london-extinction-rebellion-jacob-reesmoggb2514318.html>

<sup>23</sup> <https://juststopoil.org/2023/10/24/just-stop-oil-supporters-target-law-firm-responsible-for-national-highway-ltd-injunctions/>

<sup>24</sup> <https://juststopoil.org/2023/12/07/are-you-discussing-genocide-injunction-injustice-targets-dla-piper/>

<sup>25</sup> [https://twitter.com/JustStop\\_Oil/status/1749360793416618402?s=20](https://twitter.com/JustStop_Oil/status/1749360793416618402?s=20)

<sup>26</sup> <https://www.gbnews.com/news/just-stop-oil-pro-palestine-protest-london>

traffic to an almost stand-still. Such forms of protest have been carried out on numerous dates in November and December 2022 not just in Central London<sup>27</sup>, but elsewhere in the UK, for example, on 19 January 2023 in Sheffield<sup>28</sup>, 28 January 2023 in Manchester<sup>29</sup>, 18 February 2023 in Liverpool, Norwich and Brighton<sup>30</sup>, 18 March 2023 in Bristol, Lancaster and Ipswich<sup>31</sup>, and on 25 March 2023 in Leeds and Coventry<sup>32</sup>. Whilst there was no direct incursion onto the SRN by the protestors on these dates, the 28 January 2023 protest in Manchester caused congestion on the M602 eastbound carriageway as traffic was held to divert traffic away from the roads which the protestors were slow walking along.

43. JSO continues to actively recruit new members via various means including by the organisation's website, asking potential new recruits to sign up<sup>33</sup>. JSO organise events, training and how to get involved. I am aware that JSO requires its members to undertake various forms of training, including "Height Training" and "Legal Briefing" training before taking part in planned protest action under the banner of JSO. The training is described by JSO as "mandatory".
44. On 13 March 2023, the *Guardian* published an article<sup>34</sup> about a new design for motorway gantries that had been announced by NHL in the wake of the November 2022 gantry protests that necessitated the M25 Structures Injunction. A spokesperson for JSO is quoted in the article as saying: "Just Stop Oil have always said the disruption will end immediately when the government agrees to end new oil and gas. Until then **we look forward to the challenges the new gantry**

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<sup>27</sup> <https://juststopoil.org/2022/12/12/just-stop-oil-supporters-slow-march-again-as-government-threatens-law-change-to-silence-all-dissent/>

<sup>28</sup> <https://juststopoil.org/2023/01/19/just-stop-oil-stages-go-slow-march-in-sheffield/>

<sup>29</sup> <https://juststopoil.org/2023/01/28/just-stop-oil-stages-go-slow-march-in-manchester-today/>

<sup>30</sup> <https://juststopoil.org/2023/02/18/just-stop-oil-stages-go-slow-marches-in-liverpool-norwich-and-brighton/>

<sup>31</sup> <https://juststopoil.org/2023/03/18/100-just-stop-oil-supporters-march-slowly-through-3-city-centres-causing-severe-traffic-delays/>

<sup>32</sup> <https://juststopoil.org/2023/03/25/barclays-sprayed-with-orange-paint-while-just-stop-oil-supporters-slow-march-through-leeds-and-coventry/>

<sup>33</sup> <https://juststopoil.org/get-involved/>

<sup>34</sup> <https://www.theguardian.com/uk-news/2023/mar/13/english-motorway-gantries-get-new-more-secure-design-just-stop-oil#:~:text=One%20man%2C%20Jan%20Goodey%2C%20was,the%20new%20gantry%20designs%20provide.%E2%80%9D>

**designs provide**” (my emphasis added). This is a fairly obvious threat of continued disruption to the SRN.

45. On 4 April 2023 after the defendants who carried out the JSO protest on the QEII Bridge were found guilty of causing a public nuisance, a JSO member was interviewed by the *Daily Mail*<sup>35</sup> and is quoted: “Just Stop Oil will not stop. The climate crisis is more terrifying than 10 years in a British cell.” When asked if a protest of the same nature as that which took place on the QEII Bridge on 17 and 18 October 2022 would be carried out by JSO again, he responded: “It is hard to tell. As the climate crisis gets worse and worse – young people aren’t going to die for an oil baron’s profits, we aren’t going to lie down easily, we’re not going to take it, we will fight back”. When asked about how the Defendants would react to a custodial sentence being imposed for their protest action, he replies: “it is not a deterrent for us”.
46. There is no evidence that JSO protests in whatever form they take will cease at any time in the near future<sup>36</sup>. In fact, the position is quite the opposite. The Defendant I refer to at paragraph 33 who is in jail following their arrest having glued themselves to the gates of the Royal Courts of Justice on 6 March 2024 has issued a press release in which they say “I’m being held in prison not because I present a harm to anyone or am a danger to society, but because I refuse to stop being in nonviolent civil resistance. Why not hold me there for the rest of my life? I’m not going to stop taking action. We are in an urgent crisis and I cannot morally respect bail conditions which prevent necessary action. I need to act on the side of life. So if you put me in prison, so be it. You will have stripped me of my power, but I know that there are other people who will fight on.” In the same article it is said “until we stop Tory oil, supporters of Just Stop Oil will continue taking proportionate action to demand necessary change. Sign up for action at [juststopoil.org](https://juststopoil.org).”
47. In a recent press release from JSO dated 3 March 2024<sup>37</sup> suggests a “revolution” is needed and suggests that “Just Stop Oil will continue to be the major focus until we win, but we have a new three part demand: No New Oil, Revoke Tory Licences

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<sup>35</sup> <https://www.dailymail.co.uk/news/article-11937665/Moment-Just-Stop-Oil-eco-zealot-sings-protest-song-police-hauled-Dartford-Crossing.html>

<sup>36</sup> <https://juststopoil.org/2024/03/14/just-stop-oil-supporter-denied-bail-and-remains-remanded-in-prison-without-trial/>

<sup>37</sup> <https://juststopoil.org/2024/03/03/we-need-a-revolution-whats-the-plan/>

and Just Stop Oil by 2030. In addition to disrupting high-profile cultural events and continuing our Stop Tory Oil campaign, focussing on MP's and those in power, this summer Just Stop Oil will commence a campaign of high-level actions at sites of key importance to the fossil fuel industry – airports.” As the Court will be aware, major UK airports are well connected to the SRN, as are many industries and businesses which like airports chose to locate with convenient access to the SRN.<sup>38</sup>

48. On 10 March 2024 an individual whom was previously a named Defendant and member of JSO tweeted a video of her speaking at a meeting suggesting that JSO would intend to “continue to resist” and “ratchet it up” in the context of further protest activity where again airports were singled out.
49. Whilst the Bennathan Injunction and Cotter Injunction have evidently not extinguished the desire of JSO protestors to take part in protests, and public statements by JSO have throughout emphasised the desire of protestors to continue protesting despite the risk of legal sanctions, the timeline of the IB / JSO protests, as shown above, indicates that NHL injunctions have had a deterrent effect.
50. It is crucial therefore that the Cotter Injunction remains in force given its deterrent assistance to NHL's activities and its ability to ensure that the roads it is responsible for as highways authority can be safely and properly used by other road users, the emergency services and NHL's personnel.
51. At the hearing of NHL's appeal of the Benathan Injunction on 16 February 2023, Matthew Tully, one of two individuals who had been chosen to speak on behalf of the respondents who attended the Appeal Hearing (and who was a named defendant to the Bennathan Order), stated that the Bennathan Order had had an impact on the defendants who were named on it, and “in fact, 109 of us did listen and take note of the injunction and we didn't do further protests at the injunction sites. We might have done other protests at other sites but we didn't do injunctions (sic) at the injunction sites precisely because the injunction was in place”. David Crawford also addressed the Court on behalf of the Respondents and stated: “I chose not to break the injunction once the injunction was issued”.

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<sup>38</sup> [https://twitter.com/JustStop\\_Oil/status/1766787110508331466](https://twitter.com/JustStop_Oil/status/1766787110508331466)

52. In a witness statement dated 22 March 2022 given in support of NHL's application for summary judgment which resulted in the grant of the Bennathan Injunction, my colleague Nicola Bell explained the strategic importance of the roads which are now subject of the then Bennathan Injunction and the Cotter Injunction. The information Ms. Bell gives in her statement at paragraphs 9 to 18 as to the importance of the various roads which are subject to the Bennathan Order remains the case, and I agree with all of the statements made in that regard. The statement will be available in the Bundle at the Review Hearing.
53. As is also addressed in Nicola Bell's witness statement, the JSO protests, as well as being unlawful, are extremely disruptive (and thus expensive) and dangerous for the protestors, police, NHL's staff and members of the public. In outline:
- 53.1 The land covered by the Cotter Injunction includes active roads; some of which are amongst the busiest in England.
- 53.2 The mere presence of unauthorised protestors on the land covered by the Cotter Injunction is unsafe at any time of the day and has often required parts of the roads to be closed whilst the police remove the protestors from the road. The JSO protests carry obvious and serious risk of life to road users and also to the protestors themselves. There is also a heightened risk to the lives of the emergency services personnel responding to the actions and behaviour of the protestors on a highspeed road network.
- 53.3 Incidents reported in the news have shown that the behaviour of those participating in the JSO protests may lead to breaches of the peace due to the anxiety and frustration understandably caused to members of the public using the roads which have been blocked. Example of articles reporting numerous incidents where the behaviour of those participating in the JSO protests has led to tension and confrontation with members of the public:
- 53.3.1 On 11 October 2022, it was reported that road users "took the law into their own hands and tried to physically drag environmental protesters out of the road" after JSO had blocked roads in central London for the 11<sup>th</sup> day in a row. There are numerous similar reports of members of the public physically intervening in JSO



protests on the roads during a sustained period of action by JSO in October 2022.<sup>39</sup>

53.3.2 On 17 October 2022, members of the public shot fireworks towards the two JSO protestors carrying out the protest on the Queen Elizabeth II Bridge.<sup>40</sup>

53.3.3 On 31 October 2022, it was reported that a ‘furious’ passer-by had intervened to stop a JSO protestor from vandalising a building which resulted in a physical altercation.<sup>41</sup>

53.4 Very considerable police resources have been required to assist with incidents on the land covered by the Cotter Injunction. According to an article published by the BBC on 5 February 2023<sup>42</sup>, more than 13,600 police officer shifts were involved in responding to JSO protests in the periods between 1 October 2022 to 14 November 2022 and from 28 November 2022 to 14 December 2022 alone, costing the Metropolitan Police £7.5 million in staffing, over time and vehicle use in the space of nine weeks. In a more recent article on BBC News on 7 December 2023 the Metropolitan Police have said that since the first JSO protests in 2022 the hundreds of protests which have involved the police have cost in the order of £20,000,000 accounting for roughly 300 officers being taken off front line policing each day<sup>43</sup>.

53.5 NHL has also had to divert significant resources and incur additional costs to deal with the protestors. Its legal costs alone (I am advised by NHL)

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<sup>39</sup> <https://www.telegraph.co.uk/news/2022/10/11/just-stop-oil-drivers-drag-protesters-street-knightsbridge-blockade/#:~:text=Download%20our%20app-,Just%20Stop%20Oil%3A%20Motorists%20take%20law%20into%20own%20hands%20as,to%20stop%20protesters%20blocking%20roads&text=Frustrated%20motorists%20took%20the%20law,to%20the%20law%20before%20acting.>

<sup>40</sup> <https://www.kentonline.co.uk/dartford/news/fireworks-aimed-at-just-stop-oil-protestors-275455/>

<sup>41</sup> [https://uk.news.yahoo.com/man-tackles-just-stop-oil-151804285.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_sig=AQAAACeGEklv9R1ev4q7E4s6BsIRQwFoUWysdaHGfKcl47S9jBN4T3PbpOO1OMriPxigRxdUT12HsFExGBncNfRjdPbV1LTa3qx8EsZGq8nioSwZHURPPvPHCfv\\_-O2P2Tisc7QkZA7ItlhgJuLGVVoJafeevDz4s5ESB0sV6yOWS1v](https://uk.news.yahoo.com/man-tackles-just-stop-oil-151804285.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAACeGEklv9R1ev4q7E4s6BsIRQwFoUWysdaHGfKcl47S9jBN4T3PbpOO1OMriPxigRxdUT12HsFExGBncNfRjdPbV1LTa3qx8EsZGq8nioSwZHURPPvPHCfv_-O2P2Tisc7QkZA7ItlhgJuLGVVoJafeevDz4s5ESB0sV6yOWS1v)

<sup>42</sup> <https://www.bbc.co.uk/news/uk-england-london-64528981>

<sup>43</sup> <https://www.bbc.co.uk/news/uk-england-london-67639741>

are considerably more than £2 million. All of these costs are ultimately borne by the public purse.

53.6 The broader economic impacts of the JSO protests and potential for economic disruption in terms of the disruption caused to commuters and other persons being unable to go about their daily business are significant.

53.7 The JSO protests entail significant disruption to the SRN. A consistent, and intended, feature of the JSO protests is that they make it impossible, while they are effective, for traffic to proceed if they were to re-occur.

54. Given the importance of those parts of the SRN covered by the Cotter Injunction, the highly disruptive and inherently dangerous effect of the JSO protests, JSO's stated commitment to continuing their campaign and strength of belief in that campaign, NHL is operating on the basis that the risk of further JSO protests is real and imminent. JSO's more recent statements certainly indicate that the campaign is ongoing and that future protests are imminent. The timeline of JSO protests so far has shown that JSO's statements deserve to be taken seriously.

55. NHL seeks in this context an extension of the Cotter Injunction until 23:59 hrs on 10 May 2026. The reason for this date is that most of the Defendants in the seventh and eight contempt applications relating to the November 2022 Protests (see paragraphs 33 and 34) have given undertakings not to breach the Cotter Injunction until midnight on 28 February 2026. Moreover, NHL has asked for two years for this injunction extension as that strikes a fair balance between the need for the injunction, and the costs (in time and money) for NHL to prepare for, and attend, injunction extension proceedings. I am aware that NHL is under a separate duty to keep any injunction under review, and that the injunction orders previously granted contain provisions to allow people to apply to the Court to vary the injunction. In my opinion, if the Court were prepared to extend the Cotter Injunction for a further period of two years, that would be proportionate and fair to all parties, including the taxpayer, given the protection which is built into the proposed draft order.

### **Statement of Truth**

56. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or

causes to be made, a false statement in a document verified by a statement of truth  
without an honest belief in its truth.

Dated 26 March 2024

A handwritten signature in black ink, appearing to read 'SEAN FOSTER MARTELL', written over a dotted line.

**SEAN FOSTER MARTELL**

On behalf of: the Claimant  
By: Sean Foster Martell  
No: 2  
Exhibit: "SFM1"

Date:

**QB-2021-003576**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**BETWEEN:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

- and -

**(1) PERSONS UNKNOWN CAUSING  
THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF  
TRAFFIC ON THE M25 MOTORWAY,  
A2 A20 AND A2070 TRUNK ROADS AND  
M2 AND M20 MOTORWAY, A1(M), A3,  
A12, A13, A21, A23, A30, A414 AND A3113  
TRUNK ROADS AND THE M1, M3, M4,  
M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF  
PROTESTING**

**(2) MX CATHERINE RENNIE-NASH AND 9 OTHERS**

Defendants

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**SECOND WITNESS STATEMENT OF  
SEAN FOSTER MARTELL**

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