



TUESDAY 14 MARCH 2023



## IN THE COURT OF APPEAL

ON APPEAL FROM KING'S BENCH DIVISION  
QB-2021-003576

CA-2022-001066

BEFORE DAME VICTORIA SHARP PRESIDENT OF THE KING'S BENCH DIVISION  
SIR JULIAN FLAUX, THE CHANCELLOR OF THE HIGH COURT  
LORD JUSTICE LEWISON

### B E T W E E N

NATIONAL HIGHWAYS LIMITED

CLAIMANT /  
APPELLANT

ON PAPER

Application No.

CA-2022-001066

- 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. MR ALEXANDER RODGER AND 132 OTHERS

DEFENDANTS/  
RESPONDENTS

**UPON** the Appellant's application for summary judgment and appeal against the Orders of the Mr Justice Bennathan dated respectively 9 May 2022 ("**the Injunction Order**") and 12 May 2022 ("**the Judgment Order**") which dismissed the Appellant's application for summary judgment against the First Respondents and 109 of the Second Respondents

**AND UPON** this Court having varied the Order of Bennathan J dated 9 May 2022 (the "**Injunction Order**") as set out in paragraph 2 of this Order and set aside the Order of Bennathan J dated 12 May 2022 (the "**Judgment Order**")

**AND UPON** the Appellant confirming that this Order 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 5 of this Order

**AND UPON** hearing Leading and Junior Counsel for the Appellant and Mr Crawford and Mr Tulley, two of the named Respondents, in person

**IT IS ORDERED THAT:-**

1. The appeal is allowed.
2. Excepting paragraphs 5 to 8 and 17 thereof, the Injunction Order is set aside.
3. The “Named Defendants” are those Defendants with their numerical designations (e.g. D1, D2 etc.) whose names appear in the revised and re-numbered Schedule 1 annexed to this Order to reflect the Order made at paragraph 7.
4. The term “Defendants” refers to both “persons unknown” as defined as First Defendant in paragraph 6 of the Injunction Order and to the Named Defendants.
5. For the purposes of this Order, “the Roads” shall mean all of the following:
  - 5.1. The M25, meaning the London Orbital Motorway and shown in red on the plans at Appendix 1 annexed to this Order.
  - 5.2. The A2, A20, A2070, M2 and M20, meaning the roads shown in blue and green on the plans at Appendix 2 annexed to this Order.
  - 5.3. The A1(M) (Junction 1 to Junction 6), A1 (from A1M to Rowley Lane and from Fiveways Corner roundabout to Hilltop Gardens), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A1023 (Brook Street) (from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access), A13 (M25 Junction 30 to A1089), A13 (from junction with A1306 for Wennington to M25 Junction 30), A1089 (from junction with A13 to Port of Tilbury entrance), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A316 (from M3 Junction 1 to Felthamhill Brook), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray’s

River Bridge), M1 (Junction 1 to Junction 8), A405 (from M25 Junction 21A to M1 Junction 6), A1 (from Fiveways Corner roundabout to Hilltop Gardens), and A414 (M1 Junction 8 to A405), meaning the roads shown in red on the plan at Appendix 3 annexed to this Order;

- 5.4. In the case of each of the Roads, the reference to the Roads shall include all carriageways, hard shoulders, central reservations, motorway (including the A1(M)) verges, slip roads, roundabouts (including those at junctions providing access to and from the Roads), gantries, traffic tunnels, traffic bridges including in the case of the M25 the Dartford Crossing and Queen Elizabeth II Bridge and other highway structures whether over, under or adjacent to the motorway/trunk road, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, lay-bys, police observation points/park up points, and emergency refuge areas.
6. From 10 June 2022 until 23.59 hrs on 9 May 2023 the Respondents and each of them are forbidden from:
  - 6.1. Blocking or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.
  - 6.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.
  - 6.3. Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

**Alternative service**

7. The Appellant is permitted in addition to personal service to serve this Order on the Second Respondents and any other named defendants by the following methods together:
  - 7.1. service of the sealed Order on Insulate Britain by email to their known email addresses [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com); and
  - 7.2. posting a copy of this Order through the letterbox of each named defendant (or leaving it in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a Court Order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The Notices shall be given in prominent lettering in the form set out in Appendix 4.
8. The Appellant is directed to take the following steps to publicise the existence of this Order:
  - 8.1. Placing copies of the Order on the National Highways website;
  - 8.2. Advertising the existence of this Order in the London Gazette;
  - 8.3. Sending a copy of this Order to Insulate Britain's known email addresses: [ring2021@protonmail.com](mailto:ring2021@protonmail.com) and [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com).
9. For the avoidance of doubt, persons who have not been served with this Order by an acceptable method are not bound by its terms. Compliance with paragraphs 7.1 and 8.1 – 8.3 above **does not constitute service** on any Defendant, nor does a failure to comply with paragraph 11 above constitute a failure of service.  
  
**Third-Party Disclosure**
10. Pursuant to CPR 31.17, the Chief Constables for those forces listed in Schedule 3 to this Order shall procure that the officers within their forces disclose to the Appellant:

- 10.1. all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the Roads referred to in these proceedings; and
  - 10.2. all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of this Order.
11. Without the permission of the Court, the Appellant shall not make use of any document disclosed by virtue of paragraph 10 of this Order, other than for one or more of the following uses:
    - 11.1. applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;
    - 11.2. investigating, formulating, pleading and prosecuting any claim within these proceedings arising out of any alleged breach of this Order;
    - 11.3. use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any Order made within these proceedings.
  12. Until further Order, the postal address and/or address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.
  13. The Appellant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill (owen.weatherill@npocc.police.uk), by email only.

**Further directions**

14. The Respondents or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Appellant's solicitors by email to the addresses specified at paragraph 21 below 48 hours before making such application of the nature of such application and the basis for it.

15. Any person applying to vary or discharge this Order must provide their full name and address, and address for service to the Claimant and to the Court, and must also apply to be joined as a named defendant to these proceedings at the same time.
16. The Appellant has liberty to apply to extend, vary or discharge this Order, or for further directions.

### **COSTS**

17. There will be no variation of the costs Order dated 16 January 2023 of Bennathan J and no order as to costs of the appeal.

### **REASONS**

1. The appeal was pursued by the Appellant essentially as being in the public interest. The Second Respondents did not formally oppose the appeal and although two of the 109 named defendants addressed the Court at the hearing, very little time was taken up by that presentation and it cannot have increased the Appellant's costs to any appreciable extent. The Court considers it would be unreasonable and disproportionate to order the Second Respondents to pay any of the costs of the appeal.
2. The Court sees no reason to vary the costs Order made by the judge. It will be for the High Court at any review hearing to determine what if any costs Order to make in the case.

### **COMMUNICATIONS WITH THE CLAIMANT**

18. The Appellant's solicitors and their contact details are:

DLA Piper UK LLP

Attention: Petra Billing and Rob Shaw

1 St. Paul's Place

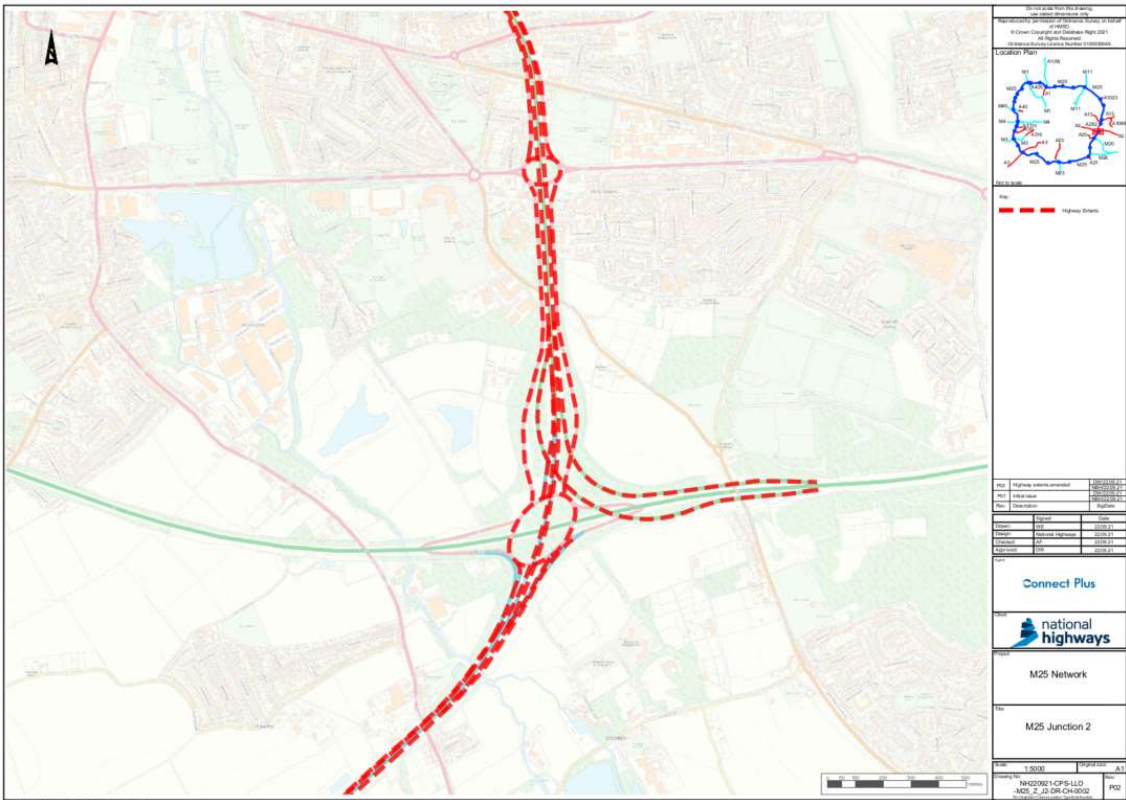
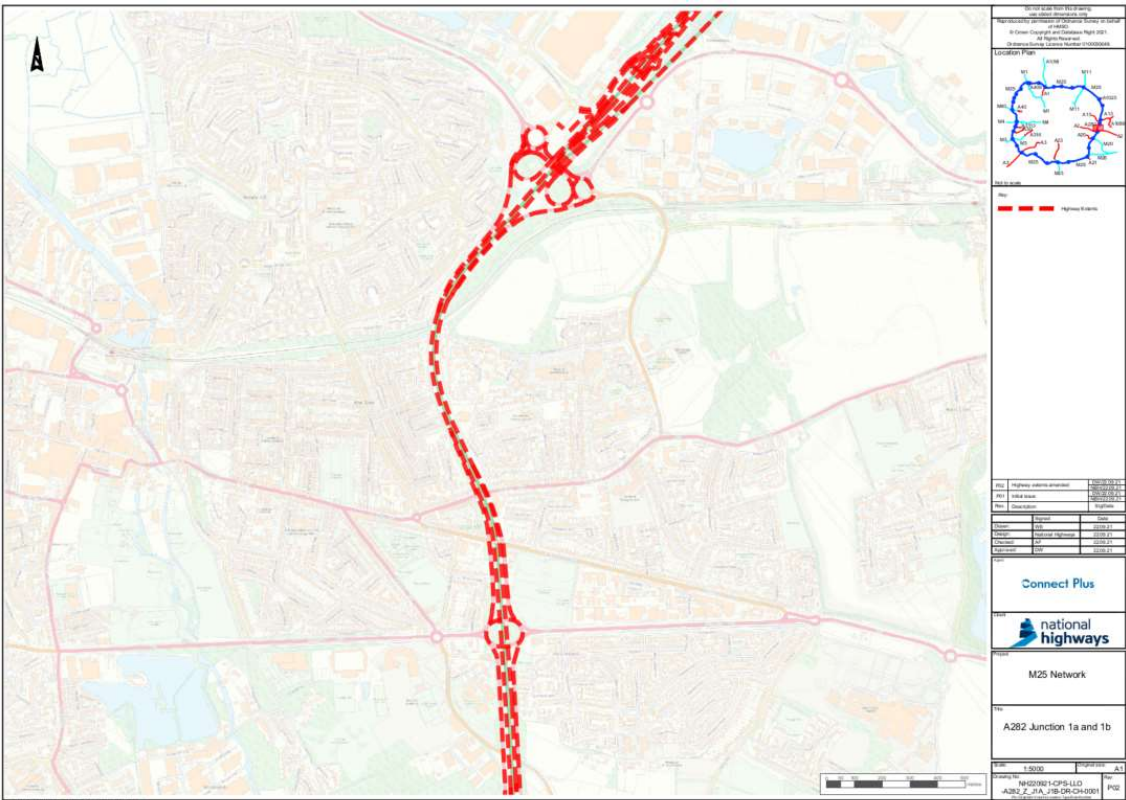
Sheffield S1 2JX

**E: [petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) and [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com)**

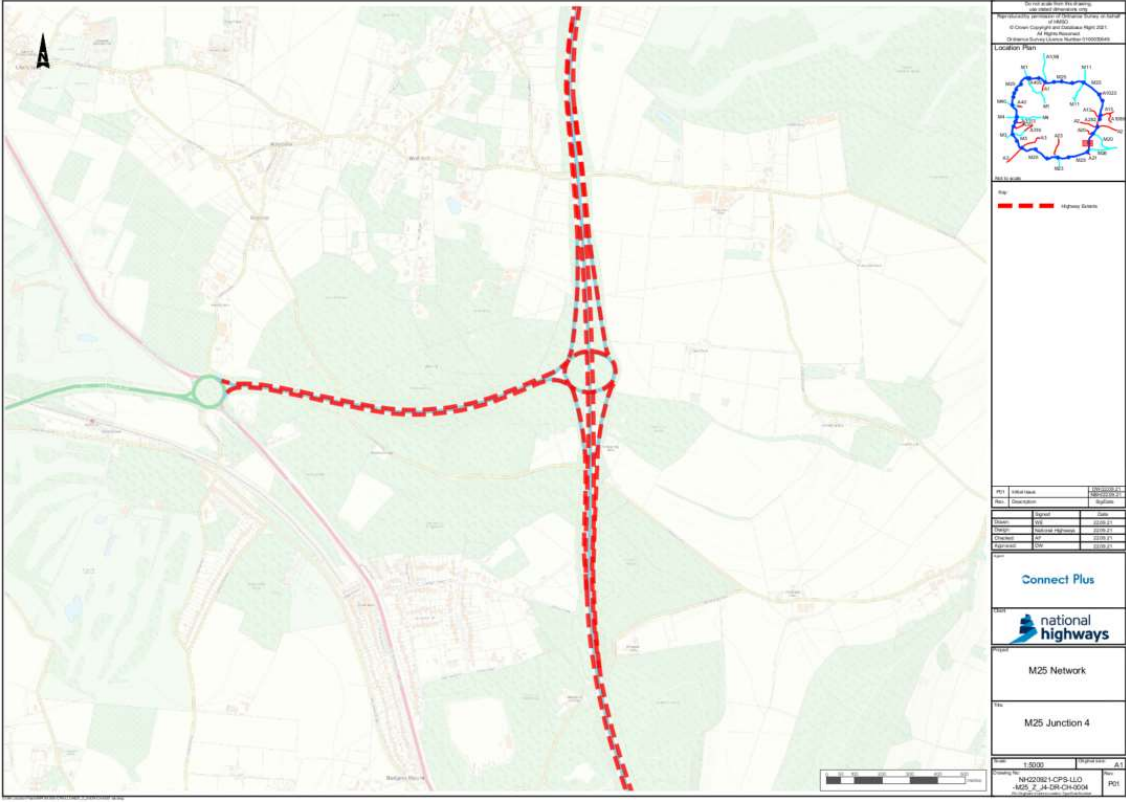
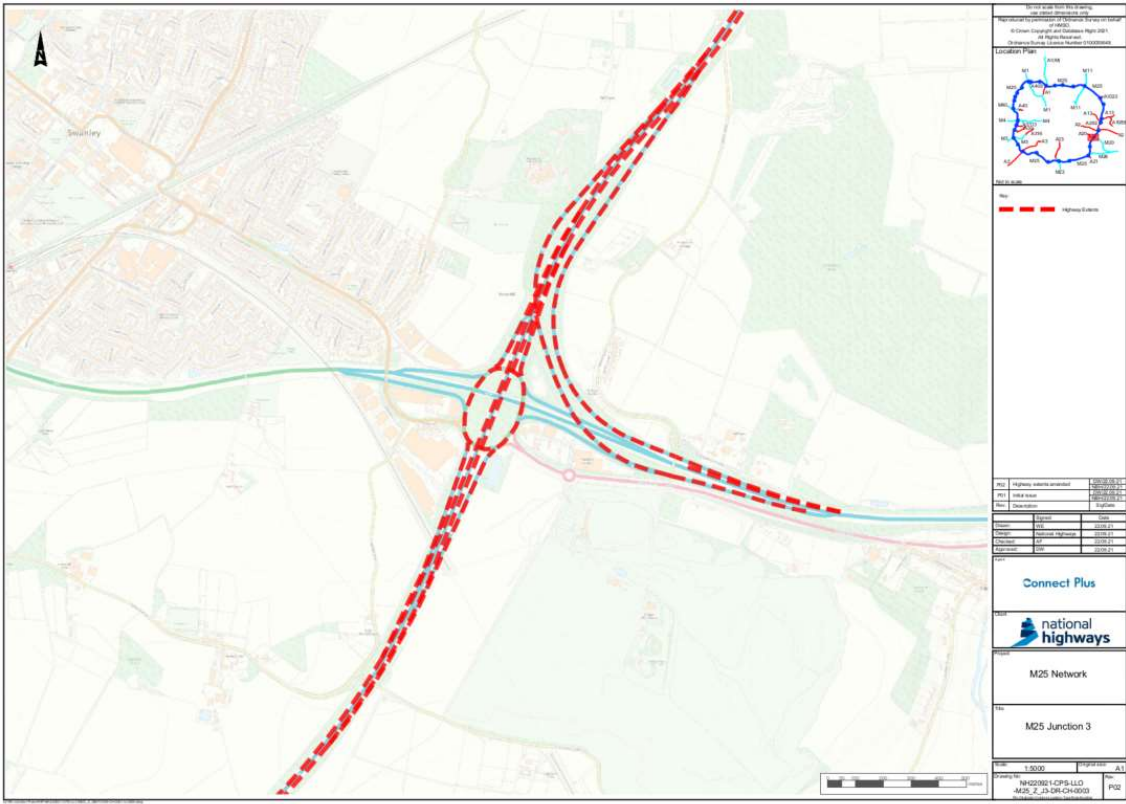
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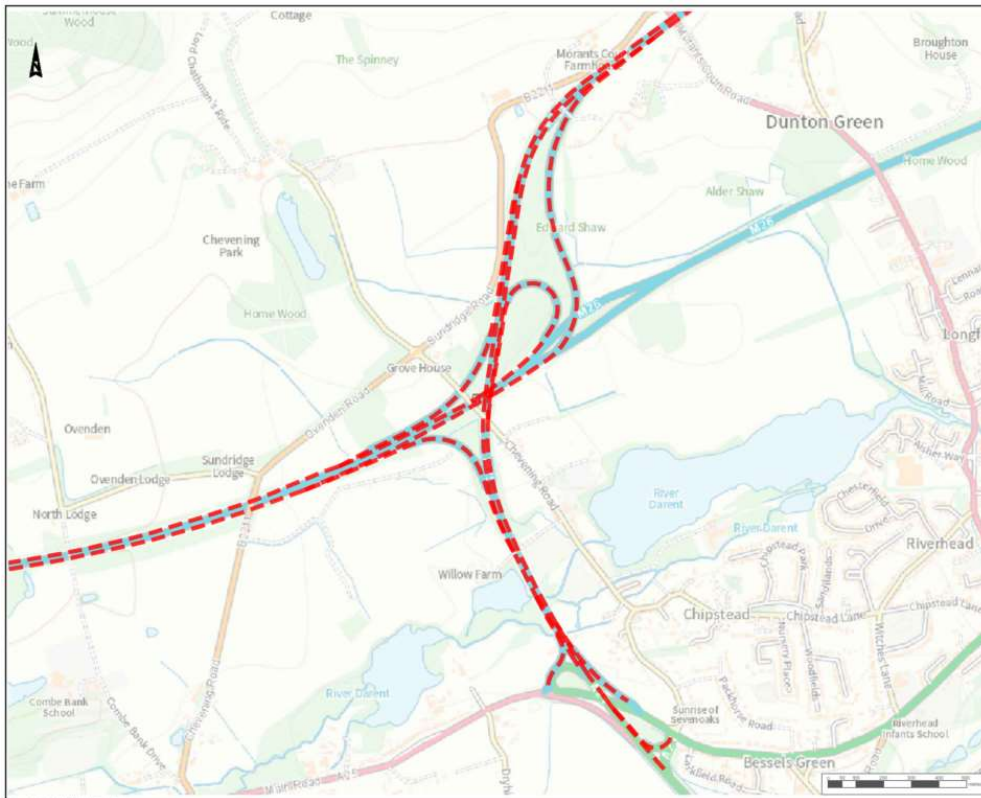
**(The Court sat on 16<sup>th</sup> February 2023 from 10.34 to 14.46)**

**BY THE COURT**





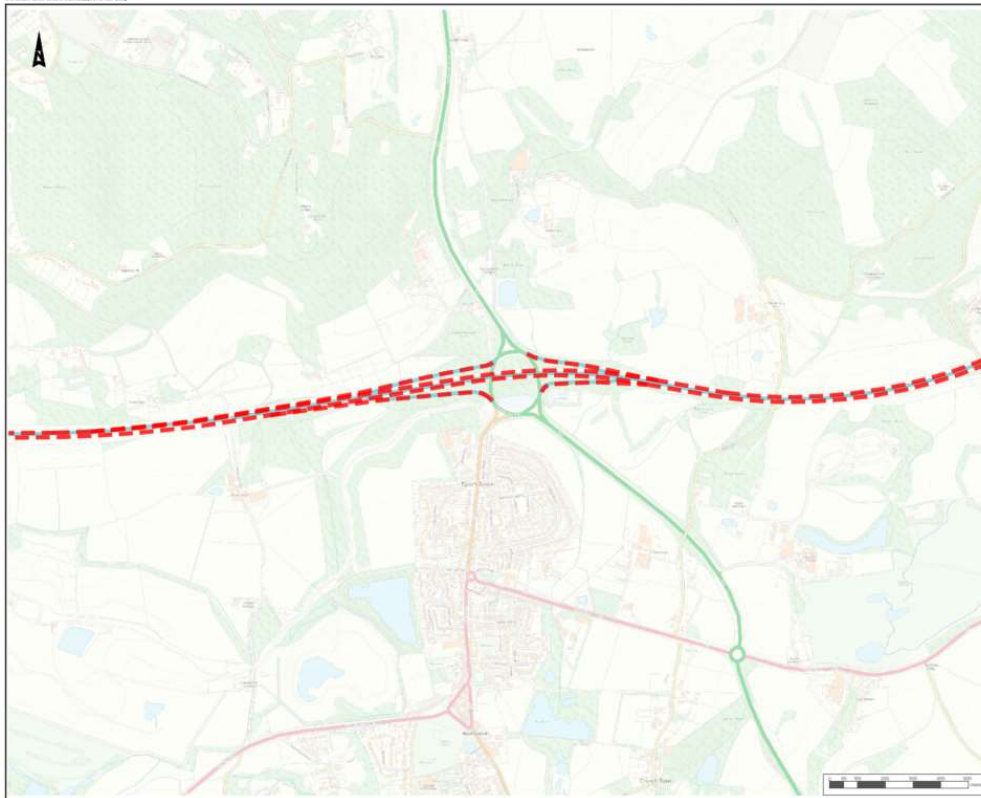




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**Connect Plus**  
**national highways**  
 M25 Network  
 M25 Junction 5

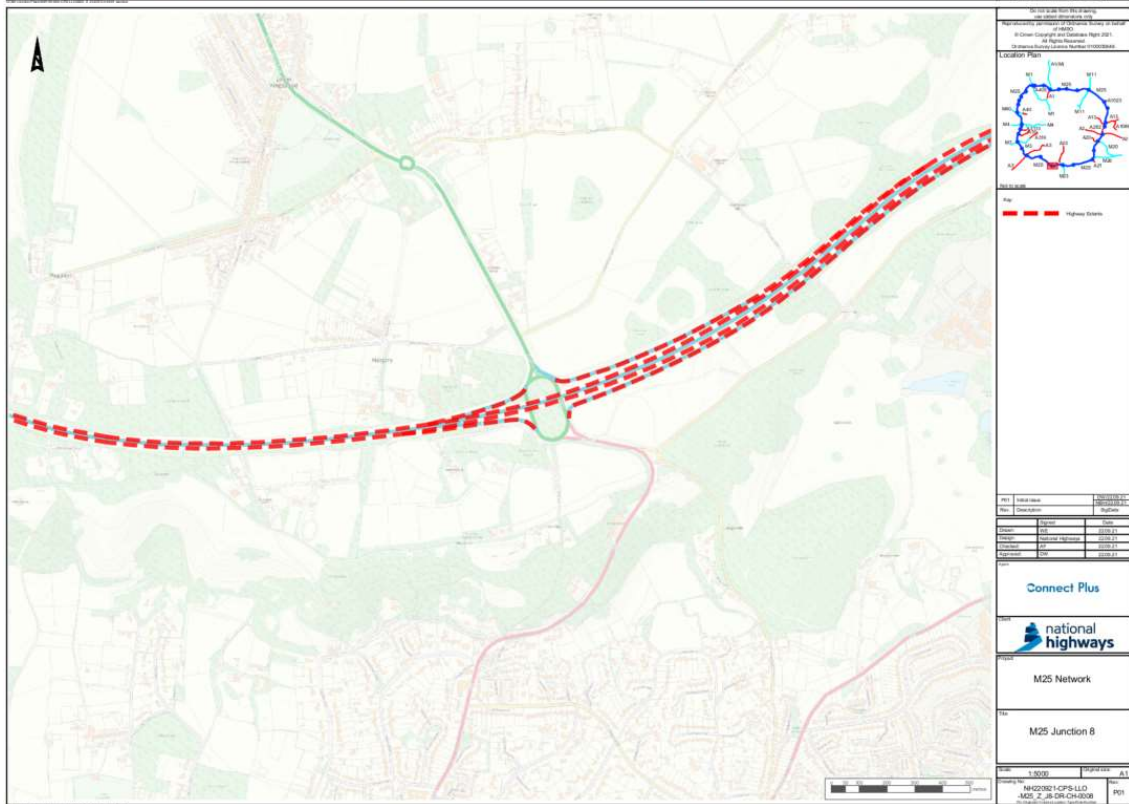
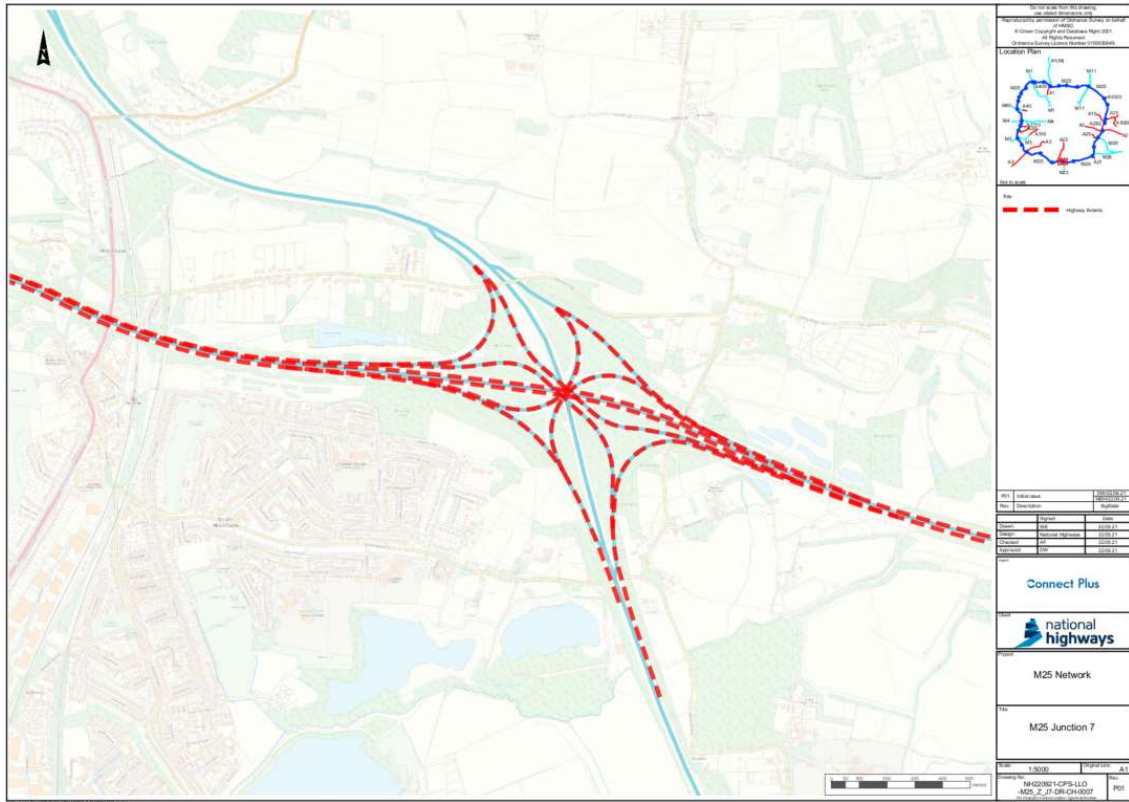
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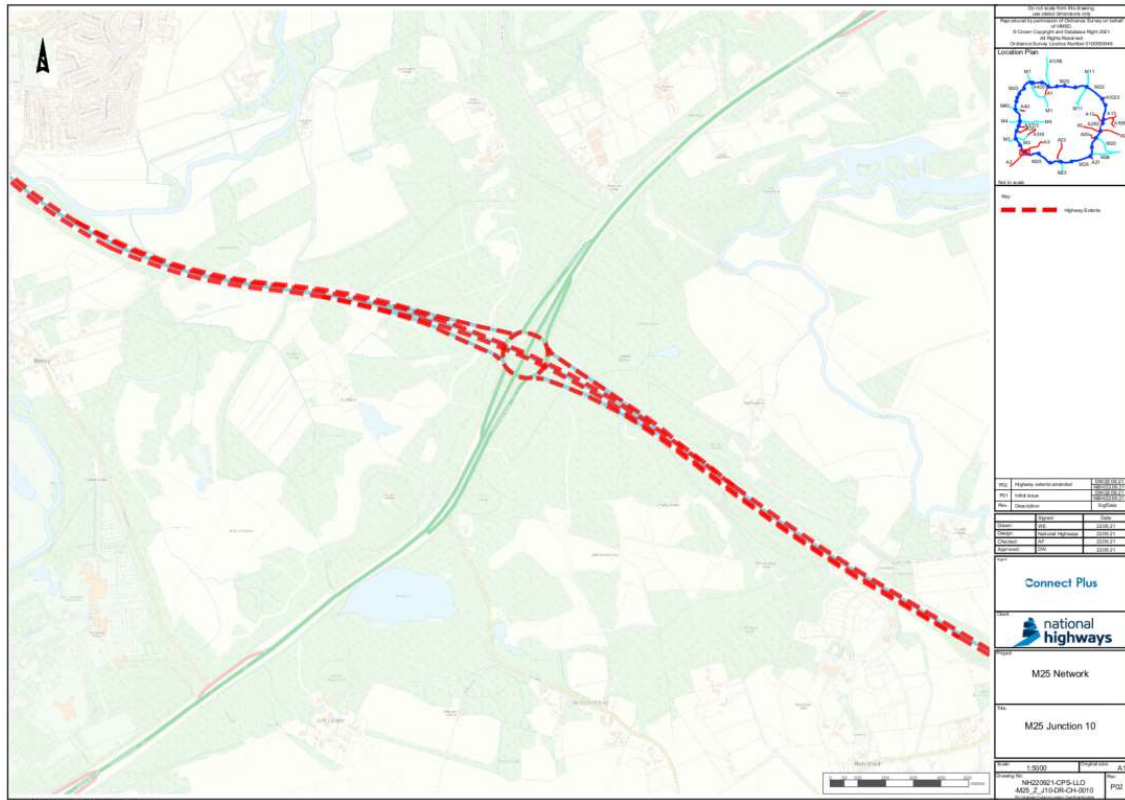
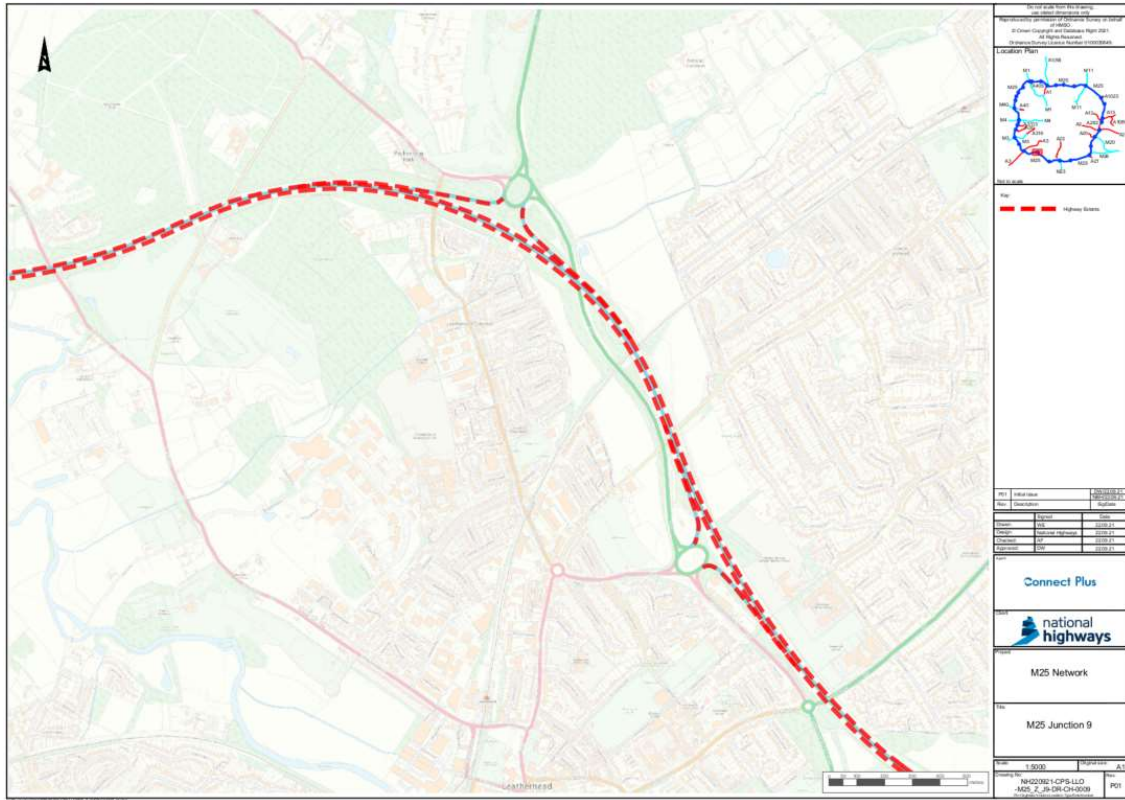


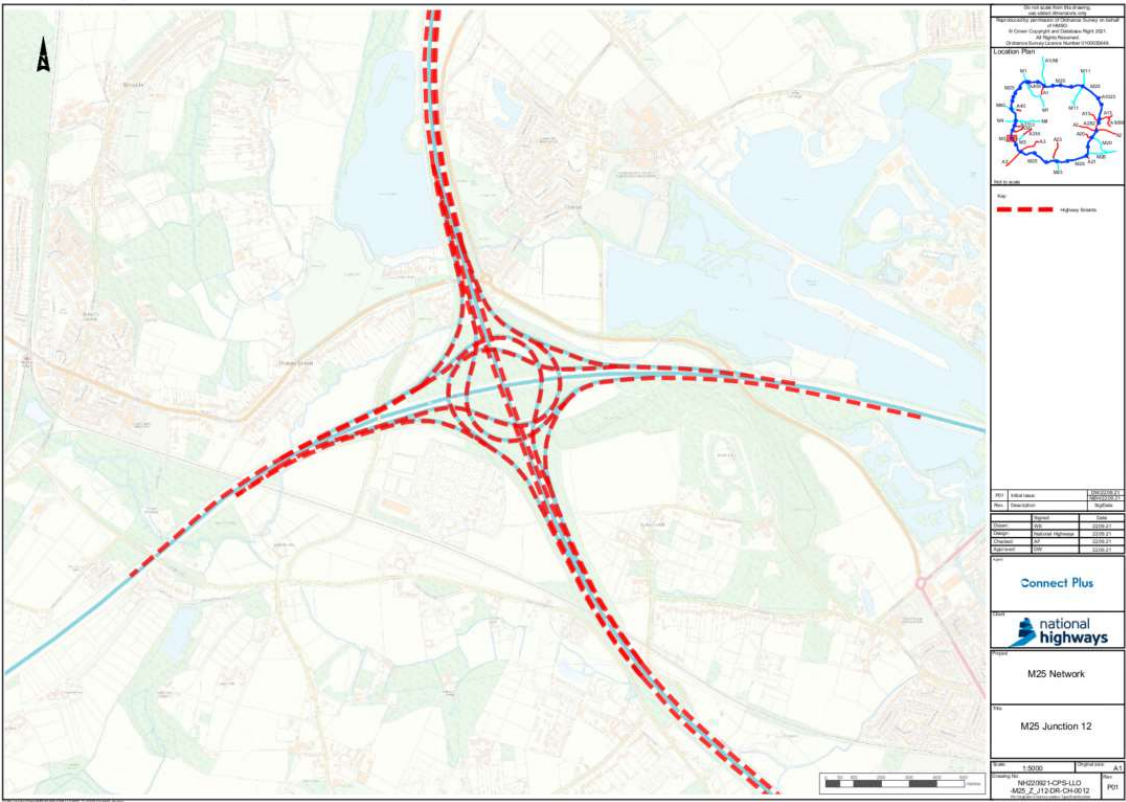
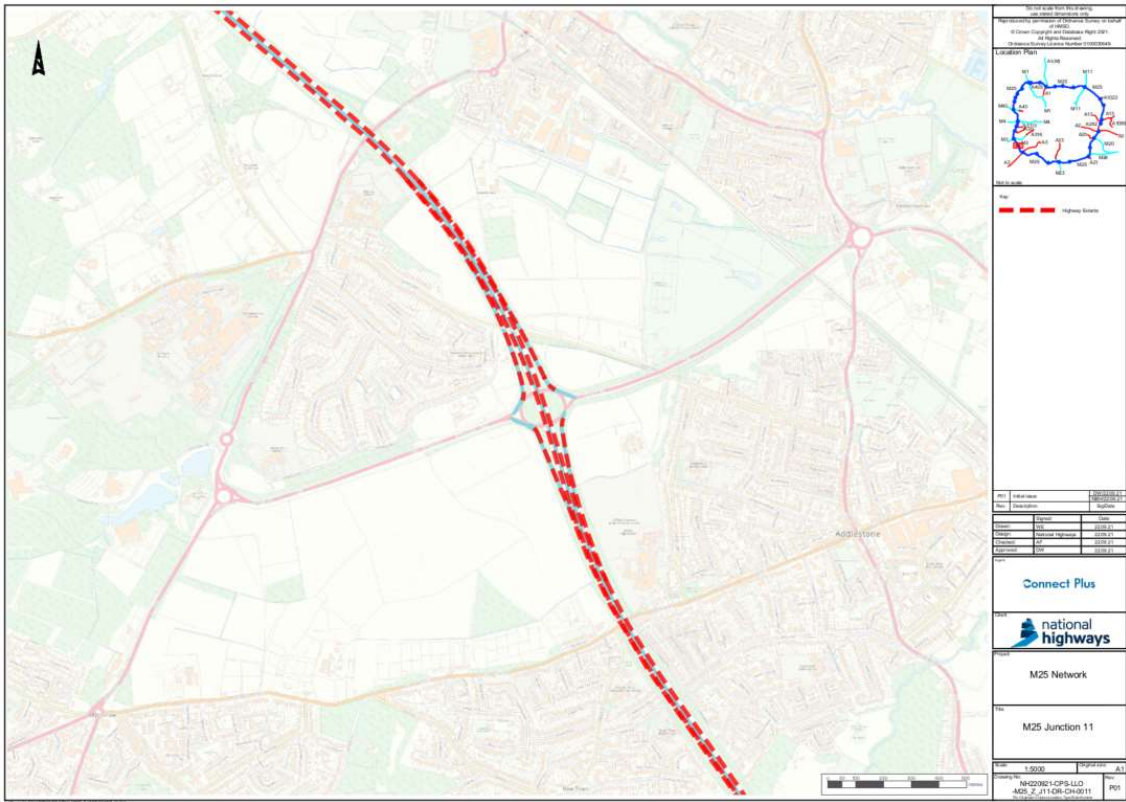
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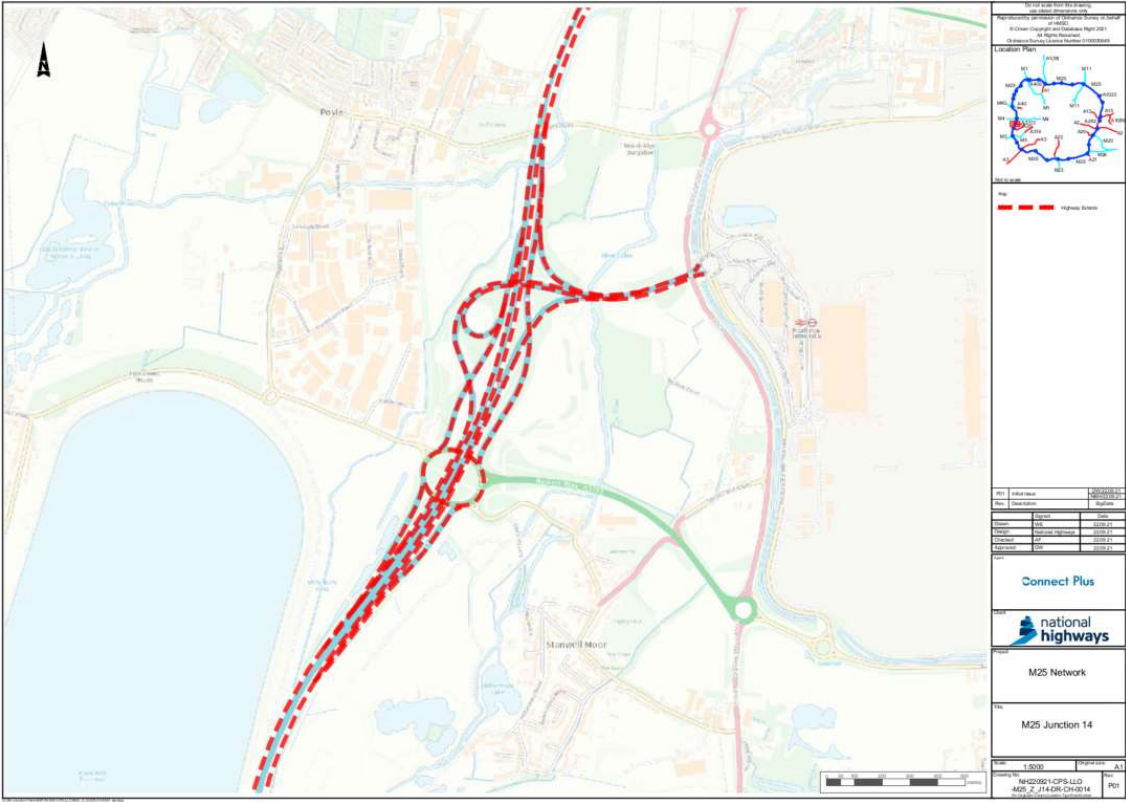
**Connect Plus**  
**national highways**  
 M25 Network  
 M25 Junction 6

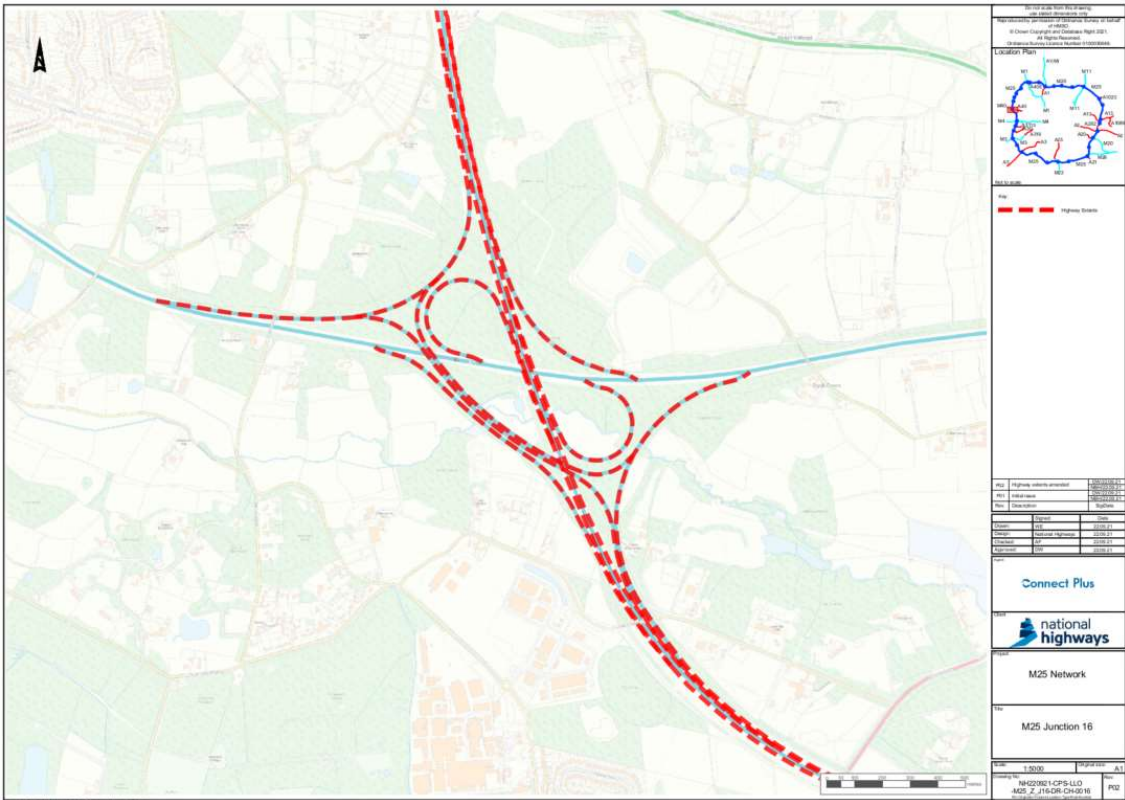
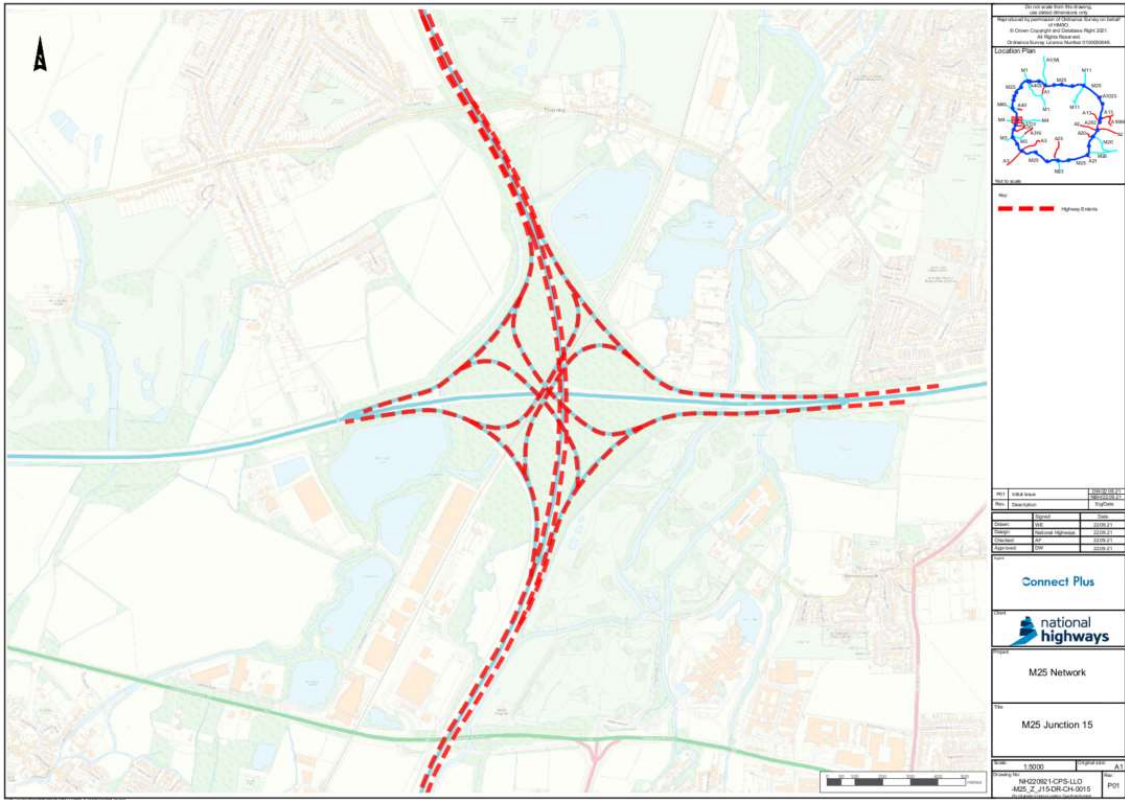
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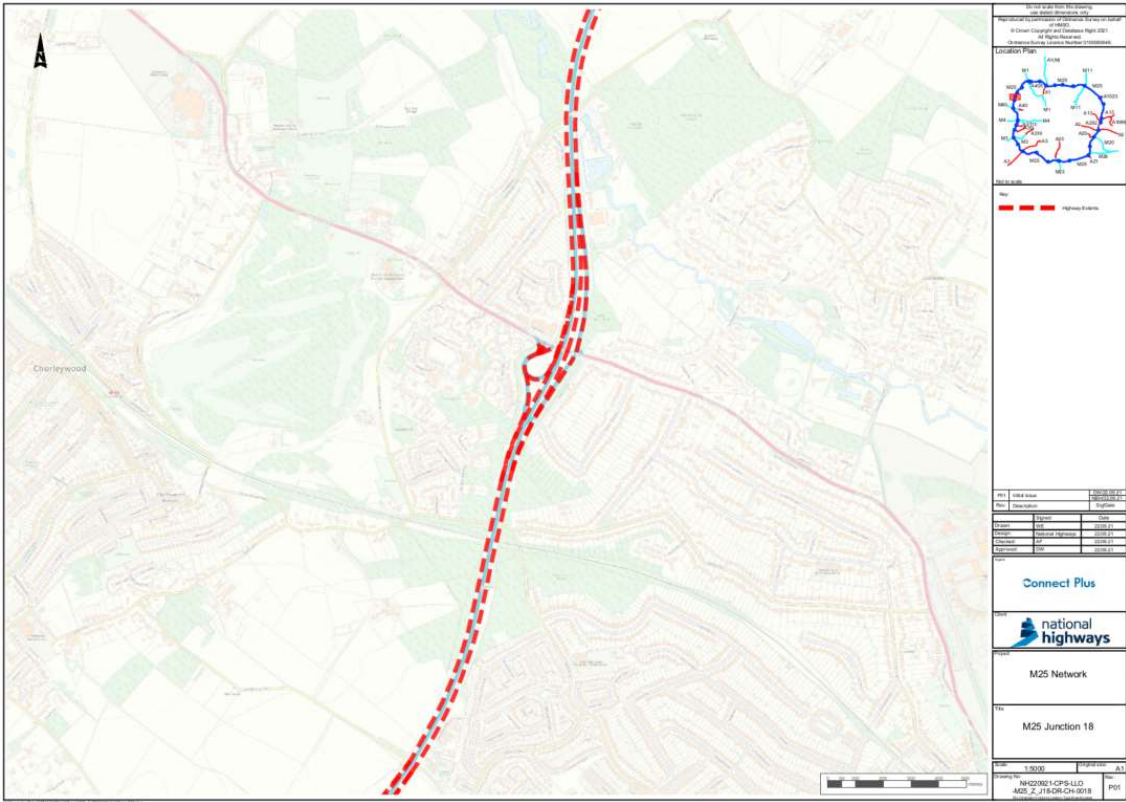




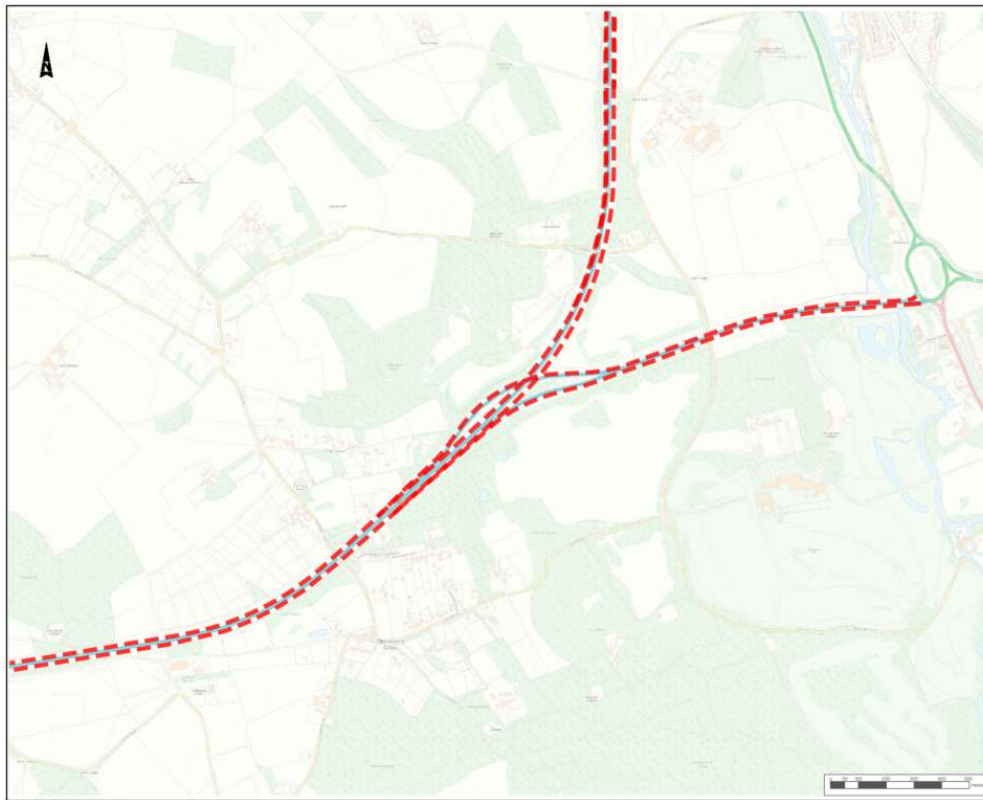












**Location Plan**

Scale: 1:5000

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Client	Connect Plus
Project No.	...
Scale	1:5000
Author	...
Check	...
Date	...

**Connect Plus**

**national highways**

**M25 Network**

**M25 Junction 19**

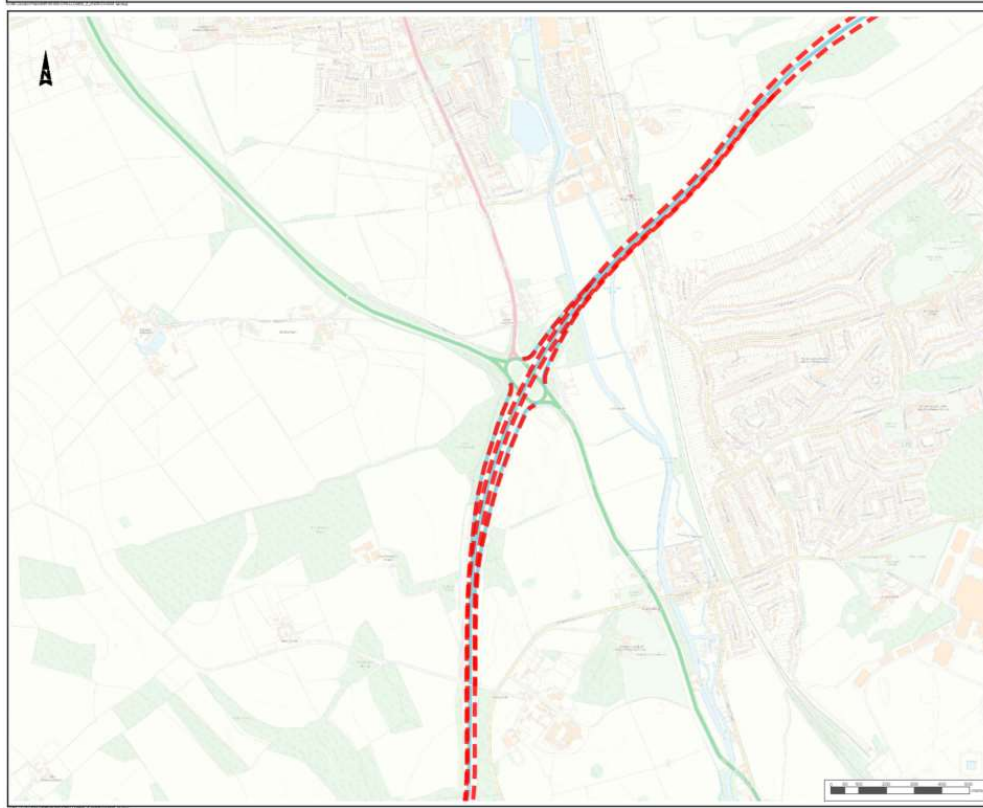
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Project No. ...

Author: ...

Check: ...

Date: ...



**Location Plan**

Scale: 1:5000

Project Name	M25 Junction 20
Client	Connect Plus
Project No.	...
Scale	1:5000
Author	...
Check	...
Date	...

**Connect Plus**

**national highways**

**M25 Network**

**M25 Junction 20**

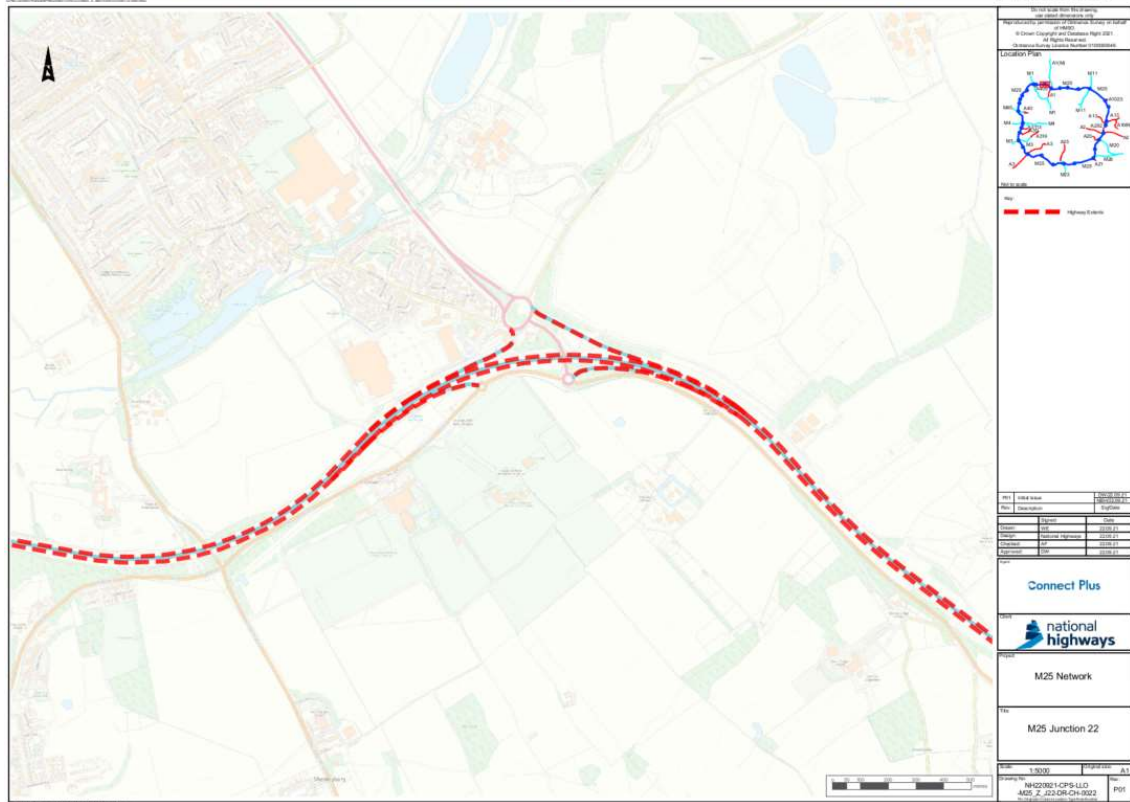
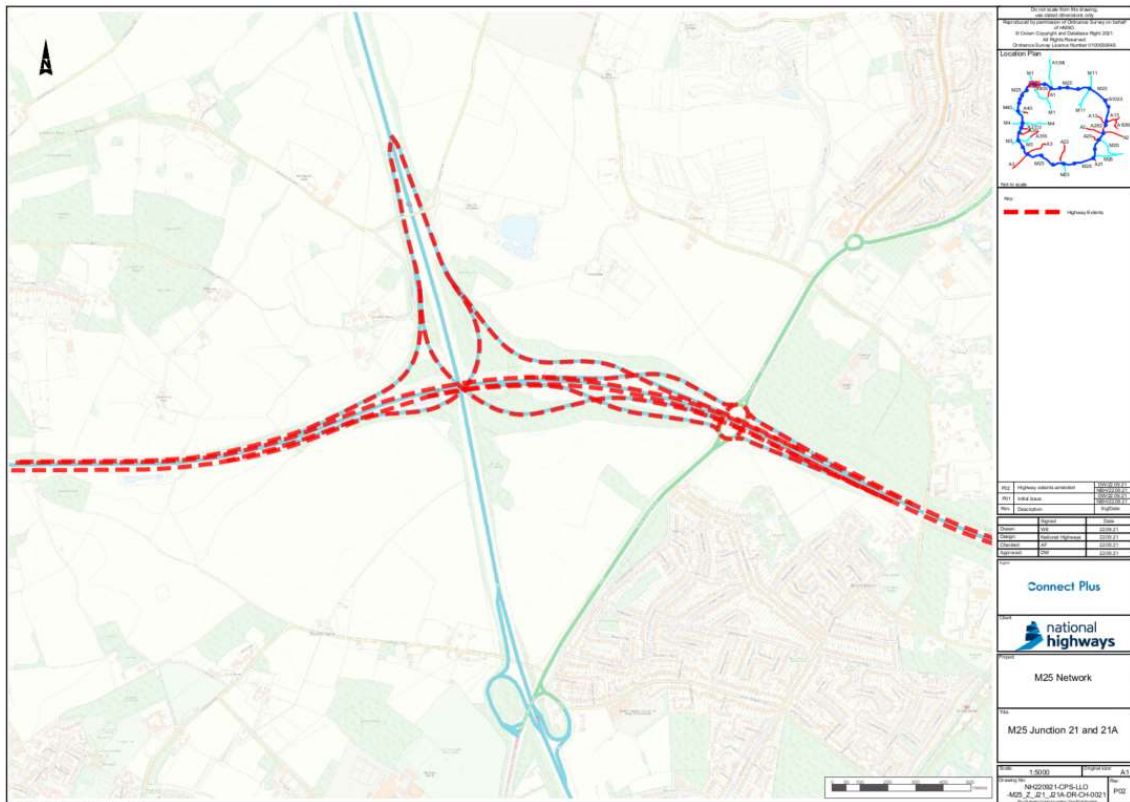
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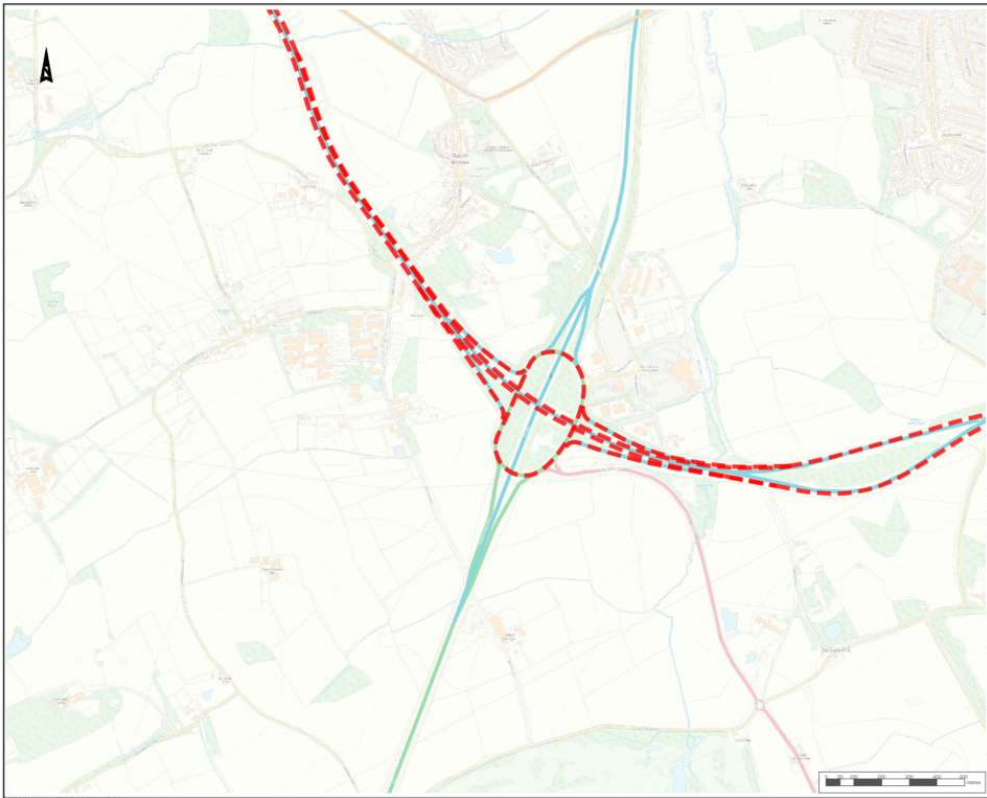
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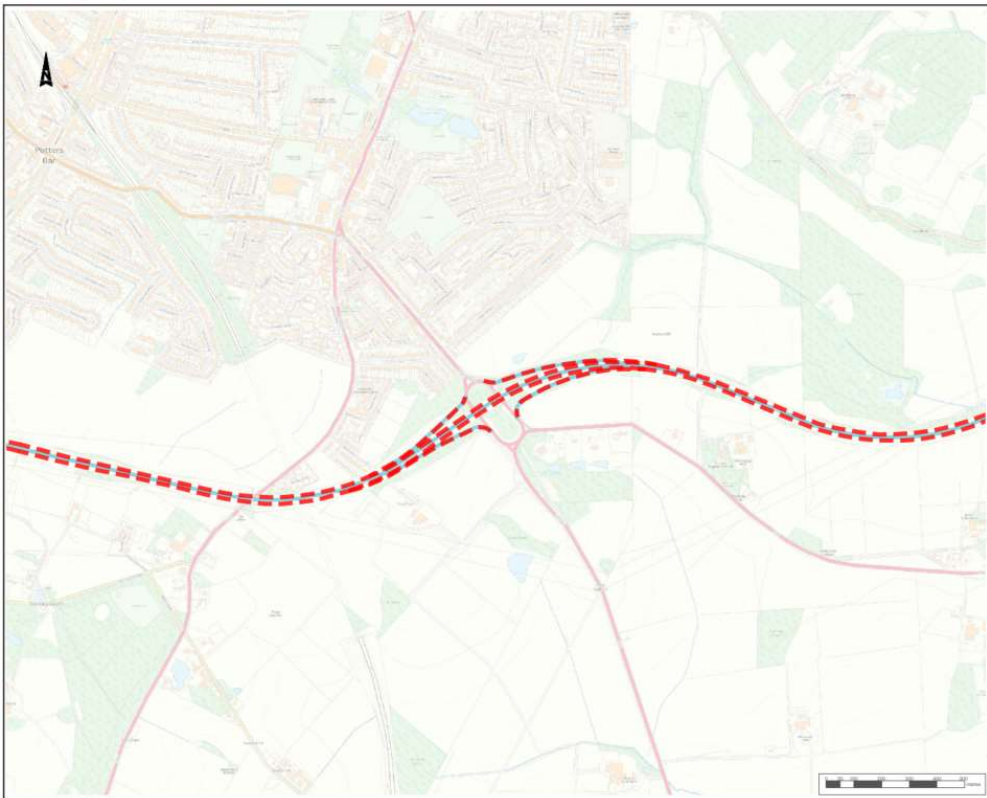
**Locator Map**

Scale: 1:5000  
 Legend:  
 --- Highway Extension

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PT3	100m	100m
PT4	100m	100m
PT5	100m	100m
PT6	100m	100m
PT7	100m	100m
PT8	100m	100m
PT9	100m	100m
PT10	100m	100m

**Connect Plus**  
**national highways**  
 M25 Network  
 M25 Junction 23

Scale: 1:5000  
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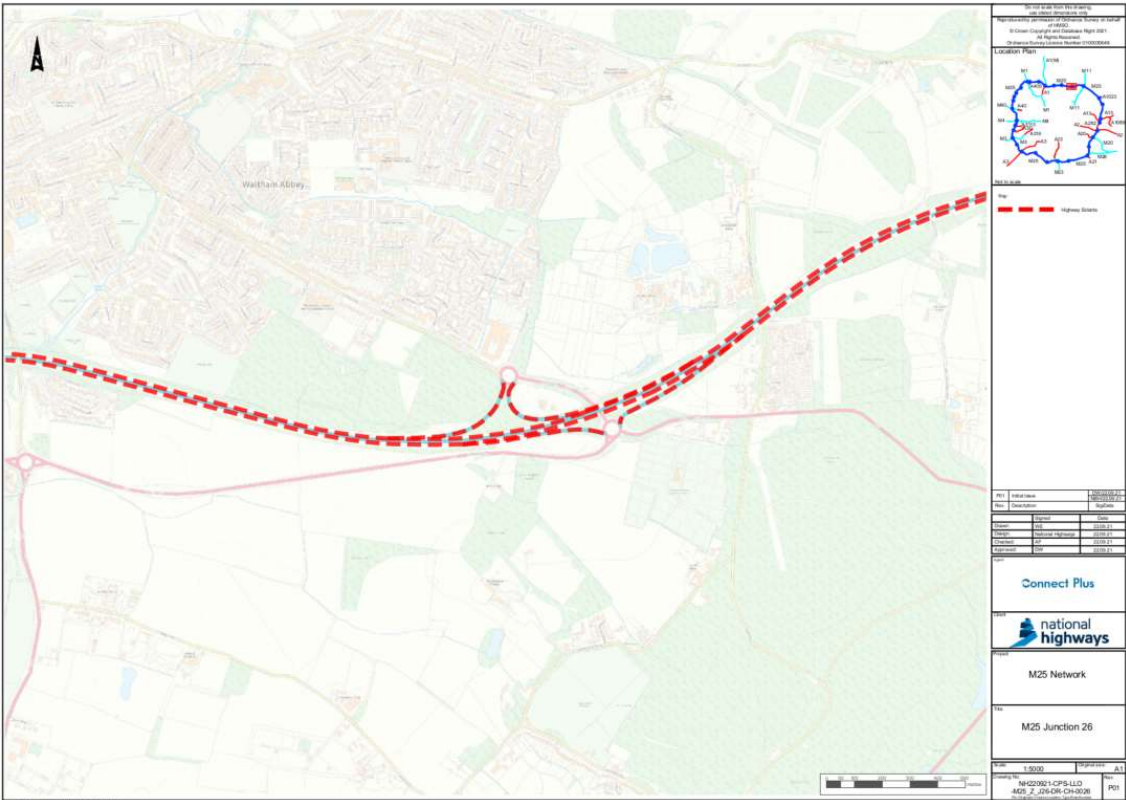
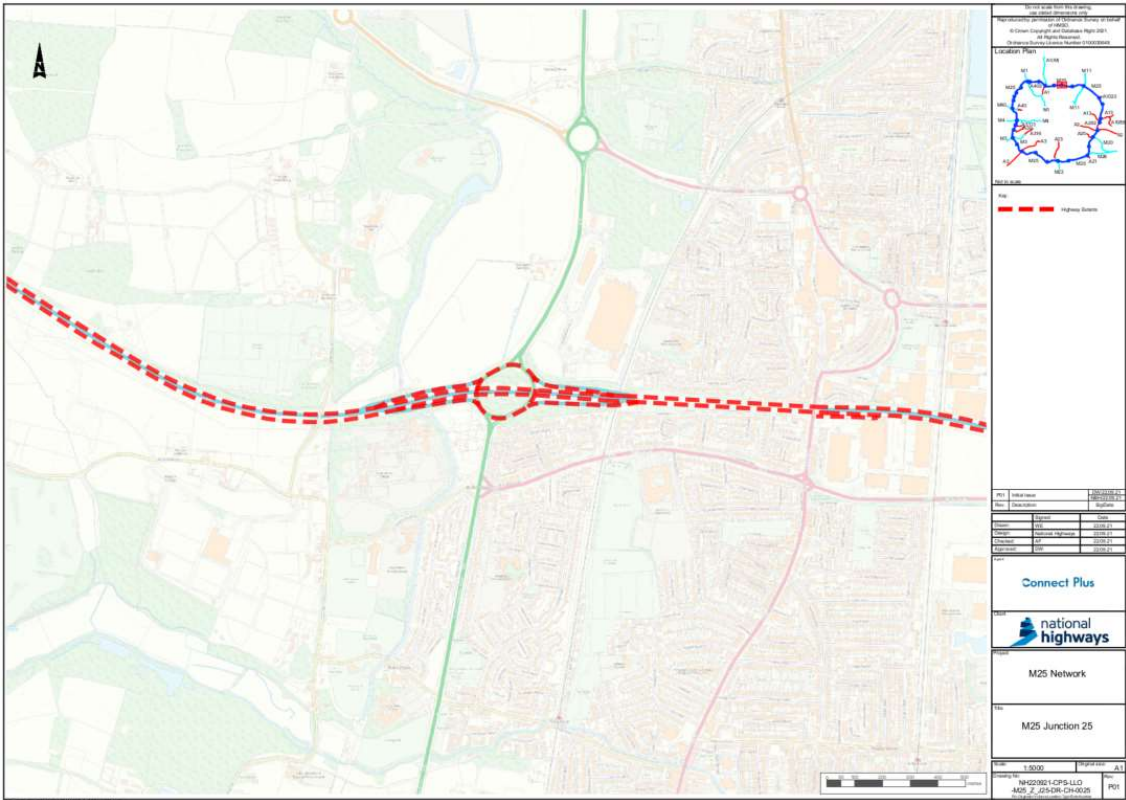
**Locator Map**

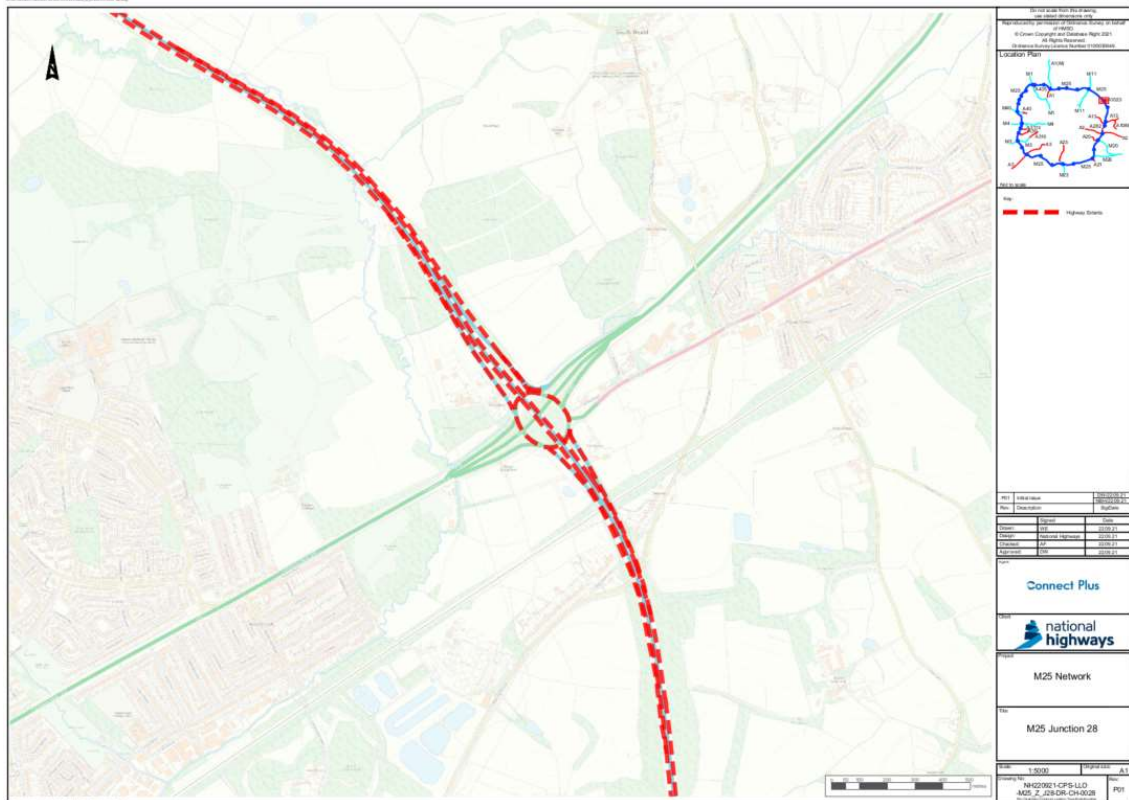
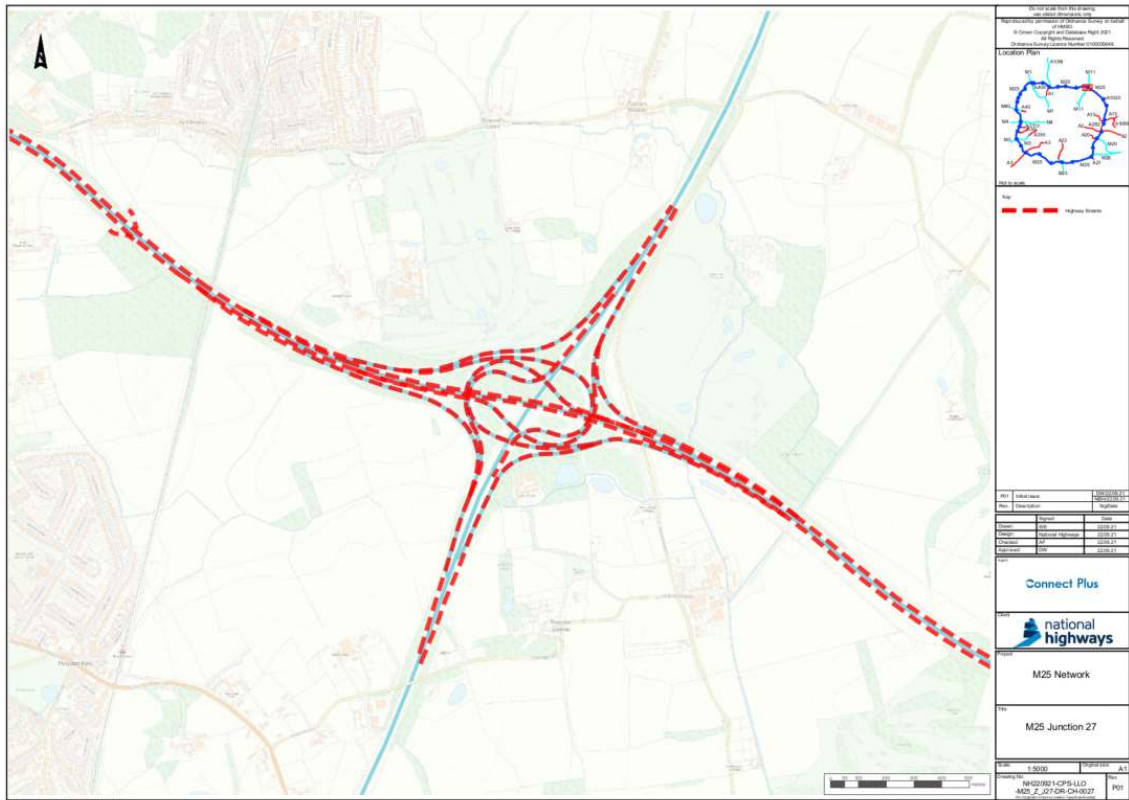
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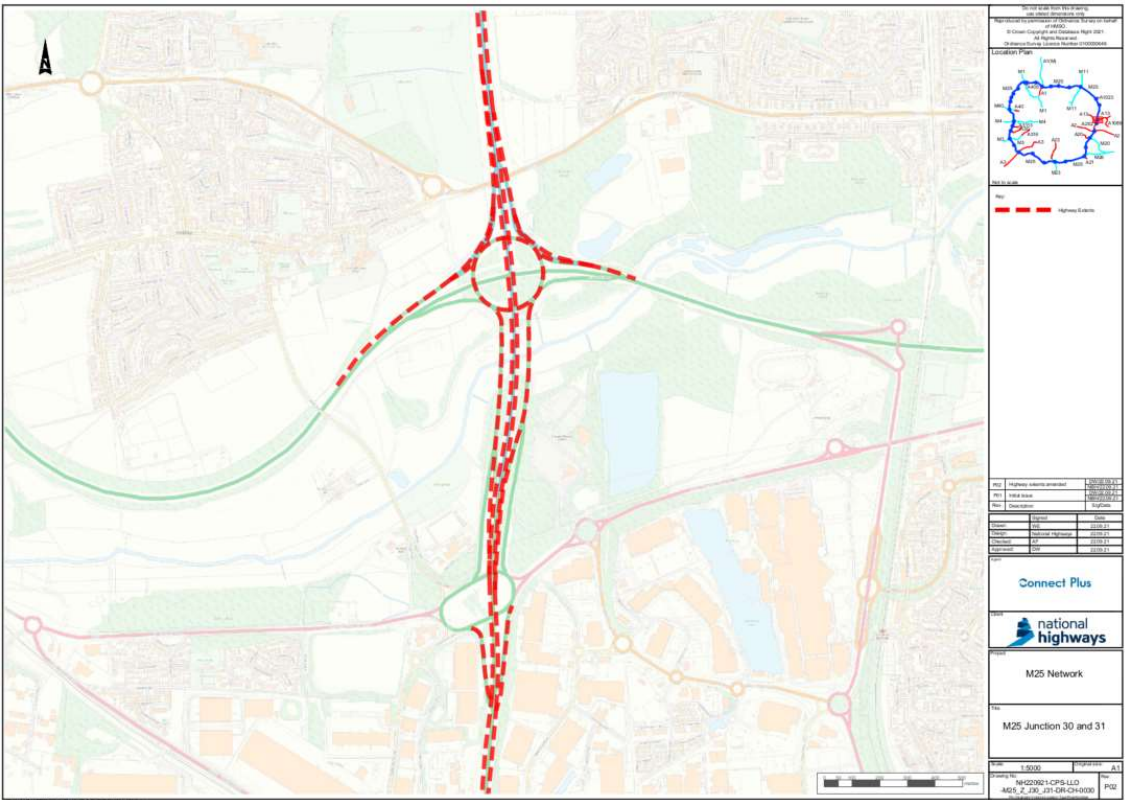
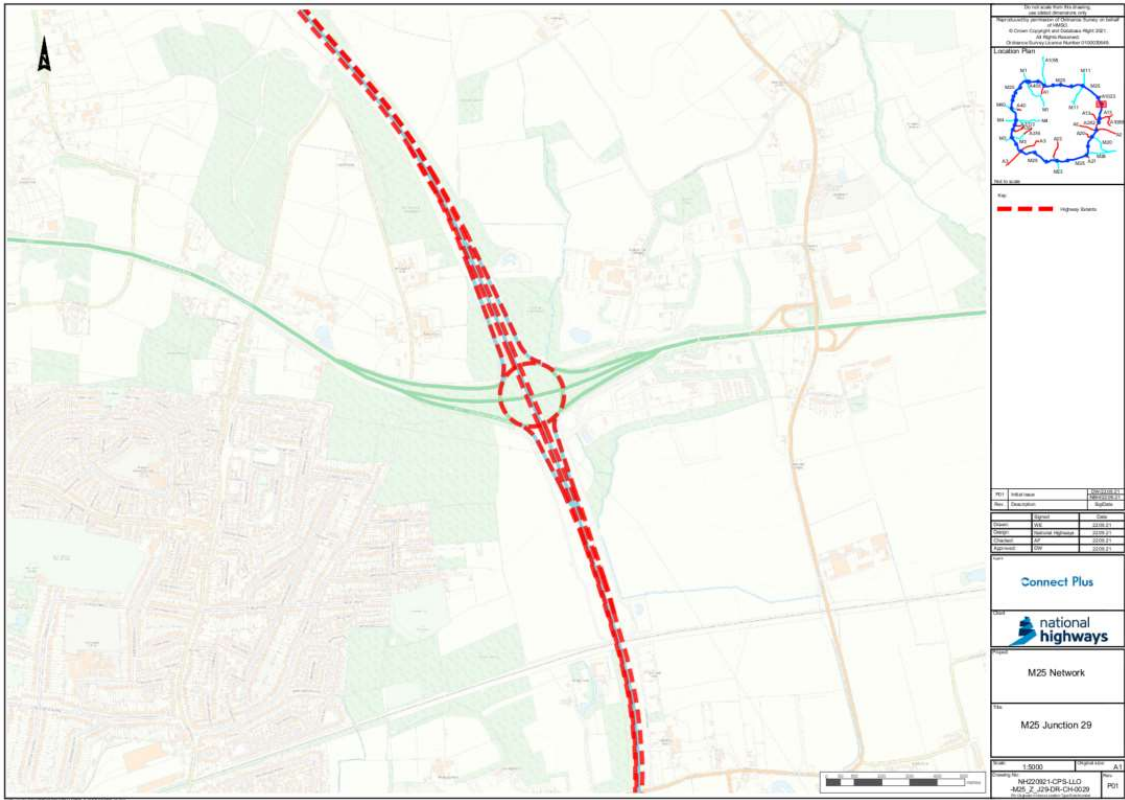
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PT2	100m	100m
PT3	100m	100m
PT4	100m	100m
PT5	100m	100m
PT6	100m	100m
PT7	100m	100m
PT8	100m	100m
PT9	100m	100m
PT10	100m	100m

**Connect Plus**  
**national highways**  
 M25 Network  
 M25 Junction 24

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 Project No: NH22024-CPS-LLO  
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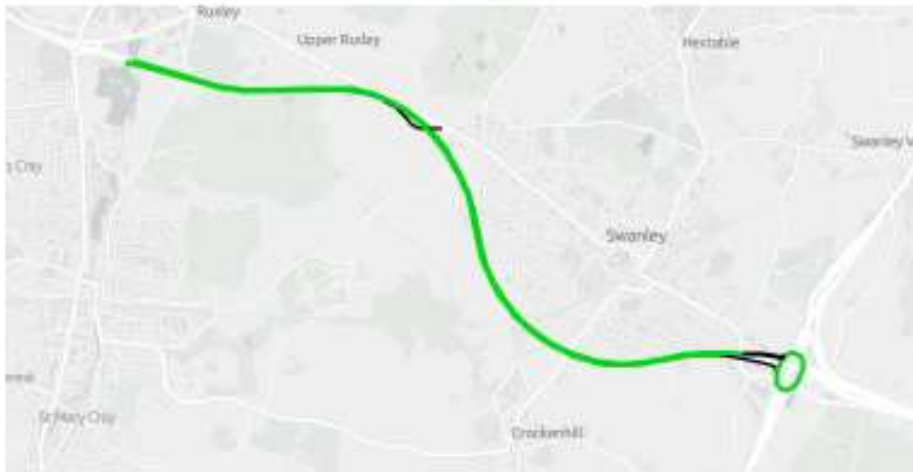






## APPENDIX 2

### A20 London - M25



### M20



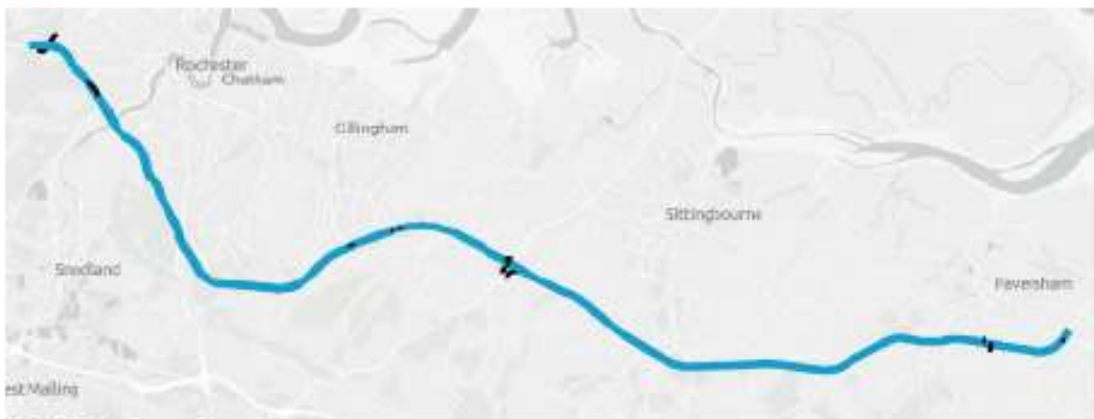
### A20 Coast Section



### A2 London – M2 Section



### M2

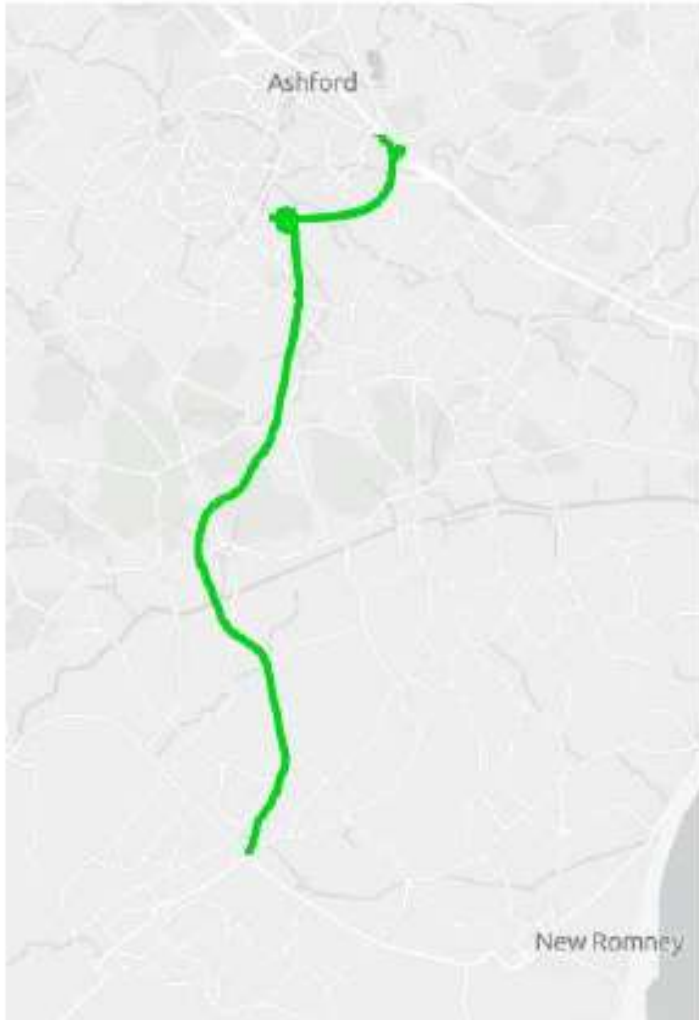


### A2 M2 - Dover Section





A2070

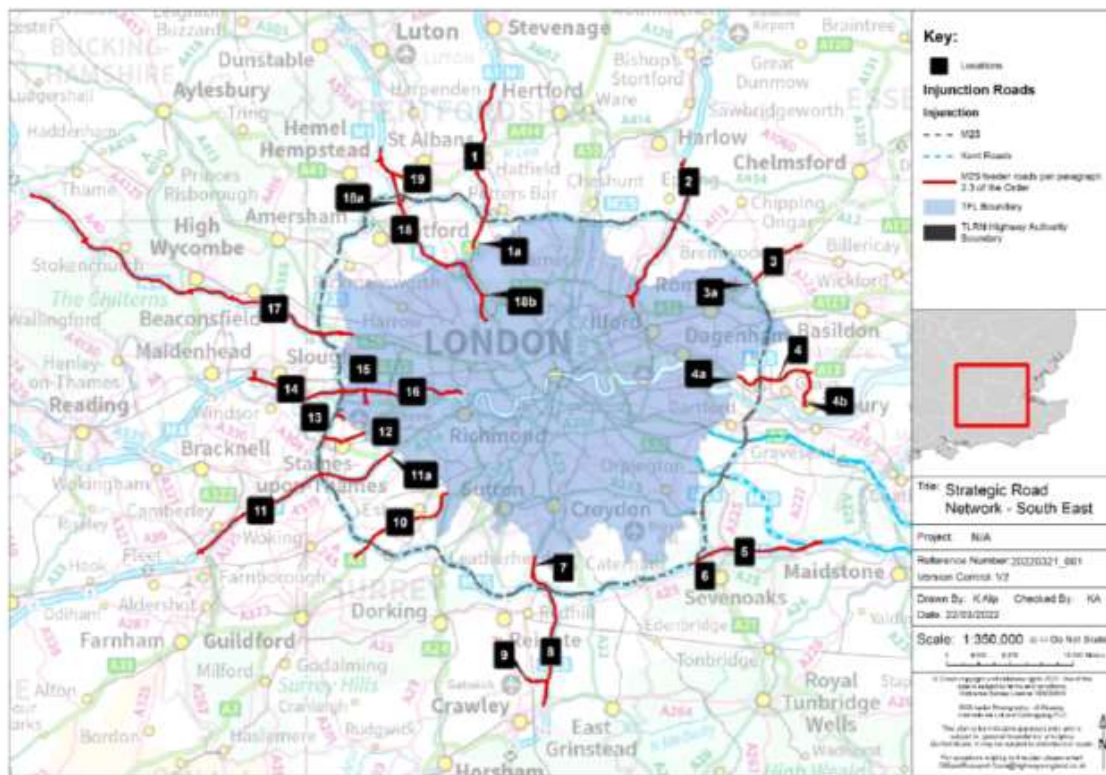


Kent & Surrounding areas SRN



## APPENDIX 3

### Strategic Road Network – South East



1. A1(M) from Junction 1 to Junction 6
- 1a. A1 from A1(M) to Rowley Lane
2. M11 from Junction 4 to Junction 7
3. A12 from M25 Junction 28 to A12 Junction 12
- 3a. A1023 (Brook Street) from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access
4. A13 from M25 Junction 30 to junction with A1089
- 4a. A13 from junction with A1306 for Wennington to M25 Junction 30
- 4b. A1089 from junction with A13 to Port of Tilbury entrance

5. M26 (the whole motorway) from M25 to M20
6. A21 from the M25 to B2042
7. A23 from M23 to Star Shaw
8. M23 from Junction 7 to Junction 10 (including M23 Gatwick Spur)
9. A23 between North and South Terminal Roundabouts
10. A3 from A309 to B2039 Ripley Junction
11. M3 from Junction 1 to Junction 4
- 11a. A316 from M3 Junction 1 to Felthamhill Brook
12. A30 from M25 Junction 13 to Harrow Road, Stanwell, Feltham
13. A3113 from M25 Junction 14 to A3044
14. M4 from Junction 4B to Junction 7
15. M4 Spur (whole spur) from M4 Junction 4 to M4 Junction 4a
16. M4 from Junction 1 to Junction 4B
17. M40 from M40 Junction 7 to A40 (Fray's River Bridge)
18. M1 from Junction 1 to Junction 8
- 18a. A405 from M25 Junction 21A to M1 Junction 6
- 18b. A1 from Fiveways Corner roundabout to Hilltop Gardens
19. A414 from M1 Junction 8 to A405

**APPENDIX 4**

**[On the package containing the Court order]**

**“VERY URGENT: THIS PACKAGE CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

**[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]**

**“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

**SCHEDULE 1 – NAMED DEFENDANTS**

	<b>Name</b>	<b>Address</b>
1.	PERSONS UNKNOWN CAUSING THE BLOCKING OF, OR ENDANGERING, OR OTHERWISE 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.	Alexander RODGER	[REDACTED]
3.	Alyson LEE	[REDACTED]
4.	Amy PRITCHARD	[REDACTED]
5.	Ana HEYATAWIN	[REDACTED]
6.	Andrew Taylor WORSLEY	[REDACTED]
7.	Anne TAYLOR	[REDACTED]
8.	Anthony WHITEHOUSE	[REDACTED]
9.	Barry MITCHELL	[REDACTED]
10.	Ben TAYLOR	[REDACTED]
11.	Benjamin BUSE	[REDACTED]
12.	Biff William Courtenay WHIPSTER	[REDACTED]
13.	Cameron FORD	[REDACTED]
14.	Catherine RENNIE- NASH	[REDACTED]
15.	Catherine EASTBURN	[REDACTED]
16.	Christian MURRAY- LESLIE	[REDACTED]
17.	Christian ROWE	[REDACTED]

18.	Cordelia ROWLATT	[REDACTED]
19.	Daniel Lee Charles SARGISON	[REDACTED]
20.	Daniel SHAW	[REDACTED]
21.	David CRAWFORD	[REDACTED]
22.	David JONES	[REDACTED]
23.	David NIXON	[REDACTED]
24.	David SQUIRE	[REDACTED]
25.	Diana Elizabeth BLIGH	[REDACTED]
26.	Diana HEKT	[REDACTED]
27.	Diana Lewen WARNER	[REDACTED]
28.	Donald BELL	[REDACTED]
29.	Edward Leonard HERBERT	[REDACTED]
30.	Elizabeth ROSSER	[REDACTED]
31.	Emma Joanne SMART	[REDACTED]
32.	Gabriella DITTON	[REDACTED]
33.	Gregory FREY	[REDACTED]
34.	Gwen HARRISON	[REDACTED]
35.	Harry BARLOW	[REDACTED]
36.	Ian BATES	[REDACTED]

37.	Ian Duncan WEBB	[REDACTED]
38.	James BRADBURY	[REDACTED]
39.	James Malcolm Scott SARGISON	[REDACTED]
40.	James THOMAS	[REDACTED]
41.	Janet BROWN	[REDACTED]
42.	Janine EAGLING	[REDACTED]
43.	Jerrard Mark LATIMER	[REDACTED] [REDACTED]
44.	Jessica CAUSBY	[REDACTED]
45.	Jonathan Mark COLEMAN	[REDACTED]
46.	Joseph SHEPHERD	[REDACTED]
47.	Joshua SMITH	[REDACTED]
48.	Judith BRUCE	[REDACTED]
49.	Julia MERCER	[REDACTED]
50.	Julia SCHOFIELD	[REDACTED]
51.	Karen MATTHEWS	[REDACTED]
52.	Karen WILDIN	[REDACTED] [REDACTED]
53.	Liam NORTON	[REDACTED]
54.	Louis MCKECHNIE	[REDACTED]

55.	Louise Charlotte LANCASTER	[REDACTED]
56.	Lucy CRAWFORD	[REDACTED]
57.	Mair BAIN	[REDACTED]
58.	Margaret MALOWSKA	[REDACTED]
59.	Marguerite DOWBLEDAY	[REDACTED]
60.	Maria LEE	[REDACTED]
61.	Martin John NEWELL	[REDACTED]
62.	Mary ADAMS	[REDACTED]
63.	Matthew LUNNON	[REDACTED]
64.	Matthew TULLEY	[REDACTED]
65.	Meredith WILLIAMS	[REDACTED]
66.	Michael BROWN	[REDACTED]
67.	Michael Anthony WILEY	[REDACTED]
68.	Michelle CHARLSWORTH	[REDACTED]
69.	Natalie Clare MORLEY	[REDACTED]
70.	Nathaniel SQUIRE	[REDACTED]
71.	Nicholas COOPER	[REDACTED]
72.	Nicholas ONLEY	[REDACTED]
73.	Nicholas TILL	[REDACTED]



74.	Oliver ROCK	[REDACTED]
75.	Paul COOPER	[REDACTED]
76.	Paul SHEEKY	[REDACTED]
77.	Peter BLENCOWE	[REDACTED]
78.	Peter MORGAN	[REDACTED]
79.	Phillipa CLARKE	[REDACTED]
80.	Priyadaka CONWAY	[REDACTED]
81.	Richard RAMSDEN	[REDACTED]
82.	Rob STUART	[REDACTED]
83.	Robin Andrew COLLETT	[REDACTED]
84.	Roman Andrzej PALUCH-MACHNIK	[REDACTED]
85.	Rosemary WEBSTER	[REDACTED]
86.	Rowan TILLY	[REDACTED]
87.	Ruth Ann COOK	[REDACTED]
88.	Ruth JARMAN	[REDACTED]
89.	Sarah HIRONS	[REDACTED]
90.	Simon REDING	[REDACTED]
91.	Stefania MOROSI	[REDACTED]
92.	Stephanie AYLETT	[REDACTED]

93.	Stephen Charles GOWER	[REDACTED]
94.	Stephen PRITCHARD	[REDACTED]
95.	Susan CHAMBERS	[REDACTED]
96.	Sue PARFITT	[REDACTED]
97.	Sue SPENCER- LONGHURST	[REDACTED]
98.	Susan HAGLEY	[REDACTED]
99.	Suzie WEBB	[REDACTED]
100.	Tessa-Marie BURNS	[REDACTED]
101.	Theresa NORTON	[REDACTED]
102.	Tim SPEERS	[REDACTED]
103.	Tim William HEWES	[REDACTED]
<del>104.</del>	Tracey MALLAGHAN	[REDACTED]
105.	Valerie SAUNDERS	[REDACTED]
106.	Venitia CARTER	[REDACTED]
107.	Victoria Anne LINDSELL	[REDACTED]
108.	Xavier GONZALEZ TRIMMER	[REDACTED]
109.	Bethany MOGIE	[REDACTED]
110.	Indigo RUMBELOW	[REDACTED]
111.	Adrian TEMPLE- BROWN	[REDACTED]

112.	Ben NEWMAN	[REDACTED]
113.	Christopher PARISH	[REDACTED]
114.	Elizabeth SMAIL	[REDACTED]
115.	Julian MAYNARD SMITH	[REDACTED]
116.	Rebecca LOCKYER	[REDACTED]
117.	Simon MILNER- EDWARDS	[REDACTED]
118.	Stephen BRETT	[REDACTED]
119.	Virginia MORRIS	[REDACTED]
120.	Andria EFTHIMIOUS- MORDAUNT	[REDACTED]
121.	Christopher FORD	[REDACTED]
122.	Darcy MITCHELL	[REDACTED]
123.	David MANN	[REDACTED]
124.	Ellie LITTEN	[REDACTED]
125.	Julie MACOLI	[REDACTED]
126.	Kai BARTLETT	[REDACTED]
127.	Sophie FRANKLIN	[REDACTED]
128.	Tony HILL	[REDACTED]
129.	Nicholas BENTLEY	[REDACTED]
130.	Nicola STICKELLS	[REDACTED]

131.	Mary LIGHT	[REDACTED]
132.	David McKENNY	[REDACTED]
133.	Giovanna LEWIS	[REDACTED]
134.	Margaret REID	[REDACTED]

SCHEDULE 2

Claim Nos. QB-2021-003576, 003626 and 003737

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Before the Honourable Mr Justice Chamberlain  
On 17 March 2022

B E T W E E N:

NATIONAL HIGHWAYS LIMITED

-and-



- (1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING
- (2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING
- (3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE 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
- (4) MR ALEXANDER RODGER AND 142 OTHERS

Defendants

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**ORDER**

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**PENAL NOTICE**

IF YOU THE WITHIN NAMED DEFENDANTS OR PERSONS UNKNOWN OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

## **IMPORTANT NOTICE TO THE DEFENDANTS**

**This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.**

**FURTHER TO** the Orders made in these proceedings by Lavender J on 22 September 2021 (the “**M25 Order**”), Cavanagh J on 24 September 2021 (the “**Kent Roads Order**”) and Holgate J on 4 October 2021 (the “**Feeder Roads Order**”)

**AND UPON** the Claimant’s application by Application Notice dated 4 March 2022, pursuant to the liberty to apply provisions at paragraph 7 of the M25 and Kent Roads Orders and paragraph 10 of the Feeder Roads Order to extend the duration of the injunctions contained at paragraph 2 of the M25 and Kent Roads Orders and paragraph 4 of the Feeder Roads Order (the “**Extension Application**”)

**AND UPON READING** the Witness Statement of Robert Shaw dated 4 March 2022, and the Claimant’s skeleton argument.

**AND UPON** hearing David Elvin QC, Counsel for the Claimant

**AND UPON** the Court accepting the Claimant’s undertaking that it will provide to the Defendants copies of further evidence or other documents filed in these proceedings upon request, following the Defendants or their representatives providing contact details to the Claimant’s solicitors

**AND UPON** the Court accepting the Claimant’s renewed undertaking that the Claimant will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the Court finds that the Defendant ought to be compensated for that loss

**AND UPON** the Court accepting the Claimant’s renewed undertaking to identify and name Defendants and apply to add them as named Defendants to this Order as soon as reasonably practicable

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not endanger, slow, obstruct, prevent or otherwise interfere with the flow of traffic onto off or along the M25, Kent Roads or Feeder Roads nor to prevent lawful use of the Roads by any person

**AND UPON** the Claimant confirming that it will file summary judgment applications in respect of Claim Nos. QB-2021-003576, 003626 and 003737 as soon as reasonably practicable

**AND UPON** the Chief Constables for those forces listed in Schedule 2 to this order having consented to an order being made in the terms set out below

**IT IS ORDERED THAT:**

**Continuation of the M25 Order**

1. For the purposes of this Order, the

1.1 M25 means the London Orbital Motorway including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges including the Dartford Crossing and Queen Elizabeth II Bridge, and any apparatus related to that motorway.

1.2 the Kent Roads mean the A2, A20, A2070, M2 and M20 as identified in the plans annexed at Annex A to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges and any apparatus related to that motorway;

1.3 the Feeder Roads mean the A1(M) (Junction 1 to Junction 6), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A13 (M25 Junction 30 to A1089), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray's River Bridge), M1 (Junction 1 to Junction 8) and A414 (M1 Junction 8 to A405) as identified by the descriptions and plan annexed at Annex B to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges, including any roundabouts for access to and from the Feeder Roads, and any apparatus related to those roads.

(together the “**Roads**”).

### **Continuation of the M25 Order**

2. The long-stop date of 21 March 2022 be deleted, and the injunction at paragraph 2 of the M25 Order as set out in full at paragraph 3 below shall continue until 9 May 2022 or further order.

### **Injunction in force – M25 Order**

3. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

3.1 Blocking, endangering, slowing down, preventing, or obstructing the free flow of traffic onto or along or off the M25 for the purposes of protesting.

3.2 Causing damage to the surface of or to any apparatus on or around the M25 including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

3.3 Affixing themselves (“locking on”) to any other person or object on the M25.

3.4 Erecting any structure on the M25.

3.5 Tunnelling in the vicinity of the M25.

3.6 Entering onto the M25 unless in a motor vehicle.

3.7 Abandoning any vehicle or item on the M25 with the intention of causing an obstruction.

3.8 Refusing to leave the area of the M25 when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

3.9 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 3.1 – 3.8 above.

3.10 Continuing any act prohibited by paragraphs 3.1 – 3.9 above.

### **Continuation of the Kent Roads Order**



4. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 2 of the Kent Roads Order as set out in full at paragraph 5 below shall continue until 9 May 2022 or further order.

**Injunction in force - Kent Roads Order**

5. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:
  - 5.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.
  - 5.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.
  - 5.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.
  - 5.4 Affixing themselves (“locking on”) to any other person or object on the Roads.
  - 5.5 Erecting any structure on the Roads.
  - 5.6 Tunnelling in the vicinity of the Roads.
  - 5.7 Entering onto the Roads unless in a motor vehicle.
  - 5.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.

5.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

5.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 5.1 – 5.9 above.

5.11 Continuing any act prohibited by paragraphs 5.1 – 5.10 above.

#### **Continuation of the Feeder Roads Order**

6. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 4 of the Feeder Roads Order as set out in full at paragraph 7 below shall continue 9 May 2022 or further order.

#### **Injunction in force – Feeder Roads Order**

7. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

7.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.

7.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.

7.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

7.4 Affixing themselves (“locking on”) to any other person or object on the Roads.

7.5 Erecting any structure on the Roads.

7.6 Tunnelling in the vicinity of the Roads.

7.7 Entering onto the Roads unless in a motor vehicle.

- 7.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.
- 7.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.
- 7.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 7.1 – 7.9 above.
- 7.11 Continuing any act prohibited by paragraphs 7.1 – 7.10 above.

### **Alternative Service**

- 8. The Claimant is permitted in addition to personal service to serve this Order and other documents in these proceedings by the following three methods:
  - 8.1 placing a copy of this Order on the National Highways website; and
  - 8.2 sending a copy of this Order to Insulate Britain's email addresses: Insulate Britain [ring2021@protonmail.com](mailto:ring2021@protonmail.com) and [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com); and
  - 8.3 posting a copy of this Order together with covering letter through the letterbox of each Defendant (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The Notices shall be given in prominent lettering in the form set out in Schedule 1; or
  - 8.4 instead of by post as set out in paragraph 8.3 above, by email in circumstances where a Defendant has requested email service of documents.
- 9. Compliance with paragraph 8 shall constitute service of this Order.

### **Third-Party Disclosure**

10. The disclosure obligations contained in the order of Thornton J dated 24 November 2021, as set out in full at paragraph 11 below, shall be extended to continue until 31 July 2022 or further order.
11. The Chief Constables for those forces listed in the Schedule to this order shall disclose to the Claimant:
  - 11.1 all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the highway referred to in these proceedings; and
  - 11.2 all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of the Orders.
12. The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill ([owen.weatherill@npocc.police.uk](mailto:owen.weatherill@npocc.police.uk)), by email only.

### **Further directions**

13. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
14. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time (to the extent they are not already so named).
15. The Claimant has permission to apply to extend or vary this Order or for further directions.
16. The Claimant is to file its application for summary judgment ("**the Application**") by 4pm on 25 March 2022.
17. The Claimant is to serve the Application and evidence in support thereof on the Defendants by 4pm on 5 April 2022.

18. Any Defendant wishing to file evidence in response to the Application is to file and serve such evidence in response by 4pm on 22 April 2022.
19. The Claimant and any Defendant wishing to file a Skeleton Argument are to file and serve a Skeleton Argument by 4pm on 27 April 2022.
20. The Application is listed for 4-5 May 2022 with a time estimate of 2 days, with 3 May 2022 set aside as a judicial reading day.
21. Costs reserved.

### **Communications with the Claimant**

22. The Claimant's solicitors and their contact details are:

FAO Petra Billing/ Rob Shaw ([petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) / [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com))

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

Reference – RXS/366530/107

**BY THE COURT**

**Dated: 18 March 2022**

**SCHEDULE 3**

**CHIEF CONSTABLES OF THE FORCES OF:**

**City of London Police**

**Metropolitan Police Service**

**Avon and Somerset Constabulary**

**Bedfordshire Police**

**Cambridgeshire Constabulary**

**Cheshire Constabulary**

**Cleveland Police**

**Cumbria Constabulary**

**Derbyshire Constabulary**

**Devon & Cornwall Police**

**Dorset Police**

**Durham Constabulary**

**Essex Police**

**Gloucestershire Constabulary**

**Greater Manchester Police**

**Hampshire Constabulary**

**Hertfordshire Constabulary**

**Humberside Police**

**Kent Police**

**Lancashire Constabulary**

**Leicestershire Police**

**Lincolnshire Police**

**Merseyside Police**

**Norfolk Constabulary**

**North Yorkshire Police**

**Northamptonshire Police**

**Northumbria Police**

**Nottinghamshire Police**

**South Yorkshire Police**

**Staffordshire Police**

**Suffolk Constabulary**

**Surrey Police**

**Sussex Police**

**Thames Valley Police**

**Warwickshire Police**

**West Mercia Police**

**West Midlands Police**

**West Yorkshire Police**

**Wiltshire Police**

**BY THE COURT**

\* This order was drawn by Ann Marie Smith (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to The Associate, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44456 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 0207 947 7183 and 0207 947 7856.