

On behalf of: the Claimant  
By: Sean Foster Martell  
No: 1  
Exhibit: SFM1

Date: 13 April 2023

**QB-2021-003576, QB-2021-003626 and QB-2021-003737**

**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) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants

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**WITNESS STATEMENT OF  
SEAN FOSTER MARTELL**

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**I, SEAN FOSTER MARTELL, of** [REDACTED]

**WILL SAY as follows:**

1. I have worked for National Highways Limited (and its predecessor organisations) as the Head of Service Delivery since October 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 the injunction granted by the order of Mr Justice Bennathan made on 9 May 2022 as amended by the Court of Appeal on 14 March 2023 ("**Bennathan Order**") for one year and to explain to the Court why NHL believes that there is an ongoing risk of protest activity on the roads subject to the Bennathan Order, principally from Just Stop Oil ("**JSO**"), but, as I explain in this witness statement, also from groups such as Animal Rebellion, Extinction Rebellion, and others.

### **Background**

3. 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.
4. 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).
5. 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.
6. On 21 September 2021, an interim injunction in relation to the M25 was granted by Mr Justice Lavender in claim number QB-2021-003576 ("**the M25 Injunction**").
7. Following the grant of the M25 Injunction, the IB protests moved south east 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 (the "**Kent Injunction**").

8. On 2 October 2021, Mr Justice Holgate granted an injunction in relation to certain M25 'feeder roads' pursuant to claim number QB-2021-003737 (the "**M25 Feeder Roads Injunction**").
9. 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 relation to National Highways Limited v Ana Heyatawin and others [2021] EWHC 3078 (QB), finding that all nine Defendants were in contempt of court and committing all of those Defendants for immediate imprisonment for varying periods of between 3 and 6 months.
10. On 19 November 2021, NHL made a second application for contempt of court in relation to breaches by 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 all of those Defendants for imprisonment for varying periods of between 3 months and 30 days, with six of those Defendants having their periods of imprisonment suspended.
11. 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 all were committed for varying periods of imprisonment of between 24 and 60 days, with 11 of those Defendants having their periods of imprisonment suspended. The application to commit the 3 remaining Defendants was dismissed as the Court was not satisfied that there had been a breach of the M25 Injunction by those Defendants.
12. 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>

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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/>

13. 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>
14. 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 in *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. NHL successfully appealed the decision of Bennathan J at a hearing on 16 February 2023, whereby the Court of Appeal amended the terms of the Bennathan Order such that a final injunction was granted against persons unknown and against all named defendants. The Bennathan Order (as amended) is in force until 9 May 2023 or until further order.
15. 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

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

<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> Videos available here: <https://juststopoil.org/>

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 race track<sup>6</sup>.

16. 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>.
17. 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 Order and the remaining four protestors were 'newcomers' who were not Named Defendants nor persons who were capable of being personally served with the Bennathan Order. 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 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 economic cost of £234,543. See pages 1 to 10 of SFM1.

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<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/>

18. NHL made its fourth contempt of court application against the one Named Defendant who took part in the 20 July 2022 protest in *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, as is described in more detail in the Witness Statement of Laura Higson dated 13 April 2023.
19. 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>
20. 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 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. See pages 11 to 26 of SFM1.
21. Following the Queen Elizabeth II protest, NHL made an application for retrospective alternative service of the Bennathan Order upon the two protestors. On 3 November 2022, Mr Justice Griffiths granted NHL permission to discontinue

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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/>

the alternative service application following the Court's indication that the issue of alternative service could be properly dealt with in committal proceedings for contempt of court.

22. Following Mr Justice Griffith's order, 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, which is due to be heard by the court in the Easter Term.
23. JSO continued to cause further disruption in central London by blocking roads and bridges, including at Lambeth Bridge, Trafalgar Square, Westminster, The Mall near Buckingham Palace, Knightsbridge, Downing Street, Abbey Road, Piccadilly, Charing Cross Road, High Street Kensington, Blackfriars Road and Commercial Street between 1 and 31 October 2022. While these protests have not directly impacted the SRN, they show that JSO undertaking a sustained and continuous campaign and that JSO members continue to diversify their tactics and increase those who are targeted by their actions. Indeed, in daily press releases on JSO's website, the group states: "*This is not a one day event, expect us every day and anywhere*"<sup>11</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>12</sup>
24. In November 2022, JSO activists targeted gantries on the M25. NHL received intelligence that JSO planned to conduct a major disruptive action at multiple locations on the M25 between 7 November 2022 and 10 November 2022. This intelligence coincided with a press release published by JSO on 1 November 2022<sup>13</sup>, whereby JSO stated that "*from today Just Stop Oil will pause its campaign of civil resistance. We are giving time to those in the government who are in touch with reality to consider their responsibilities to the country at this time. If, as we sadly expect, we receive no response from ministers to our demand by the end of Friday 4<sup>th</sup> November, we will escalate our legal disruption against this treasonous government*".

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<sup>11</sup> <https://juststopoil.org/2022/10/22/day-22-just-stop-oil-blocks-roads-in-islington-to-demand-no-new-oil-and-gas/>

<sup>12</sup> <https://juststopoil.org/2022/10/16/a-response-to-home-secretary-suella-braverman/>

<sup>13</sup> <https://juststopoil.org/2022/11/01/just-stop-oil-pause-disruption/>

25. On 5 November 2022, NHL made an urgent 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 (“**the 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 Order, as whilst the M25 Structures Injunction restrains very similar conduct as the Bennathan Order, the service provisions of the Bennathan Order are confined to either: (i) personal service; or (ii) service via alternative means, namely by posting the Bennathan Order through the letterbox or affixing it to the front door of the address for service of the defendants who are named on the Bennathan Order. As the identities of those who would take part in the planned action in November were unknown to NHL, and given the proximity to the first day of the planned action, it would therefore have been impossible for NHL to serve the Bennathan Order upon them.
27. The M25 Structures Order was subsequently confirmed by Mr Justice Soole on 28 November 2022 against Persons Unknown and 65 Named Defendants.
28. Over the course of 7, 8, 9 and 10 November 2022, JSO and AR<sup>14</sup> protestors disrupted the M25 at 38 different locations 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 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. See pages 27 to 212 of SFM1.

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<sup>14</sup> <https://www.independent.co.uk/tv/news/m25-just-stop-oil-climate-change-b2221280.html>

29. No further protests have taken place directly on the SRN since 10 November 2022, however as I refer to at paragraph 30 below, the SRN has been impacted by continued JSO protest action.
30. JSO has continued to target roads, albeit not those which form part of the SRN. In particular, a recent tactic that JSO has employed is blocking the roads by carrying out 'go slow marches'. Such protests involve members of JSO walking slowly along the roads which brings the traffic to an almost stand-still. Such forms of protest have been carried out on numerous dates in November and December 2022 in central London<sup>15</sup>, 19 January 2023 in Sheffield<sup>16</sup>, 28 January 2023 in Manchester<sup>17</sup>, 18 February 2023 in Liverpool, Norwich and Brighton<sup>18</sup>, 18 March 2023 in Bristol, Lancaster and Ipswich<sup>19</sup>, and on 25 March 2023 in Leeds and Coventry<sup>20</sup>. Whilst there was no 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.

#### **Future protest action by JSO and others with whom they are affiliated**

31. Whilst the protest events described above primarily refer to action by JSO, there is an intersection between the groups IB, JSO, Extinction Rebellion, and others. Indeed, JSO self-identifies as a "*coalition of groups*" (see paragraph 12 above) and individuals who are associated with one of the groups often become affiliated with one or more of the other groups in the coalition. This can be seen in particular by those individuals who were added as Named Defendants to the Interim Injunctions as IB members subsequently becoming affiliated with and protesting under the banner of JSO. An article exhibited at pages 311 to 312 of SFM1 confirms that other members of the coalition include the Campaign for Nuclear

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<sup>15</sup> <https://juststopoil.org/2022/12/12/just-stop-oil-supporters-slow-march-again-as-government-threatens-law-change-to-silence-all-dissent/>

<sup>16</sup> <https://juststopoil.org/2023/01/19/just-stop-oil-stages-go-slow-march-in-sheffield/>

<sup>17</sup> <https://juststopoil.org/2023/01/28/just-stop-oil-stages-go-slow-march-in-manchester-today/>

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

<sup>19</sup> <https://juststopoil.org/2023/03/18/100-just-stop-oil-supporters-march-slowly-through-3-city-centres-causing-severe-traffic-delays/>

<sup>20</sup> <https://juststopoil.org/2023/03/25/barclays-sprayed-with-orange-paint-while-just-stop-oil-supporters-slow-march-through-leeds-and-coventry/>

Disarmament, Disabled People Against Cuts, Fuel Poverty Action, and the Peace and Justice Project.

32. JSO has made clear its intention to continue its campaign of civil resistance, and indeed has threatened to further escalate its campaign if the Government does not meet the group's demands by 10 April 2023. On 14 February 2023, two JSO members, Hannah Hunt and Phoebe Plummer, a named defendant to the M25 Structures Injunction, delivered the following ultimatum to 10 Downing Street:

*“Just Stop Oil is demanding that: The UK government makes a statement that it will immediately halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK.*

*“If you do not provide such assurance by 10th April 2023, we will be forced to escalate our campaign – to prevent the ultimate crime against our country, humanity and life on earth..”* (see pages 213 to 217 of SFM1).

33. JSO continues to actively recruit new members via various means including by the organisation's website, asking potential new recruits to sign up to *“Let us know who you are, and when you can join us in action”*. The website advises that *“by signing this form you agree to come on training and action with Just Stop Oil. This will mean marching in central London for multiple days”* (see pages 305 to 306 of SFM1). 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 any planned protest action under the banner of JSO. The training is described by JSO as *“mandatory”*. See page 310 of SFM1 showing a training calendar showing examples of the mandatory training sessions delivered by JSO.

34. On 13 March 2023, The Guardian published an article (a copy of which is exhibited at pages 218 to 220 of SFM1) 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 designs provide”* (my emphasis added).

35. 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 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”*. See pages 299 to 304 of SFM1.

### **Basis for the extension of the Bennathan Order**

36. Since 10 November 2022, there has been no further direct protest action on the roads subject to the Bennathan Order. Whilst the Bennathan Order has 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 the Bennathan Order is having some deterrent effect. In particular, the contempt of court applications, which have made clear to the Defendants NHL’s willingness to enforce breaches of the Bennathan Order appear to have coincided with a reduction in continuous direct-action protests on the SRN itself.
37. Thus, whilst the Bennathan Order has not wholly prevented unlawful disruption, it has been broadly successful and remains of great 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.
38. Whilst the injunctive relief granted by the Bennathan Order has not been wholly effective, NHL is aware that it has acted as a deterrent for some of the individuals who are associated with IB and JSO. At the hearing of NHL’s appeal of the judgment of Bennathan J 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 is 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"* A copy of the transcript of the hearing is exhibited at pages 221 to 276 of SFM1. In particular see page 272 of SFM1 at paragraph C, and page 275 of SFM1 at paragraph H.

39. 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 Order, my colleague Nicola Bell explained the strategic importance of the roads which are now subject to the Bennathan Order and formerly subject to the interim injunctions. A copy of Ms. Bell's statement is exhibited at pages 277 to 292 of SFM1. 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.
40. As 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:
  - 40.1 The land covered by the Bennathan Order includes active roads; some of which are amongst the busiest in England.
  - 40.2 The mere presence of unauthorised protestors on the land covered by the Bennathan Order 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.
  - 40.3 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. I exhibit at pages 293 to 298 of SFM1 news articles reporting examples of numerous incidents

where the behaviour of those participating in the JSO protests has led to tension and confrontation with members of the public:

- 40.3.1 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.
- 40.3.2 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>21</sup>
- 40.3.3 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.
- 40.4 Very considerable police resources have been required to assist with incidents on the land covered by the Bennathan Order. According to an article published by the BBC on 5 February 2023<sup>22</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.
- 40.5 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) are considerably more than £1 million. All of these costs are ultimately borne by the public purse.

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<sup>21</sup> <https://www.kentonline.co.uk/dartford/news/fireworks-aimed-at-just-stop-oil-protestors-275455/>

<sup>22</sup> <https://www.bbc.co.uk/news/uk-england-london-64528981>

- 40.6 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.
- 40.7 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.
41. The prospect of a threatened escalation of JSO's campaign from 10 April 2023 which may see a renewed and strengthened further round of disruptive protests, is therefore of significant concern to NHL.
42. Given the importance of those parts of the SRN covered by the Bennathan Order, 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, the statements of intent to continue with and the indications that a significant further phase of the JSO protests is to commence from 10 April 2023, NHL is operating on the basis that the risk of further JSO protests is real and imminent even if further protests do not target the SRN in the immediate term after 10 April 2023. JSO's 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. My view is that the Bennathan Order and the contempt of court applications have shown a measure of success as a deterrent.

#### **Basis for variations to the Bennathan Order**

43. In preparation for this review hearing, NHL has made an application for variations to the Bennathan Order. The evidence for those variations and the issue of service is set out in the Witness Statement of Laura Higson, dated 13 April 2023. However, I address some of the issues leading to the variation in my evidence as well.
44. As I have explained, NHL was forced to secure a further injunction in similar terms to the Bennathan Order to protect the SRN due to the difficulties it faces with service of the Bennathan Order.
45. JSO issues regular press releases and makes regular social media posts seeking to recruit new members. Newcomers to JSO protests are not caught by the Bennathan

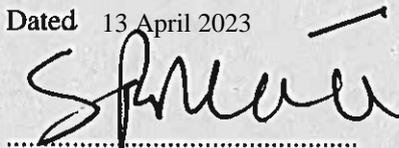
Order until such a time as they can be personally served with it, or NHL is provided with a particular person's name and address under the police disclosure provisions of the Bennathan Order. In essence, the perception with NHL and the general public is that protestors get a "free go" despite the huge disruption, economic harm and health and safety risk caused by such protests.

46. This issues and danger of the current service provisions is shown starkly by the Queen Elizabeth II bridge protest I referred to above. The protesters were in extraordinarily dangerous locations, and cause huge disruption and economic harm, yet in response to NHL's committal application, seek to argue that they have not been served with the Bennathan Order, despite NHL's considerable efforts to effect alternative service in circumstances where typical personal service was impossible. My concern is that without amended service provisions, protestors will be driven to adopt increasingly dangerous protest sites, in order to seek to thwart personal service of the Bennathan Order upon them.
47. There are further proposed variations to the Bennathan Order which arise from NHL's duties and the Court of Appeal judgment. First, NHL proposes to remove certain named defendants and add certain named defendants for various reasons. Second, the cost provisions of the Bennathan Order require amendment in accordance with the Court of Appeal's guidance. Those matters are addressed more fully by Ms Higson.

#### **Statement of Truth**

48. 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 13 April 2023



**SEAN FOSTER MARTELL**

On behalf of: the Claimant  
By: Sean Foster Martell  
No: 1  
Exhibit: SFM1

Date: 13 April 2023

**QB-2021-003576, QB-2021-003626 and QB-2021-003737**

**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) MR ALEXANDER RODGER AND 132 OTHERS**

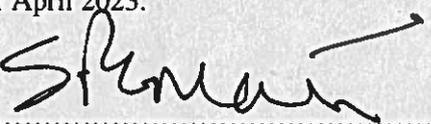
**Defendants**

---

**EXHIBIT OF  
ERROR! REFERENCE SOURCE NOT FOUND.**

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This is the exhibit marked SFM1 referred to in the witness statement of Sean Foster Martell dated this 13<sup>th</sup> day of April 2023.

Signed:  .....

# Protest on the Strategic Road Network

## M25 Junction 31 20 July 2022

Impact Assessment Statement  
(Assured)

Data sources, impact  
methodology, assumptions  
& examples



To calculate impact the National Operations team will use a variety of data sources to collate and validate the data presented in this pack

### **National Traffic Information Service (NTIS) – Real time**

NTIS collects data from induction loops that are situated under the roads surface. The loops are able to count vehicles, measure speed and measure vehicle length. NTIS also collects data from in vehicle Global Positioning Sensors (GPS). These different data sets are then validated by the system before being combined to produce a near real time view of conditions on the Strategic Road Network (SRN). The data is updated every 1 minute. The system compares the real time data to a historical data profile for the same location and time. NTIS can then confirm if traffic conditions at a location are as expected or not. Delay is then described as being above profile for a duration of time. The data is the presented to users as a heat map and event list via a user interface. This allows the national operations team to see in real time the impact of any incident on the SRN. The heat map can also be used to measure the length of a queue. This is validated using Closed – Circuit Television (CCTV) where possible. *Please note that if NTIS data cannot be obtained for any reason, third party data such as Google will be used*

### **Control Works data**

Control Works is an operational dataset used to manage incidents which Regional Operating Centres (ROCs) have been made aware of

**The national operations team will use all available data sources to assess the impact of protests:**

- NTIS traffic data and heat map will be used as primary source to measure delay and the extent of queues
- CCTV observations & Google maps will be used as a source to measure delay and the extent of queues where NTIS data is unavailable

## Incident details

Log Number	EROC 1391
Region	South East
Day	Wednesday
Date	20.07.2022
Start time	11:06
End time	17:28
Road	M25
Junction	J31
Location	Dartford River Crossing

## Incident commentary

- 11:06 A female has climbed up a gantry above the highway to protest as part of the Just Stop Oil protest group at J31 Marker Post 186/8A clockwise
- 11:59 Essex Police have fully closed the clockwise carriageway at J30 A (for a closure of the M25 clockwise between J30 and J31 on health and safety grounds approaching the QE2 bridge)
- 17:14 Police resolved the situation – protestor removed
- 17:28 Carriageway confirmed as re-opened.

Peak congestion queues clockwise of 14 miles with a maximum delay of 90mins above profile for customers on the clockwise carriageway  
The anti clockwise carriageway, including the A282 Dartford River Crossing also experienced delays from J2 through to J31.

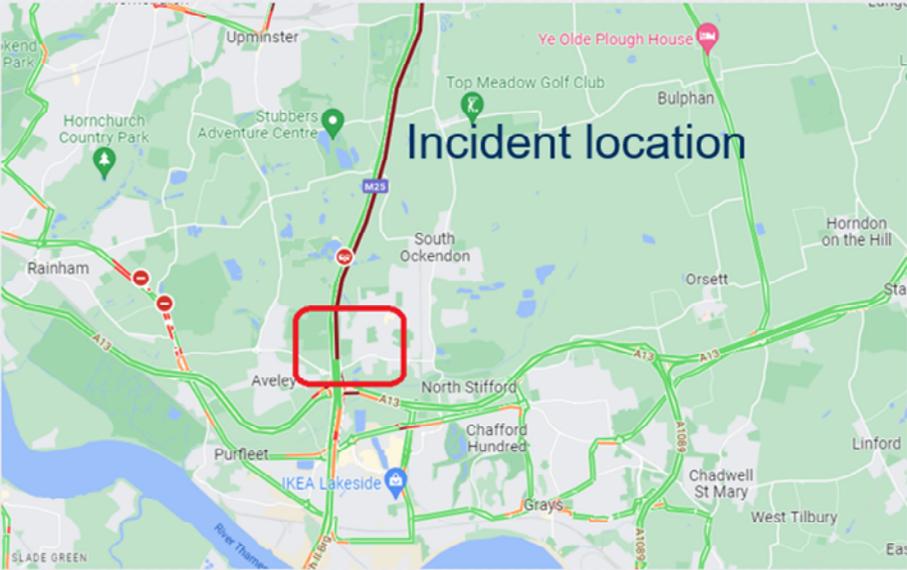
**\*\*Information source – Regional Operation Centre Controlworks Log 1391**

## Incident Impact

Start time of delays on SRN (NTIS)	11:59			
End time of delays on SRN (NTIS)	18:57			
Total time delays persist on SRN (mins)	418			
Peak delays on SRN (minutes)	90			
Breakdown of impact	Road	Delay extent	Queue (miles)	Peak delays (mins)
Location 1	M25	J27 – J31 Clockwise carriageway	14	90
Location 2	M25	J2 – J31 Anti clockwise carriageway	4	25

**\*\*Information source - National Traffic Information Service (NTIS) – Real time**

# Area impacted

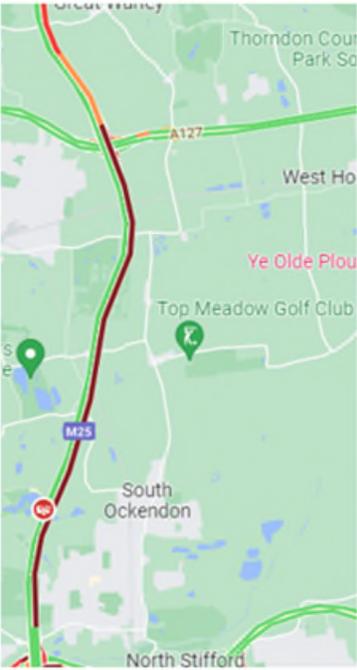


\*\*sourced through Google maps, CCTV Images & Social media (where available)

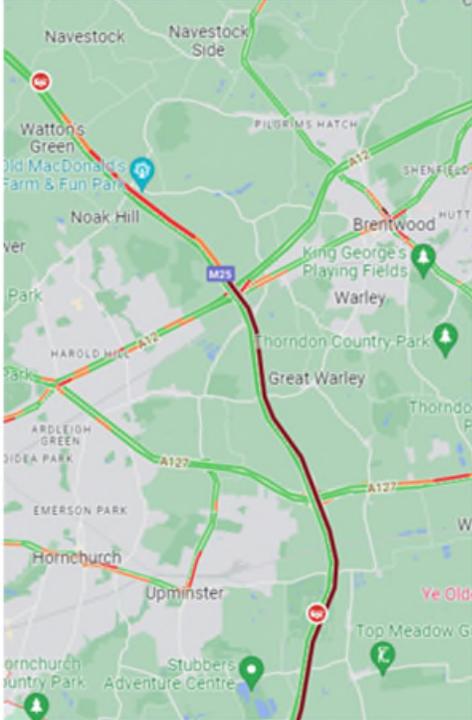
# Area impacted

Heat Map Data:

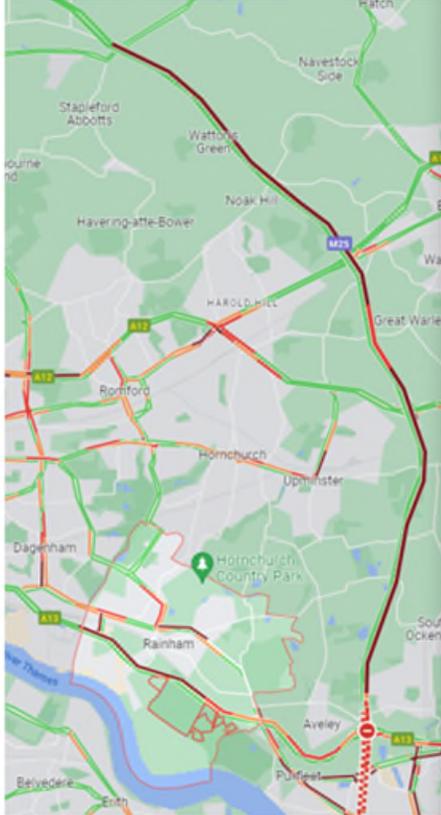
12:34



14:30



17:45



\*\*sourced through Google maps, CCTV Images & Social media (where available)

# Economic Impact Method Statement

Our estimates of impact can only be based on the traffic data available. We have applied a method which allows us to estimate a *lower bound* for the impact in terms of lost vehicle-hours and on the economy.

Calculation	Method Applied	Notes and Caveats	Reported in
Delay to non-stationary vehicles	<p>We have a standard method, using well-established data sources and used in our journey time reliability metric, for calculating delay over and above that we would expect to see on a comparable day.</p> <p>This provides a total number of vehicle-hours.</p>	<p>Details of the metric calculation can be found in the National Highways Operational Metrics Manual.</p> <p>Our calculations cover the protest site, and the surrounding SRN (Strategic Road Network). The main carriageway is covered in both directions, but roundabouts are excluded as there is no data for these.</p>	“Delay Extent” column of the Incident Impact Table
Economic Impact	<p>The DfT’s <a href="#">Transport Appraisal Guidance (TAG)</a> provides average values of time for cars (£15.14 per hour). We have multiplied these by the vehicle-hours of delay to give an estimated economic impact.</p>	<p>For simplicity we have assumed all non-stationary vehicle delays apply to cars, which will underestimate the impact.</p> <p>The figures calculated do not include the further economic costs to individuals and businesses as a result of missed appointments, or late delivery of goods. Neither does it include the economic costs of activities which didn’t occur because of the protests, or the cost to the police, National Highways, or others involved in managing the incident. Given these limitations the figure quoted is an underestimate.</p>	“Economic Cost” column of the Incident Impact Table

**Economic Impact**

<b>Start time of delays on SRN (NTIS)</b>	11:00 - 11:15			
<b>End time of delays on SRN (NTIS)</b>	20:00 – 20:15			
<b>Breakdown of impact</b>	<b>Road</b>	<b>Delay extent</b>	<b>Number of vehicles</b>	<b>Economic cost (£)</b>
<b>Delays from non-stationary vehicles :</b>	M25 J31	15,492 Vehicle Hours	49,892	£234,543
<b>Estimated total economic cost (£)</b>				<b>£234,543</b>

**\*\*Data source - National Traffic Information Service (NTIS) (Non Recurrent Vehicle Hours)**

M25 J31 and approaches, 20/07/22

12/08/22

**Analytical Assurance Statement: 3rd Line of Assurance**

Appropriateness	Compliance	Uncertainty	Fit for Purpose
Green-Amber	Green	Amber	Amber
Supervisor: Producer:	Tracey Smith Network Analysis And Statistics	Assurer:	Richard Sweet

Data is from a variety of standard National Highways data sources, CCTV, and third party sources including Google Maps. The analysis is fairly high level, but does not provide inappropriate or misleading levels of detail. Only the direct impact of delay on the SRN mainline can be included – impacts off the SRN, impacts due to diversion, or impacts due to individuals choosing not to travel, are not considered.

The main scope for challenge relates to:

- Lack of data on some affected links
- Relative lack of detail in the information available at an early stage

The analysis has been designed specifically for this purpose, but time constraints necessitate the use of particular data sources which are available rapidly.

**Appropriateness is considered Green-Amber.** As the agreed Analytical Plan is followed **Compliance is Green.** Whilst the mainline impact assessed is reasonably robust, our data cannot pick up numerous impacts elsewhere. **Uncertainty is thus Amber.** In summary, the analysis can be used to inform decision-making providing that the uncertainties are understood. **Fitness for purpose is therefore Amber.**

# Protest on the Strategic Road Network

## Queen Elizabeth II bridge Between J31 – M25, J1A-A282

17th & 18th October 2022

Impact Assessment Statement  
(V2 Assured)

Data sources, impact  
methodology, assumptions  
& examples



To calculate impact the National Operations team will use a variety of data sources to collate and validate the data presented in this pack

### **National Traffic Information Service (NTIS) – Real time**

NTIS collects data from induction loops that are situated under the roads surface. The loops are able to count vehicles, measure speed and measure vehicle length. NTIS also collects data from in vehicle Global Positioning Sensors (GPS). These different data sets are then validated by the system before being combined to produce a near real time view of conditions on the Strategic Road Network (SRN). The data is updated every 1 minute. The system compares the real time data to a historical data profile for the same location and time. NTIS can then confirm if traffic conditions at a location are as expected or not. Delay is then described as being above profile for a duration of time. The data is the presented to users as a heat map and event list via a user interface. This allows the national operations team to see in real time the impact of any incident on the SRN. The heat map can also be used to measure the length of a queue. This is validated using Closed – Circuit Television (CCTV) where possible. *Please note that if NTIS data cannot be obtained for any reason, third party data such as Google will be used*

### **Control Works data**

Control Works is an operational dataset used to manage incidents which Regional Operating Centres (ROCs) have been made aware of

**The national operations team will use all available data sources to assess the impact of protests:**

- NTIS traffic data and heat map will be used as primary source to measure delay and the extent of queues
- CCTV observations & Google maps will be used as a source to measure delay and the extent of queues where NTIS data is unavailable

Incident details

<b>Log Number</b>	<b>187 &amp; 192</b>
<b>Region</b>	<b>South East</b>
<b>Day</b>	<b>Monday</b>
<b>Date</b>	<b>17.10.2022</b>
<b>Start time</b>	<b>03:46 (17.10.2022)</b>
<b>End time</b>	<b>21:56 (18.10.2022)</b>
<b>Road</b>	<b>M25 - A282</b>
<b>Junction</b>	<b>Between J31– M25, J1A - A282</b>
<b>Location</b>	<b>Queen Elizabeth II bridge</b>

Information source – Regional Operation Centre Control Works Log 187 & 192  
 \* NILO 20221017/0001

17/10/2022	
03:46	Someone hanging over the bridge
04:02	187/3A, A282 clockwise > traffic stopped
04:12	Police on scene protesters are over the central reservation so we may release traffic in Lane 1/Lane 2 to get rid of the trapped traffic
05:04	The East bore tunnel closure now switched from planned maintenance to closed due to this incident ***Due to planned tunnel maintenance the East tunnel was already and passed to Connect Plus Services and Dartford River Crossing closed at 05:04
05:54	NILO confirms that the QE2 bridge is now closed, with southbound traffic being diverted through the East bore tunnel due to on-going police led incident
18/10/2022	
21:55	Traffic released East tunnel reopened
21:56	Carriageway status changed from Compromised to Clear

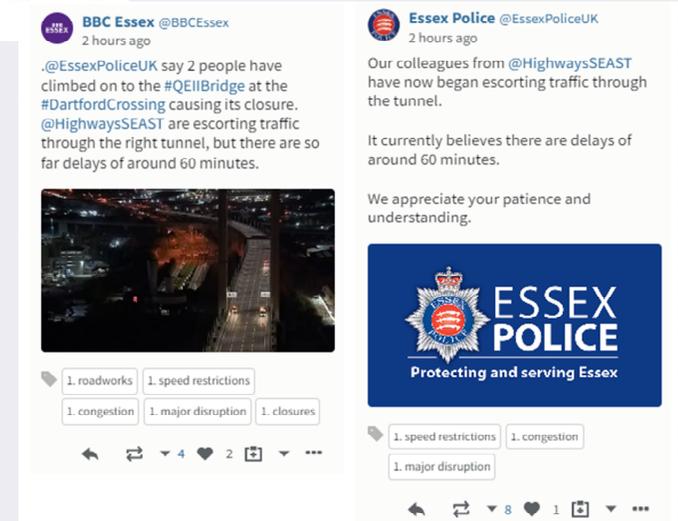
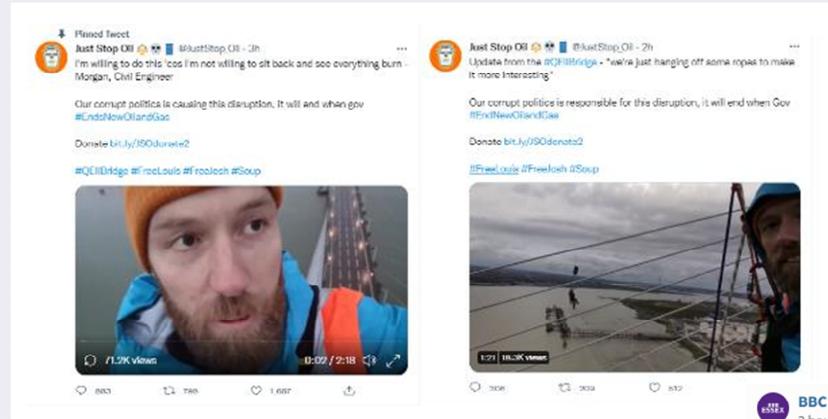
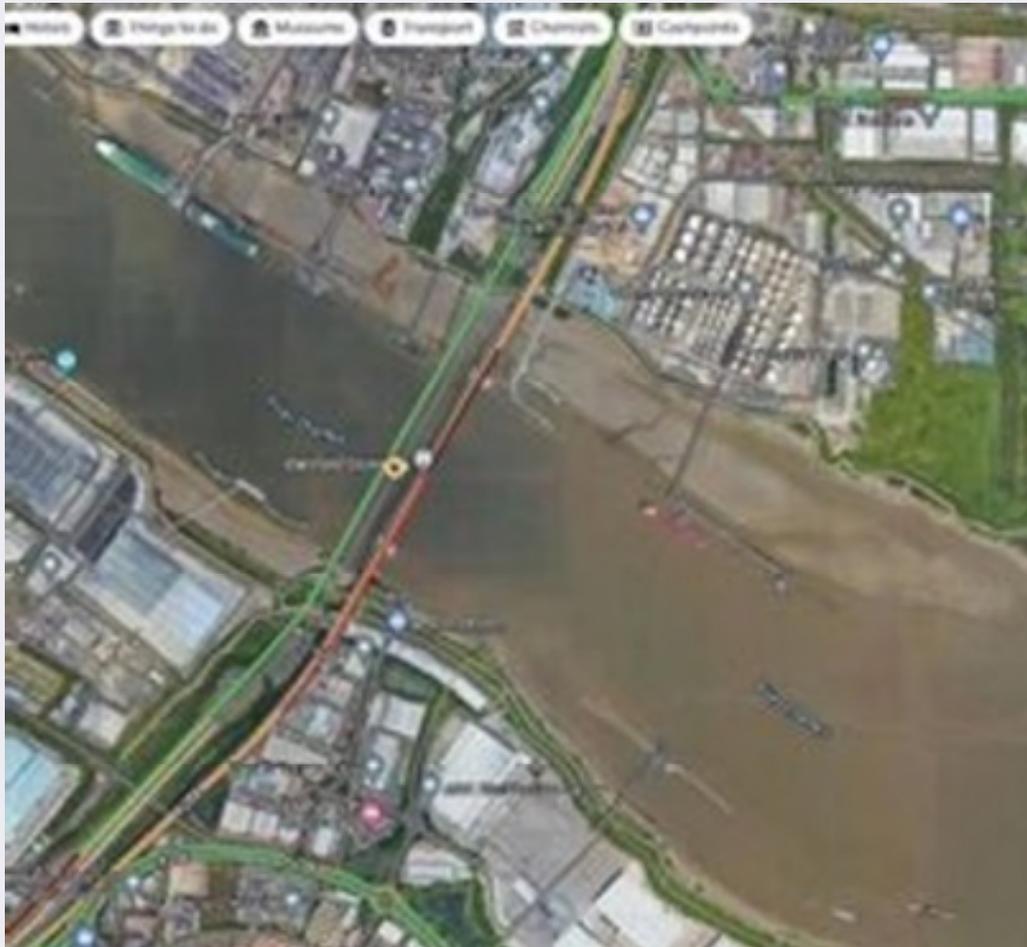
**Incident Impact**

Start time of incident on SRN (NTIS)	03:46 (17.10.2022)			
End time of incident on SRN (NTIS)	21:56 (18.10.2022 )			
Peak delays on SRN (minutes)	120			
Breakdown of impact	<b>Road</b>	<b>Queue extent</b>	<b>Queue (miles)</b>	<b>Peak delays (mins)</b>
Location 1 (Anti-clockwise)	QE II Bridge	J4 M25 (Anti Clockwise)	8.4	120
Location 2 (Clockwise)	QE II Bridge	J29 M25 (Clockwise)	7	120

## Area impacted 17-10-2022

### Location of protest: A282 Dartford Crossing

### Tweets – External sources

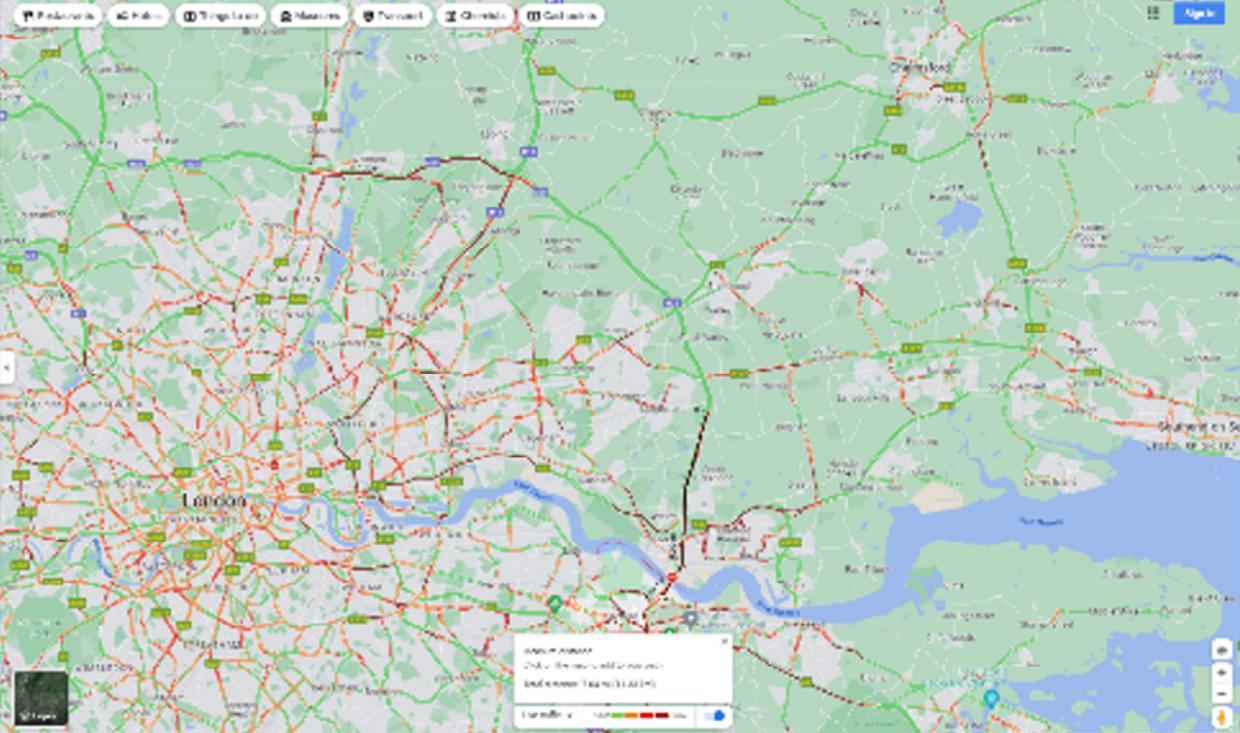
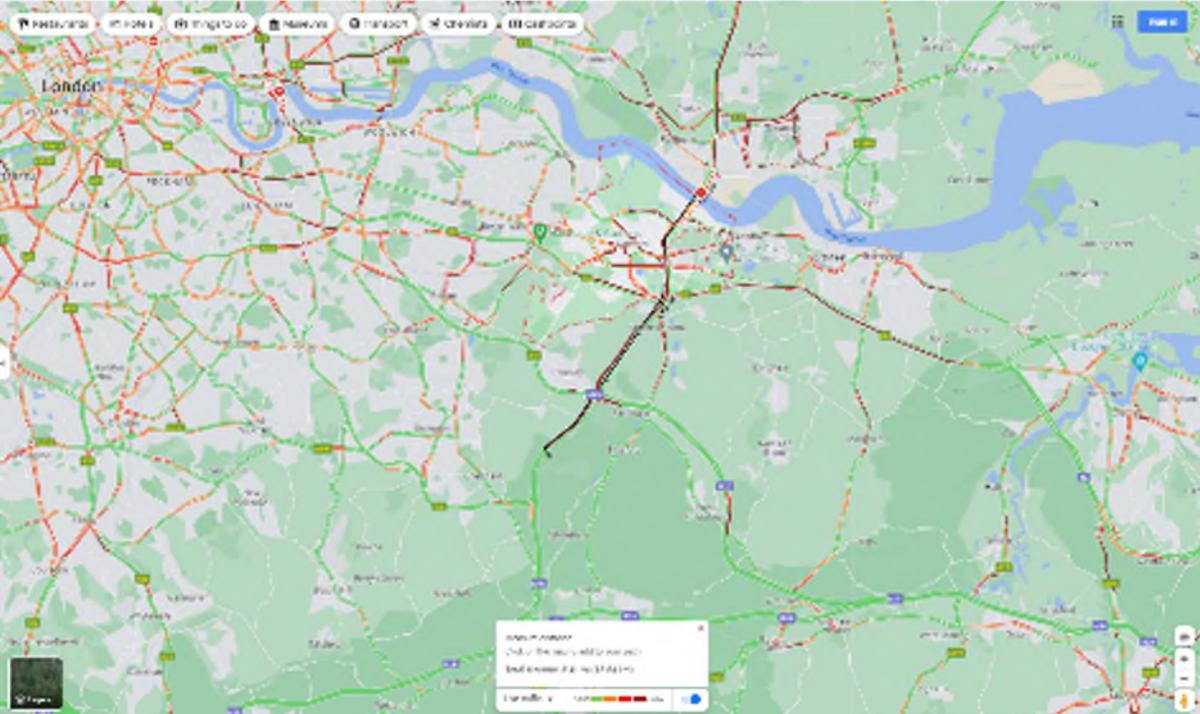


**\*\*sourced through Google maps, CCTV Images & Social media (where available)**

Area impacted 17-10-2022

Anti-clockwise 8.4miles of congestion

Clockwise 7 miles of congestion



Captured at 08:30

Captured at 08:30

\*\*sourced through Google maps, CCTV Images & Social media (where available)

Area impacted 18-10-2022

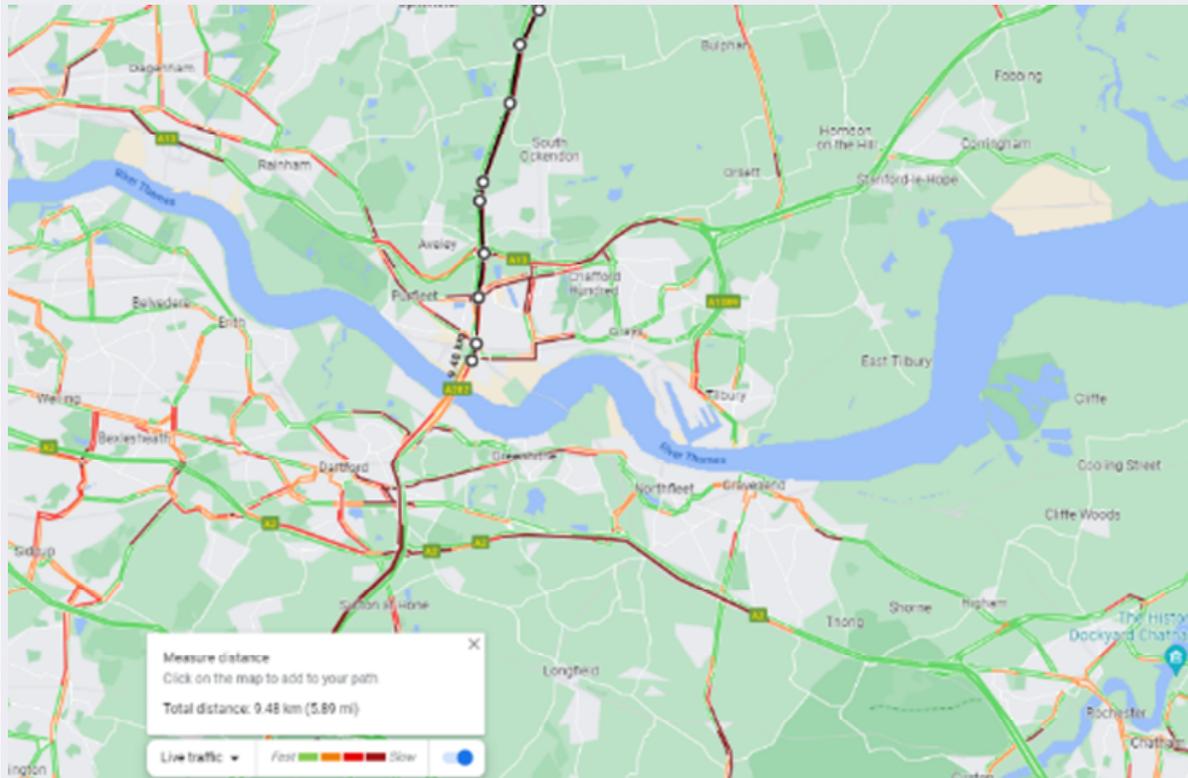
CCTV



\*\*sourced through Google maps, CCTV Images & Social media (where available)

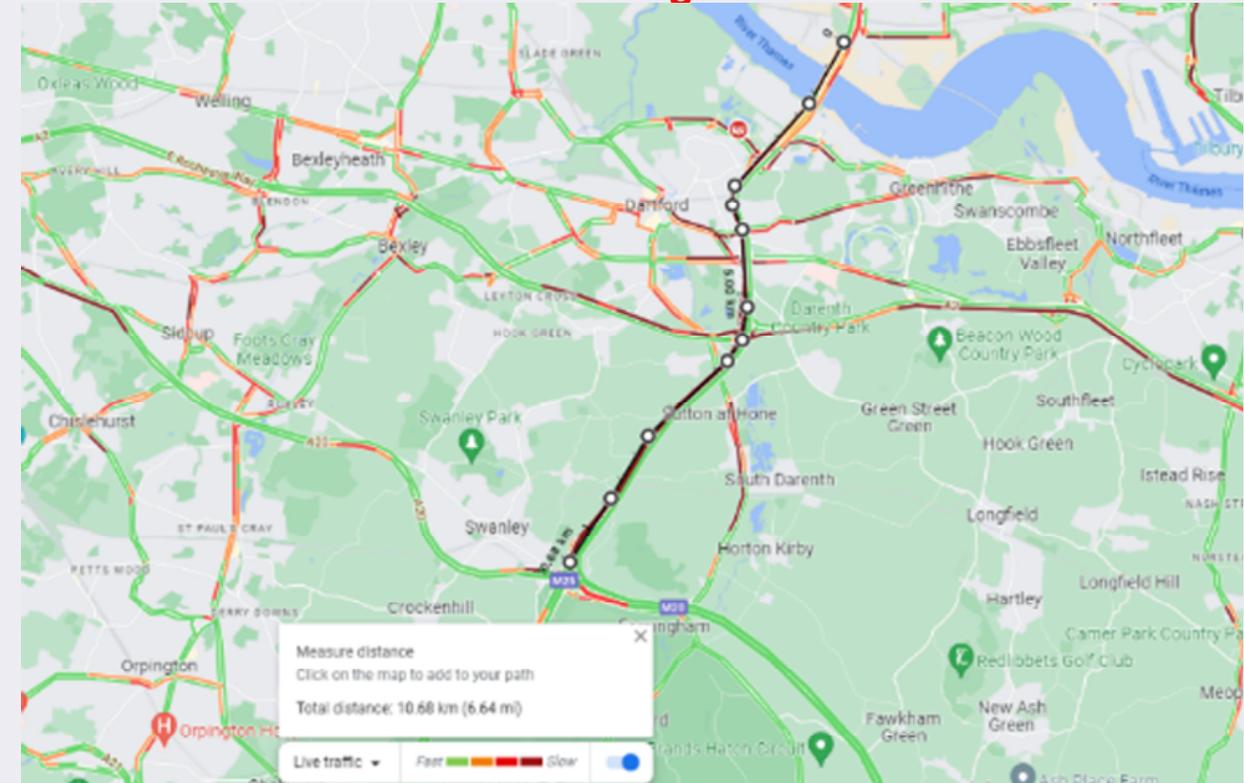
## Area impacted 18-10-2022

**Clockwise 5.8 miles of congestion**



**Captured at 08:20 Heat map also shows 3.2 miles of congestion on A13 westbound and 5.9 miles on the A2 westbound approaching the M25.**

**Anti-clockwise 6.6 miles of congestion**



**Captured at 08:20**

**\*\*sourced through Google maps, CCTV Images & Social media (where available)**

## Impact of Protest Activity (additional information only)

 **Uni of Greenwich Buses**  
@UOGbuses

17:15 Greenwich to Medway will depart approx. 20 mins behind schedule. This is due to a delay on the vehicle's previous trip from Medway because of the ongoing protest activity at the Dartford Crossing. Apologies for any inconvenience caused.  
[@UniofGreenwich](#)

5:07 PM · Oct 18, 2022 · TweetDeck

 [Redacted] · Oct 17

Missed work today because of the [Redacted] at the **Dartford** crossing ,  
[Redacted] joke

1 Like

 [Redacted] · 16h

Please come down from the top of the **Dartford** Bridge. You have made your point. My 25yr old niece passed away yesterday and there is a delay in coroners carrying out post mortems due to traffic chaos.  
[#JustStopJustStopOil](#) [#DartfordCrossing](#)

12 Comments · 17 Retweets · 88 Likes

 [Redacted]

[@LBC](#) the stop oil protest on the QE2 bridge is appalling! Waste of resource, schools unable to open as teachers can't get in! When will these type of protests be stopped!

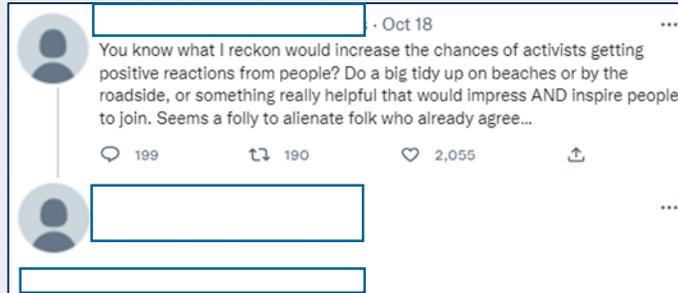
8:48 am · 17 Oct 2022 · Twitter for iPhone

1 Like

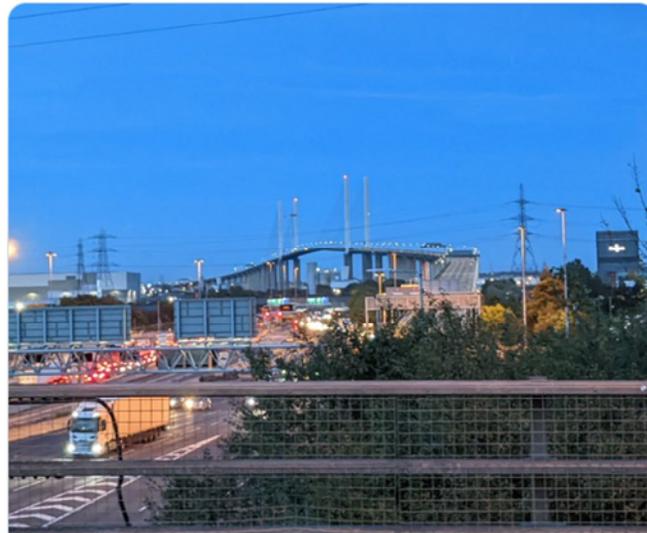
\*\*sourced through Social media

# Impact of Protest Activity (additional information only)

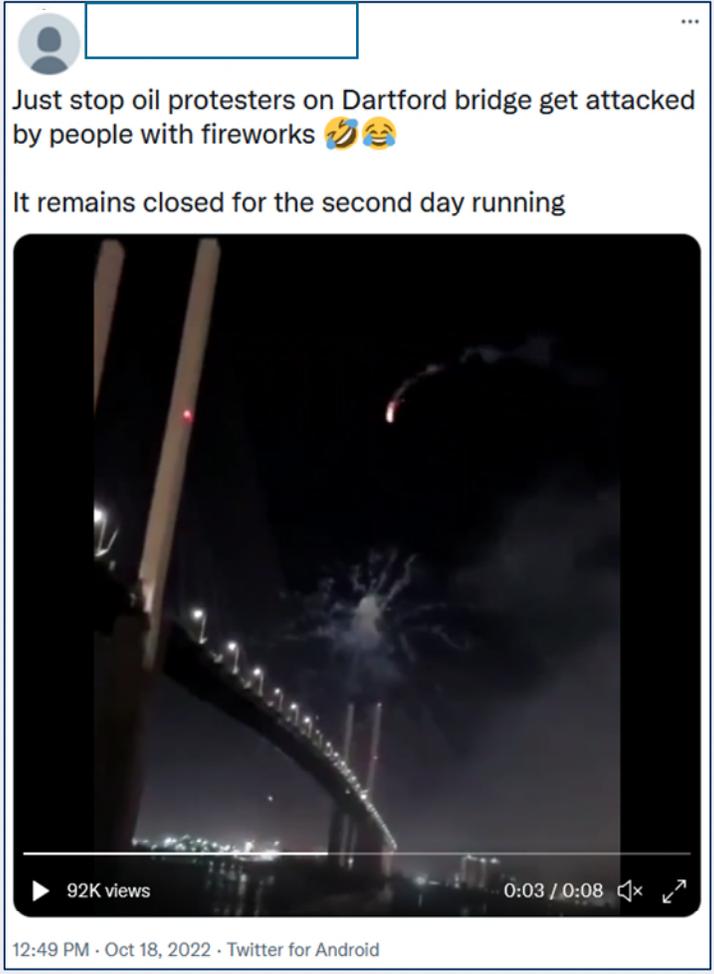
Just a reminder that due to the protesters still strapped to the top of the QE2 bridge this morning, the Service 51 will start from Grays Bus Station at 0700. This will not serve Chafford Hundred this morning.



I had two jobs in Essex today I live in Kent. It usually takes about 50mins to get to the Dartford crossing it was 10 hours 30 minutes today. No work was carried out. My customer will still have broken equipment and will be losing income. It was an hour to get home from here 🙄



# Impact of Protest Activity (additional information only)



\*\*sourced through Social media

# Impact Assessment & Analytical Assurance Statement

## Economic Impact Method Statement

Our estimates of impact can only be based on the traffic data available. We have applied a method which allows us to estimate a *lower bound* for the impact in terms of lost vehicle-hours and on the economy.

Calculation	Method Applied	Notes and Caveats	Reported in
Delay to non-stationary vehicles	<p>We have a standard method, using well-established data sources and used in our journey time reliability metric, for calculating delay over and above that we would expect to see on a comparable day.</p> <p>This provides a total number of vehicle-hours.</p>	<p>Details of the metric calculation can be found in the National Highways Operational Metrics Manual.</p> <p>Our calculations cover the protest site, and the surrounding SRN (Strategic Road Network). The main carriageway is covered in both directions, but roundabouts are excluded as there is no data for these.</p>	“Delay Extent” column of the Incident Impact Table
Economic Impact	<p>The DfT’s <a href="#">Transport Appraisal Guidance (TAG)</a> provides average values of time for cars (£15.14 per hour). We have multiplied these by the vehicle-hours of delay to give an estimated economic impact.</p>	<p>For simplicity we have assumed all non-stationary vehicle delays apply to cars, which will underestimate the impact.</p> <p>The figures calculated do not include the further economic costs to individuals and businesses as a result of missed appointments, or late delivery of goods. Neither does it include the economic costs of activities which didn’t occur because of the protests, or the cost to the police, National Highways, or others involved in managing the incident. Given these limitations the figure quoted is an underestimate.</p>	“Economic Cost” column of the Incident Impact Table

Economic Impact

<b>Start time of delays on SRN (NTIS)</b>	03:45 (17-11-2022)			
<b>End time of delays on SRN (NTIS)</b>	23:59 (18-11-2022)			
<b>Breakdown of impact</b>	<b>Roads</b>	<b>Delay extent</b>	<b>Number of vehicles</b>	<b>Economic cost (£)</b>
<b>Delays from non-stationary vehicles :</b>	M25/A282, A13, A2, A20	60,548	17th: 279,756 18th: 286,948	£916,696
<b>Estimated total economic cost (£)</b>				£916,696

\*Data source - National Traffic Information Service (NTIS) (Non Recurrent Vehicle Hours)

\*\*Number of vehicles affected - Days shown individually to avoid double counting (many vehicles would have made the journey on both days)

## Analytical Assurance Statement: 3rd Line of Assurance

Appropriateness	Compliance	Uncertainty	Fit for Purpose
Green-Amber	Green	Amber	Amber
Supervisor: Tracey Smith		Assurer: Antony Noble	
Producer: South-East Network Data Analysis & Intelligence Team			

Data is from a variety of standard National Highways data sources, for moving but delayed traffic and is processed and used for assessment of our delay metric. Data from non-SRN links is not available, so the impact on those roads cannot be estimated and is not included in the total levels of impact quoted.

The economic impact is estimated using values of time from the DfT’s TAG guidance. Only the direct impact of delay on the mainline can be monetised in this way – impacts off the SRN, impacts due to diversion, or impacts due to individuals choosing not to travel, are not considered; neither are impacts which are less direct such as missed appointments, transport connections, or indirect impacts on business. Thus, the value quoted is subject to a degree of uncertainty and should be considered a low-end estimate.

The main scope for challenge relates to:

- Lack of data on some affected links
- Lack of data on journey purpose, so that economic impact is an order-of-magnitude estimate.

The analysis has been designed specifically for this purpose, but time constraints necessitate the use of particular data sources which are available rapidly.

**Appropriateness is considered Green-Amber.** As the agreed Analytical Plan is followed **Compliance is Green.** Whilst the mainline impact assessed is reasonably robust, our data cannot pick up numerous impacts elsewhere. **Uncertainty is thus Amber.** In summary, the analysis can be used to inform decision-making providing that the uncertainties are understood. **Fitness for purpose is therefore Amber.**

# Protests on the Strategic Road Network

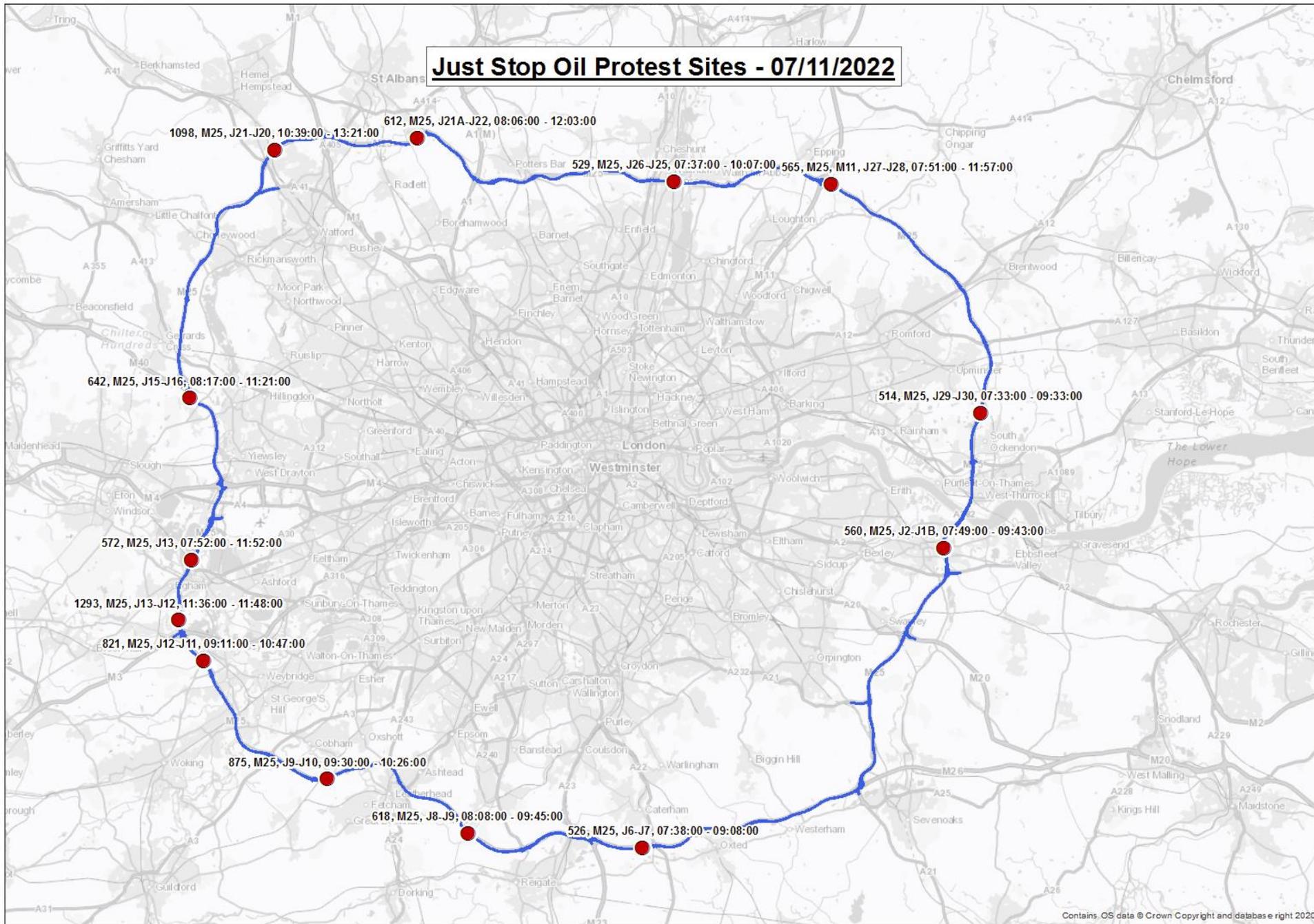
7th November 2022

Impact Assessment Statement  
(Assured)

Data sources, impact methodology, assumptions and examples



# Just Stop Oil Protest Sites - 07/11/2022



Contains OS data © Crown Copyright and database right 2020

To calculate impact the National Operations team will use a variety of data sources to collate and validate the data presented in this pack.

### **National Traffic Information Service (NTIS) – Real time**

NTIS collects data from induction loops that are situated under the roads surface. The loops are able to count vehicles, measure speed and measure vehicle length. NTIS also collects data from in vehicle Global Positioning Sensors (GPS). These different data sets are then validated by the system before being combined to produce a near real time view of conditions on the Strategic Road Network (SRN). The data is updated every 1 minute. The system compares the real time data to a historical data profile for the same location and time. NTIS can then confirm if traffic conditions at a location are as expected or not. Delay is then described as being above profile for a duration of time. The data is then presented to users as a heat map and event list via a user interface. This allows the national operations team to see in real time the impact of any incident on the SRN. The heat map can also be used to measure the length of a queue. This is validated using Closed – Circuit Television (CCTV) where possible.

*Please note that if NTIS data cannot be obtained for any reason, third party data such as Google will be used.*

### **Control Works Data**

Control Works data is collated from an operational application supporting National Highways management of incidents across the SRN – helping the Traffic Officer Service and others to capture and communicate the majority of the key information required to resolve an incident and get the network flowing as safely and quickly as possible. As a result, it contains a wealth of information which can also be used for other purposes after the incident has been resolved.

**The National Operations team will use all available data sources to assess the impact of protests:**

- NTIS traffic data and heat maps will be used as primary source to measure delay and the extent of queues
- CCTV observations and Google maps will be used as a source to measure delay and the extent of queues where NTIS data is unavailable

### Incident Details

Log Number	514
Region	South East
Day	Monday
Date	07.11.2022
Start time	07:31
End time	09:33
Road	M25
Junction	J29 - J30
Location	South Ockendon, Essex

### Incident Commentary

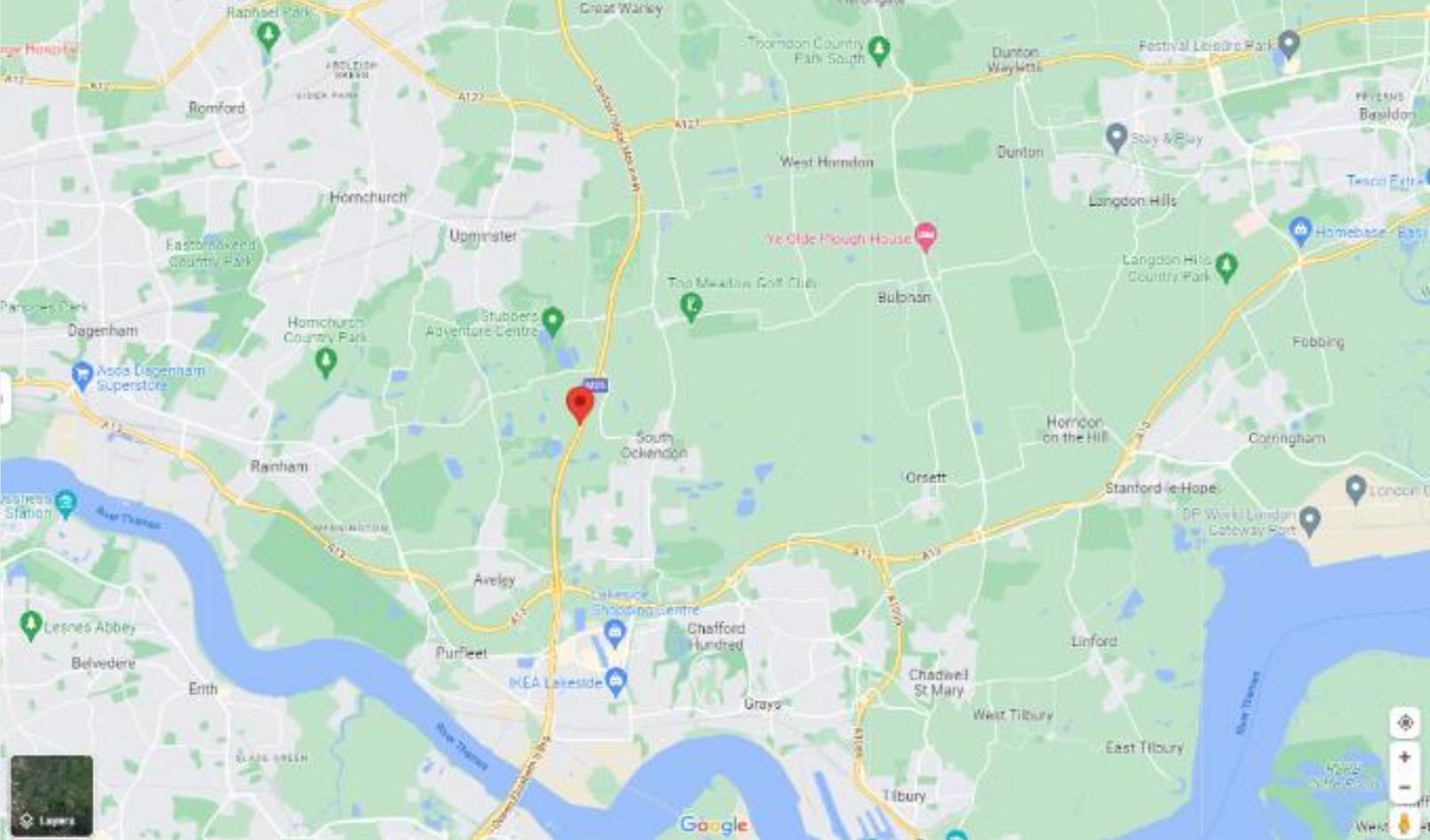
- **07:31** Essex Police - JSO protesters climbing on the bridge (logged at 07:33)
- **07:33** Carriageway status changed from Compromised to Clear to Compromised (logged at 14:51)
- **07:43** Essex Police - Putting in safety area working at heights team
- **07:53** Whole Carriageway Closed changed from "False" to "True"
- **07:59** We have area searched from J30 to QE2 Bridge and report ASNT (Area Searched No Trace)
- **09:33** Carriageway status changed from Compromised to Clear (logged at 14:51)

Incident Impact (M25 J29 to J30)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	Not recorded	Not recorded	Not recorded

# Area impacted (M25 J29 to J30)

## Location of protest



## Incident Details

Log Number	526
Region	South East
Day	Monday
Date	07.11.2022
Start time	07:38
End time	09:08
Road	M25
Junction	J6 - J7
Location	Merstham, Surrey (Marker Post 42/5A)

## Incident Commentary

- **07:38** Protester - 1 at gantry 42/5 Clockwise
- **07:43** Protester - maybe over lane 4
- **08:03** Total Closure Both Carriageways
- **08:49** Protester now down from the gantry
- **09:08** Carriageway status changed from Compromised to Clear

## Incident Impact (M25 J6 to J7)

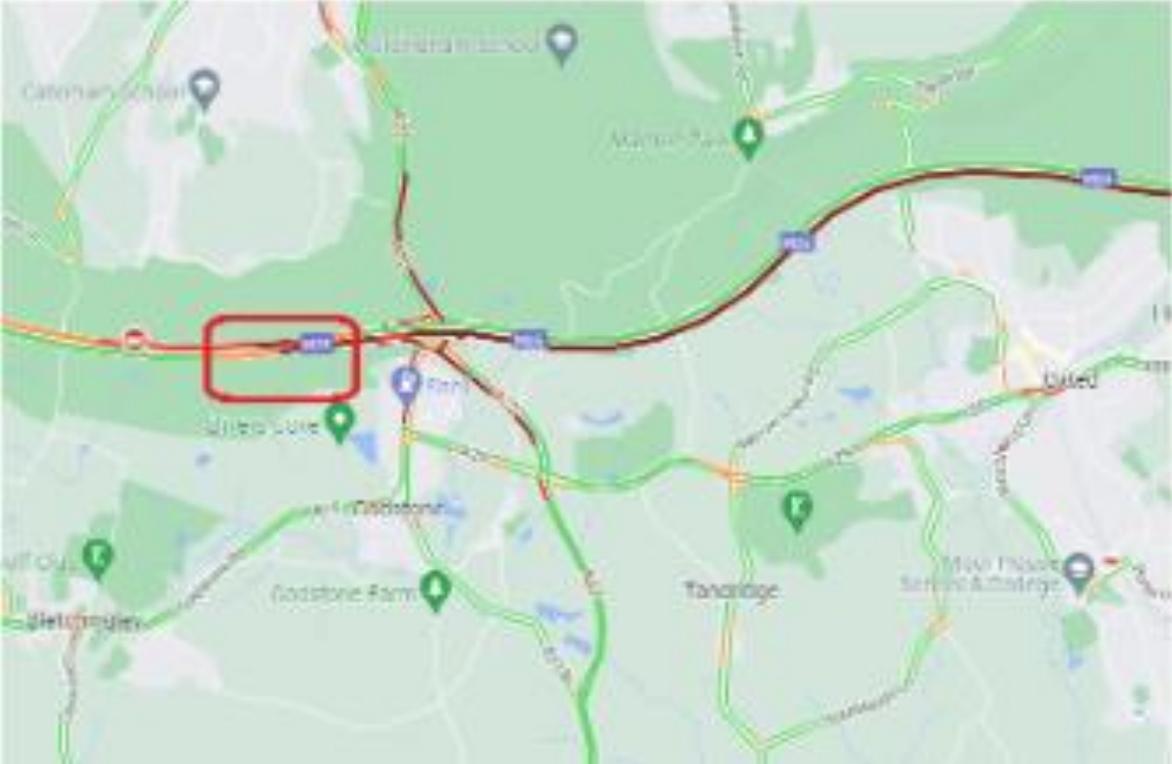
Peak delays on SRN (minutes)	76			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J5 to J8	14.8	76
Location 2 (Anti-Clockwise)	M25	Not recorded	2*	20*

\* Information source – National Incident Liaison Officer (NILO) Report

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

# Area Impacted (M25 J6 to J7)

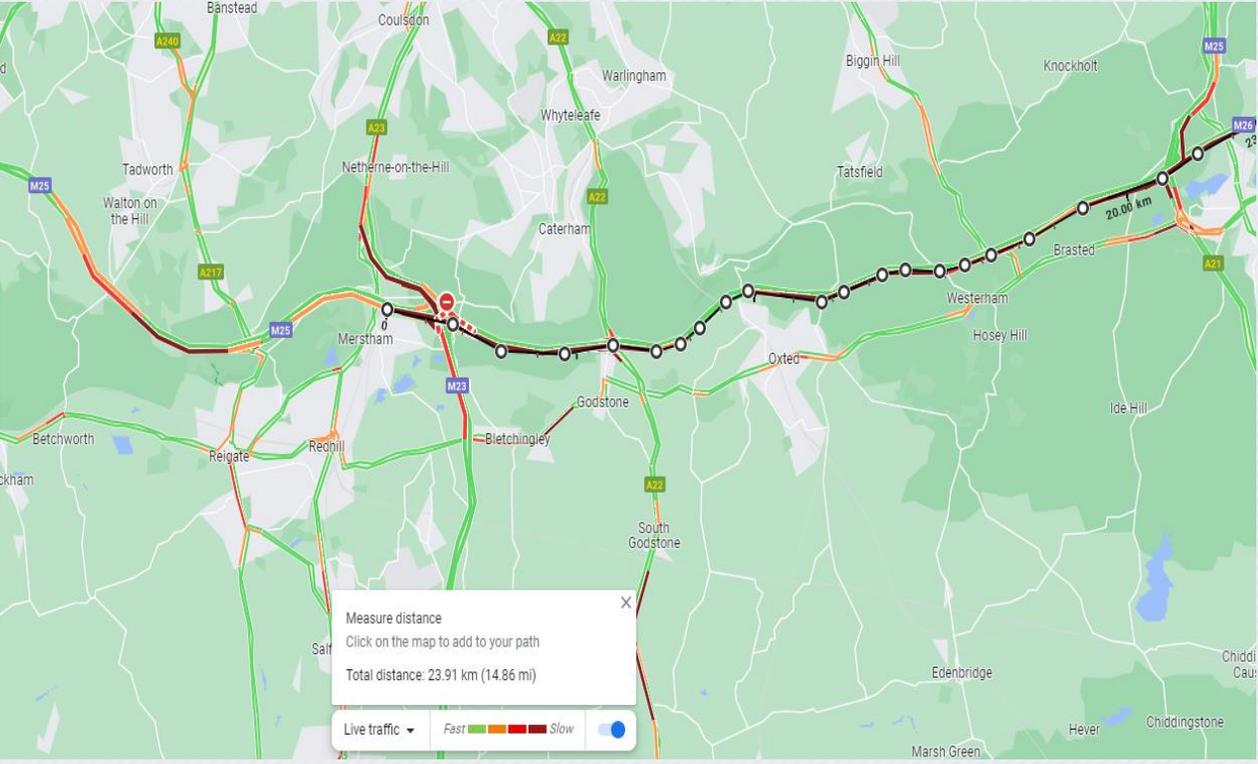
## Location of protest



Captured at 08:03 on 07.11.22

## Heat map

Shows 14.86 miles of congestion clockwise



Captured at 08:24 on 07.11.22

Information source(s) – Google maps, CCTV images and Social media (where available)

# Area Impacted (M25 J6 to J7)



Information source(s) – Google maps, CCTV images and Social media (where available)

## Incident Details

Log Number	529
Region	South East
Day	Monday
Date	07.11.2022
Start time	07:37
End time	10:07
Road	M25
Junction	J26 - J25
Location	Waltham Cross, Essex (Marker Post 148/7B)

## Incident Commentary

A protester has climbed the gantry resulting in traffic being held on the M25 anti-clockwise between J26 and J25. 2 (of 4) lanes were already closed due to an earlier collision.

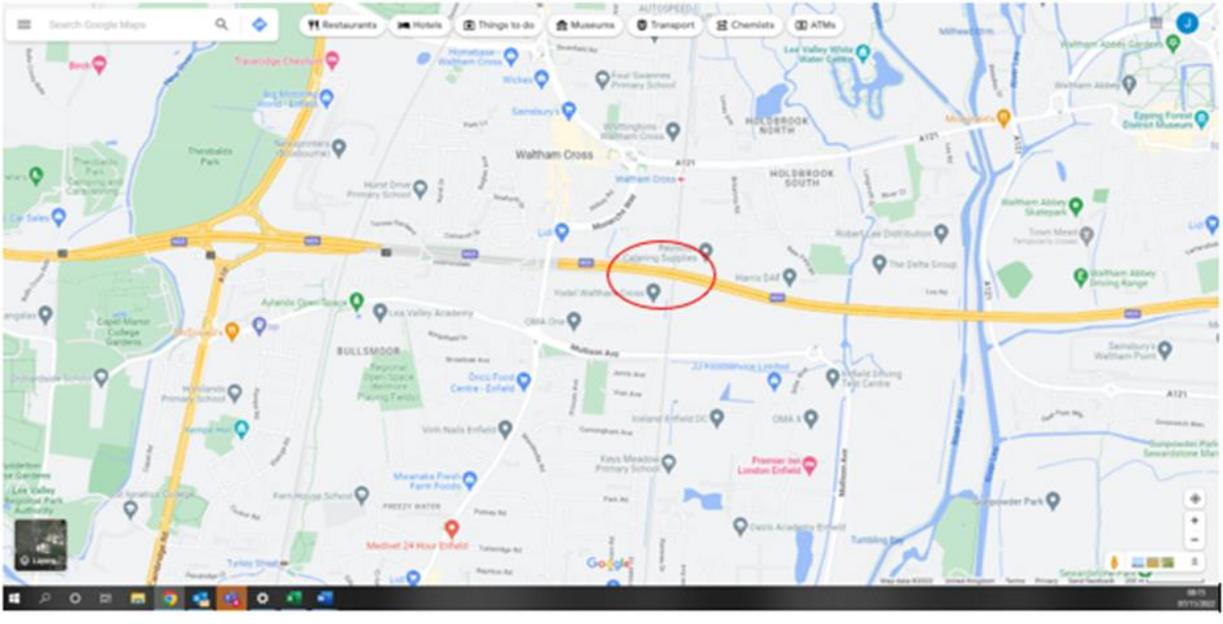
- **07:37** Record of Contact created on Terminal
- **07:56** Closing main Carriageway J27
- **09:12** Protester arrested, lane closures being lifted now
- **09:30** J26 slip now reopened
- **10:07** Carriageway status changed from Compromised to Clear

### Incident Impact (M25 J26 to J25)

Peak delays on SRN (minutes)	53			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J26	5.9	53

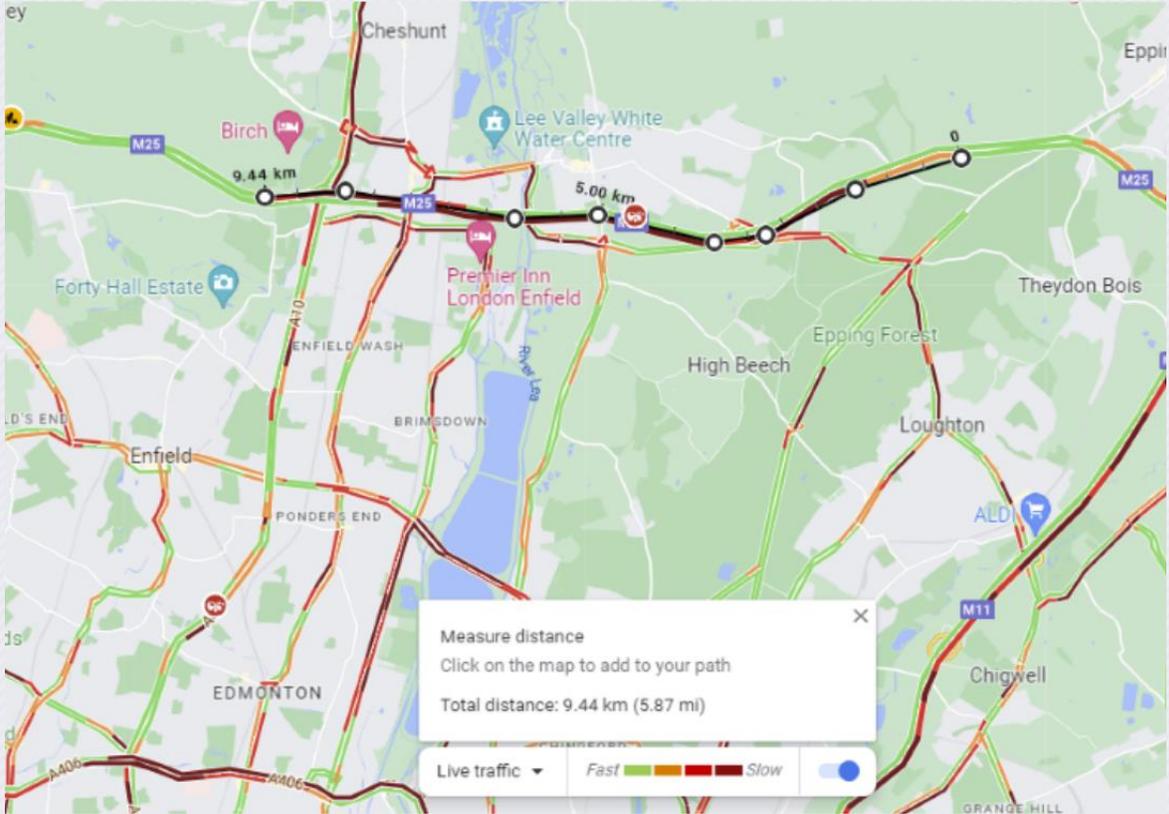
# Area Impacted (M25 J26 to J25)

## Location of protest



## Heat map

Shows 5.87 miles of congestion on the M25 anti-clockwise



Captured at 08:24 on 07.11.22

Information source(s) – Google maps, CCTV images and Social media (where available)

# Area Impacted (M25 J26 to J25)



Camera:00061,55484  
 M25 148/4B J26-25

Use low latency video

The carriageway closest to the camera is Anticlockwise  
 Refreshes every 6 sec.



CCTV 55484

### Incident Details

Log Number	560
Region	South East
Day	Monday
Date	07.11.2022
Start time	07:49
End time	09:37
Road	M25
Junction	J2 - J1b
Location	Dartford, Kent (Marker Post 6/8B)

### Incident Commentary

- **07:49** Female on matrix gantry (Gantry K6/7 18964 A282/6.80)
- **07:52** One female on the overhead pass
- **08:13** Protestor is putting on a harness
- **09:33** Police have removed protestor from gantry, they are still with them currently on hard shoulder
- **09:37** Carriageway status changed from Compromised to Clear

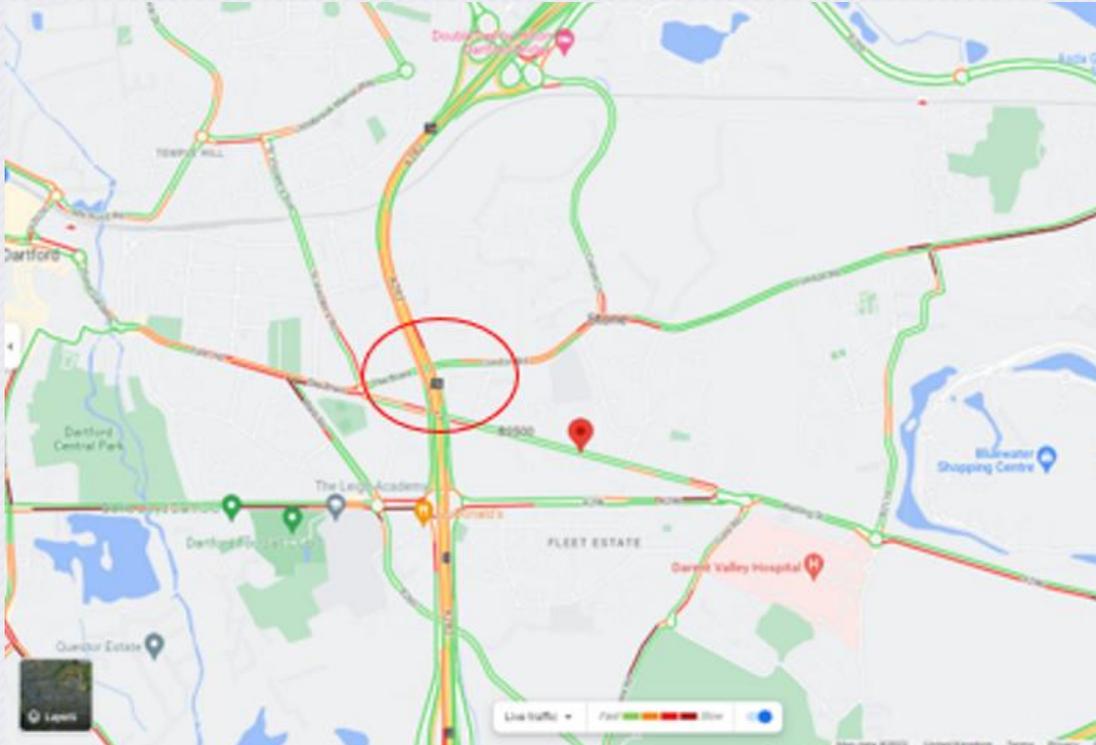
### Incident Impact (M25 J2 to J1b)

Peak delays on SRN (minutes)	20*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J3 to J2	2.85	20*

\*Information source – National Incident Liaison Officer (NILO) Report

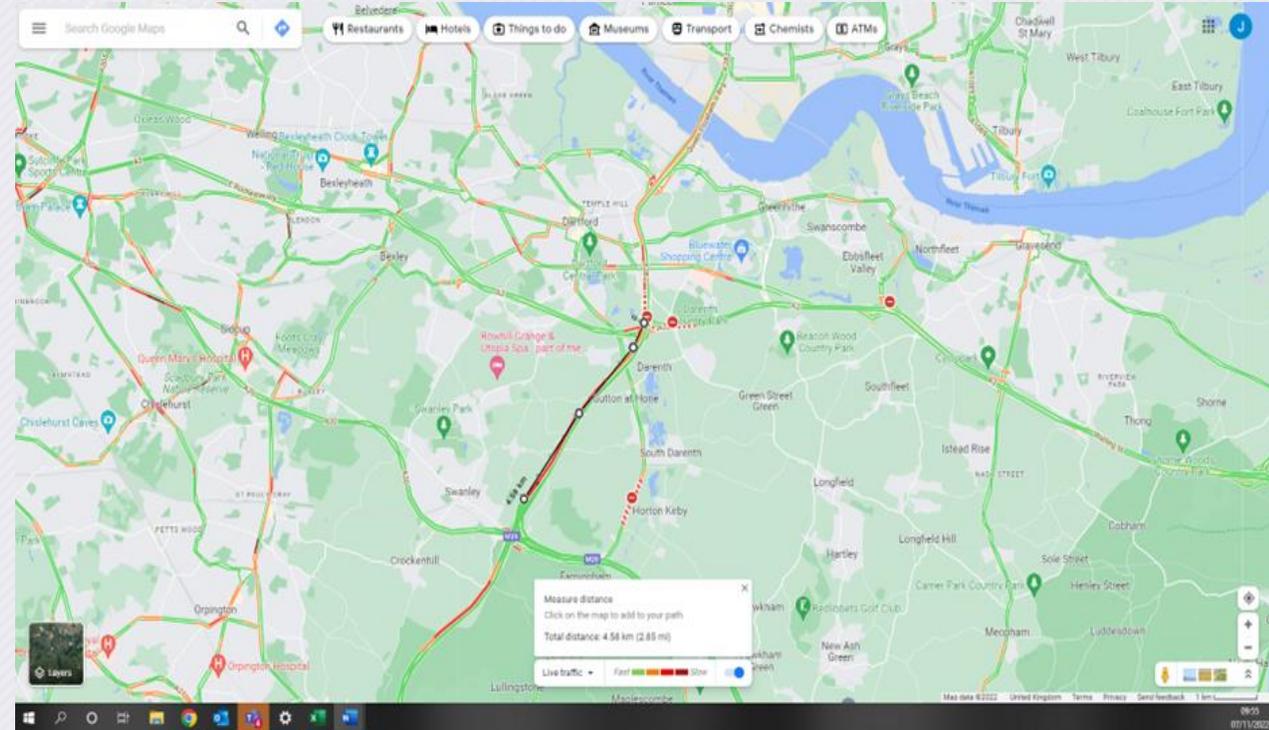
# Area Impacted (M25 J2 to J1b)

## Location of protest



## Heat map

Shows 2.85 miles of congestion on the M25 anti-clockwise



Captured at 09:55 on 07.11.22

## Incident Details

Log Number	565
Region	South East
Day	Monday
Date	07.11.2022
Start time	07:51
End time	11:57
Road	M25
Junction	J27
Location	Epping, Essex (Marker Post 160/5A)

## Incident Commentary

- **07:51** Gantry just before J28 protestors climbing now 2 maybe 3 people
- **07:51** Carriageway status changed from Clear to Compromised (logged at 08:25)
- **08:38** M11 closed both directions to M25 and M25 J27 closed to J28
- **10:39** Police looking to reopen the whole carriageway; anti-clockwise only will be released
- **11:23** J27 open – clockwise closed still
- **11:45** Clockwise is cleared – clear all signals on both tracks
- **11:57** Carriageway status changed from Compromised to Clear

## Incident Impact (M25 J27)

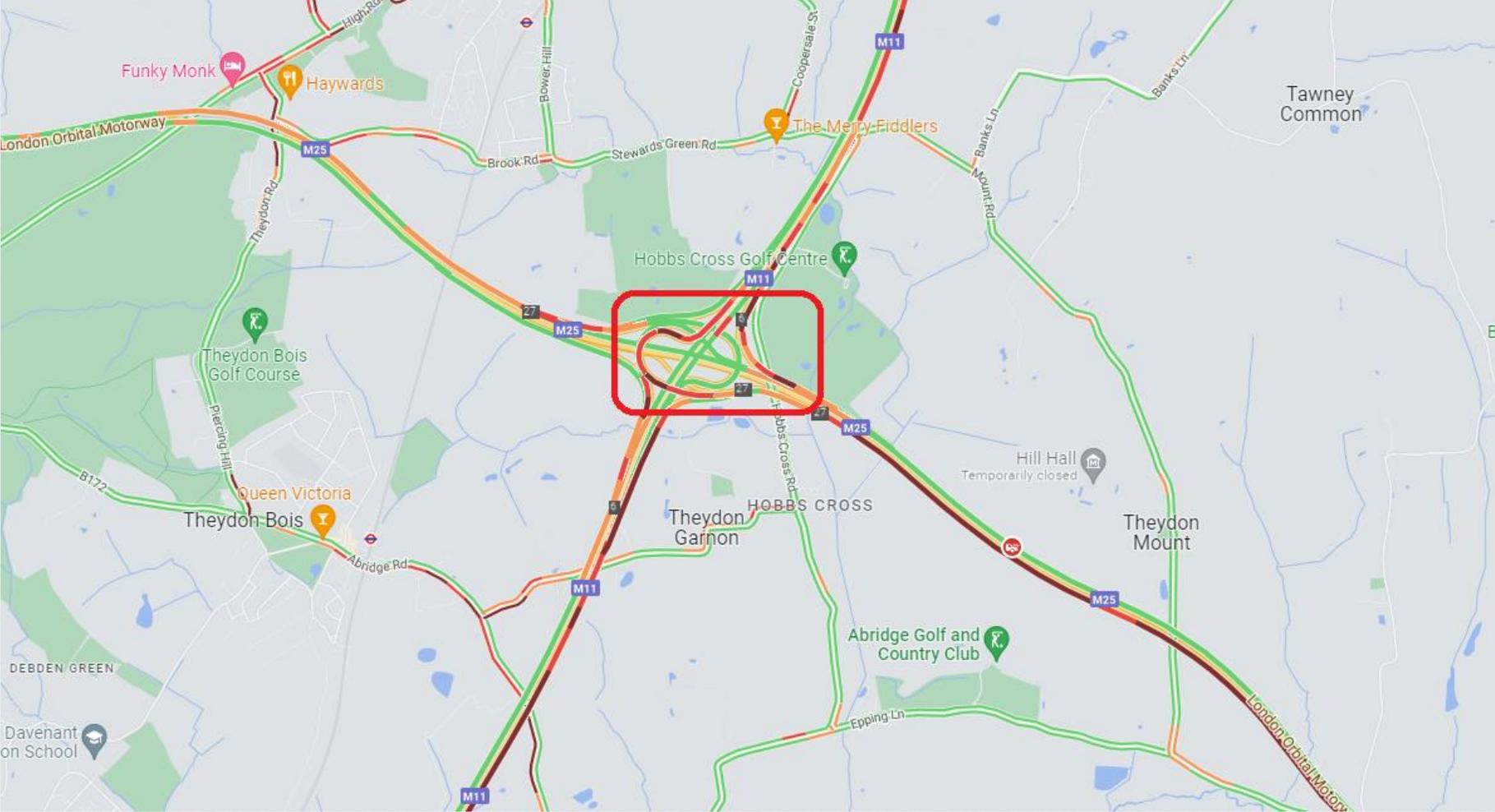
Peak delays on SRN (minutes)	43*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Southbound)	M11	approach to M25 J27	5*	43*
Location 2 (Northbound)	M11	approach to M25 J27	2	Not recorded
Location 3 (Clockwise)	M25	J26 to J27	2	Not recorded

\* Information source – National Incident Liaison Officer (NILO) Report

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

# Area Impacted (M25 J27)

## Location of protest



Information source(s) – Google maps, CCTV images and Social media (where available)

# Area Impacted (M25 J27)



National Highways: East  
 @HighwaysEAST

The #M25 is closed clockwise between J27 and J28 due to an @EssexPoliceUK Led Incident.

More information to follow soon. Thank you for your patience.

BBC Radio London Travel  
 @BBCTravelAlert

#M25 clockwise blocked at J27 M11--delays due to demo ps #roads

8:50 AM · Nov 7, 2022 · Hootsuite Inc.

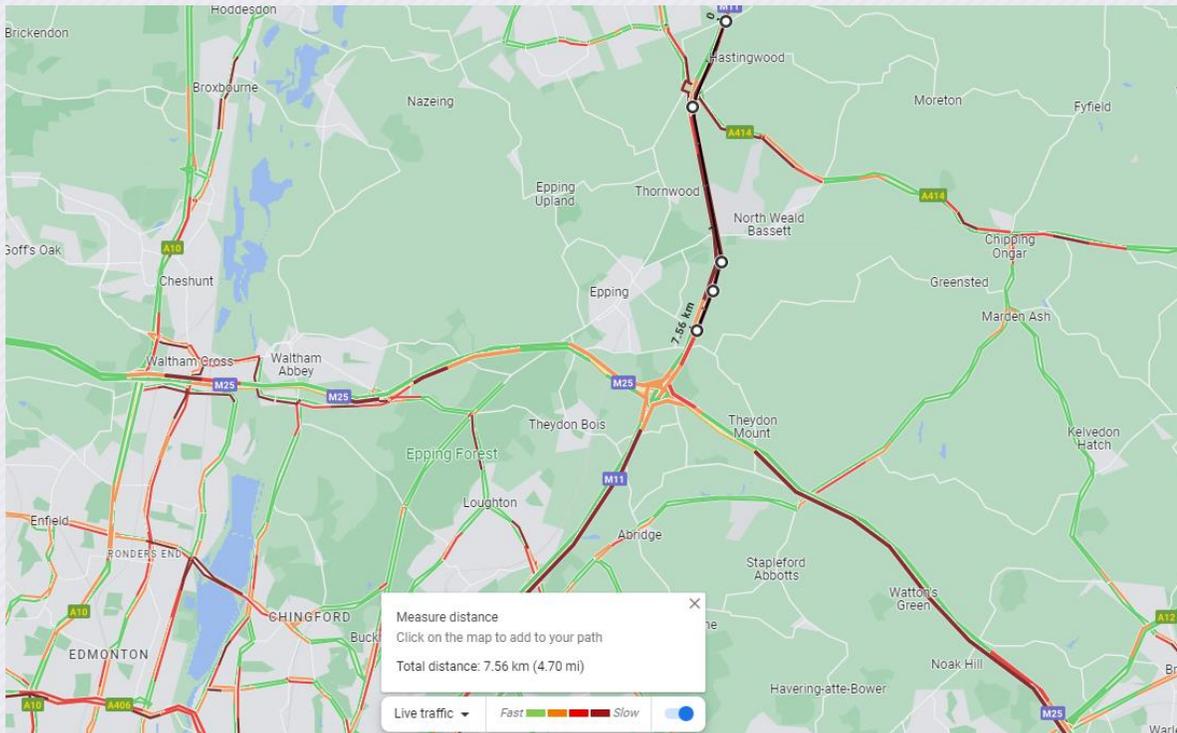
2 Retweets 1 Like

Information source(s) – Google maps, CCTV images and Social media (where available)

## Area Impacted (M25 J27)

### Heat map

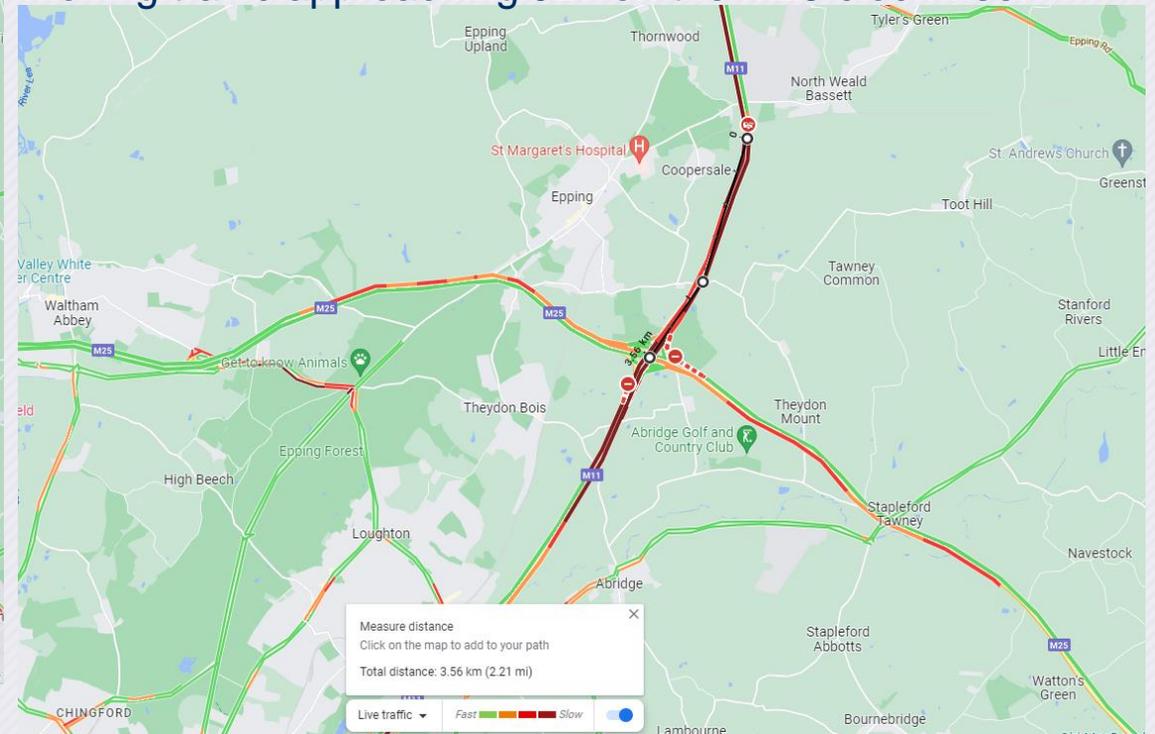
Shows 4.7 miles of congestion on M11 southbound on approach to M25 junction. No significant congestion on M25 clockwise on approach to the closure at J27.



Captured at 09:19 on 07.11.22

### Heat map

Shows approximately 2 miles of congestion on M11 southbound approaching the M25 junction and 2 miles northbound. There's also approximately 2 miles of slow moving traffic approaching J27 on the M25 clockwise.



Captured at 11:36 on 07.11.22

## Incident Details

Log Number	572
Region	South East
Day	Monday
Date	07.11.2022
Start time	07:52
End time	11:52
Road	M25
Junction	J13
Location	Staines, Surrey (Marker Post 89/3A)

## Incident Commentary

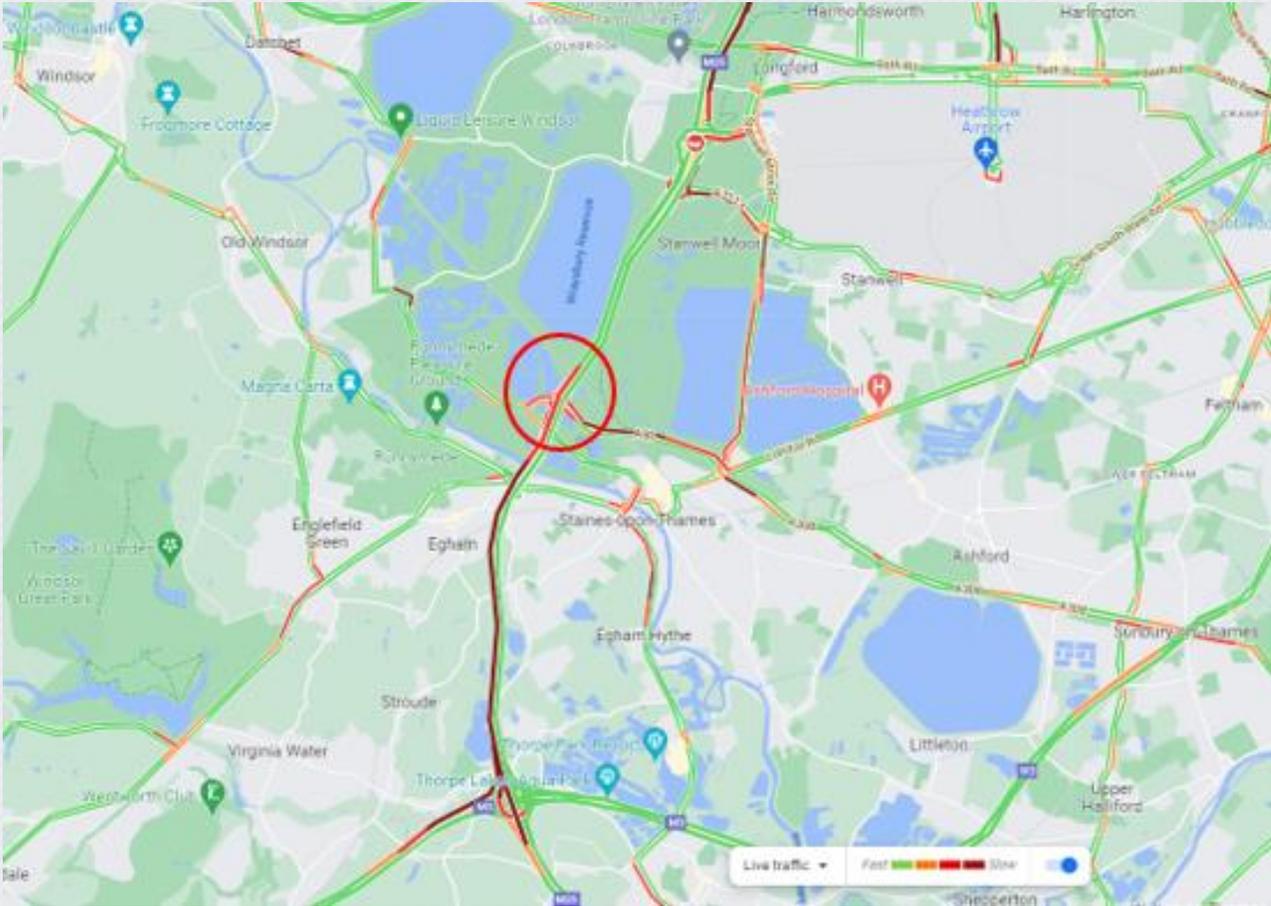
- **07:52** Protestor on gantry at J13
- **07:57** Surrey Police - 2 protestors
- **08:20** Carriageway status changed from Clear to Compromised
- **10:45** Police advised protestors has been removed
- **11:52** Traffic released at 92/8B M25 both carriageways fully opened
- **11:52** Carriageway status changed from Compromised to Clear

Incident Impact (M25 J13)

Peak delays on SRN (minutes)	37			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J14 to J13	3.9	Not recorded
Location 2 (Clockwise)	M25	J12 to J13	3.5	37

# Area Impacted (M25 J13)

## Location of protest



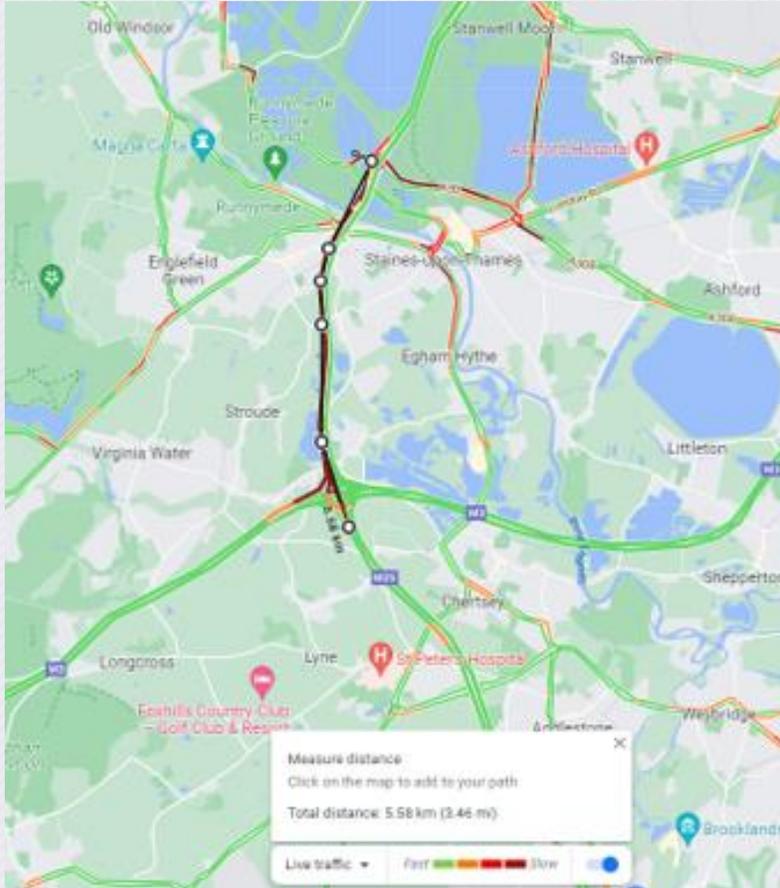
Severity	Type	Subtype	ID	Start Time	Delay	Location	RCC Area
VH	🚗	Congestion	UF-22-11-07-100295	07/11/2022 08:23:22	37	M25 clockwise within J12 - M25 clockwise between J12 and J13	South East RCC

Information source(s) – Google maps, CCTV images and Social media (where available)

## Area Impacted (M25 J13)

### Heat Map

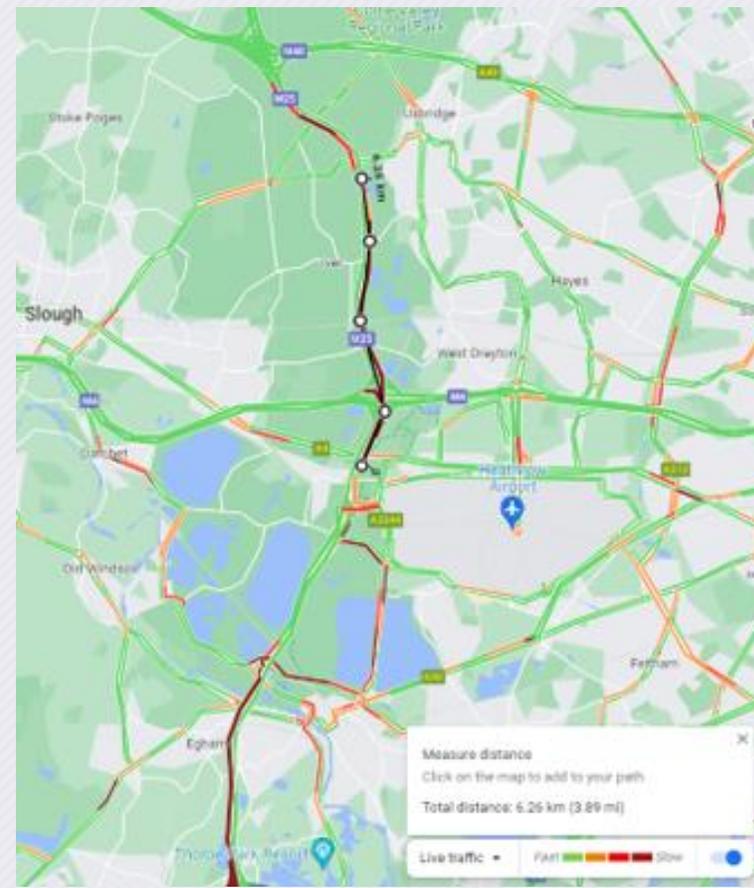
Shows 3.46 miles of congestion on the M25 clockwise



Captured at 10:22 on 07.11.22

### Heat Map

Shows 3.89 miles of congestion on the M25 anti-clockwise



Captured at 10:22 on 07.11.22

## Incident Details

Log Number	612 The analysis for this protest has been combined with 1098 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Monday
Date	07.11.2022
Start time	08:06
End time	12:03
Road	M25
Junction	J21a - J22
Location	London Colney, Hertfordshire (Marker Post 129/1A)

## Incident Commentary

- **08:06** Carriageway status changed from Clear to Compromised (logged at 08:08)
- **09:27** Spoke to Police holding traffic, we are doing J22 anti-clockwise closure
- **10:18** Eastbound section will be re-opening shortly, protestor has been detained
- **10:33** Clockwise now running
- **12:03** Clear signals - traffic released

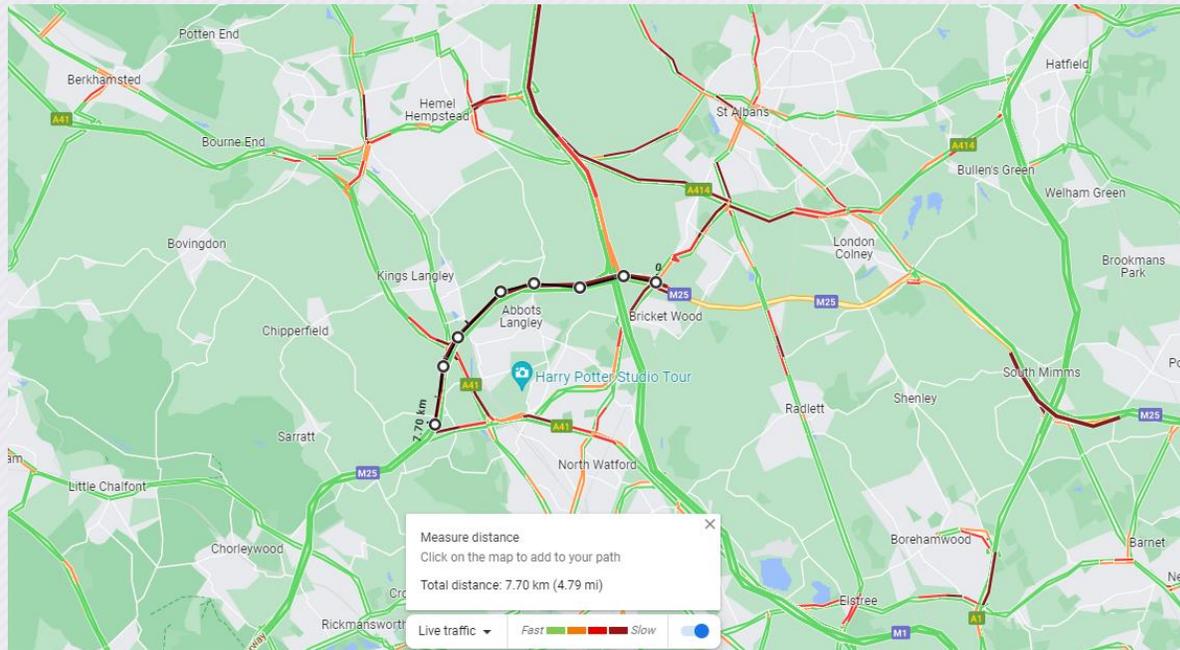
## Incident Impact (M25 J21a to J22)

Peak delays on SRN (minutes)	56			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	Not recorded	5*	31*
Location 2 (Clockwise)	M25	J19 to J21a	4.7	29
Location 3 (Southbound)	M1	J10 to J6a	7.6	56

\* Information source – National Incident Liaison Officer (NILO) Report

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

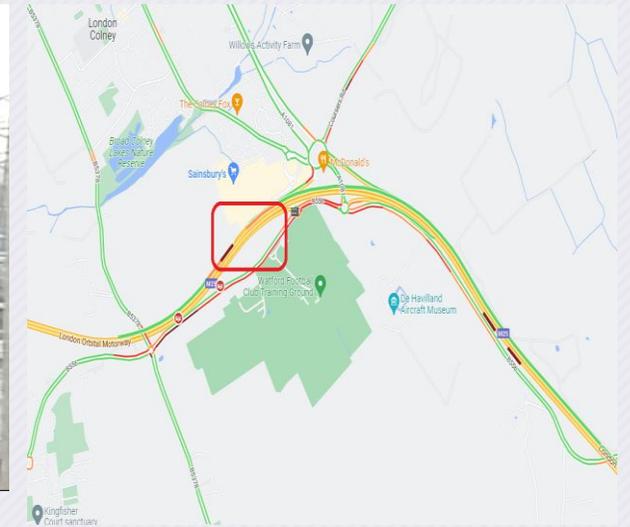
## Area Impacted (M25 J21a to J22)



09:36 - Heat map shows 4.7 miles of congestion on the M25 clockwise on approach to the J21a closure and also 7.6 miles of congestion on the M1 southbound on approach to the M25 junction.



09:36 - CCTV 55287. Protestors highlighted in red



Location of protest

Severity	Type	Subtype	ID	Start Time	Delay	Location	RCC Area
VH	Congestion		UF-22-11-07-100102	07/11/2022 07:22:18	56	M11 southbound between J7A and J7 - M11 southbound between J7 and J6	Eastern RCC 07/11/2022 11:10:59 80 1 task

## Incident Details

Log Number	1098 The analysis for this protest has been combined with 612 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Monday
Date	07.11.2022
Start time	10:37
End time	13:21
Road	M25
Junction	J21 - J20
Location	Abbots Langley, Hertfordshire

## Incident Commentary

- **10:37** Informant was crossing a bridge at the time and saw the female on the sign on the motorway
- **10:39** Carriageway status changed from Clear to Compromised (logged at 10:46)
- **11:08** From CCTV Police have currently stopped all traffic
- **11:13** Anti-Clockwise, Carriageway closed\*
- **12:02** Full closure in place at J21B
- **12:54** Advised to open closures
- **13:21** Closure cleared as per Police update on Channel 40

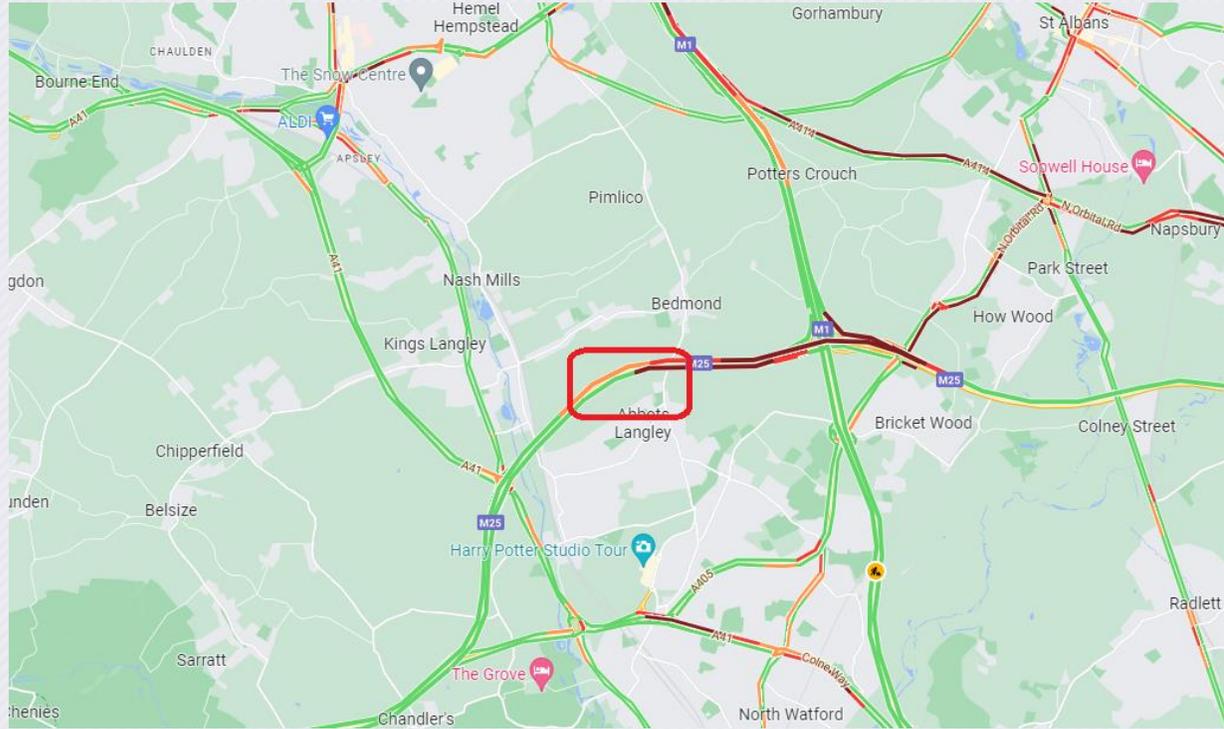
\* Information source – National Incident Liaison Officer (NILO) Report

### Incident Impact (M25 J21 to J20)

Peak delays on SRN (minutes)	27			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J22 to J21	4	27
Location 2 (Clockwise)	M25	J20 to J22	Not recorded	Not recorded

# Area Impacted (M25 J21 to J20)

## Location of protest



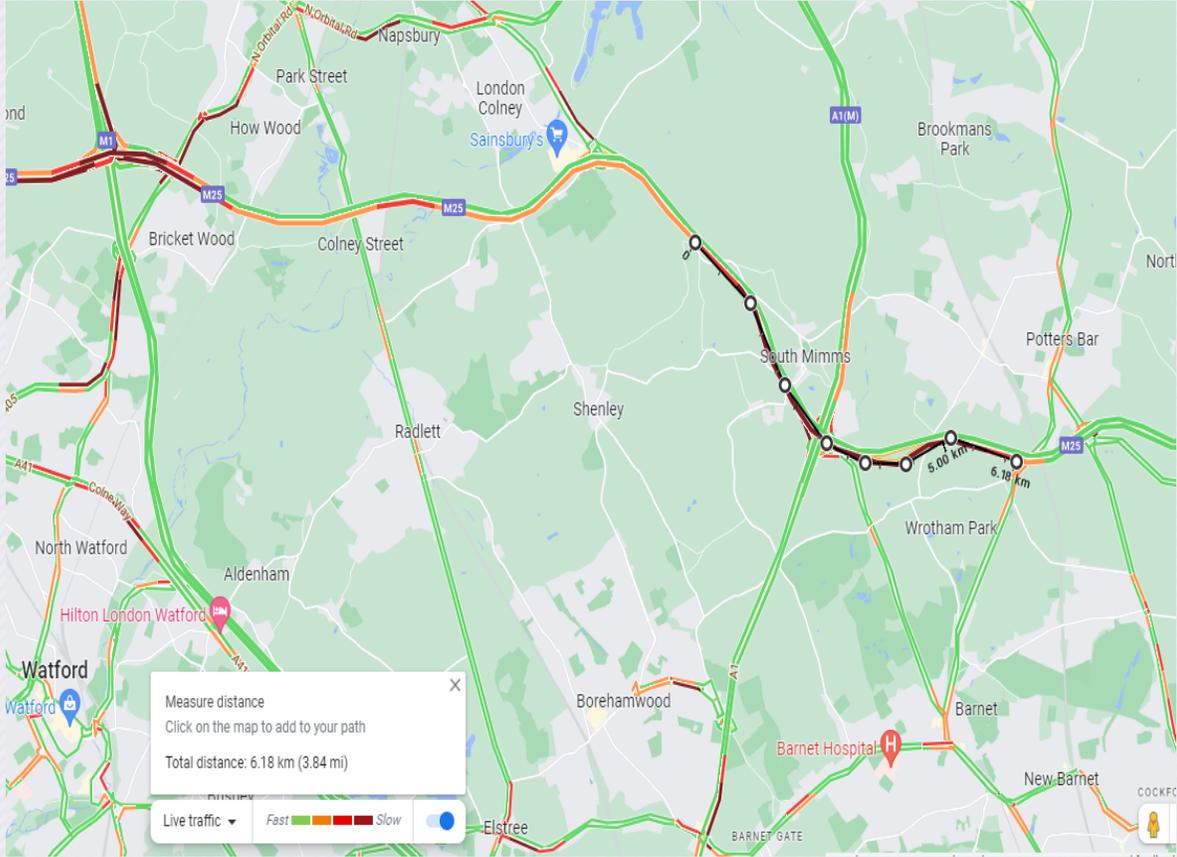
Captured at 11:08 on 07.11.22



# Area Impacted (M25 J21 to J20)

## Heat map

Shows 4 miles of congestion on the M25 anti-clockwise between J22 and J21



Captured at 12:02 on 07.11.22

## Incident Details

Log Number	618
Region	South East
Day	Monday
Date	07.11.2022
Start time	08:08
End time	09:45
Road	M25
Junction	J8 - J9
Location	Walton-on-the-Hill, Surrey (Marker Post 55/6A)

## Incident Commentary

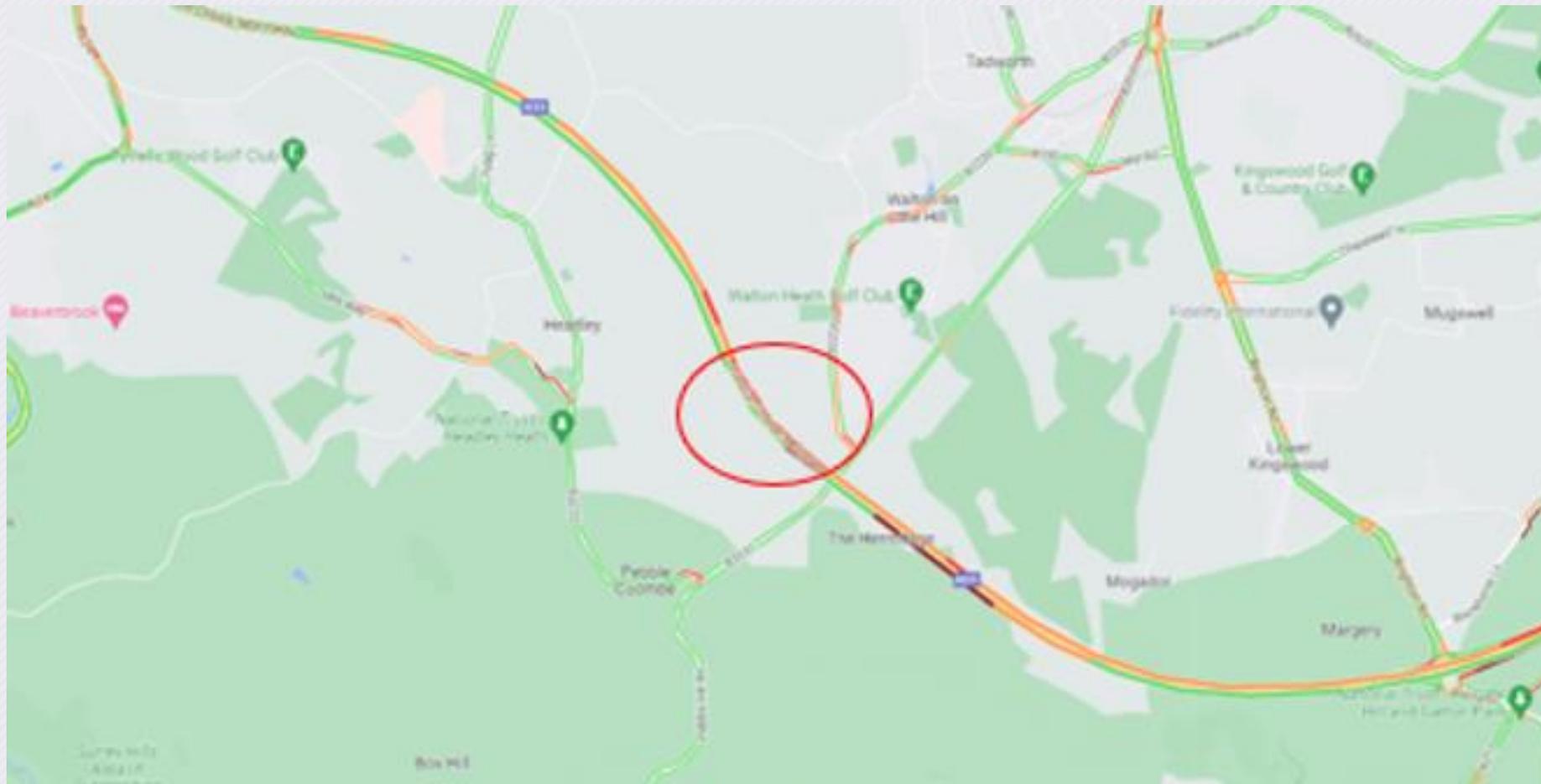
- **08:08** Carriageway status changed from Clear to Compromised (logged at 09:20)
- **08:49** Someone in orange high viz on gantry
- **08:53** Closing M25 9 to 8 and 8 to 9
- **09:22** Police on gantry with female
- **09:43** Protestor down – lift closure
- **09:45** Carriageway status changed from Compromised to Clear

### Incident Impact (M25 J8 to J9)

Peak delays on SRN (minutes)	28			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J7 to J8	11.4	17
Location 2 (Anti-Clockwise)	M25	J10 to J9	7.7	28

# Area Impacted (M25 J8 to J9)

## Location of protest



Camera:00011,14556  
M25 55/6A J8-9



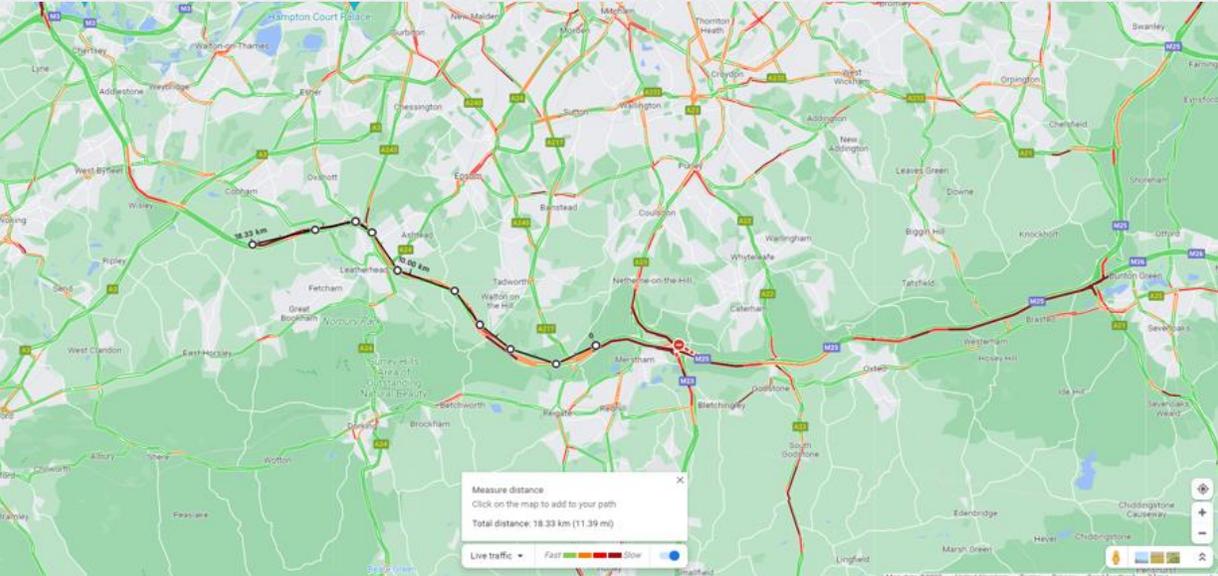
Camera:00011,14556  
M25 55/6A J8-9

Information source(s) – Google maps, CCTV images and Social media (where available)

# Area Impacted (M25 J8 to J9)

## Heat Map

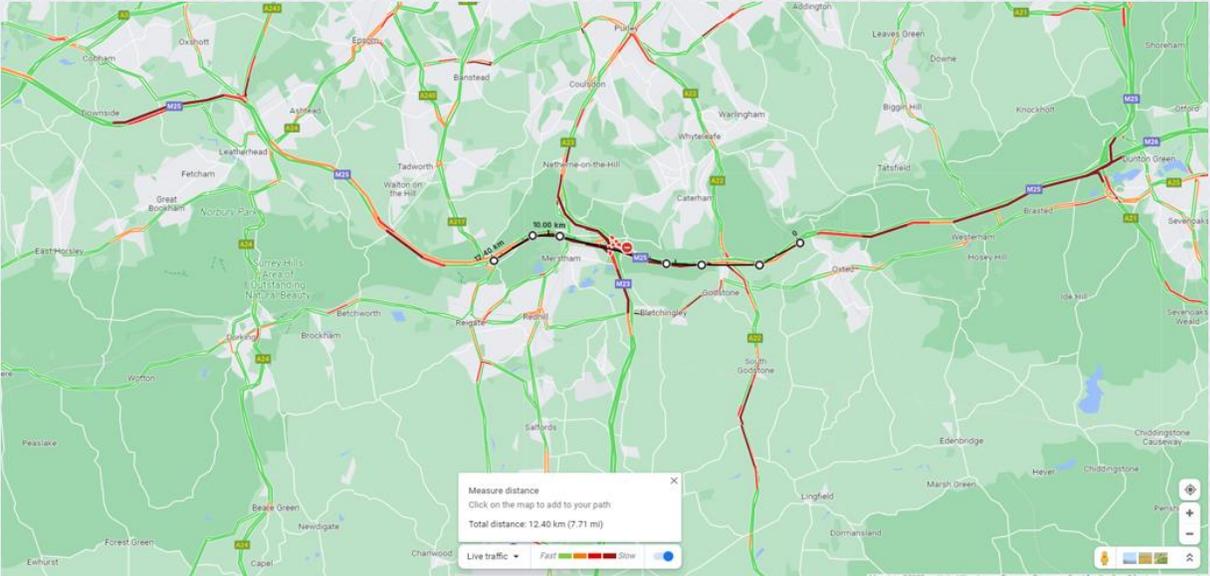
Shows 11.39 miles of congestion on the M25 clockwise



Captured at 09:33 on 07.11.22

## Heat Map

Shows 7.71 miles of congestion on the M25 anti-clockwise



Captured at 09:33 on 07.11.22

### Incident Details

Log Number	642
Region	South East
Day	Monday
Date	07.11.2022
Start time	08:17
End time	11:21
Road	M25
Junction	J15 - J16
Location	Iver, Bucks (Marker Post 101/5A)

### Incident Commentary

- **08:17** Title change from <Empty> to protestors
- **09:33** Carriageway status changed from Clear to Compromised
- **09:47** Police are putting in a lane 1/2 closure
- **09:55** Lane 1/2 closure is now in, and no full closure required
- **10:49** Protestor down
- **11:21** Carriageway status changed from Compromised to Clear

### Incident Impact (M25 J15 to J16)

Peak delays on SRN (minutes)	14			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	Not recorded	Not recorded	14

# Area Impacted (M25 J15 to J16)

## Location of protest



Information source(s) – Google maps, CCTV images and Social media (where available)

### Incident Details

Log Number	821
Region	South East
Day	Monday
Date	07.11.2022
Start time	09:12
End time	10:47
Road	M25
Junction	J12 - J11
Location	Chertsey, Surrey (Marker Post 81/3A)

### Incident Commentary

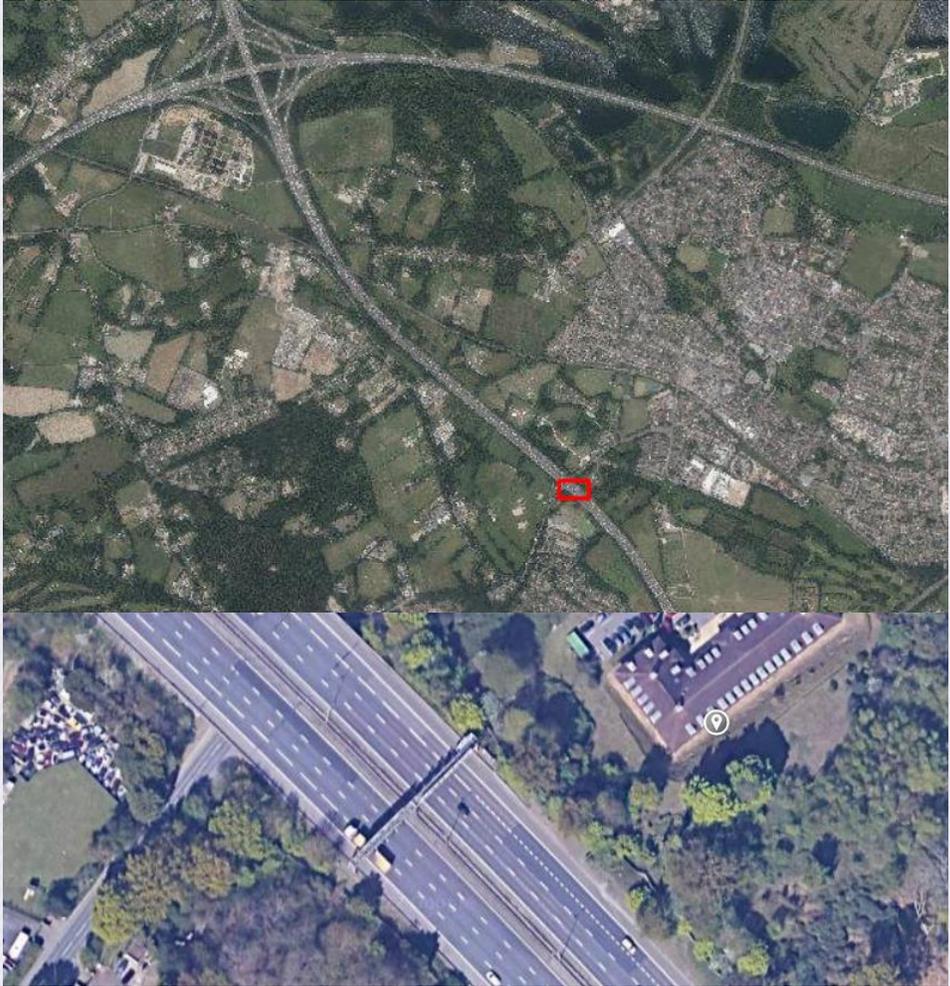
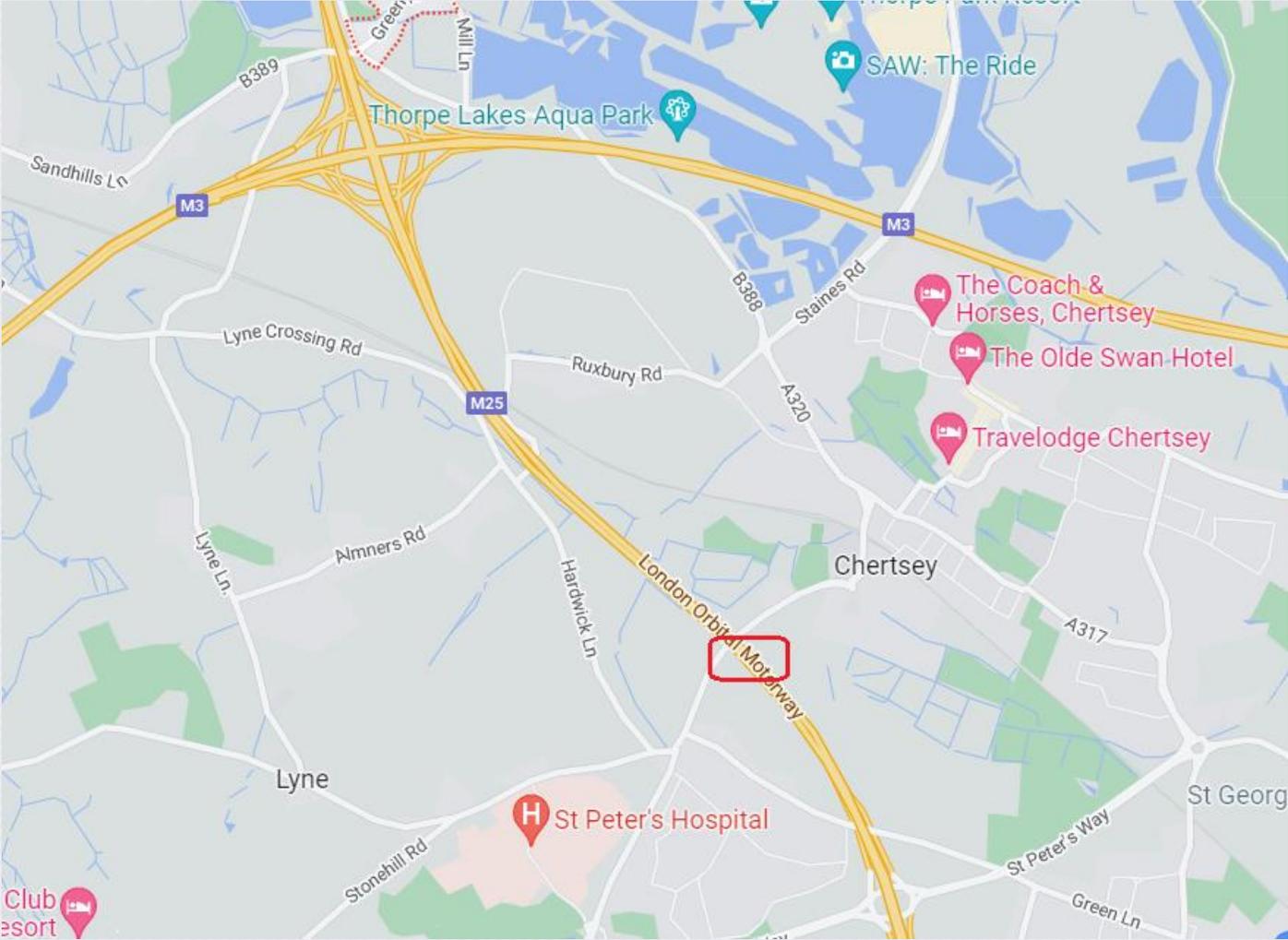
- **09:12** Title changed from <Empty> to protestor
- **10:43** Carriageway status changed from Clear to Compromised
- **10:47** J11-J12 protestor removed - road re-opened
- **10:47** Carriageway status changed from Compromised to Clear (logged at 11:00)

Incident Impact (M25 J12 to J11)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1	Not recorded			

# Area Impacted (M25 J12 to J11)

## Location of protest



## Incident Details

Log Number	875
Region	South East
Day	Monday
Date	07.11.2022
Start time	09:30
End time	10:26
Road	M25
Junction	J9 - J10
Location	Cobham, Surrey (Marker Post 68/0A)

## Incident Commentary

- **09:30** Protestor on gantry near Cobham services
- **09:30** Carriageway status changed from Clear to Compromised (logged at 10:24)
- **10:07** Just removing protestor now
- **10:26** Carriageway status changed from Compromised to Clear

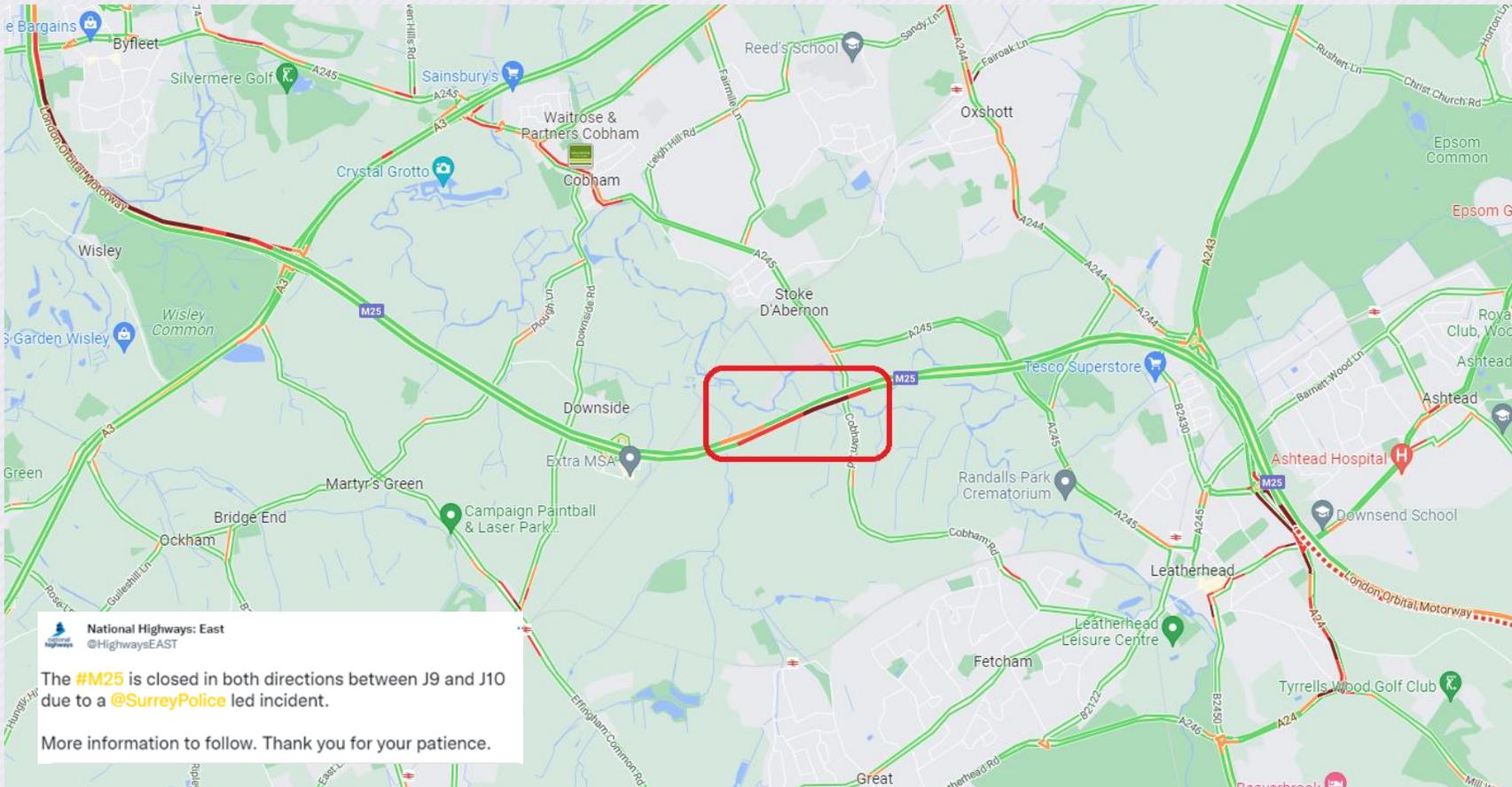
## Incident Impact (M25 J9 to J10)

Peak delays on SRN (minutes)	21			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J11 to J9	2.1	Not recorded
Location 2 (Clockwise)	M25	J8 to J9	4*	21

\*Clockwise congestion cannot be measured accurately as Google Maps shows the carriageway closed in the wrong location (source – National Network Managers Protests Data Information Sheet)

# Area Impacted (M25 J9 to J10)

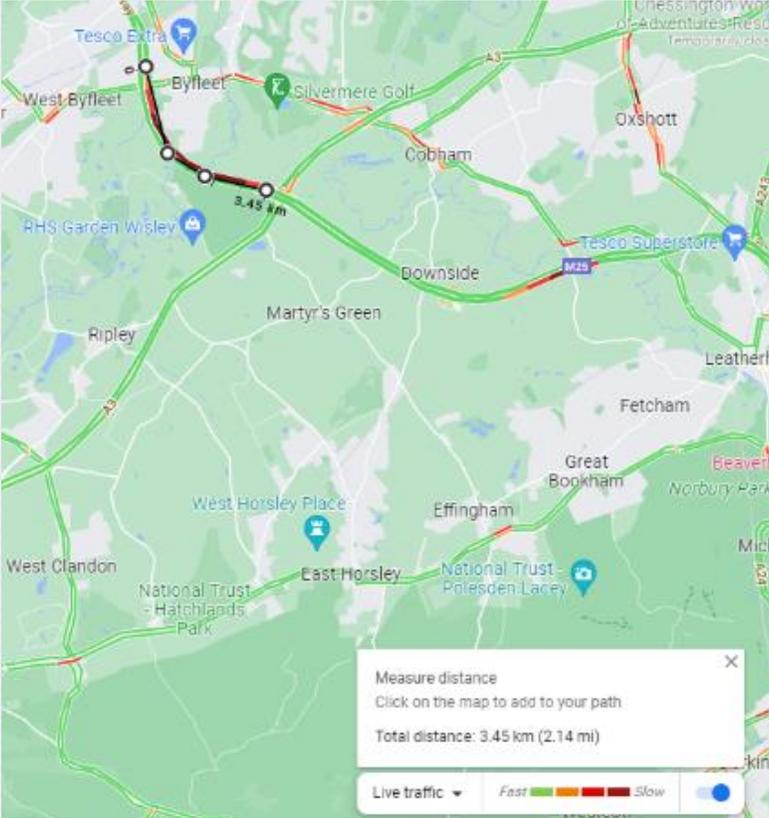
## Location of protest



# Area Impacted (M25 J9 to J10)

## Heat Map

Heat map shows 2.1 miles of congestion anti-clockwise. Clockwise congestion cannot be measured accurately as Google Maps shows the carriageway closed in the wrong location, however there is approximately 3.5 miles of congestion on approach to J8.



Captured at 10:22 on 07.11.22



Information source(s) – Google maps, CCTV images and Social media (where available)

### Incident Details

Log Number	1293
Region	South East
Day	Monday
Date	07.11.2022
Start time	11:36
End time	11:48
Road	M25
Junction	J13 - J12
Location	Thorpe, Surrey (Marker Post 84/8B)

### Incident Commentary

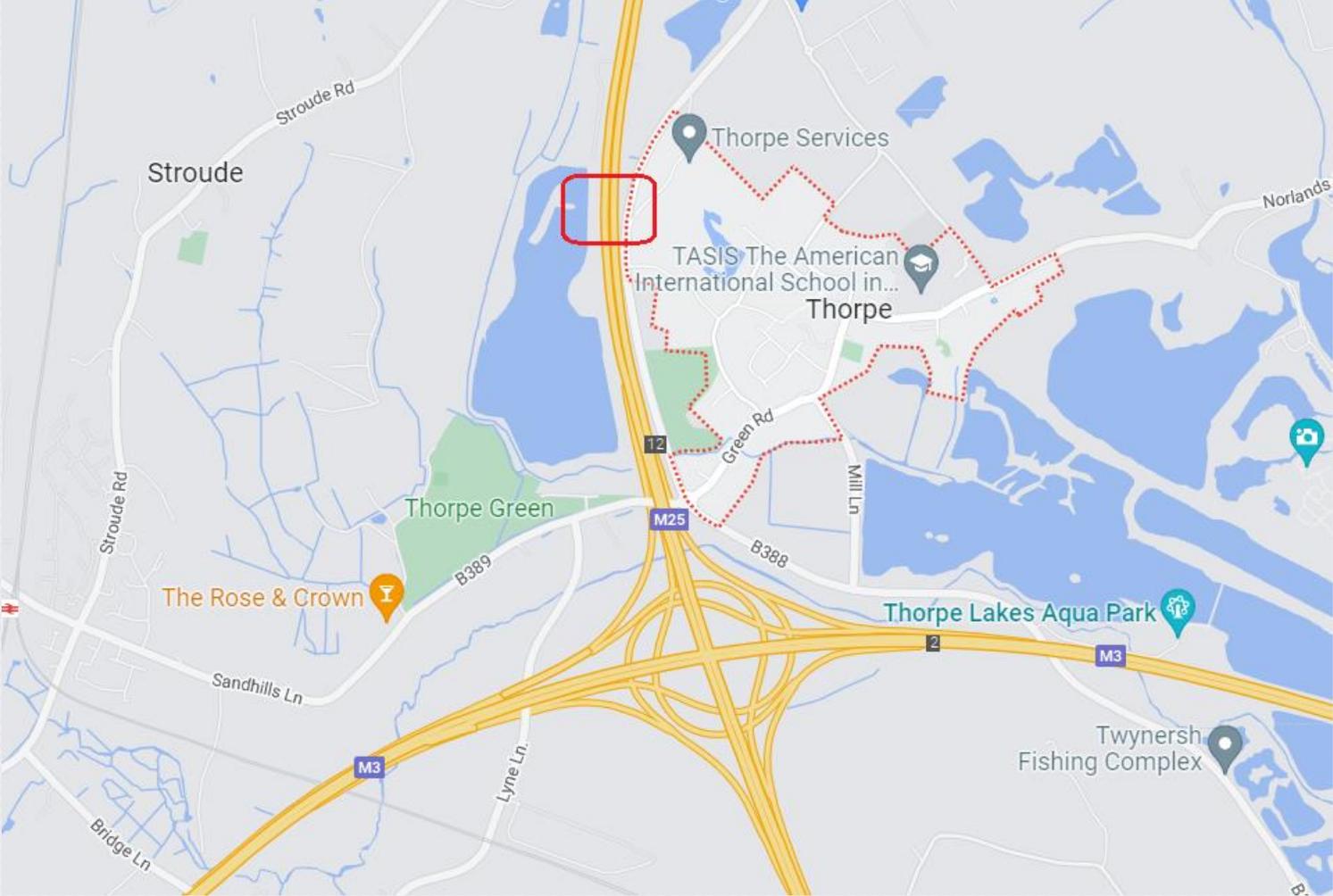
- **11:36** Title changed from <empty> to protestor on gantry
- **11:38** Carriageway status changed from Clear to Compromised
- **11:39** Protestor down
- **11:47** Police have released traffic – scene clear
- **11:48** Carriageway status changed from Compromised to Clear

### Incident Impact (M25 J13 to J12)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1	Not recorded			

# Area Impacted (M25 J13 to J12)

Location of protest



## Economic Impact Method Statement

Our estimates of impact can only be based on the traffic data available. We have applied a method which allows us to estimate a *lower bound* for the impact in terms of lost vehicle-hours and on the economy.

Calculation	Method Applied	Notes and Caveats	Reported in
Delay to non-stationary vehicles	<p>We have a standard method, using well-established data sources and used in our journey time reliability metric, for calculating delay over and above that we would expect to see on a comparable day.</p> <p>This provides a total number of vehicle-hours.</p>	<p>Details of the metric calculation can be found in the National Highways Operational Metrics Manual.</p> <p>Our calculations cover the protest site, and the surrounding SRN (Strategic Road Network). The main carriageway is covered in both directions, but roundabouts are excluded as there is no data for these.</p>	“Delay Extent” column of the Incident Impact Table
Economic Impact	<p>The DfT’s <u>Transport Appraisal Guidance (TAG)</u> provides average values of time for cars (£15.14 per hour). We have multiplied these by the vehicle-hours of delay to give an estimated economic impact.</p>	<p>For simplicity we have assumed all non-stationary vehicle delays apply to cars, which will underestimate the impact.</p> <p>The figures calculated do not include the further economic costs to individuals and businesses as a result of missed appointments, or late delivery of goods. Neither does it include the economic costs of activities which didn’t occur because of the protests, or the cost to the police, National Highways, or others involved in managing the incident. Given these limitations the figure quoted is an underestimate.</p>	“Economic Cost” column of the Incident Impact Table

## Economic Impact

Control Works Log Number(s)	Location	Delay Start Time	Delay End Time	Number of vehicles	Delay extent (VHD: Vehicle hours delay)	Economic cost (£)
514	M25 J29 to J30	07:30	08:45	3,345	195	£2,960
526	M25 J6 to J7	07:30	09:45	9,586	1,374	£20,801
529	M25 J26 to J25	07:15	10:15	4,741	145	£2,190
560	M25 J2 to J1b	07:15	10:00	21,401	424	£6,421
565	M25 J27	06:30	13:30	50,011	4,654	£70,464
572	M25 J13	07:00	13:00	37,559	1,407	£21,304
612 & 1098 *	M25 J21a to J22 & M25 J21 to J20	07:30	15:00	34,849	4,192	£63,473
618	M25 J8 to J9	07:30	11:00	19,009	1,692	£25,618
642	M25 J15 to J16	08:15	12:45	31,127	1,919	£29,059
821	M25 J12 to J11	08:30	11:00	15,137	214	£3,234
875	M25 J9 to J10	09:15	11:00	5,194	207	£3,128
1293	M25 J13 to J12	11:30	12:30	7,302	676	£10,229

\* These protests have been combined due to their proximity, and where it was not possible to attribute the queuing to the individual protests

## Cumulative Economic Impact

Delay extent (VHD: Vehicle hours delay)	Estimated total economic cost (£)
17,098	£258,881

### Analytical Assurance Statement: 3rd Line of Assurance

Appropriateness	Compliance	Uncertainty	Fit for Purpose
Green-Amber	Green	Amber	Amber
Supervisor: Tracey Smith	Assurer: Claire Minett		
Producer: South East Network Data Analysis & Intelligence Team			

Data is from a variety of standard National Highways data sources, for moving but delayed traffic and is processed and used for assessment of our delay metric. Data from non-SRN links is not available, so the impact on those roads cannot be estimated and is not included in the total levels of impact quoted.

The economic impact is estimated using values of time from the DfT’s TAG guidance. Only the direct impact of delay on the mainline can be monetised in this way – impacts off the SRN, impacts due to diversion, or impacts due to individuals choosing not to travel, are not considered; neither are impacts which are less direct such as missed appointments, transport connections, or indirect impacts on business. Thus, the value quoted is subject to a degree of uncertainty and should be considered a low-end estimate.

The main scope for challenge relates to:

- Lack of data on some affected links
- Lack of data on journey purpose, so that economic impact is an order-of-magnitude estimate.

The analysis has been designed specifically for this purpose, but time constraints necessitate the use of particular data sources which are available rapidly.

**Appropriateness is considered Green-Amber.** As the agreed Analytical Plan is followed **Compliance is Green.** Whilst the mainline impact assessed is reasonably robust, our data cannot pick up numerous impacts elsewhere. **Uncertainty is thus Amber.** In summary, the analysis can be used to inform decision-making providing that the uncertainties are understood. **Fitness for purpose is therefore Amber.**

# Protests on the Strategic Road Network

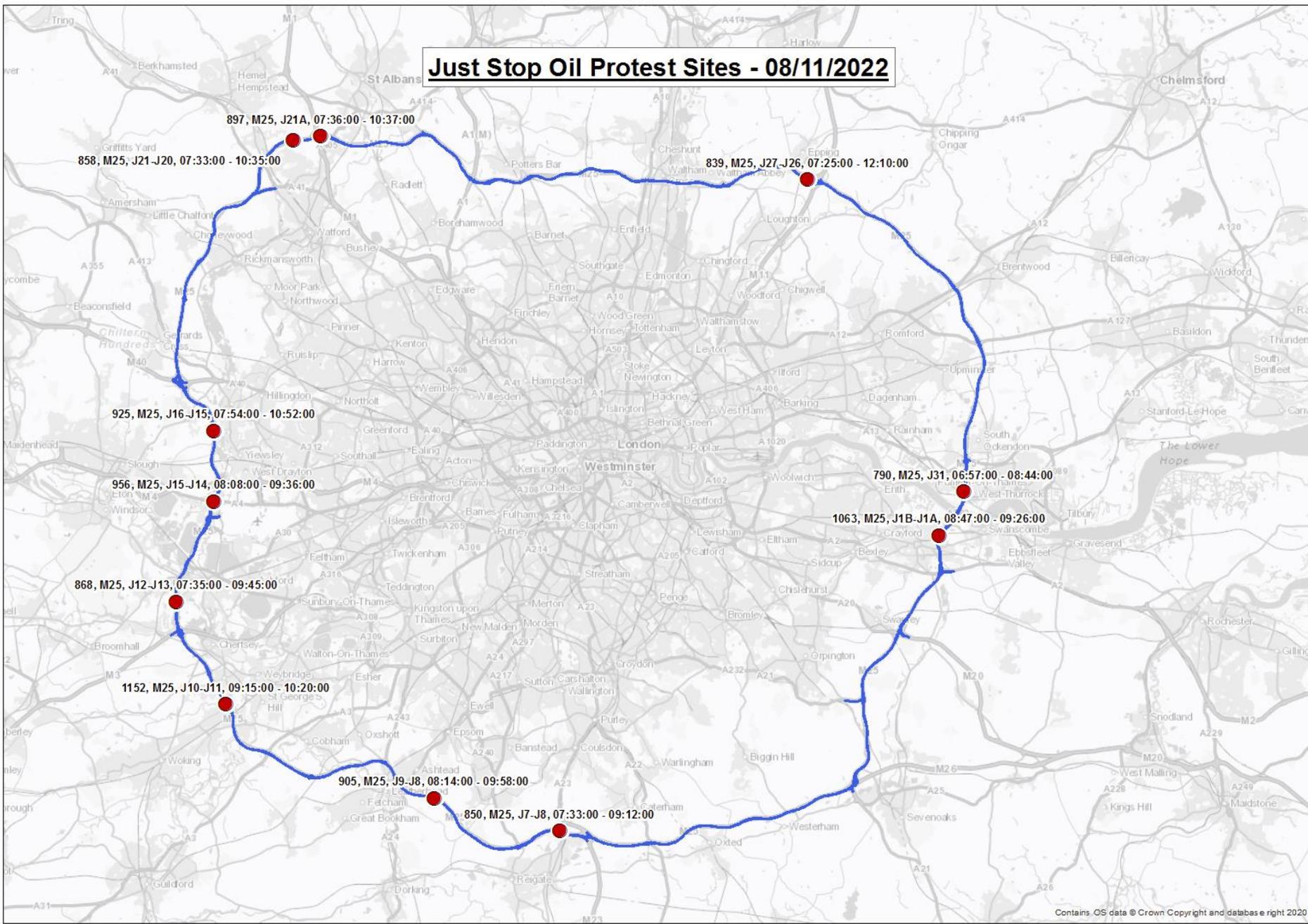
8th November 2022

Impact Assessment Statement  
(Assured)

Data sources, impact methodology, assumptions and examples



# Just Stop Oil Protest Sites - 08/11/2022



Contains OS data © Crown Copyright and database right 2020

To calculate impact the National Operations team will use a variety of data sources to collate and validate the data presented in this pack.

### **National Traffic Information Service (NTIS) – Real time**

NTIS collects data from induction loops that are situated under the roads surface. The loops are able to count vehicles, measure speed and measure vehicle length. NTIS also collects data from in vehicle Global Positioning Sensors (GPS). These different data sets are then validated by the system before being combined to produce a near real time view of conditions on the Strategic Road Network (SRN). The data is updated every 1 minute. The system compares the real time data to a historical data profile for the same location and time. NTIS can then confirm if traffic conditions at a location are as expected or not. Delay is then described as being above profile for a duration of time. The data is then presented to users as a heat map and event list via a user interface. This allows the national operations team to see in real time the impact of any incident on the SRN. The heat map can also be used to measure the length of a queue. This is validated using Closed – Circuit Television (CCTV) where possible.

*Please note that if NTIS data cannot be obtained for any reason, third party data such as Google will be used.*

### **Control Works Data**

Control Works data is collated from an operational application supporting National Highways management of incidents across the SRN – helping the Traffic Officer Service and others to capture and communicate the majority of the key information required to resolve an incident and get the network flowing as safely and quickly as possible. As a result, it contains a wealth of information which can also be used for other purposes after the incident has been resolved.

**The National Operations team will use all available data sources to assess the impact of protests:**

- NTIS traffic data and heat maps will be used as primary source to measure delay and the extent of queues
- CCTV observations and Google maps will be used as a source to measure delay and the extent of queues where NTIS data is unavailable

## Incident Details

Log Number	790 The analysis for this protest has been combined with 1063 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	06:57
End time	08:44
Road	M25
Junction	J31
Location	Dartford, Essex (Gantry, Marker Post 187/6B)

## Incident Commentary

- **06:57** Carriageway status changed from Clear to Compromised (logged at 07:03)
- **06:59** Pedestrian on network
- **07:14** We have several miles of congestion in both ways
- **07:55** Closing J1a on slip in prep for potential reopening of East tunnel
- **07:44** Police climbing gantry to talk to protestor with hope of moving protestor
- **08:11** East tunnel traffic released at Traffic Management Cell
- **08:44** Carriageway status changed from Compromised to Clear

## Incident Impact (M25 J31)

Peak delays on SRN (minutes)	60			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J4 to J31	9.6**	60
Location 2 (Clockwise)	M25	J31	5*(**)	20*

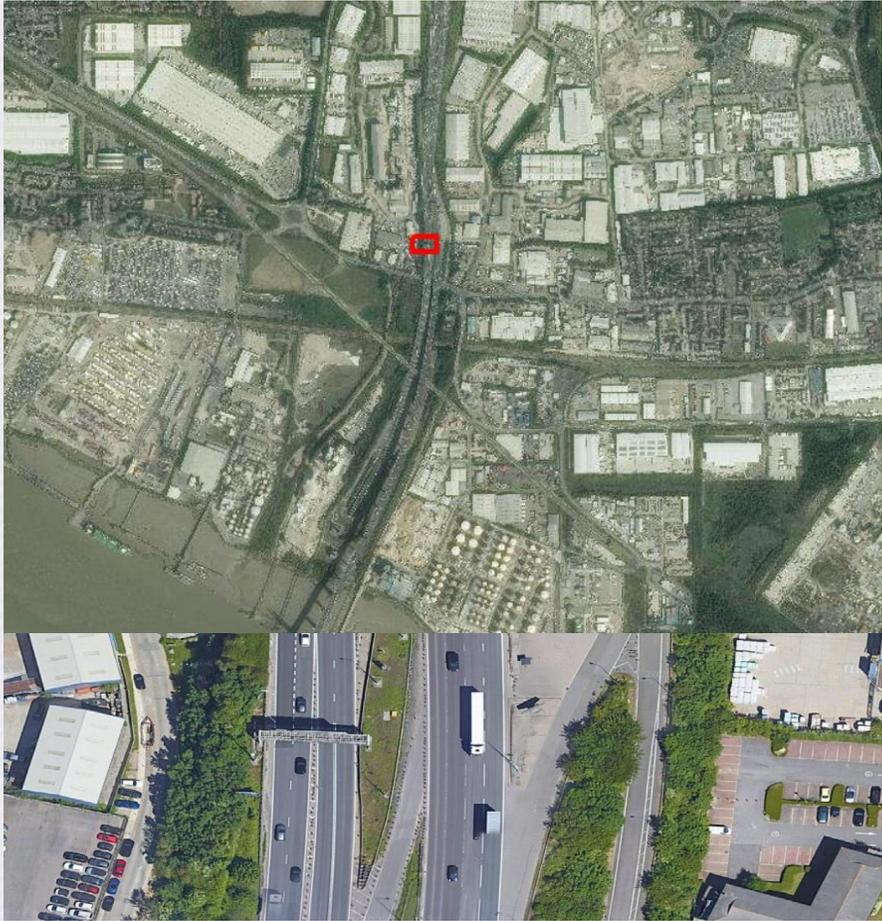
\* Information source – National Incident Liaison Officer (NILO) Report

\*\* Other protests in proximity contributing to delays

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

# Area Impacted (M25 J31)

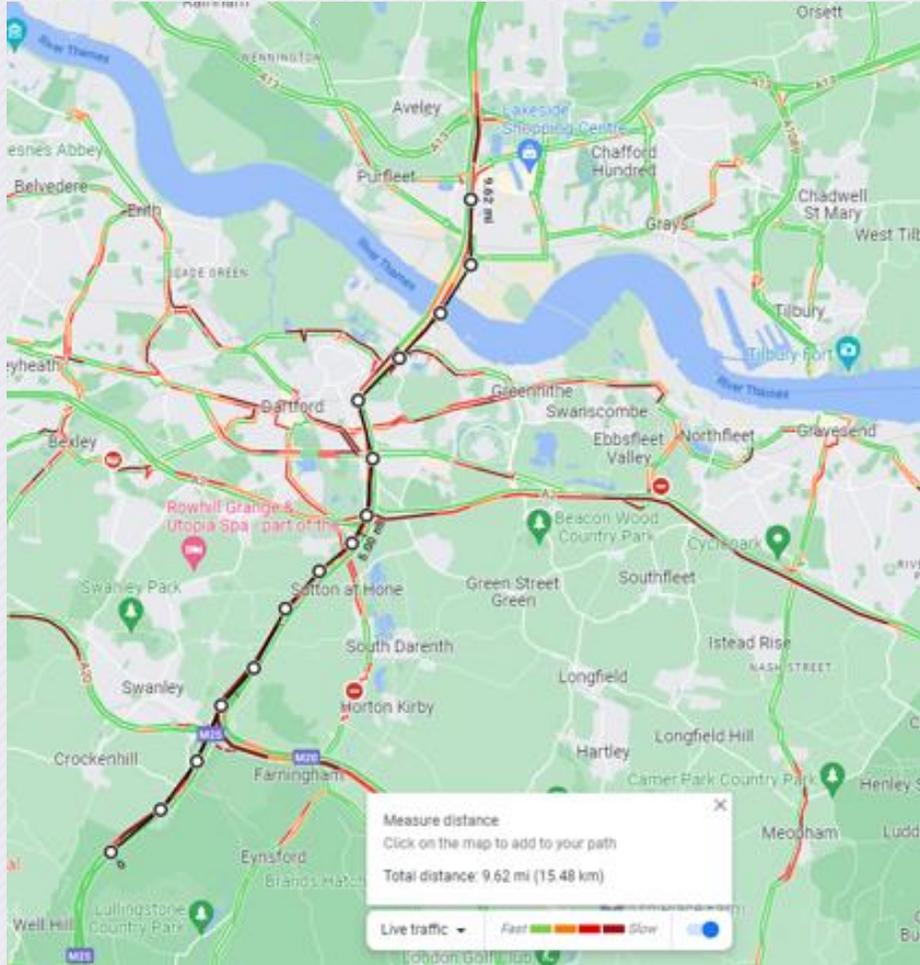
## Location of protest



## Area Impacted (M25 J31)

### Heat map

Shows 9.62 miles of congestion on the M25 anti-clockwise



Captured at 09:11 on 08.11.22

### Tweet issued at 07:34

 **National Highways: South-East** @HighwaysSEAST  
7 mins ago

Traffic is being held northbound at the #A282 #DartfordCrossing due to an @EssexPoliceUK led incident. There are delays of 60 minutes and 5 miles of congestion on the approach. Road users may wish to reroute or delay their journey.

### Tweet issued at 08:55

 **National Highways: East** @HighwaysEAST  
19 mins ago

@HighwaysSEAST @EssexPoliceUK Update: Traffic has been released northbound at the #A282 #DartfordCrossing following an earlier @EssexPoliceUK led incident. there are 6 miles of residual congestion approaching the tunnels. @DartCharge

### Incident Details

Log Number	1063 The analysis for this protest has been combined with 790 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	08:47
End time	09:26
Road	M25
Junction	J1b - J1a
Location	Dartford (Marker Post 5/9B)

### Incident Commentary

#### Protest averted (no impact)

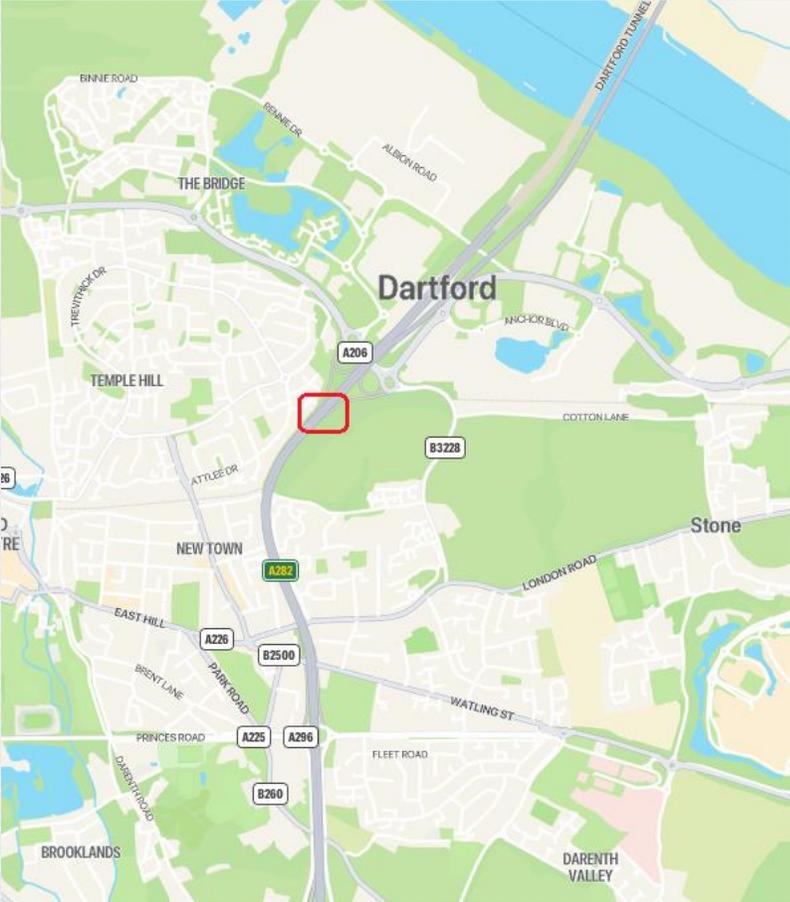
- **08:47** Incident created with Reference 1063
- **08:47** Two ladies trying to climb a gantry
- **09:26** Two people in climbing gear near gantry, a unit found them in a bush still wearing climbing gear.... Two now removed and in custody

### Incident Impact (M25 J1b to J1a)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1	Not recorded			

# Area Impacted (M25 J1b to J1a)

## Location of protest



\*location based on coordinates from ROC log

## Incident Details

Log Number	839
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	07:25
End time	12:10
Road	M25
Junction	J27
Location	Epping, Essex (Marker Post 159/1B)

## Incident Commentary

- **07:29** Carriageway status changed from Clear to Compromised (logged at 07:33)
- **07:42** Entry slip closed J26
- **08:00** J26 clockwise carriageway closed
- **08:16** M25 anti-clockwise carriageway closed
- **10:36** Closed J25 to J27 clockwise and J27 to J26 anti-clockwise
- **10:47** From Essex Police - J27 protester down
- **12:10** Carriageway status changed from Compromised to Clear

## Incident Impact (M25 J27)

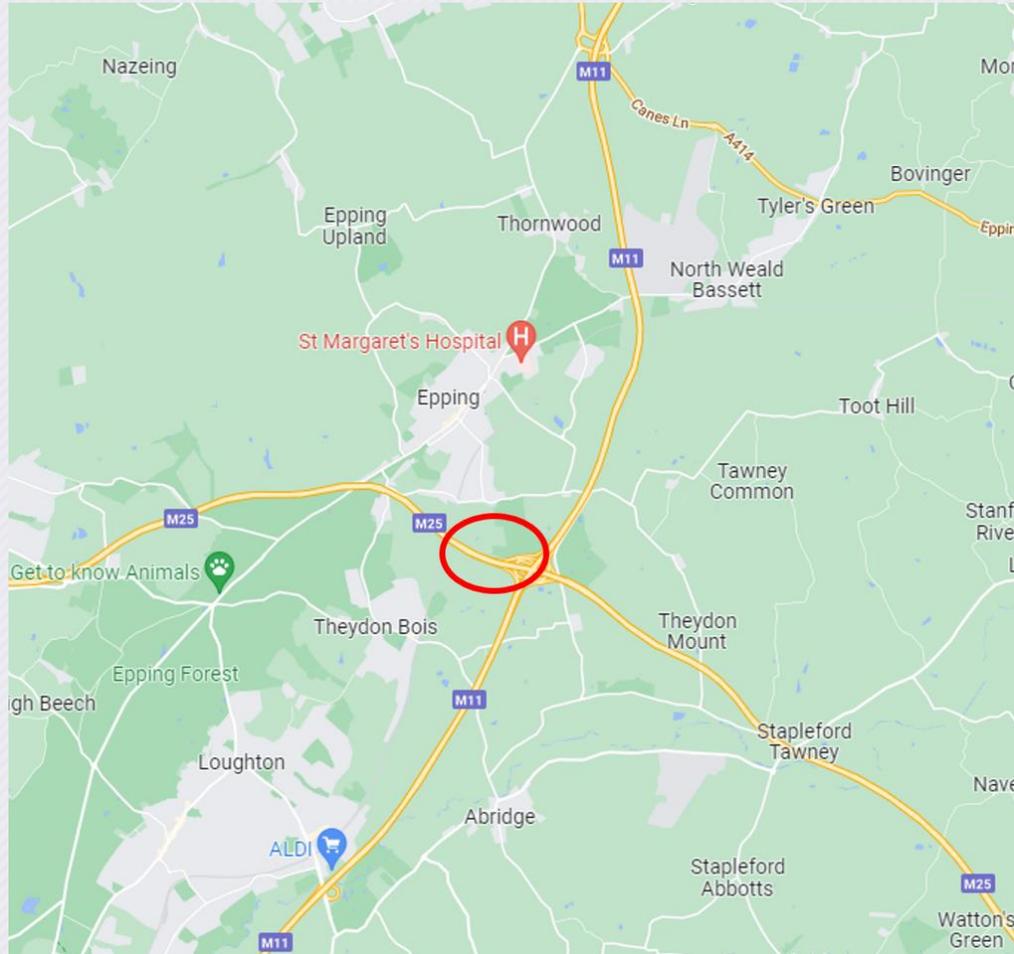
Peak delays on SRN (minutes)	20*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J28 to J27	5.3	20*
Location 2 (Clockwise)	M25	Not measured	2*	0*

\* Information source – National Incident Liaison Officer (NILO) Report

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

## Area Impacted (M25 J27)

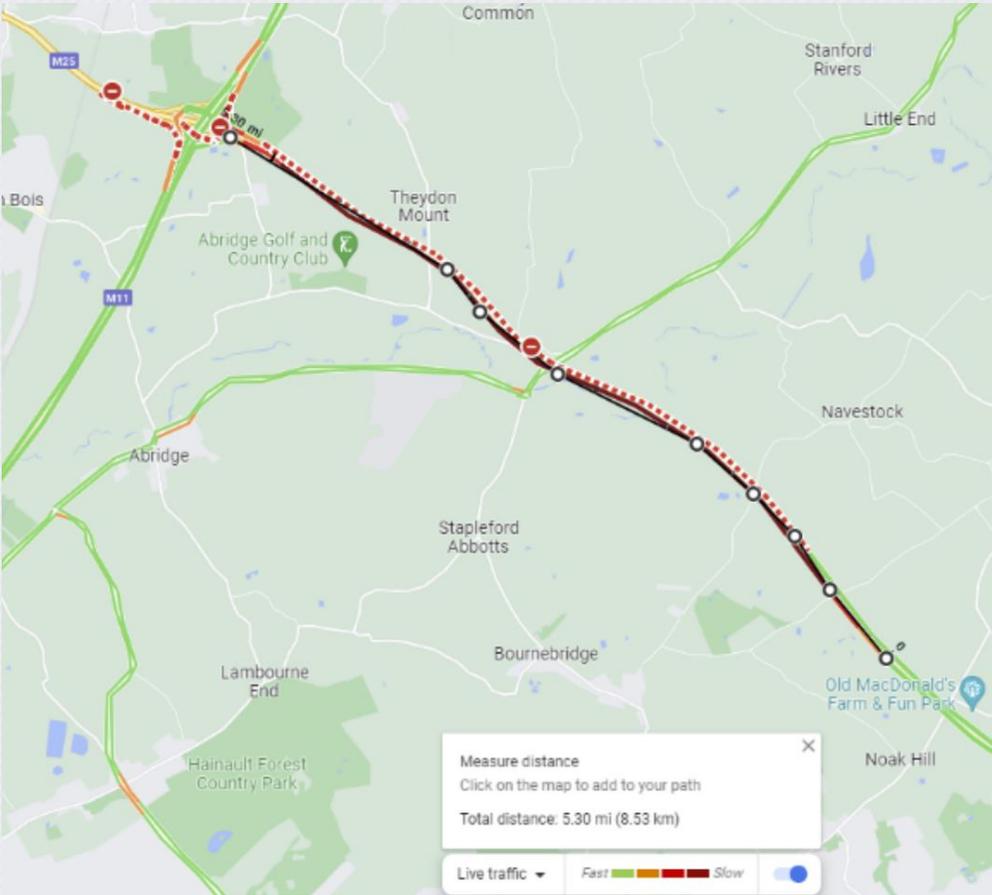
### Location of protest



# Area Impacted (M25 J27)

## Heat map

Shows 5.3 miles of congestion on the M25 anti-clockwise on approach to the closure at J27



Captured at 10:18 on 08.11.22



## Incident Details

## Incident Commentary

Log Number	850 The analysis for this protest has been combined with 905 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	07:29
End time	08:51
Road	M25
Junction	J7 - J8
Location	Surrey (Marker Post 48/2B)

- **07:29** Title changed from <Empty> to Protestor on gantry
- **07:33** Set M25/4442A (clockwise) closed
- **07:41** SEROC log confirms the road is closed in both directions due to protest activity\*
- **07:53** From silver control - we have protestor over the anti-clockwise carriageway, we are about to instigate a removal team to him
- **07:57** Rolling road block with traffic stopped at 47/0 blocking M23 slips and main carriageway
- **08:11** CCTV protestor on top of gantry
- **08:44** Clockwise traffic released
- **08:50** Anti-clockwise traffic released - clear signals

\* Information source – National Incident Liaison Officer (NILO) Report

Information source – Regional Operation Centre Control Works Log 850

## Incident Impact (M25 J7 to J8)

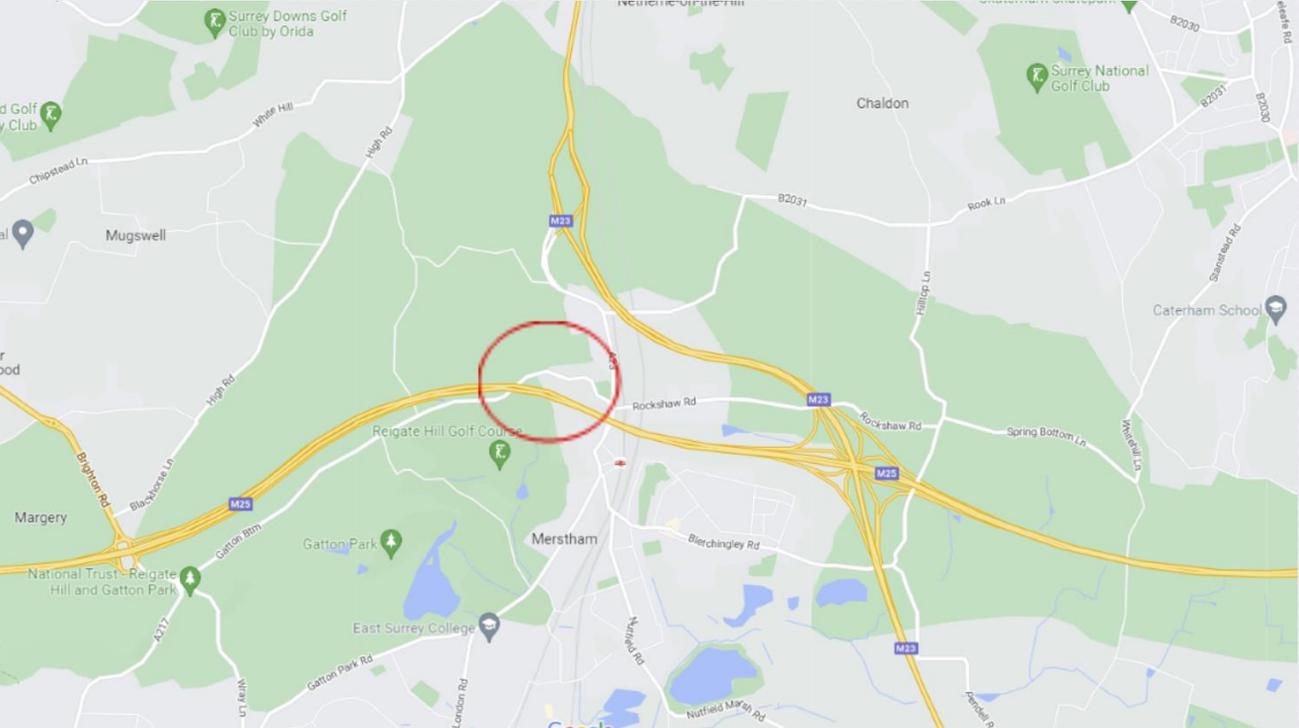
Peak delays on SRN (minutes)	85			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J5 to J7	12*	85
Location 2 (Anti-Clockwise)	M25	J9 to J8	5*	60*

\* Information source – National Incident Liaison Officer (NILO) Report

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

# Area Impacted (M25 J7 to J8)

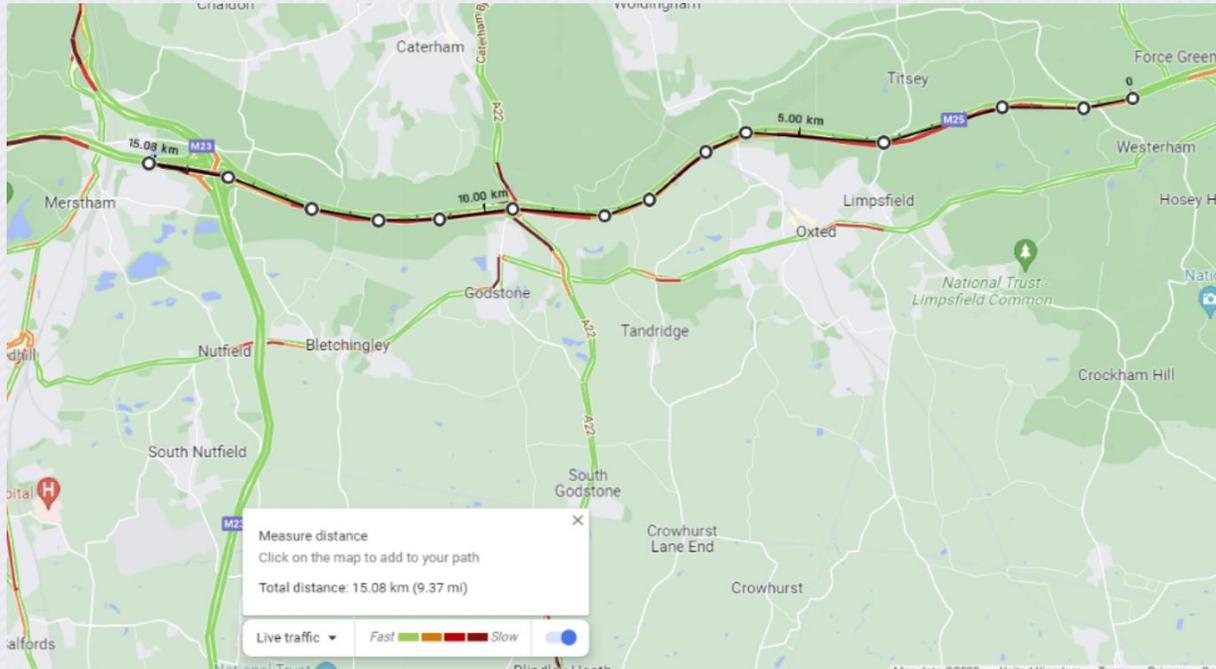
## Location of protest



## Area Impacted (M25 J7 to J8)

### Heat map

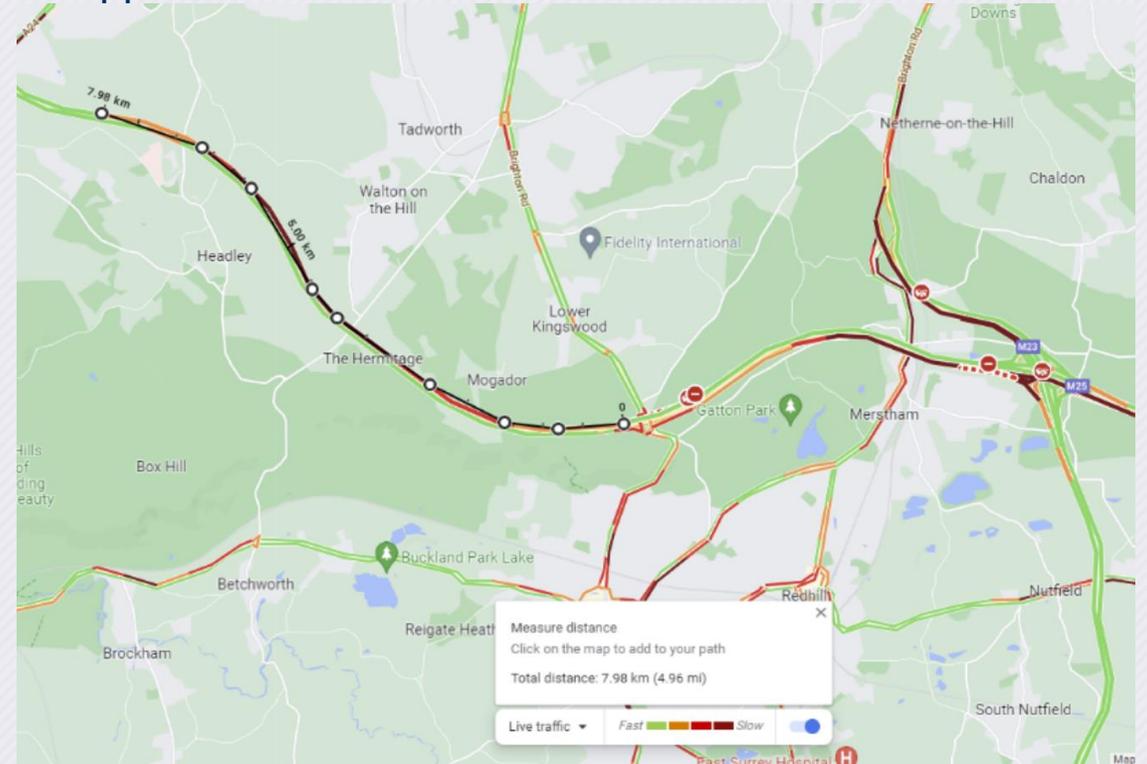
Shows 9.37 miles of congestion on the M25 clockwise on approach to the closure at J7



Captured at 07:48 on 08.11.22

### Heat map

Shows 4.96 miles of congestion on the M25 anti-clockwise on approach to the closure at J8



Captured at 09:08 on 08.11.22

## Incident Details

Log Number	905 The analysis for this protest has been combined with 850 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	07:48
End time	09:58
Road	M25
Junction	J9 - J8
Location	Surrey (Marker Post 58/8B)

## Incident Commentary

- **07:50** Set M25/4511A to M25/4637A 60s, set incident
- **08:14** Carriageway status changed from Clear to Compromised
- **08:14** Report of protestors
- **08:27** Anti-clockwise entry slip closed
- **09:58** Carriageway status changed from Compromised to Clear

Incident Impact (M25 J9 to J8)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	Not recorded	6	Not recorded

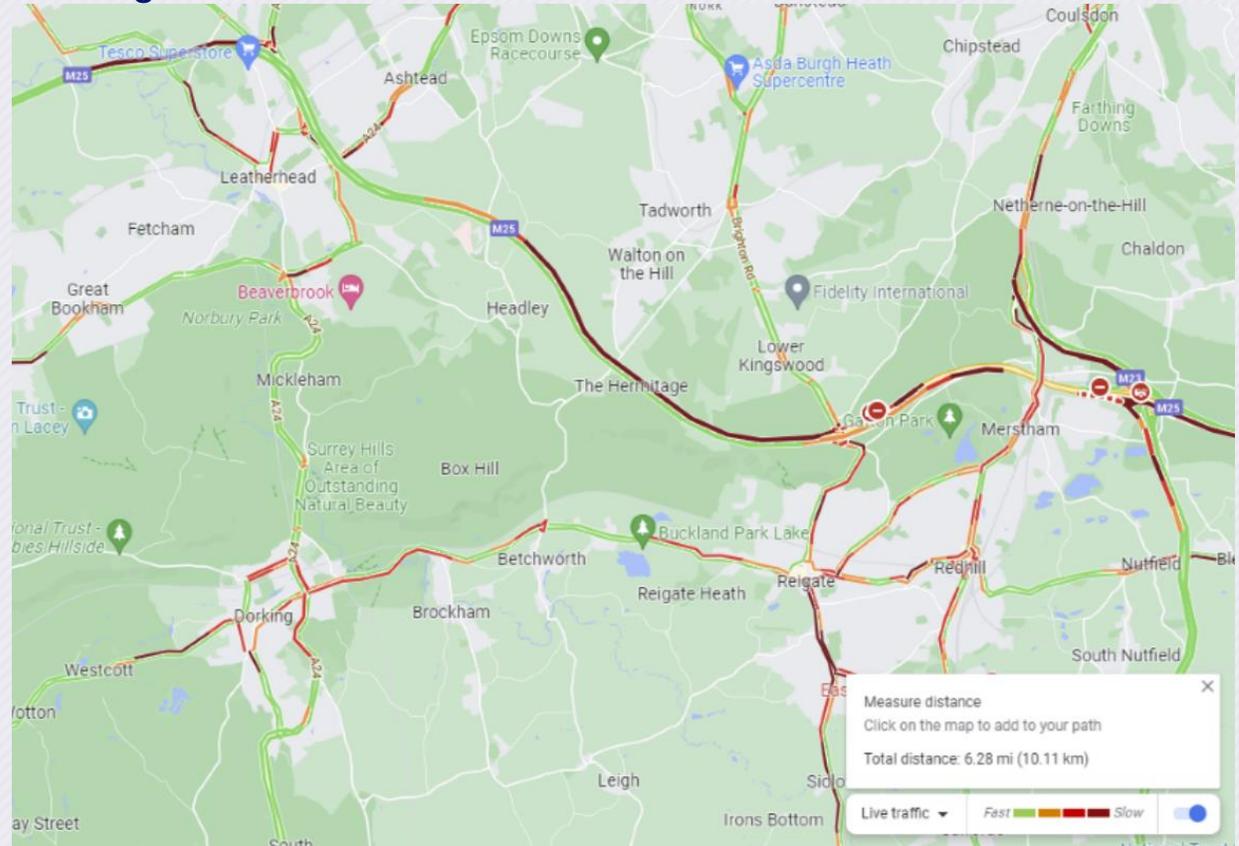
## Area Impacted (M25 J9 to J8)

### Location of protest



### Heat map

At 08:46 Third party heat map data reported approximately 6 miles of congestion within the anti-clockwise closure between J10 and J8.



Captured at 08:46 on 08.11.22

# National Operations data input

## Incident Details

## Incident Commentary

Log Number	858 The analysis for this protest has been combined with 897 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	07:33
End time	10:35
Road	M25
Junction	J21 - J20
Location	Abbots Langley, Hertfordshire (Marker Post 121/1B*)

- **07:33** Title changed from <Empty> to Protesters
- **07:36** Carriageway status changed from Clear to Compromised
- **08:40** There are 2 protestors
- **09:27** Protestor is now down
- **10:35** Carriageway status changed from Compromised to Clear

\*Confirmed by analyst using CCTV and GIS

Information source – Regional Operation Centre Control Works Log 858

### Incident Impact (M25 J21 to J20)

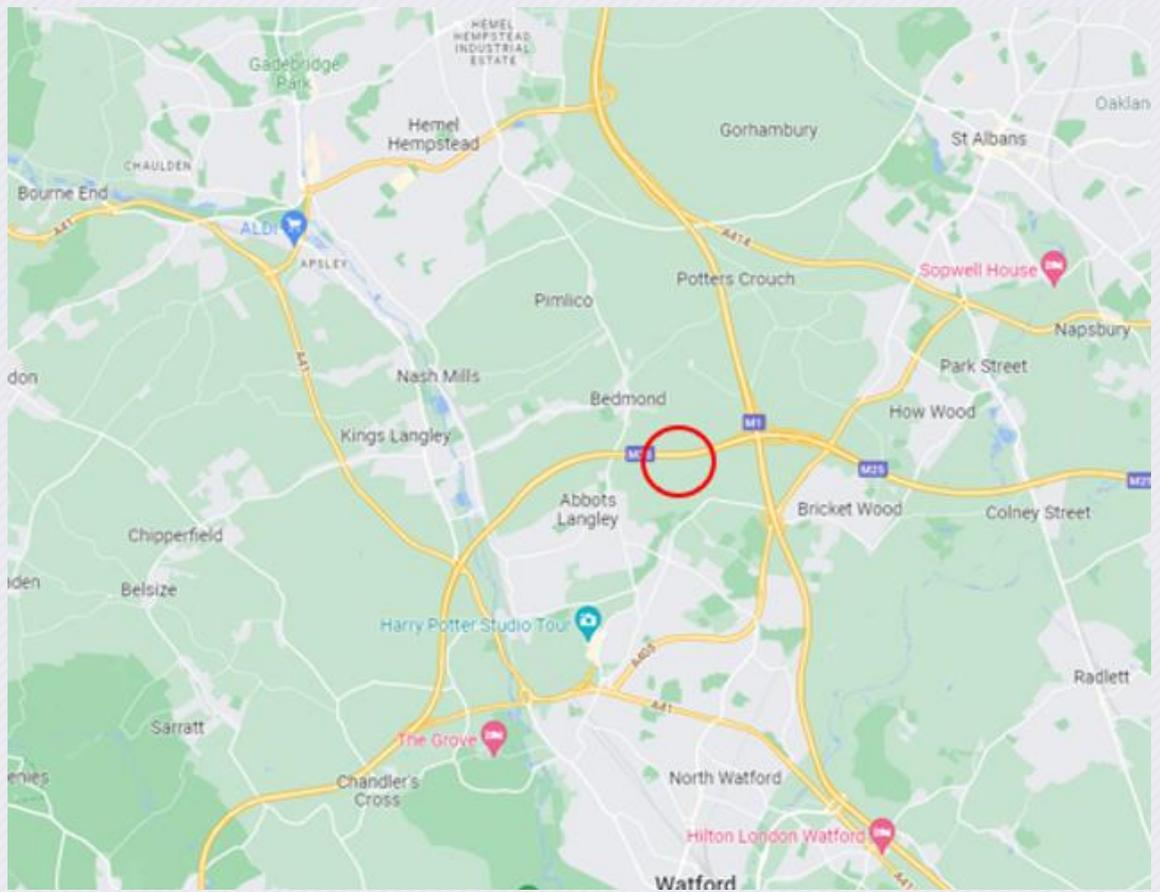
Peak delays on SRN (minutes)	35*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J22 to J21	4.8**	30*
Location 2 (Clockwise)	M25	J18 to J21	6.2**	35*

\* Information source – National Incident Liaison Officer (NILO) Report

\*\* Other protests in proximity contributing to delays

## Area Impacted (M25 J21 to J20)

### Location of protest



**National Highways: South-East** @HighwaysSEAST  
● 12 mins ago

The #M25 is closed anticlockwise between J21 #BricketWood and J20 #Watford due to a police led incident. Due to the nature of the incident, we are unable to advise when the road will reopen. Road users may wish to reroute or delay their journey. More details to follow.

*Tweet issued at 08:11*



*Image taken at 08:23*

**National Highways: South-East** @HighwaysSEAST  
● just now

Update: The #M25 is OPEN in both directions between J21 #BricketWood and J20 #Watford following an earlier police led incident.

*Tweet issued at 10:59*

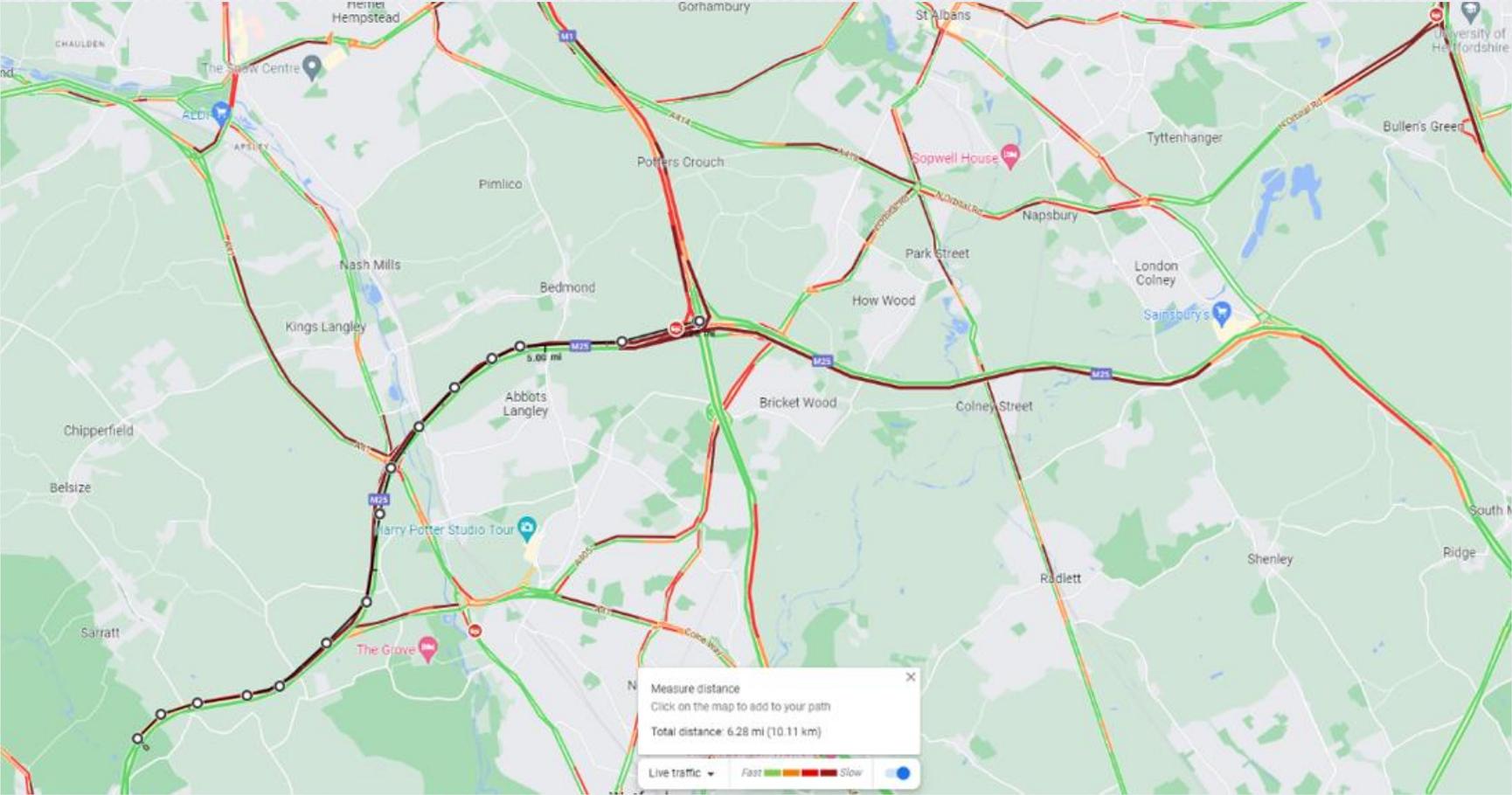


*Gantry and CCTV camera locations*

# Area Impacted (M25 J21 to J20)

## Heat map

Shows 6.28 miles of congestion on the M25 clockwise



Captured at 08:29 on 08.11.22

Information source(s) – Google maps, CCTV images and Social media (where available)

### Incident Details

### Incident Commentary

Log Number	897 The analysis for this protest has been combined with 858 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	07:46
End time	10:37
Road	M25
Junction	J21a
Location	Hertfordshire (Marker Post 123/0A)

- **07:46** Protester on gantry
- **10:37** Carriageway status changed from Compromised to Clear

## Incident Impact (M25 J21a)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J18 to J21a	7.5**	Not recorded
Location 2 (Anti-Clockwise)	M25	J22 to J21a	5**	Not recorded

\* Information source – National Incident Liaison Officer (NILO) Report

\*\* Other protests in proximity contributing to delays

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

Area Impacted (M25 J21a)

Location of protest

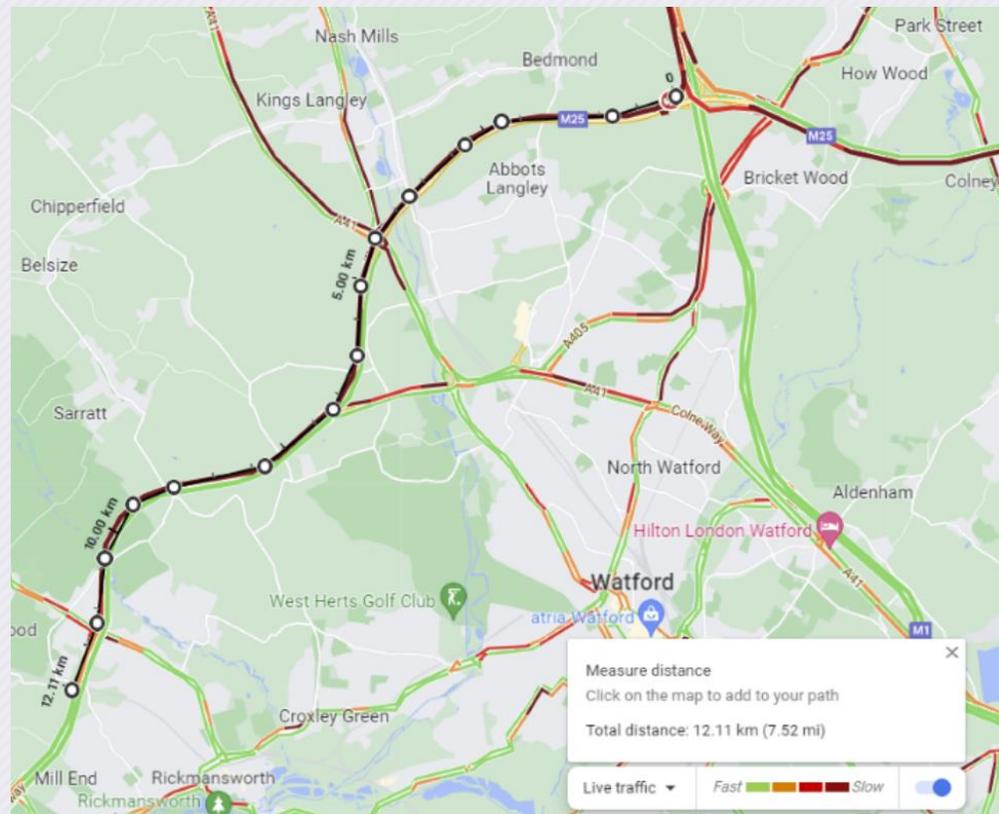


Camera:00061,55232  
M25 123/2A J21A

## Area Impacted (M25 J21a)

### Heat map

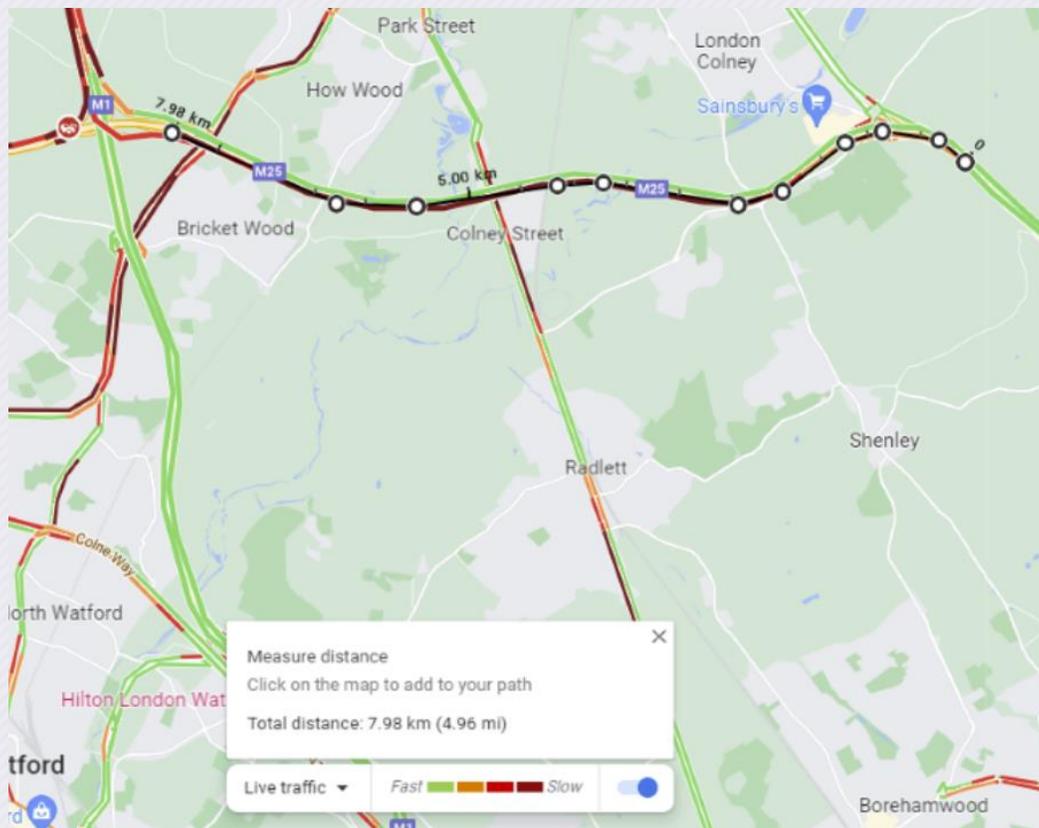
Shows approximately 7.5 miles of congestion on the M25 clockwise



Captured at 08:54 on 08.11.22

### Heat map

Shows approximately 5 miles of congestion on the M25 anti-clockwise



Captured at 08:57 on 08.11.22

## Incident Details

Log Number	868
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	07:35
End time	09:45
Road	M25
Junction	J12 - J13
Location	Surrey (Marker Post 86/0A)

## Incident Commentary

- **07:35** Pedestrian on network
- **07:40** Carriageway status changed from Clear to Compromised
- **08:45** J12 to 13 main carriageway is now closed
- **09:14** Anti-clockwise carriageway now open
- **09:31** Protestor is secure on the hard shoulder - road can be reopened
- **09:45** All carriageways open

## Incident Impact (M25 J12 to J13)

Peak delays on SRN (minutes)	50*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J10 to J15	8**	50*
Location 2 (Anti-Clockwise)	M25	J14 to J13	5*(**)	16

\* Information source – National Incident Liaison Officer (NILO) Report

\*\*Other protests in proximity contributing to delays

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

# Area Impacted (M25 J12 to J13)

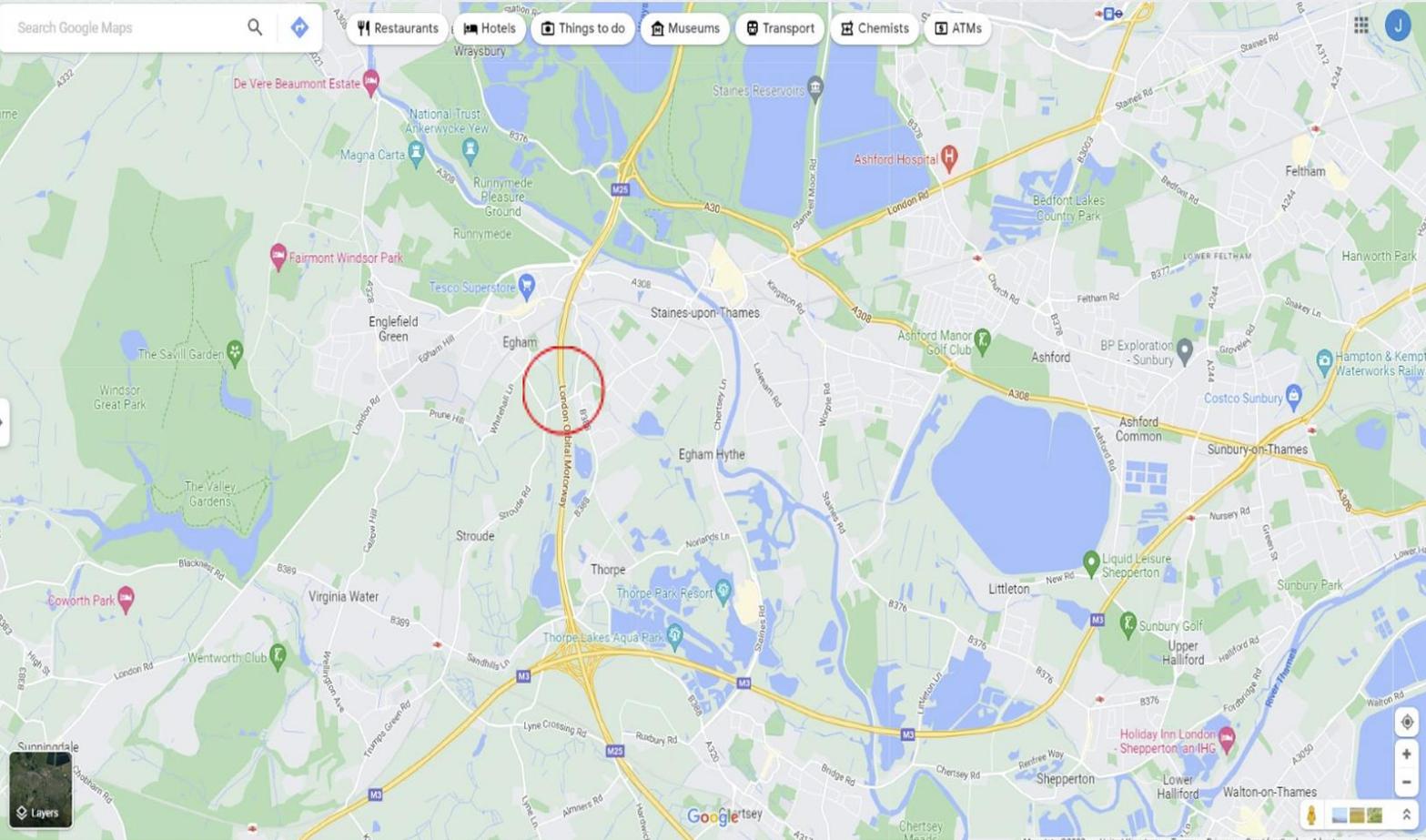
## Location of protest



Camera:00011,14860  
M25 86/0B



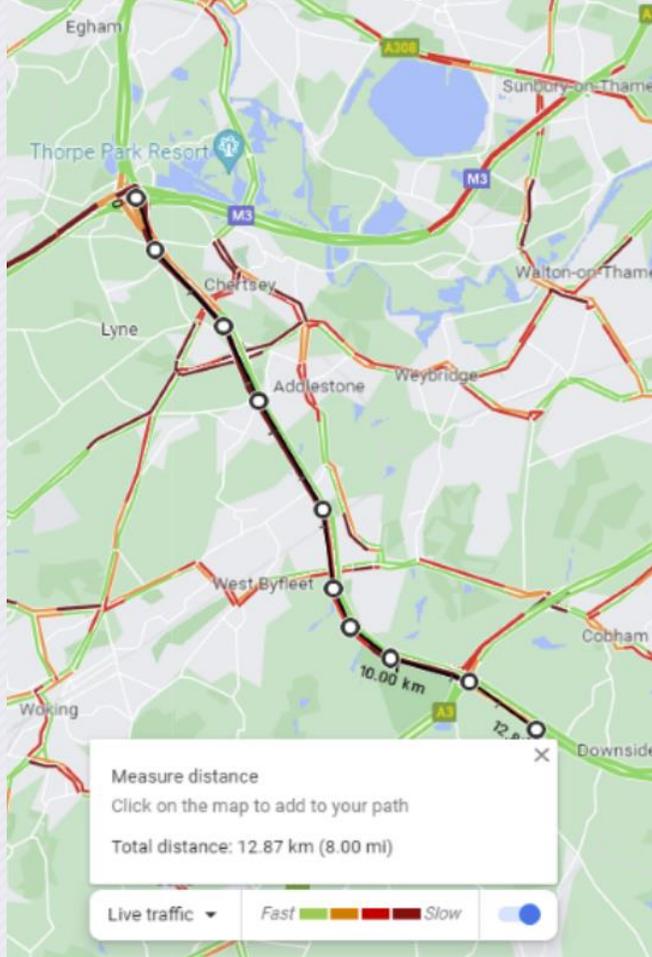
Camera:00011,14860  
M25 86/0B



## Area Impacted (M25 J12 to J13)

### Heat map

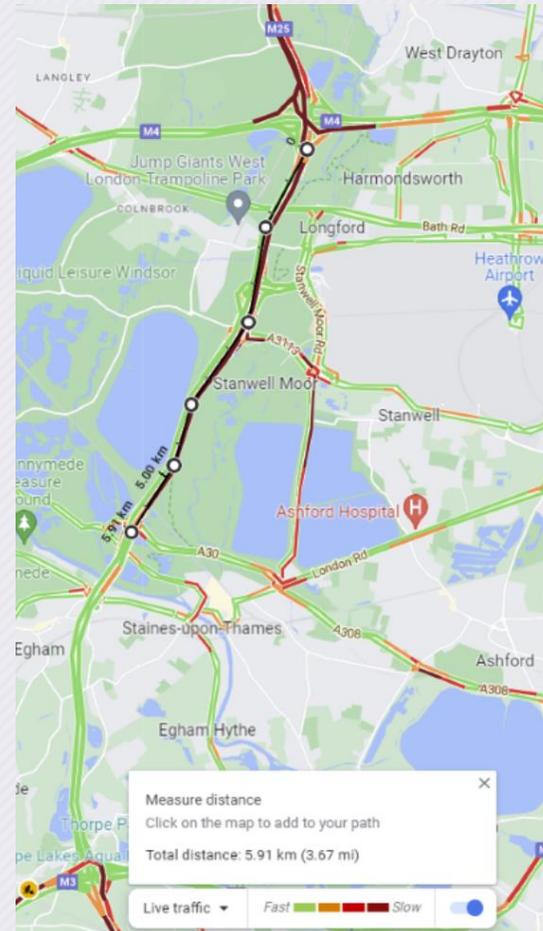
Shows 8 miles of congestion on the M25 clockwise



Captured at 08:22 on 08.11.22

### Heat map

Shows approximately 3.6 miles of congestion on the M25 anti-clockwise



Captured at 08:20 on 08.11.22

## Incident Details

Log Number	925
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	07:54
End time	10:52
Road	M25
Junction	J16 - J15
Location	M25 J16 - J15 (Marker Post 98/6B)

## Incident Commentary

- **07:54** Carriageway status changed from Clear to Compromised (logged at 08:07)
- **08:05** CCTV shows protestors at Marker Post 93/B and 98/6B
- **08:19** Set 40s both tracks multiple protestors
- **08:22** Protesters on the gantry unfurling a banner
- **09:08** NTIC updated both carriageways closed
- **10:08** Protest removed
- **10:52** CW log confirms the carriageway has reopened in both directions\*

\* Information source – National Incident Liaison Officer (NILO) Report

Information source – Regional Operation Centre Control Works Log 925

## Incident Impact (M25 J16 to J15)

Peak delays on SRN (minutes)	60*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J14 to J16	5*(**)	60*
Location 2 (Anti-Clockwise)	M25	J16 to J14	5*(**)	60*

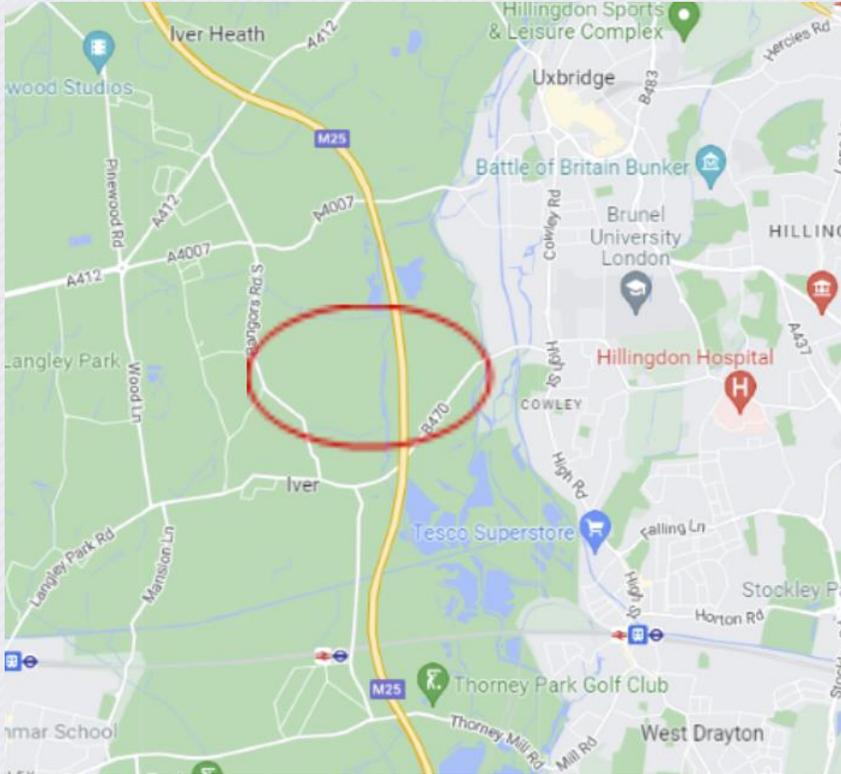
\* Information source – National Incident Liaison Officer (NILO) Report

\*\*Other protests in proximity contributing to delays

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

# Area Impacted (M25 J16 to J15)

## Location of protest



Camera:00061,54986  
M25 98/6B J16-15



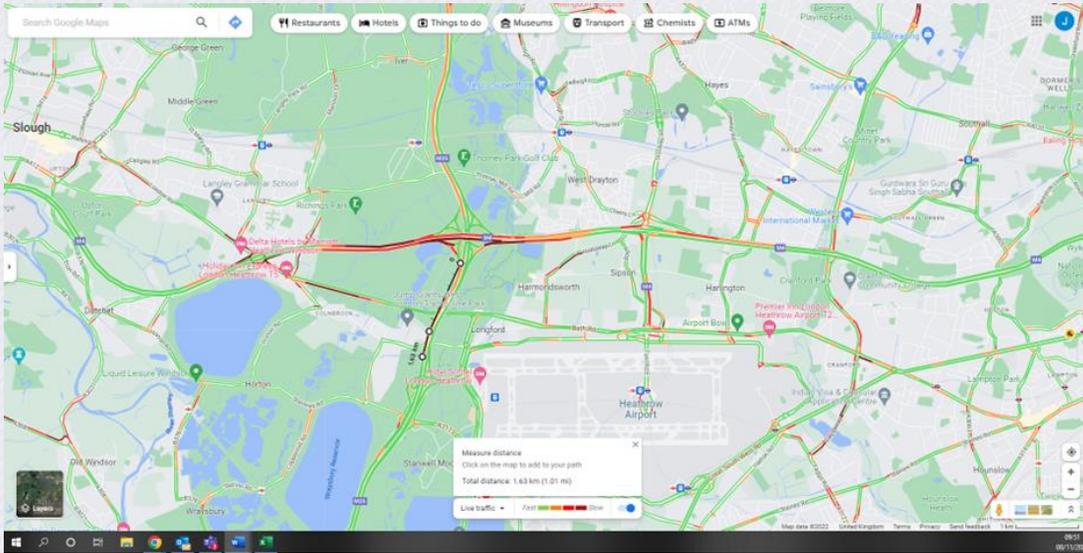
Camera:00061,54986  
M25 98/6B J16-15



## Area Impacted (M25 J16 to J15)

### Heat map

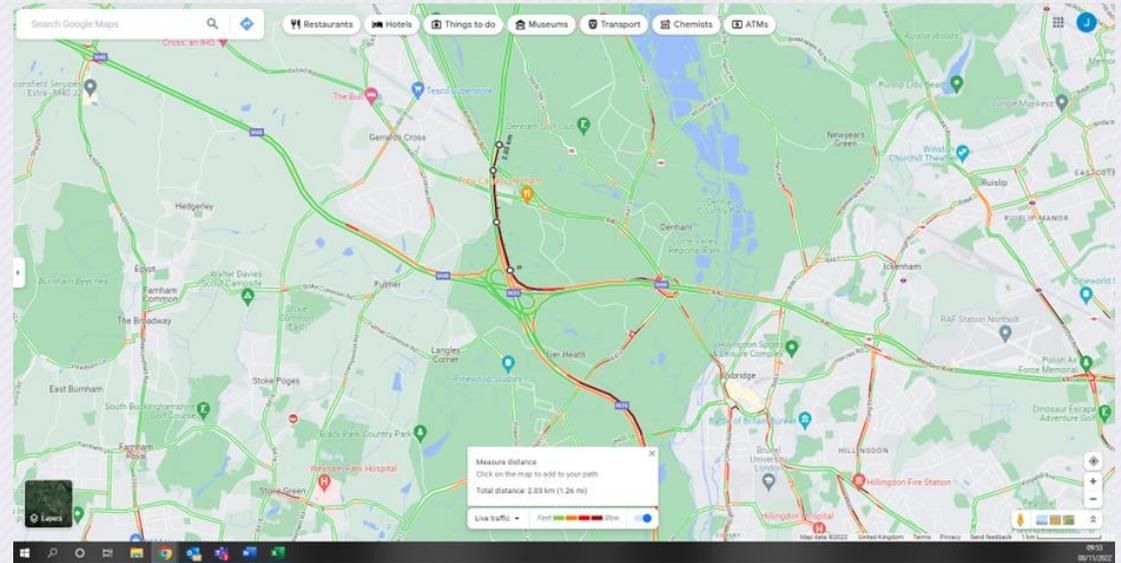
Shows 1 mile of congestion on the M25 clockwise



Captured at 09:51 on 08.11.22

### Heat map

Shows 1.26 miles of congestion on the M25 anti-clockwise



Captured at 09:53 on 08.11.22

## Incident Details

Log Number	956
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	08:08
End time	09:36
Road	M25
Junction	J15 - J14
Location	Slough, Berkshire (Marker Post 93/8B)

## Incident Commentary

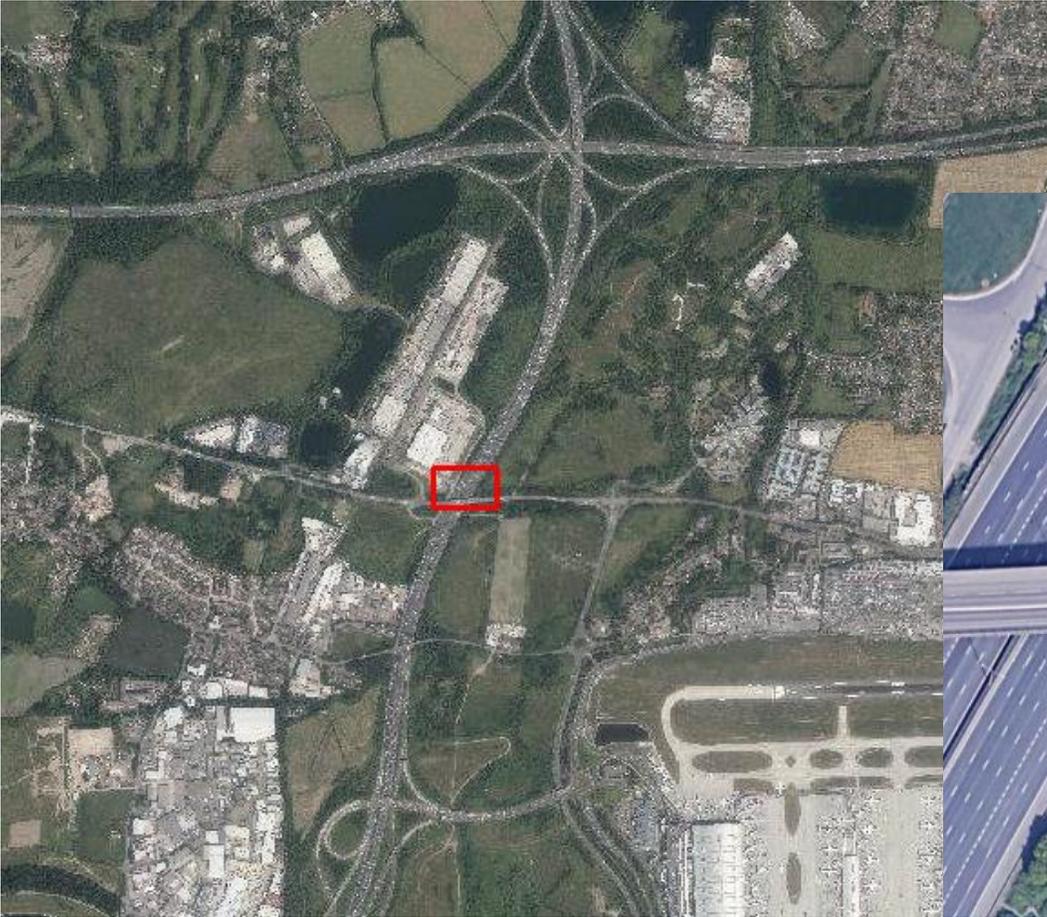
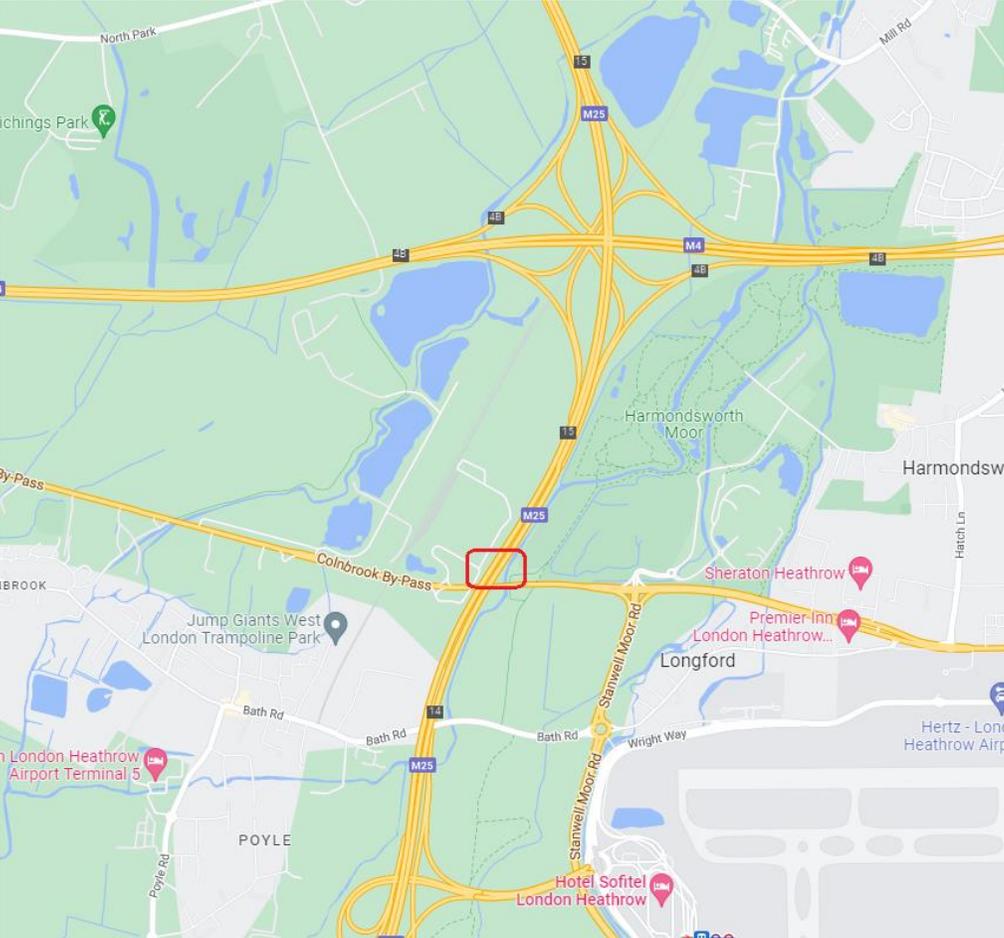
- **08:08** Pedestrian on network
- **08:09** Protestor
- **08:12** Please set soft closure J14/15
- **08:41** Lane closure set on log 925-081122
- **08:58** Traffic stopped, ISU helping
- **09:24** Police have released traffic at J15
- **09:36** Signs and signals cleared

### Incident Impact (M25 J15 to J14)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1	Not recorded	Not recorded	Not recorded	Not recorded

# Area Impacted (M25 J15 to J14)

## Location of protest



## Incident Details

Log Number	1152
Region	South East
Day	Tuesday
Date	08.11.2022
Start time	09:15
End time	10:20
Road	M25
Junction	J10 - J11
Location	Runnymede, Surrey (Gantry 4776, Marker Post 77/7)

## Incident Commentary

- **09:15** JSO Protestors on gantry
- **09:24** Carriageway status changed from Clear to Compromised
- **09:48** Total Closure Both Carriageways changed from “False” to “True”
- **10:20** Carriageway status changed from Compromised to Clear

## Incident Impact (M25 J10 to J11)

Peak delays on SRN (minutes)	16			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J12 to J11	3.8**	16
Location 2 (Clockwise)	M25	J9 to J10	2.2**	10*

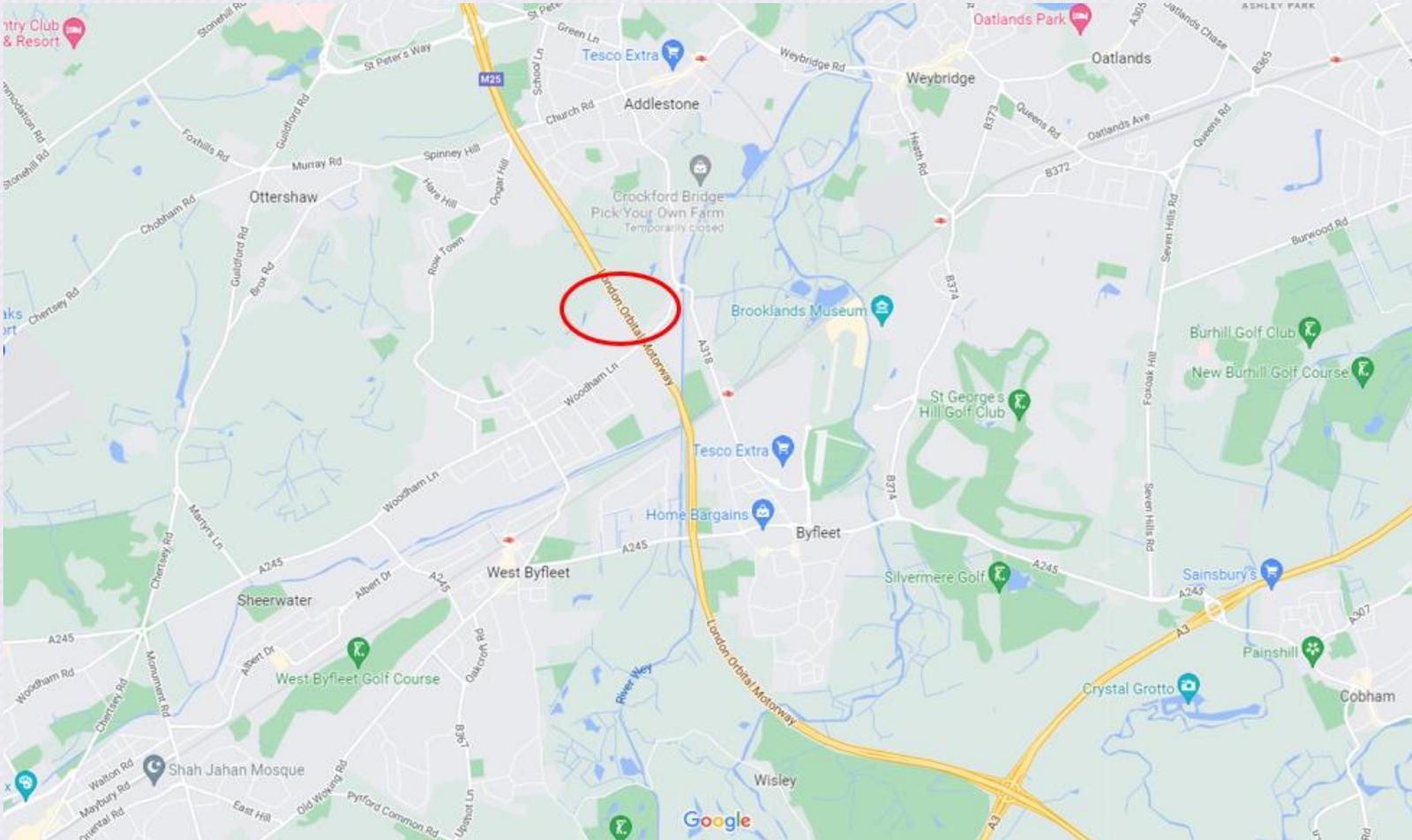
\* Information source – National Incident Liaison Officer (NILO) Report

\*\*Other protests in proximity contributing to delays

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

# Area Impacted (M25 J10 to J11)

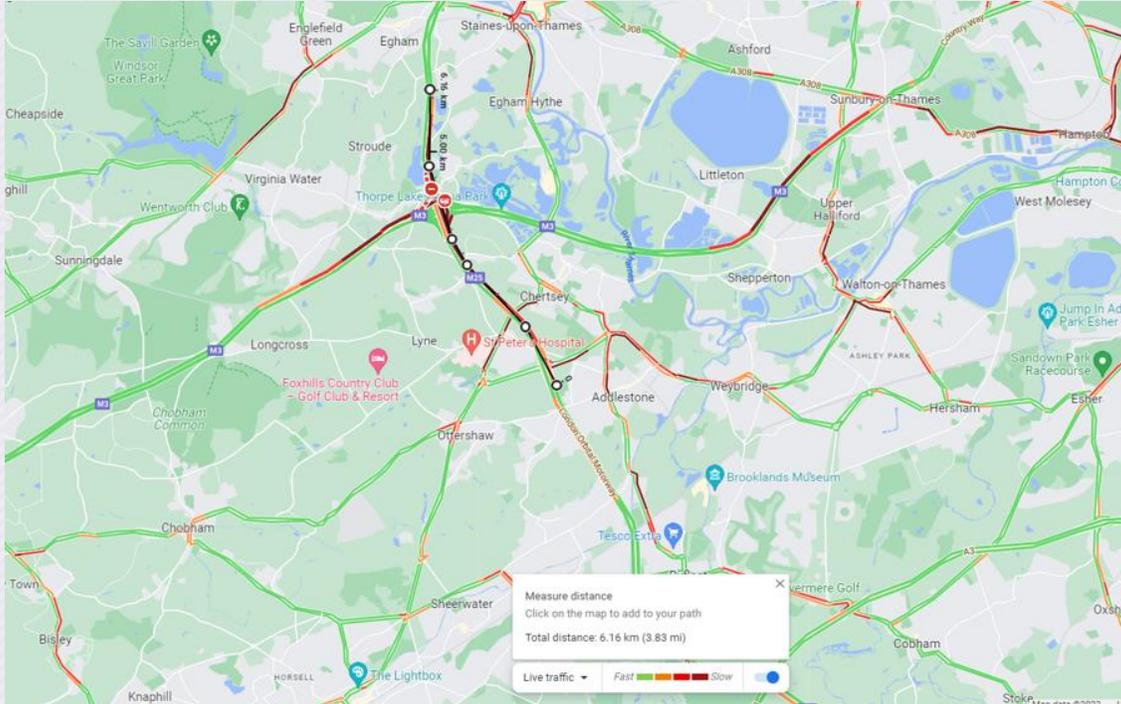
## Location of protest



## Area Impacted (M25 J10 to J11)

### Heat map

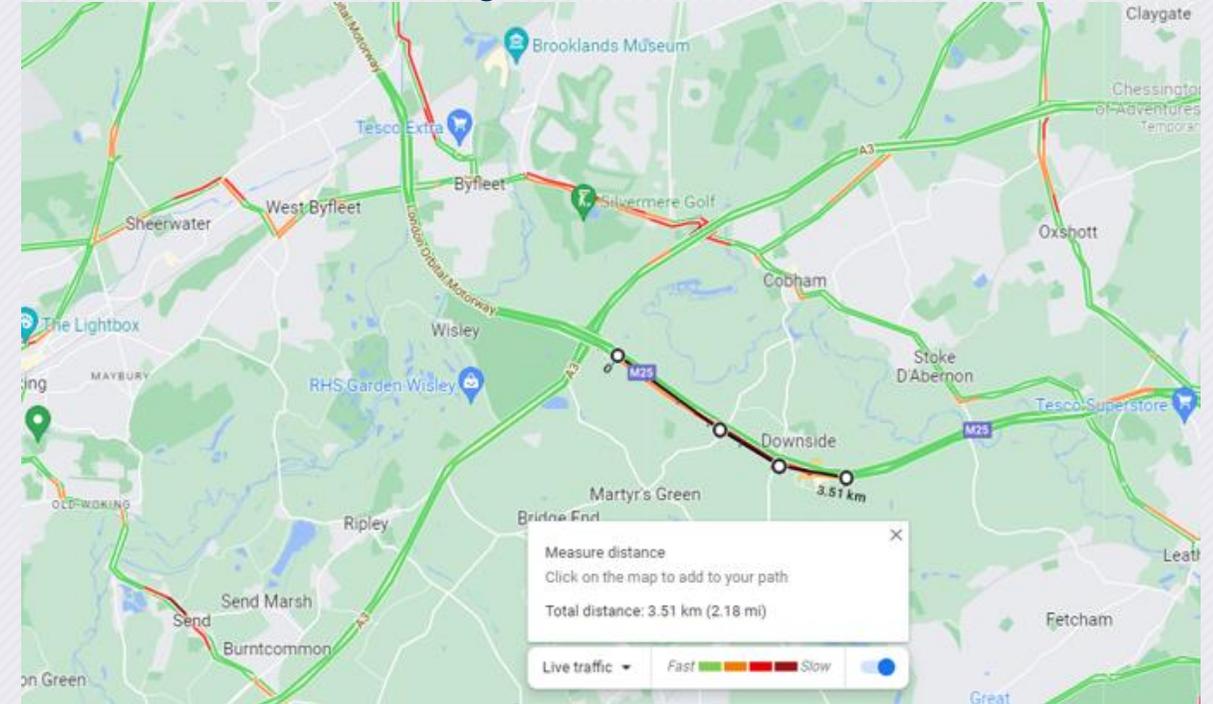
Shows 3.83 miles of congestion on the M25 anti-clockwise



Captured at 10:24 on 08.11.22

### Heat map

Shows 2.18 miles of congestion on the M25 clockwise



Captured at 10:26 on 08.11.22

## Economic Impact Method Statement

Our estimates of impact can only be based on the traffic data available. We have applied a method which allows us to estimate a *lower bound* for the impact in terms of lost vehicle-hours and on the economy.

Calculation	Method Applied	Notes and Caveats	Reported in
Delay to non-stationary vehicles	<p>We have a standard method, using well-established data sources and used in our journey time reliability metric, for calculating delay over and above that we would expect to see on a comparable day.</p> <p>This provides a total number of vehicle-hours.</p>	<p>Details of the metric calculation can be found in the National Highways Operational Metrics Manual.</p> <p>Our calculations cover the protest site, and the surrounding SRN (Strategic Road Network). The main carriageway is covered in both directions, but roundabouts are excluded as there is no data for these.</p>	“Delay Extent” column of the Incident Impact Table
Economic Impact	<p>The DfT’s <u>Transport Appraisal Guidance (TAG)</u> provides average values of time for cars (£15.14 per hour). We have multiplied these by the vehicle-hours of delay to give an estimated economic impact.</p>	<p>For simplicity we have assumed all non-stationary vehicle delays apply to cars, which will underestimate the impact.</p> <p>The figures calculated do not include the further economic costs to individuals and businesses as a result of missed appointments, or late delivery of goods. Neither does it include the economic costs of activities which didn’t occur because of the protests, or the cost to the police, National Highways, or others involved in managing the incident. Given these limitations the figure quoted is an underestimate.</p>	“Economic Cost” column of the Incident Impact Table

## Economic Impact

Control Works Log Number(s)	Location	Delay Start Time	Delay End Time	Number of vehicles	Delay extent (VHD: Vehicle hours delay)	Economic cost (£)
790 & 1063 *	M25 J31 & M25 J1b to J1a	06:00	10:30	31,950	4,203	£63,637
839	M25 J27	06:30	12:15	63,117	4,023	£60,908
850 & 905 *	M25 J7 to J8 & M25 J9 to J8	06:45	10:30	19,224	1,504	£22,773
858 & 897 *	M25 J21 to J20 & M25 J21a	07:30	11:45	46,833	5,046	£76,384
868	M25 J12 to J13	07:15	11:00	16,332	150	£2,271
925	M25 J16 to J15	07:00	11:00	27,491	1,011	£15,311
956	M25 J15 to J14	07:45	10:00	5,958	535	£8,102
1152	M25 J10 to J11	07:45	11:00	17,609	1,327	£20,086

\* These protests have been combined due to their proximity, and where it was not possible to attribute the queuing to the individual protests

## Cumulative Economic Impact

Delay extent (VHD: Vehicle hours delay)	Estimated total economic cost (£)
17,799	£269,472

## Analytical Assurance Statement: 3rd Line of Assurance

Appropriateness	Compliance	Uncertainty	Fit for Purpose
Green-Amber	Green	Amber	Amber
Supervisor: Tracey Smith		Assurer: Claire Minett	
Producer: South East Network Data Analysis & Intelligence Team			

Data is from a variety of standard National Highways data sources, for moving but delayed traffic and is processed and used for assessment of our delay metric. Data from non-SRN links is not available, so the impact on those roads cannot be estimated and is not included in the total levels of impact quoted.

The economic impact is estimated using values of time from the DfT’s TAG guidance. Only the direct impact of delay on the mainline can be monetised in this way – impacts off the SRN, impacts due to diversion, or impacts due to individuals choosing not to travel, are not considered; neither are impacts which are less direct such as missed appointments, transport connections, or indirect impacts on business. Thus, the value quoted is subject to a degree of uncertainty and should be considered a low-end estimate.

The main scope for challenge relates to:

- Lack of data on some affected links
- Lack of data on journey purpose, so that economic impact is an order-of-magnitude estimate.

The analysis has been designed specifically for this purpose, but time constraints necessitate the use of particular data sources which are available rapidly.

**Appropriateness is considered Green-Amber.** As the agreed Analytical Plan is followed **Compliance is Green.** Whilst the mainline impact assessed is reasonably robust, our data cannot pick up numerous impacts elsewhere. **Uncertainty is thus Amber.** In summary, the analysis can be used to inform decision-making providing that the uncertainties are understood. **Fitness for purpose is therefore Amber.**

# Protests on the Strategic Road Network

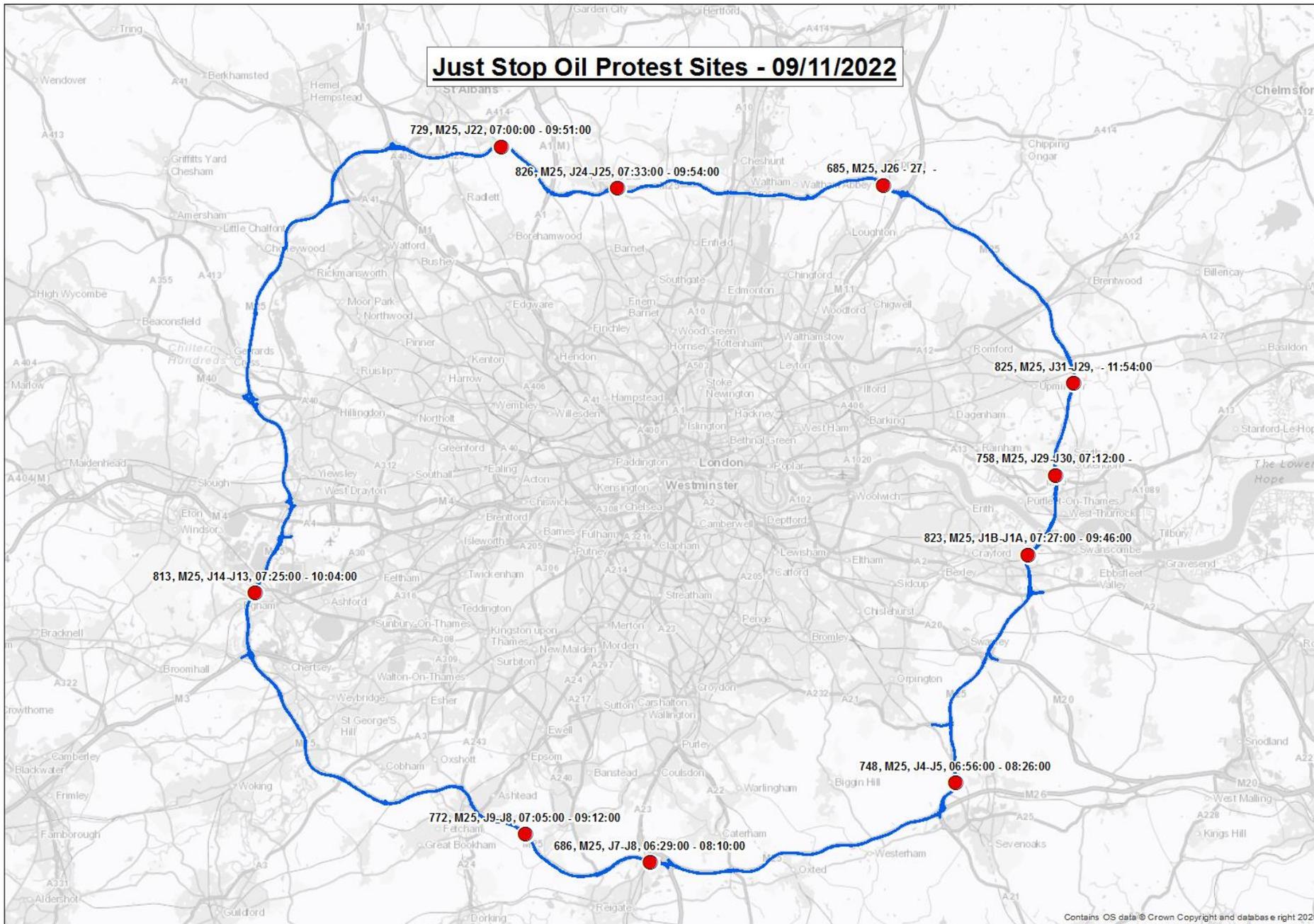
9th November 2022

Impact Assessment Statement  
(Assured)

Data sources, impact methodology, assumptions and examples



# Just Stop Oil Protest Sites - 09/11/2022



Contains OS data © Crown Copyright and database right 2020

To calculate impact the National Operations team will use a variety of data sources to collate and validate the data presented in this pack.

### **National Traffic Information Service (NTIS) – Real time**

NTIS collects data from induction loops that are situated under the roads surface. The loops are able to count vehicles, measure speed and measure vehicle length. NTIS also collects data from in vehicle Global Positioning Sensors (GPS). These different data sets are then validated by the system before being combined to produce a near real time view of conditions on the Strategic Road Network (SRN). The data is updated every 1 minute. The system compares the real time data to a historical data profile for the same location and time. NTIS can then confirm if traffic conditions at a location are as expected or not. Delay is then described as being above profile for a duration of time. The data is then presented to users as a heat map and event list via a user interface. This allows the national operations team to see in real time the impact of any incident on the SRN. The heat map can also be used to measure the length of a queue. This is validated using Closed – Circuit Television (CCTV) where possible.

*Please note that if NTIS data cannot be obtained for any reason, third party data such as Google will be used.*

### **Control Works Data**

Control Works data is collated from an operational application supporting National Highways management of incidents across the SRN – helping the Traffic Officer Service and others to capture and communicate the majority of the key information required to resolve an incident and get the network flowing as safely and quickly as possible. As a result, it contains a wealth of information which can also be used for other purposes after the incident has been resolved.

**The National Operations team will use all available data sources to assess the impact of protests:**

- NTIS traffic data and heat maps will be used as primary source to measure delay and the extent of queues
- CCTV observations and Google maps will be used as a source to measure delay and the extent of queues where NTIS data is unavailable

## Incident Details

Log Number	685 (Road Traffic Collision only)
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	06:26
End time	11:03
Road	M25
Junction	J26 - J27
Location	Theydon Bois, Essex (Marker Post 158/1A)

## Incident Commentary

- **06:26** Carriageway status changed from Clear to Compromised
- **06:29** 2 heavy goods vehicles, serious road traffic collision
- **06:32** Advised road needs to be closed at junction at J25
- **06:45** Met police came across a protester trying to get on gantry, they stopped, Essex motorbike also stopped, then one of the police vehicles got hit by 3rd party. Protester arrested and dealt with - Essex say they are dealing this as road traffic collision, as protester has been dealt with already.
- **06:51** As police tried to slow traffic, a lorry has collided with another lorry which has then hit police motorbike. Two lorries are wedged together.
- **11:03** Carriageway status changed from Compromised to Clear

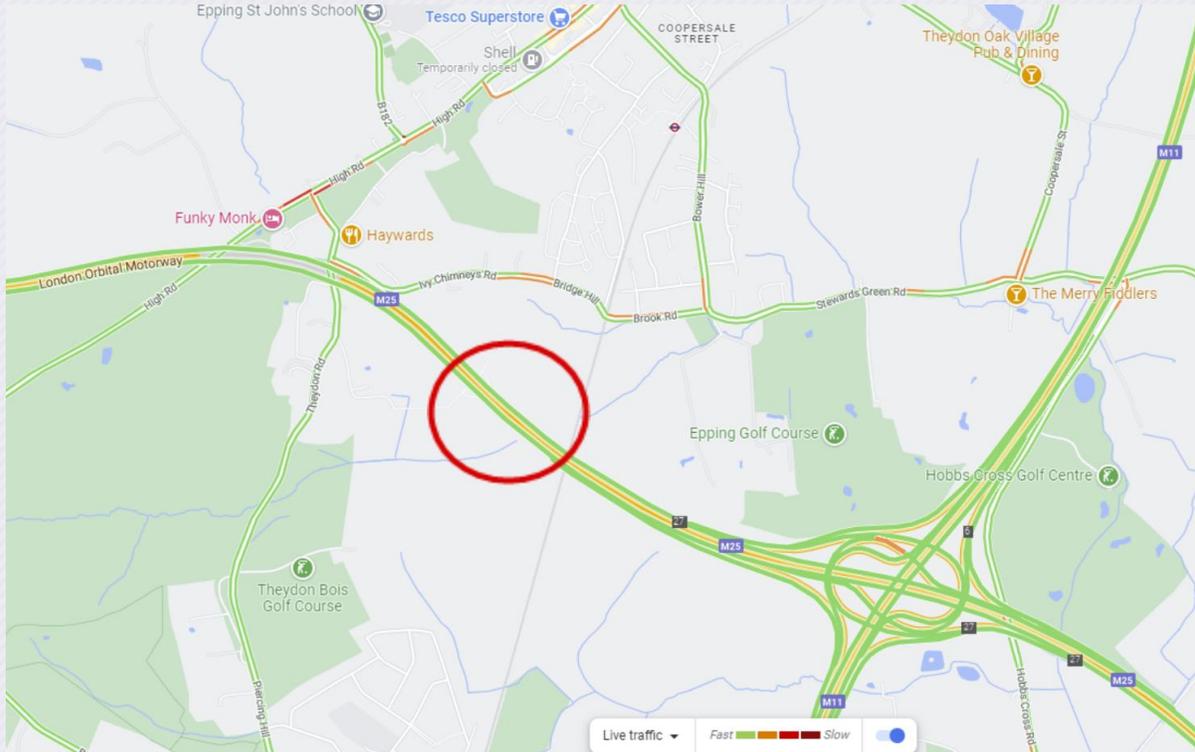
### Incident Impact (M25 J26 to J27)

Peak delays on SRN (minutes)	39*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J24 to J25	4.3	39*

\*Information source – National Incident Liaison Officer (NILO) Report

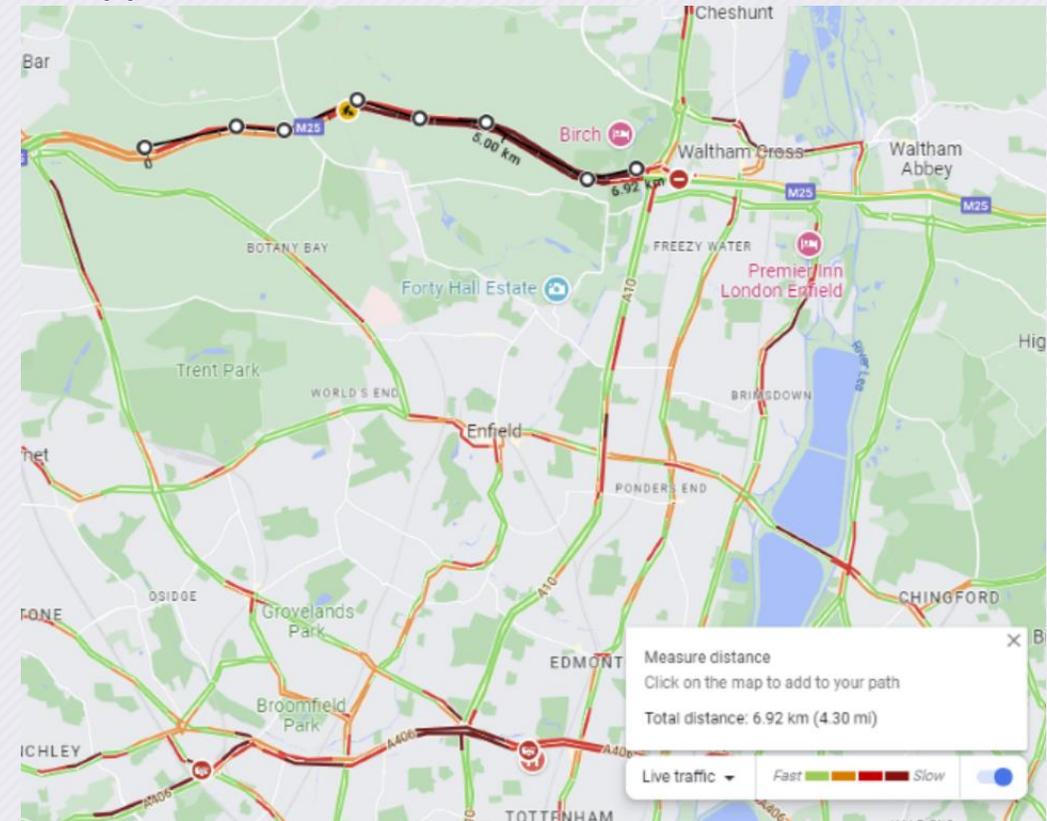
## Area Impacted (M25 J26 to J27)

### Location of protest



### Heat map

Shows 4.3 miles of congestion on the M25 clockwise on approach to the closure at J25



Captured at 10:22 on 09.11.22

## Incident Details

Log Number	686
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	06:27
End time	08:10
Road	M25
Junction	J7 - J8
Location	Merstham, Surrey (Marker Post 47/4A)

## Incident Commentary

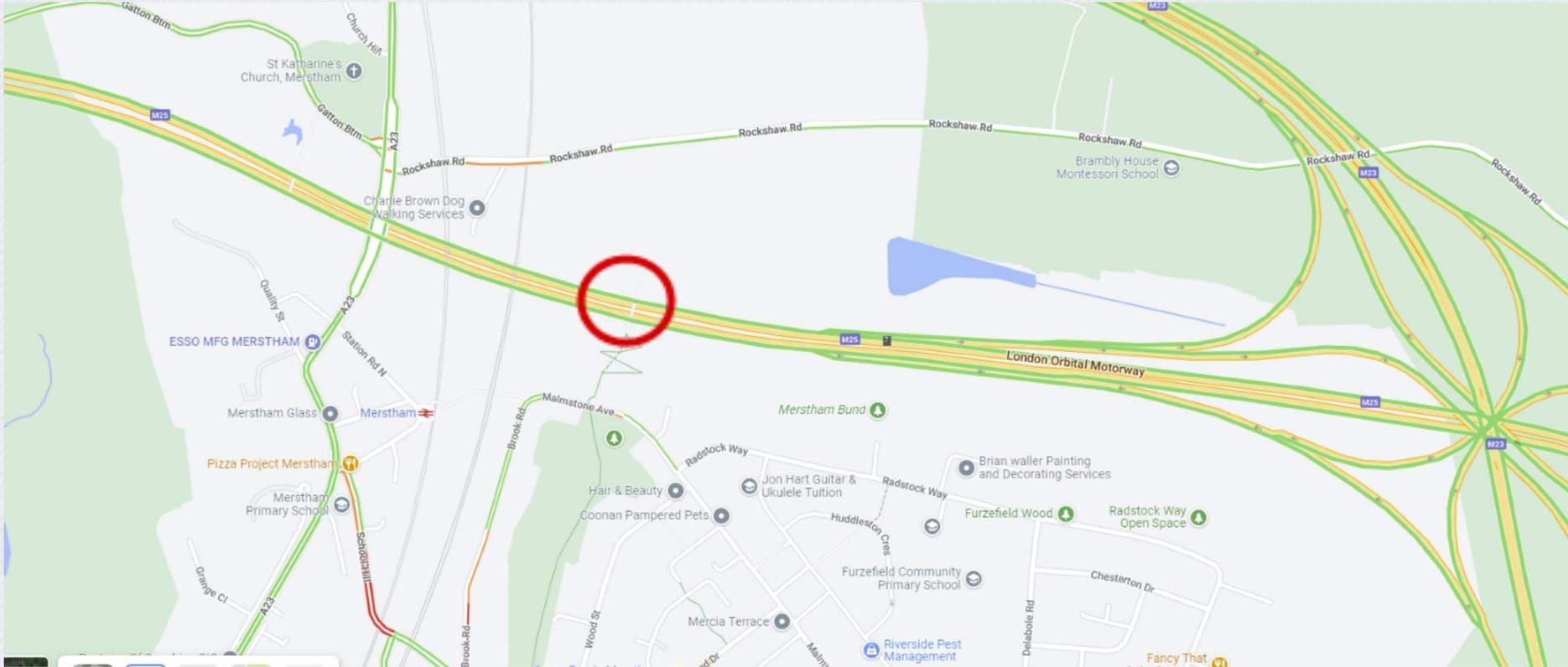
- **06:27** Title changed from Police Interface to Protesters
- **06:51** Female protesters is tethered by the gantry
- **08:06** Both protesters in custody - can reopen J7/8 M25
- **08:10** All open

### Incident Impact (M25 J7 to J8)

Peak delays on SRN (minutes)	100			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J5 to J7	10	100

Area Impacted (M25 J7 to J8)

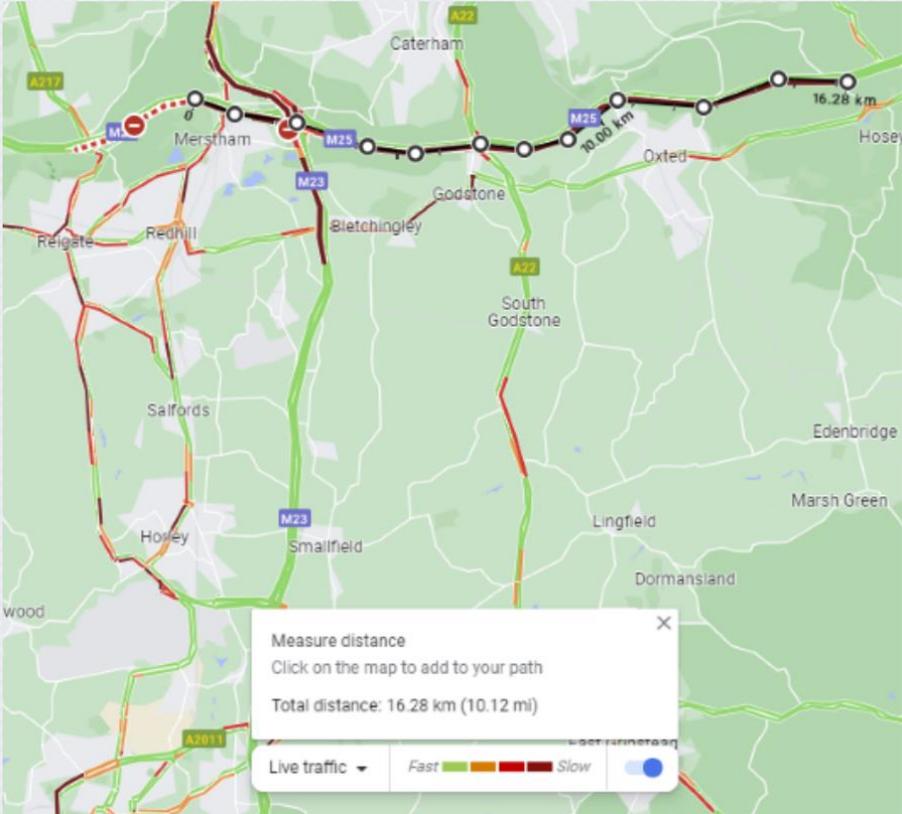
Location of protest



Area Impacted (M25 J7 to J8)

Heat map

Shows 10.12 miles of congestion on the M25 clockwise on approach to the closure at J7



Captured at 08:24 on 09.11.22



## Incident Details

Log Number	729 The analysis for this protest has been combined with 826 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	07:00
End time	09:51
Road	M25
Junction	J22
Location	London Colney, Hertfordshire

## Incident Commentary

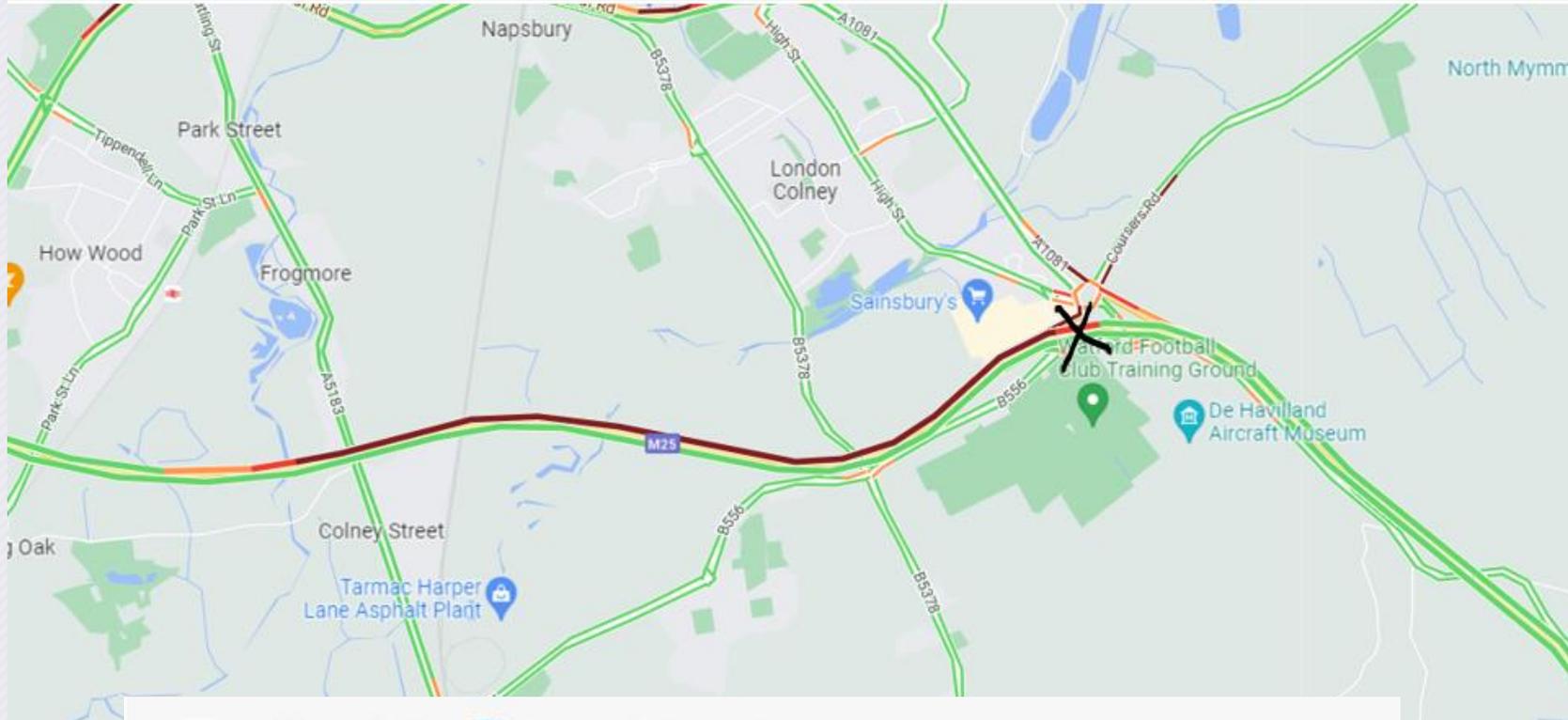
- **07:00** Carriageway status changed from Clear to Compromised
- **07:01** Protester on anti-clockwise at J22
- **07:04** CCTV 55287 shows police have closed at J22 clockwise – CCTV 55343 police closed J23 anti-clockwise
- **07:05** Slip is also closed
- **08:10** This protestor has locked themselves onto the gantry
- **08:37** Police are hands on with this protestor over anti-clockwise. Set speeds clockwise and will open clockwise, anti-clockwise to remain closed.
- **09:34** Protestor is down
- **09:51** Advised clear

### Incident Impact (M25 J22)

Peak delays on SRN (minutes)	57			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J21 to J22	5.6	54
Location 2 (Anti-Clockwise)	M25	J25 to J23	7.7	57

## Area Impacted (M25 J22)

### Location of protest



Camera:00061,55300  
M25 130/OK J22



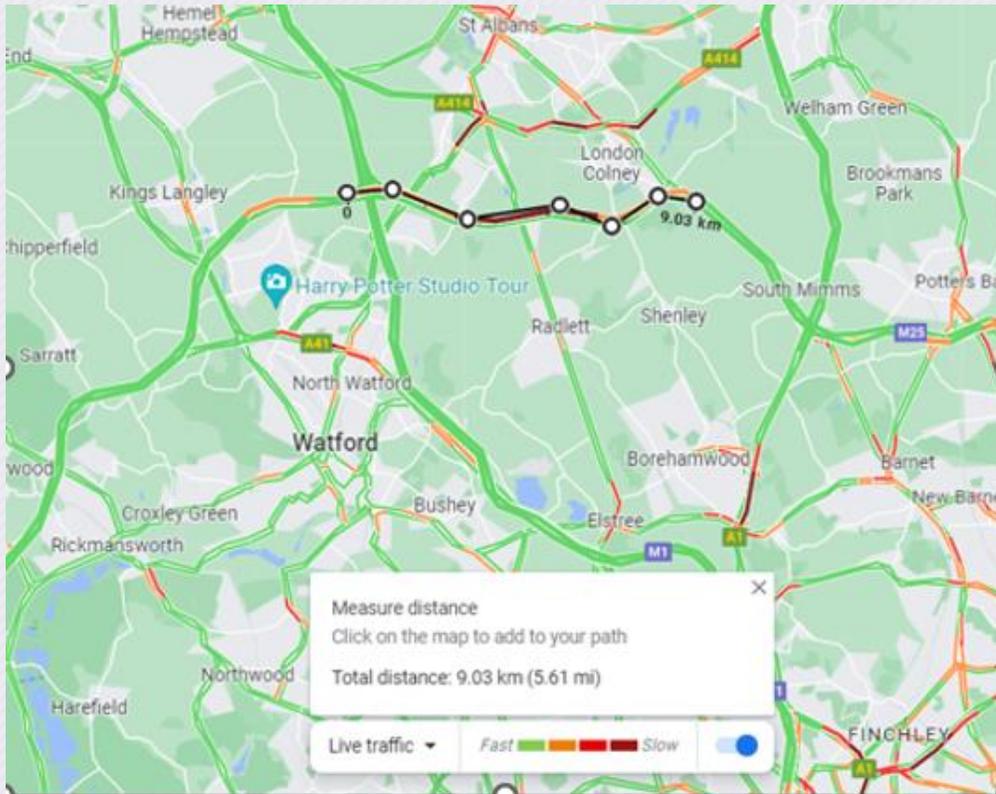
Camera:00061,55300  
M25 130/OK J22

**Herts Police** @HertsPolice · 4h  
We are responding to reports of protest activity at junction 22 (London Colney) of the #M25. Officers are at the scene alongside a specially trained Protest Removal Team.  
A temporary road closure has been put in place at #J22 anti-clockwise.

## Area Impacted (M25 J22)

### Heat map

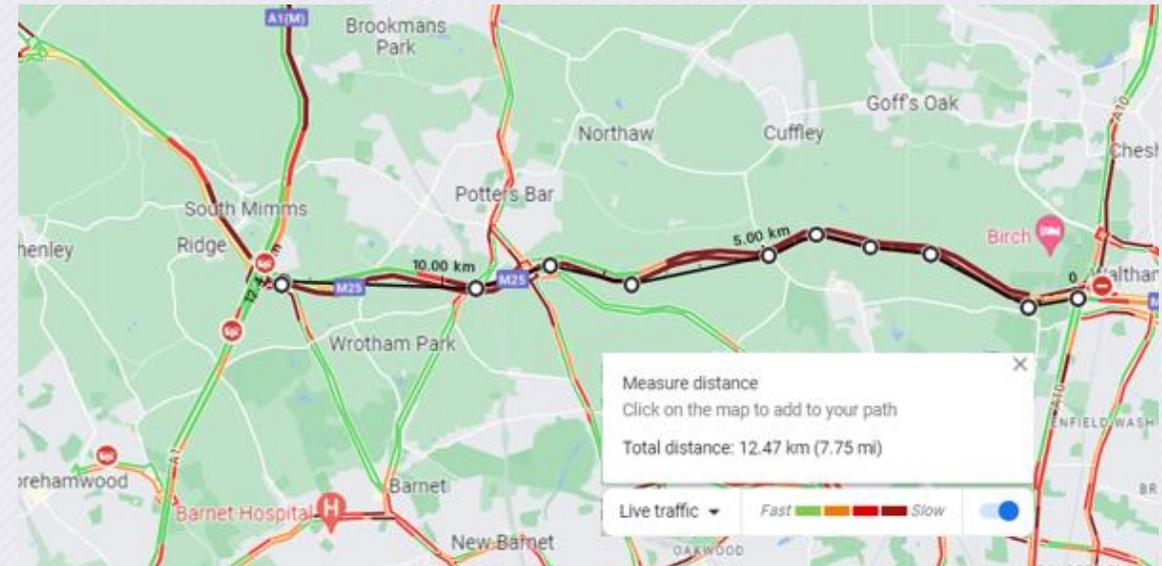
Shows 5.61 miles of congestion on the M25 clockwise on approach to the closure at J22



Captured at 10:23 on 09.11.22

### Heat map

Shows 7.75 miles of congestion on the M25 anti-clockwise on approach to the closure at J23



Captured at 08:36 on 09.11.22

## Incident Details

Log Number	826 The analysis for this protest has been combined with 729 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	07:33
End time	09:54
Road	M25
Junction	J24
Location	Potters Bar, Hertfordshire (Marker Post 139/0A)

## Incident Commentary

**07:33** Herts confirmed protestor at Junction 24

**07:37** M25 closed J23-J25

**08:58** Full closure J23 now in

**08:58** CCTV believe they have this protestor down

**09:49** From NILO - critical report updated. NTIC system data indicates delays of 58 minutes. Heat map data shows 6 miles of congestion.

**09:54** Carriageway status changed from Compromised to Clear

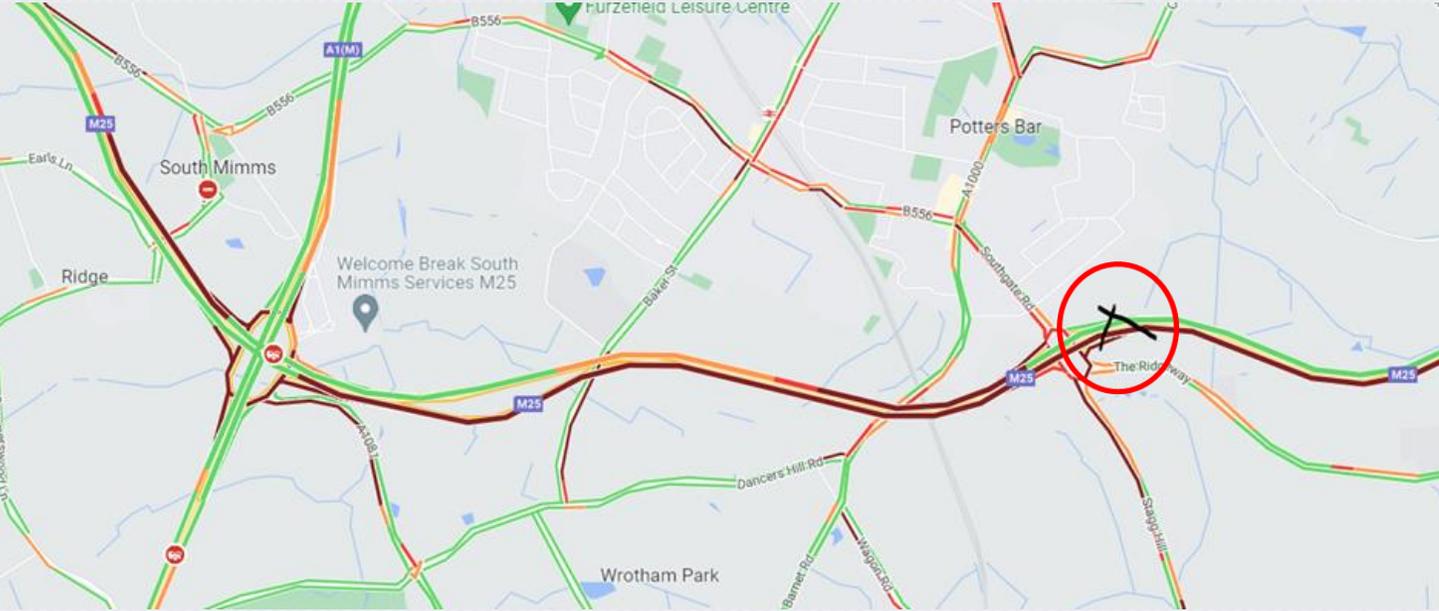
### Incident Impact (M25 J24)

Peak delays on SRN (minutes)	58*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J21 to J23	6*	58*

\*Information source – National Incident Liaison Officer (NILO) Report

## Area Impacted (M25 J24)

### Location of protest



Camera:00061,55381  
M25 138/1A J24



Camera:00061,55395  
M25 139/5A J24-25 IR

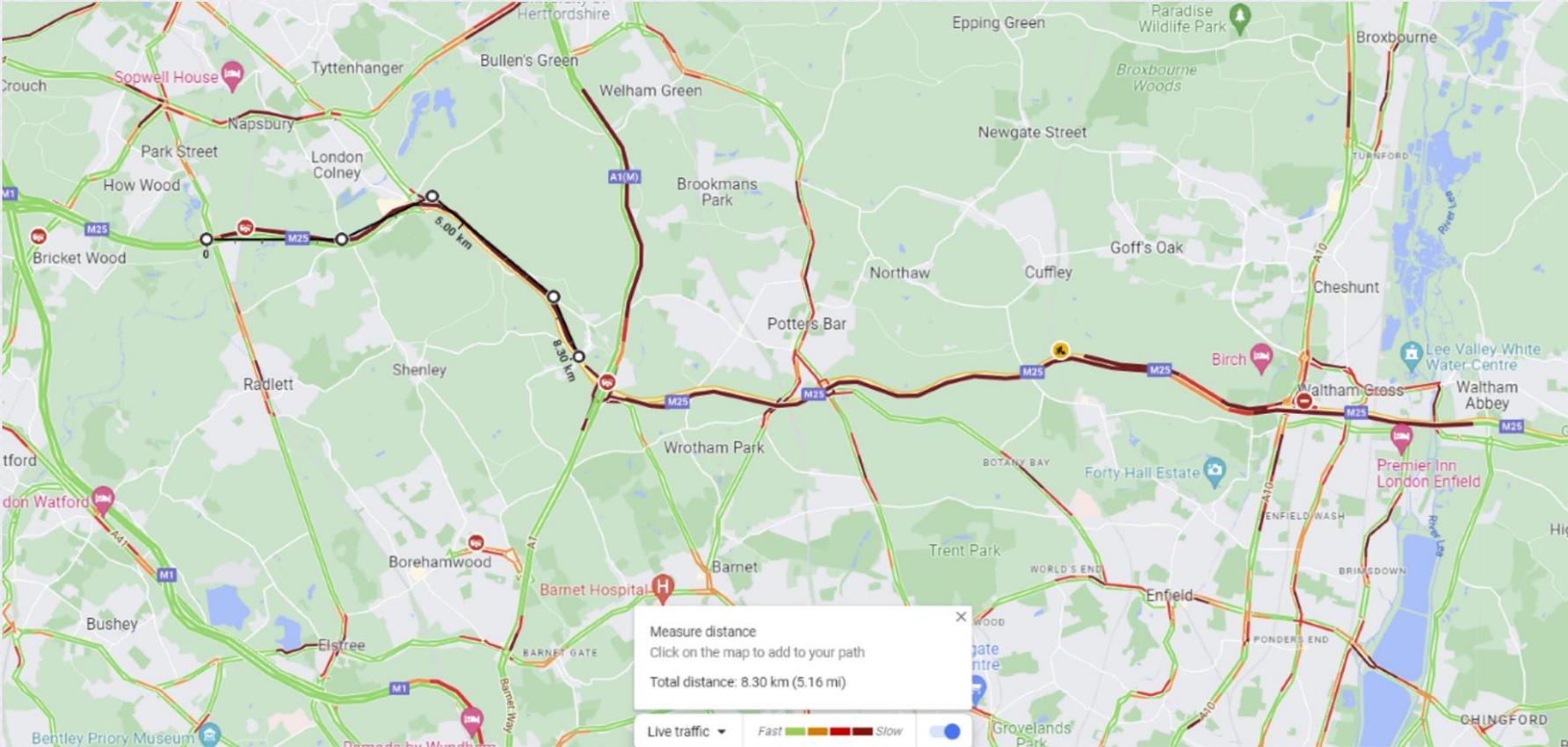


Camera:00061,55376  
M25 137/6B J24 IR

### Area Impacted (M25 J24)

#### Heat map

Shows 5.16 miles of congestion on the M25 clockwise on approach to the closure at J23



Captured at 09:45 on 09.11.22

## Incident Details

Log Number	748
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	06:52
End time	08:26
Road	M25
Junction	J4 - J5
Location	Sevenoaks, Kent (Marker Post 23/8A)

## Incident Commentary

- **06:52** Protestors on gantry
- **06:57** Carriageway status changed from Clear to Compromised
- **07:07** Reporting a male wearing high vis and a hard hat climbing up the gantry, he was carrying a sign that said Just Stop Oil, exact location on the M25 at the A21 split
- **08:20** Male has been arrested
- **08:24** Will reopen carriageway and clear signs
- **08:26** Carriageway status changed from Compromised to Clear

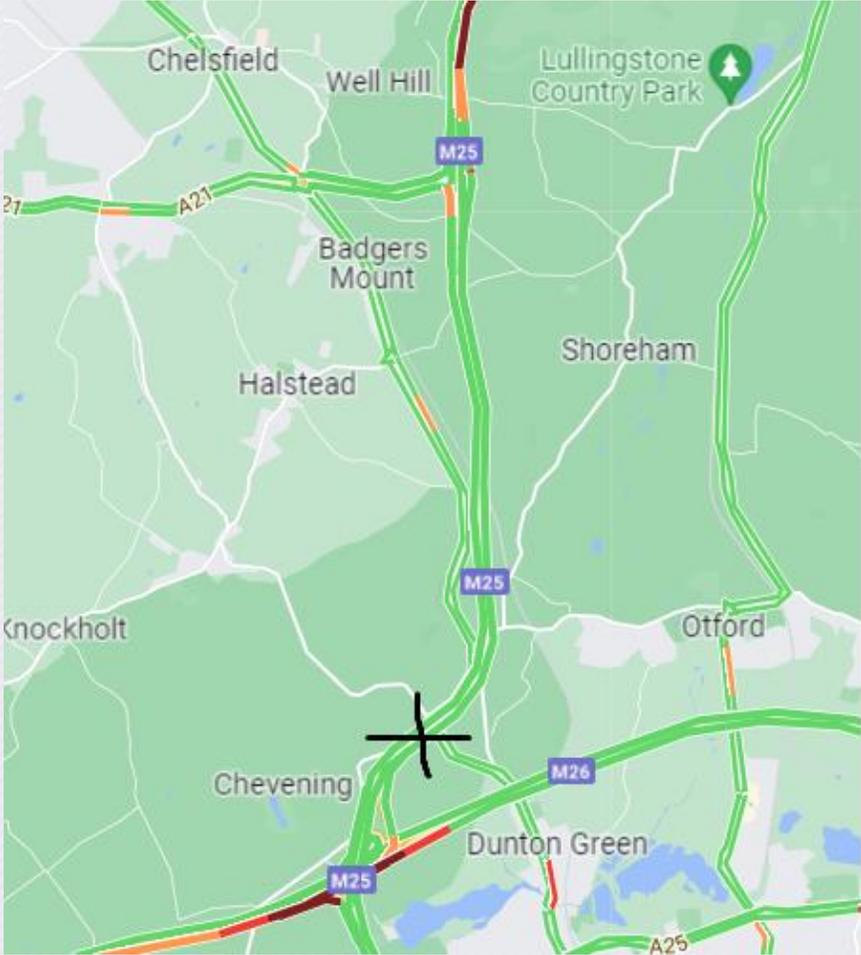
### Incident Impact (M25 J4 to J5)

Peak delays on SRN (minutes)	41*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J2 to J4	7	41*

\*Information source – National Incident Liaison Officer (NILO) Report

Area Impacted (M25 J4 to J5)

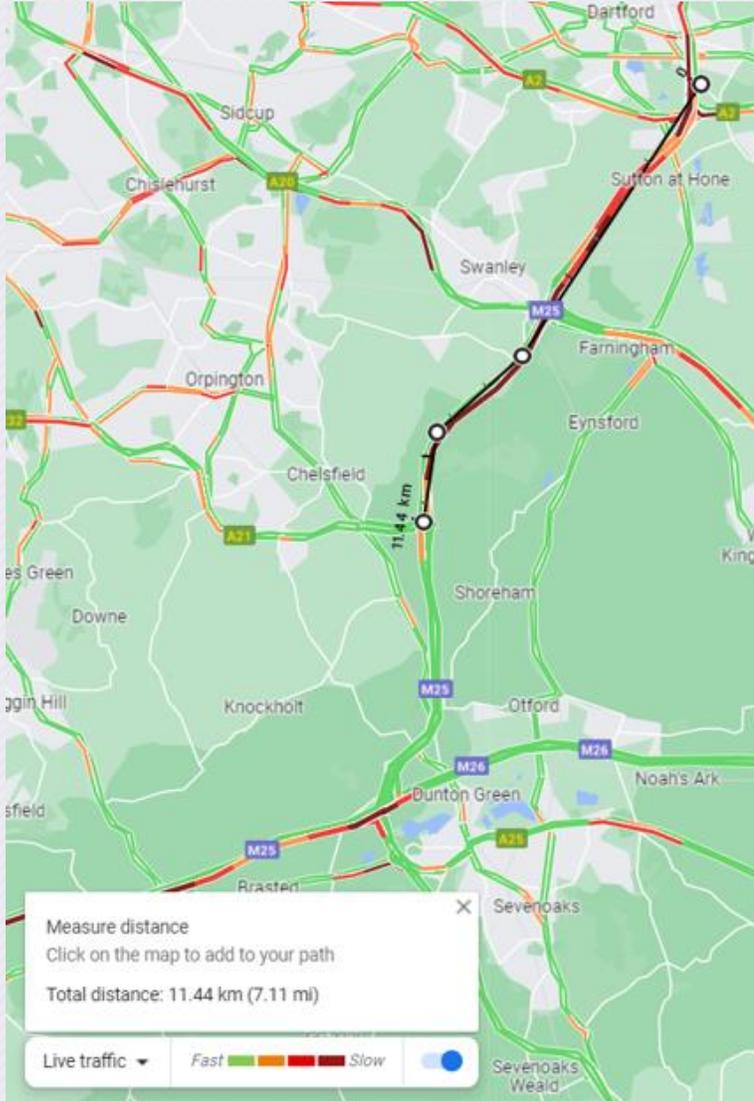
Location of protest



## Area Impacted (M25 J4 to J5)

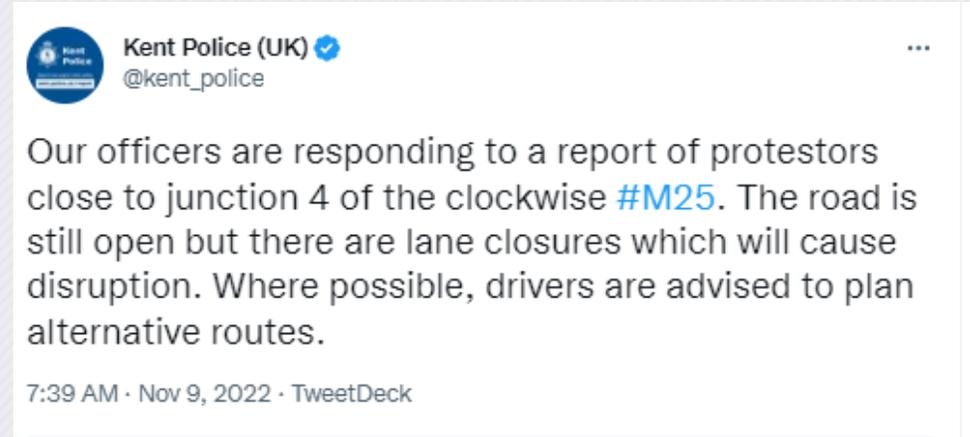
### Heat map

Shows 7.11 miles of congestion on the M25 clockwise on approach to the closure at J4



Captured at 07:25 on 09.11.22

Information source(s) – Google maps, CCTV images and Social media (where available)



## Incident Details

Log Number	758 The analysis for this protest has been combined with 825 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	06:57
End time	10:03
Road	M25
Junction	J30
Location	Essex (Marker Post 185/1A)

## Incident Commentary

- **06:57** Carriageway status changed from Clear to Compromised (logged at 07:00)
- **07:00** CCTV 55851 protester over a track securing himself to gantry
- **07:12** Traffic stopped, implement closures
- **08:10** This protester has glued themselves to gantry
- **09:59** To NILO - M25 remains closed J29 to J30 and J31 to J29 for log 825
- **10:03** This log now complete, all on log 825

## Incident Impact (M25 J30)

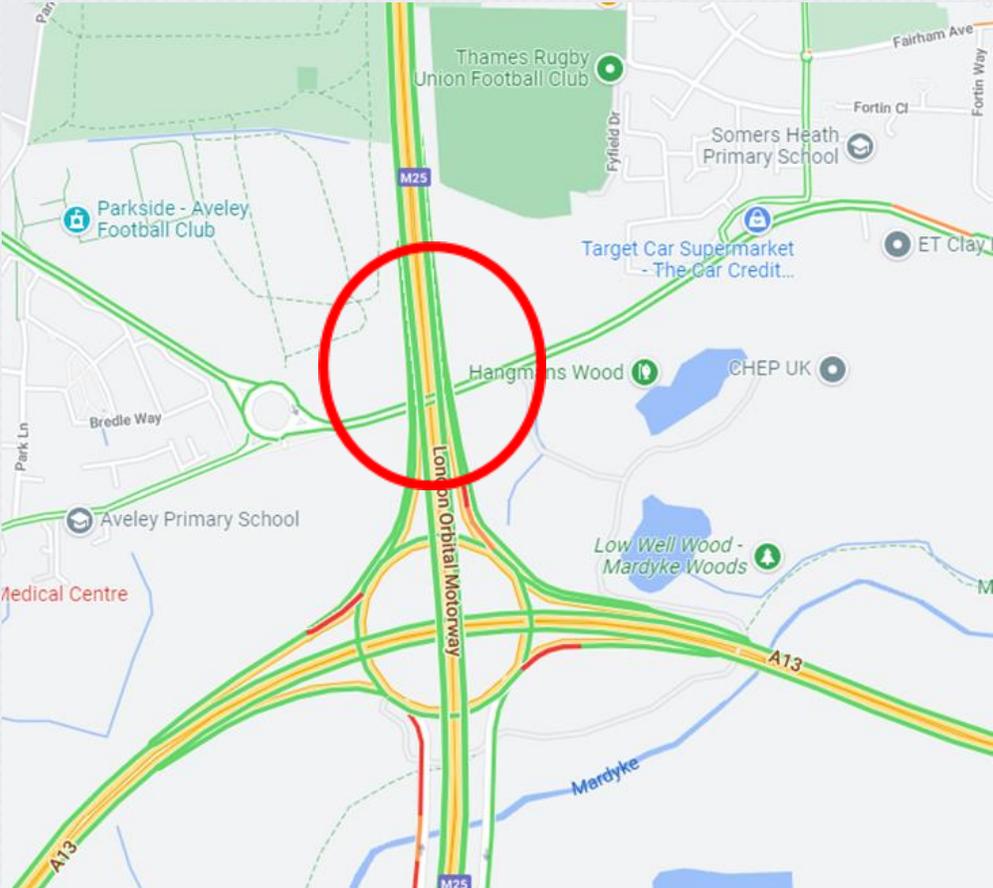
Peak delays on SRN (minutes)	28*			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J28 to J29	3*	28*

\*Information source – National Incident Liaison Officer (NILO) Report

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

Area Impacted (M25 J30)

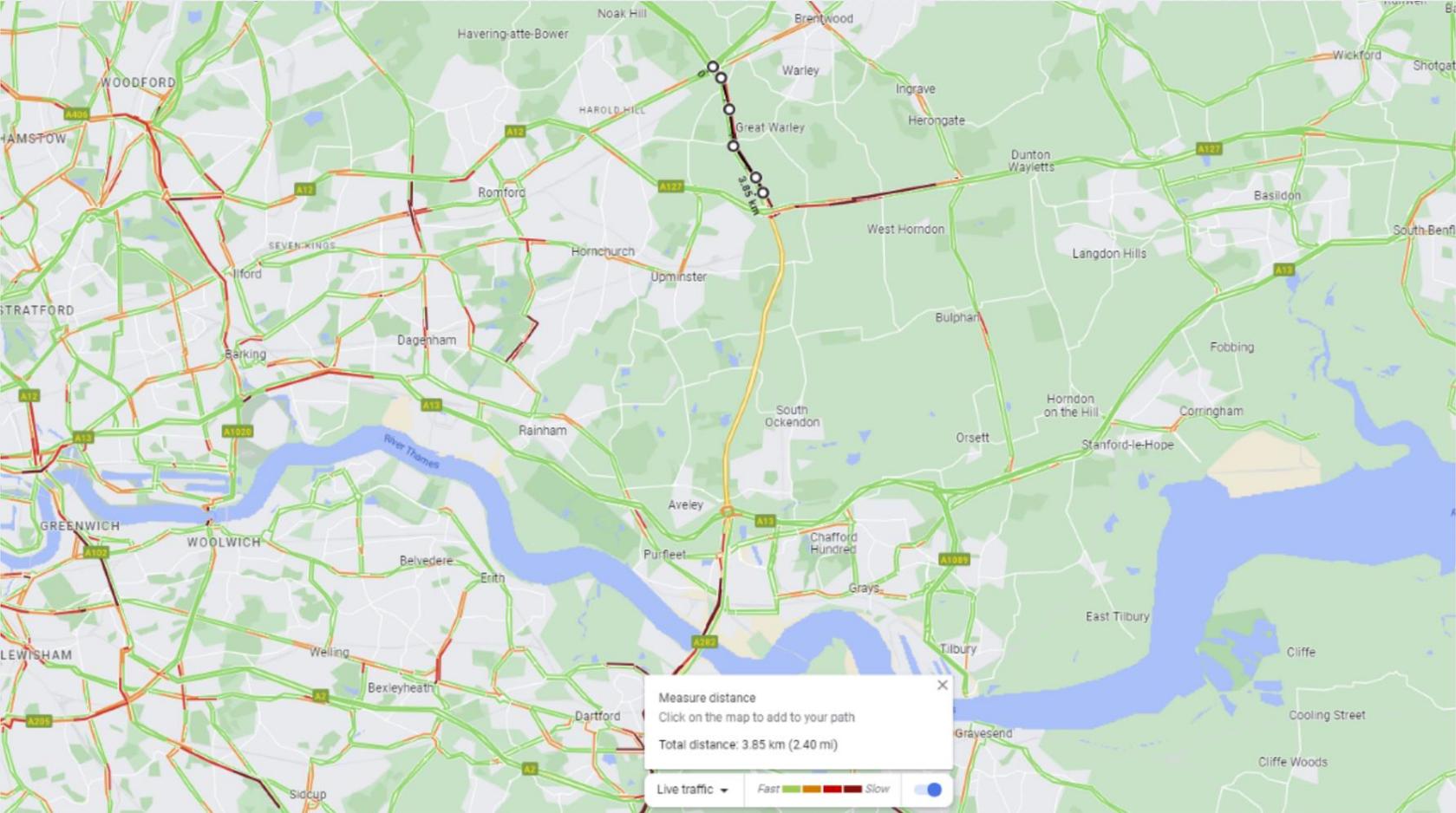
Location of protest



### Area Impacted (M25 J30)

#### Heat map

Shows 2.4 miles of congestion on the M25 clockwise on approach to the closure at J29



Captured at 10:11 on 09.11.22

Information source(s) – Google maps, CCTV images and Social media (where available)

## Incident Details

Log Number	825 The analysis for this protest has been combined with 758 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	07:31
End time	11:54
Road	M25
Junction	J30 - J29
Location	Essex (Marker Post 178/5B)

## Incident Commentary

- **07:31** Title changed from <Empty> to Protestor
- **07:31** Carriageway status changed from Clear to Compromised (logged at 07:46)
- **08:00** Whole Carriageway Closed changed from "False" to "True"
- **09:58** Closure of J29 to J30 (log 758) and J31 to J29 on this log now
- **11:54** To all - this is clear now

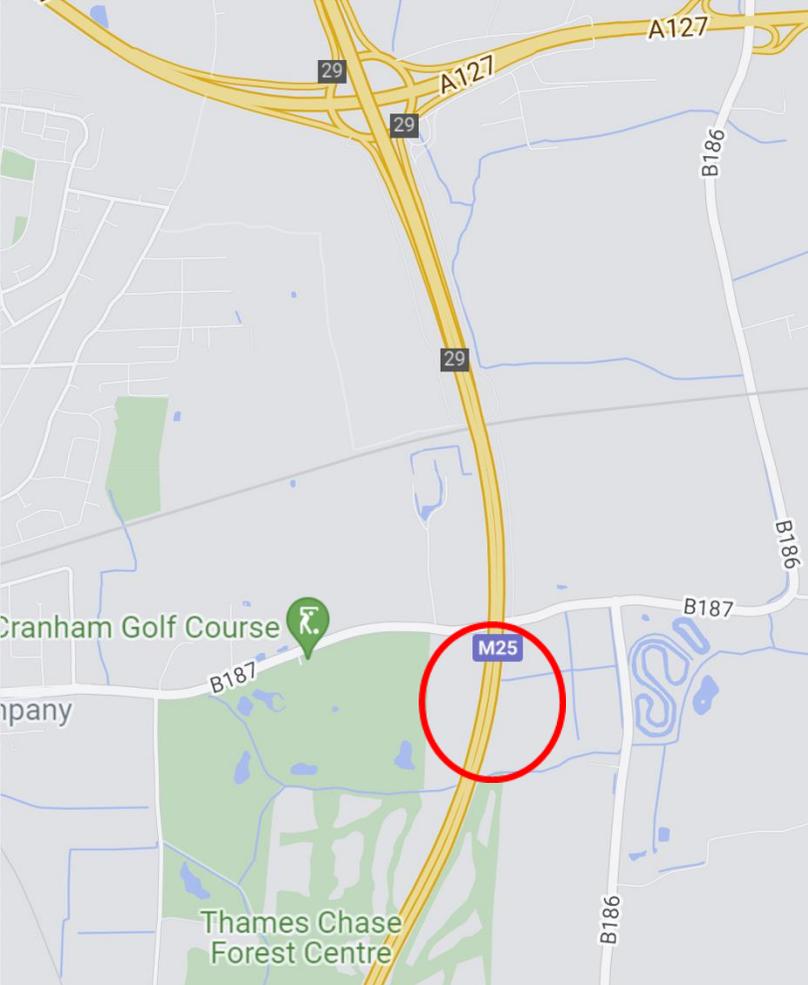
### Incident Impact (M25 J30 to J29)

Peak delays on SRN (minutes)	120			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J4 to J31	11*	120
Location 2 (Clockwise)	M25	J28 to J29	4.7	30

\*Information source – National Incident Liaison Officer (NILO) Report

Area Impacted (M25 J30 to J29)

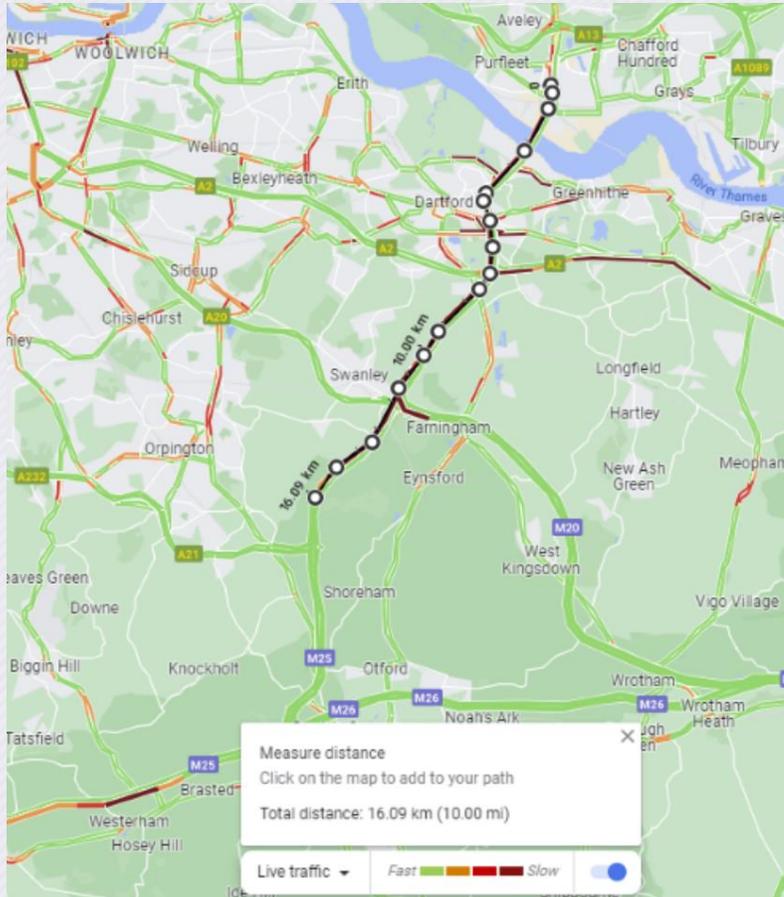
Location of protest



## Area Impacted (M25 J30 to J29)

### Heat map

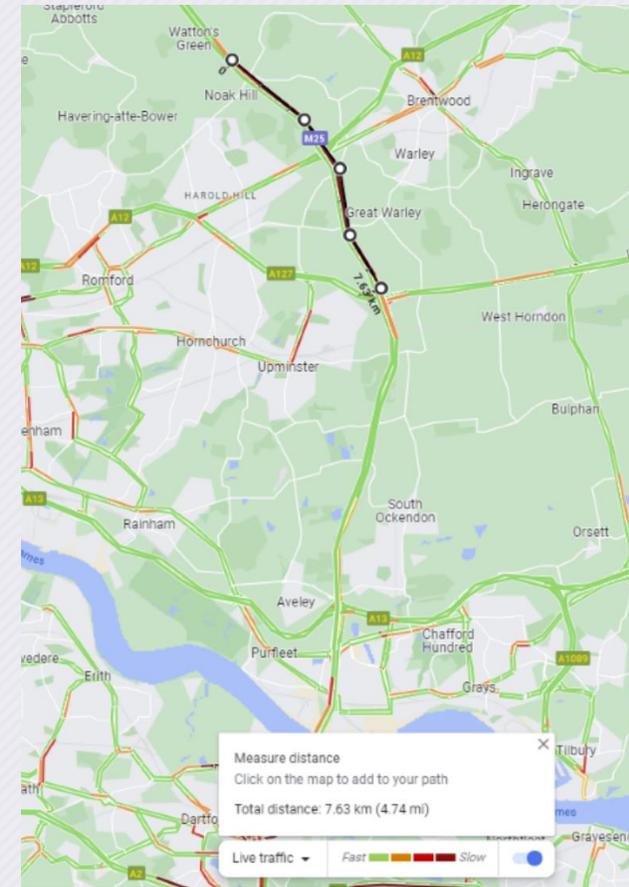
Shows 10 miles of congestion on the M25 anti-clockwise on approach to the closure at J31



Captured at 11:04 on 09.11.22

### Heat map

Shows 4.74 miles of congestion on the M25 clockwise on approach to the closure at J29



Captured at 11:55 on 09.11.22

## Incident Details

Log Number	772
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	07:05
End time	09:12
Road	M25
Junction	J9 - J8
Location	Walton on the Hill, Surrey (Marker Post 57/6B)

## Incident Commentary

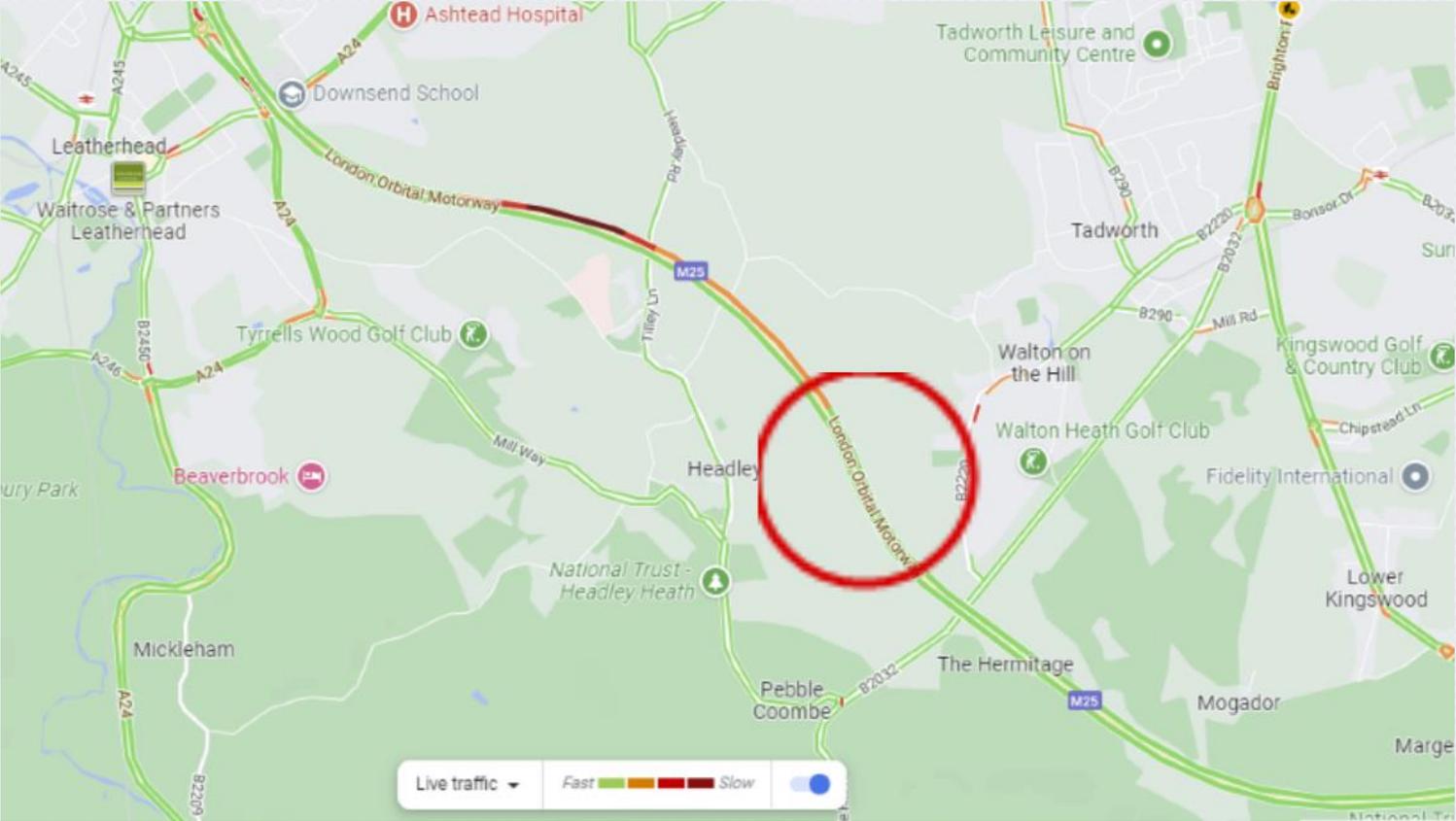
- **07:05** Pedestrian on network
- **07:06** 2 adults 1 male 1 female, possible protestors
- **07:13** Detained from going up gantry - 1 still up the gantry
- **07:30** We will shut this from junction 9 anti-clockwise
- **08:04** Anti-clockwise held
- **08:30** Area 5 advised police have in custody and to stand down
- **09:12** NTIC informed all clear

### Incident Impact (M25 J9 to J8)

Peak delays on SRN (minutes)	41			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J10 to J9	6	41

## Area Impacted (M25 J9 to J8)

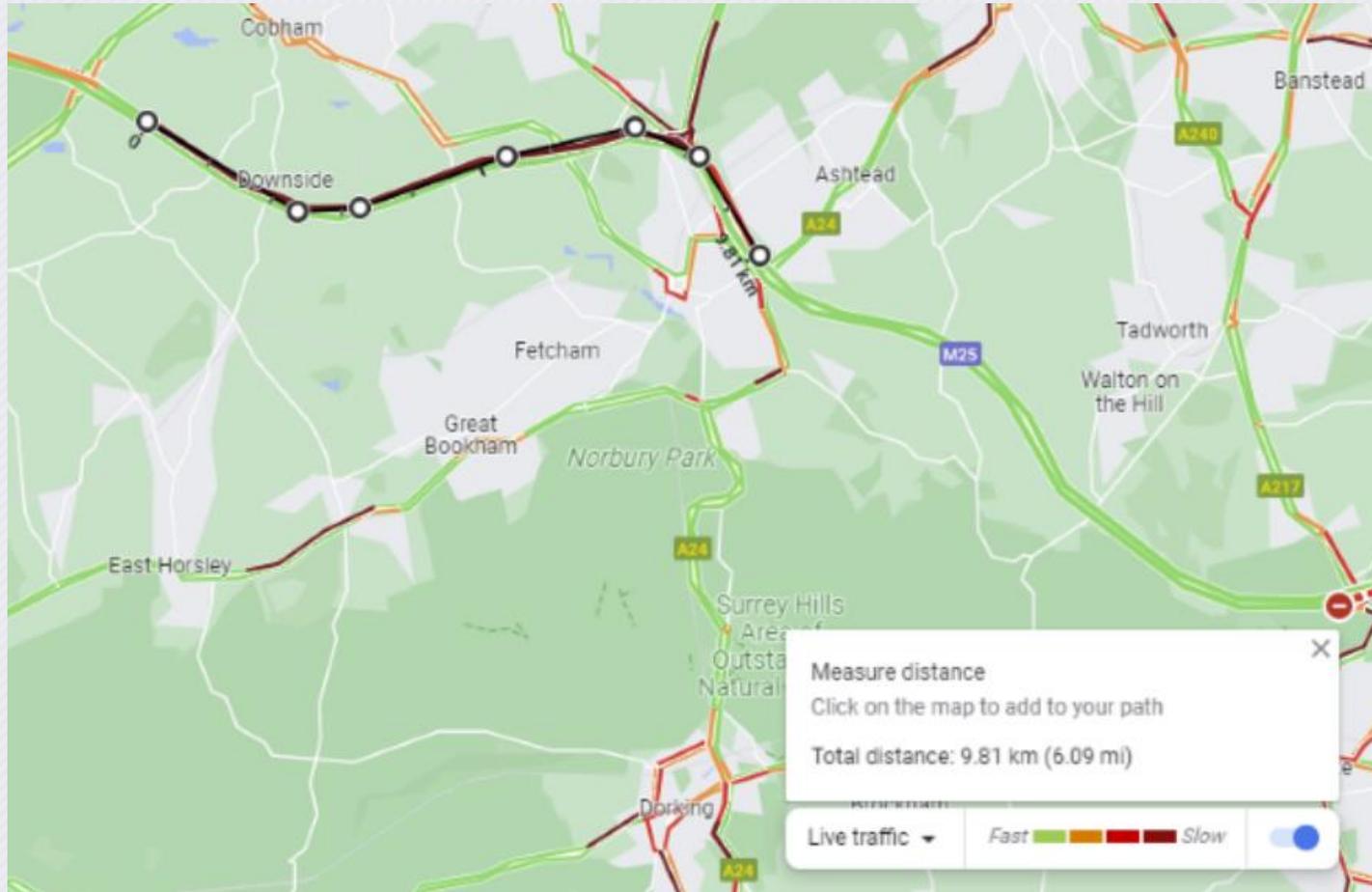
### Location of protest



### Area Impacted (M25 J9 to J8)

#### Heat map

Shows 6.09 miles of congestion on the M25 anti-clockwise on approach to the closure at J9



Captured at 09:03 on 09.11.22

## Incident Details

Log Number	813
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	07:25
End time	10:04
Road	M25
Junction	J14 - J13
Location	Staines, Surrey

## Incident Commentary

- **07:25** Believe protestor on gantry
- **07:38** Carriageway compromised
- **07:41** This is now over both carriageways
- **07:53** 1 protestor on each carriageway at J13 - silver aware
- **08:43** 1 protestor in custody on bravo and safely removed....standby
- **09:32** 2nd protestor in custody and with police
- **10:04** Carriageway status changed from Compromised to Clear (logged at 10:07)

## Incident Impact (M25 J14 to J13)

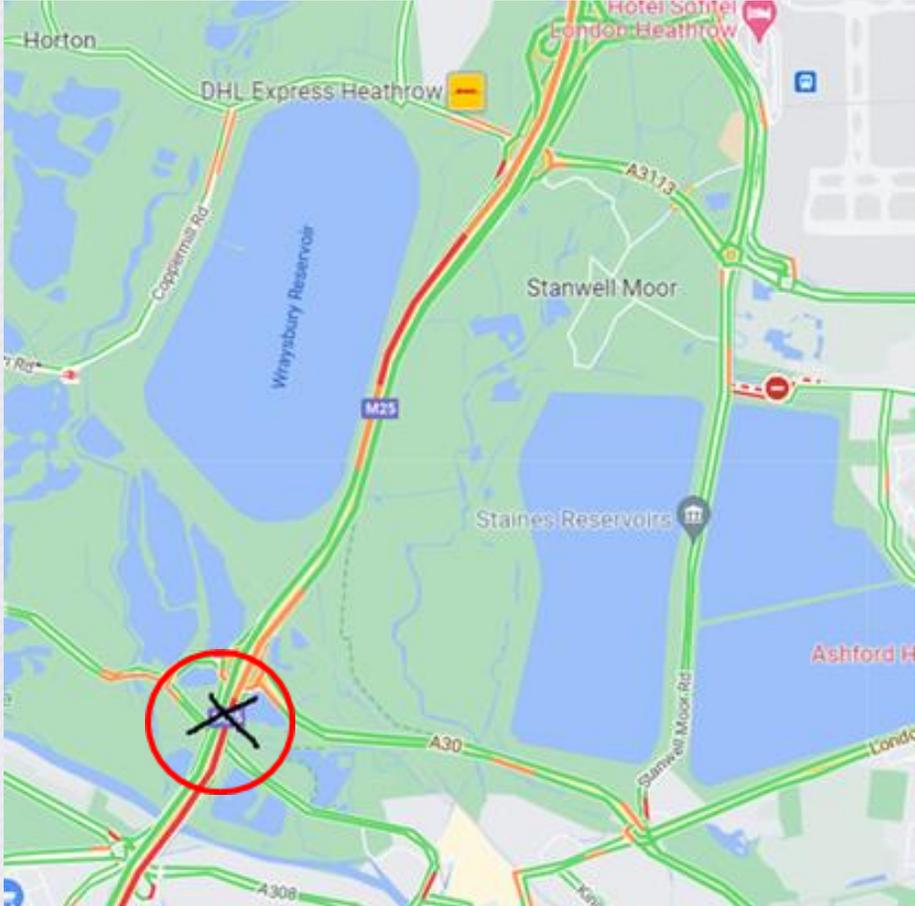
Peak delays on SRN (minutes)	20			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	M25 (M3) to M25 Chorleywood	7	10
Location 2 (Anti-Clockwise)	M25	M25 (Chorleywood) to M25 (M3)	14	20*

\*Information source – National Incident Liaison Officer (NILO) Report

Information source(s) – National Traffic Information Service (NTIS) – Real time and Google maps

Area Impacted (M25 J14 to J13)

Location of protest



Camera:00011,14871  
M25 87/1A

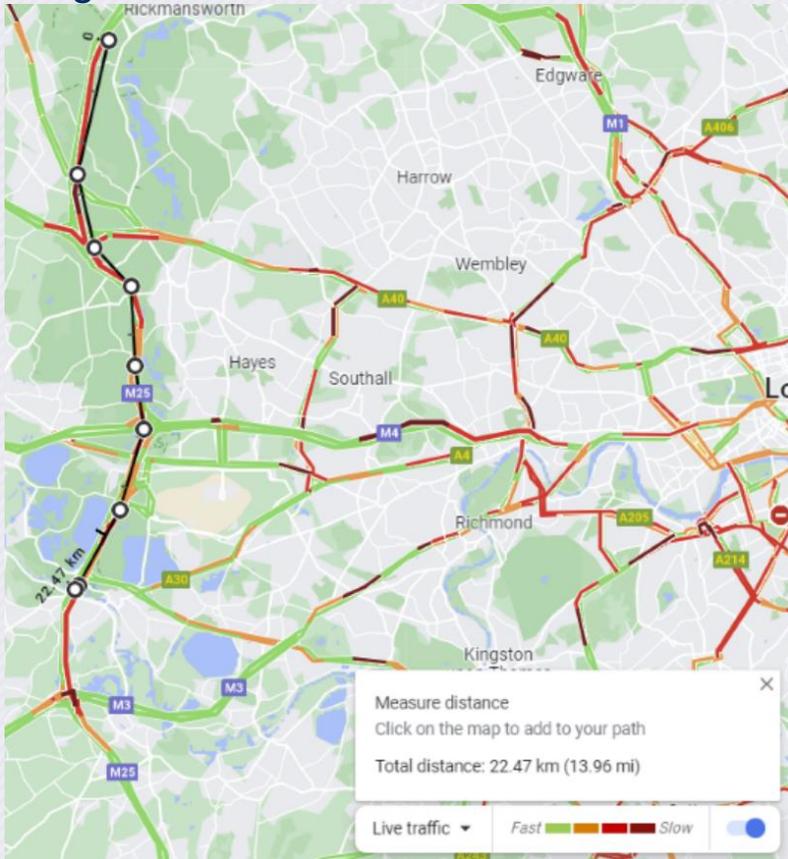


Camera:00061,57110  
M25 11/0J T5 Spur

## Area Impacted (M25 J14 to J13)

### Heat map

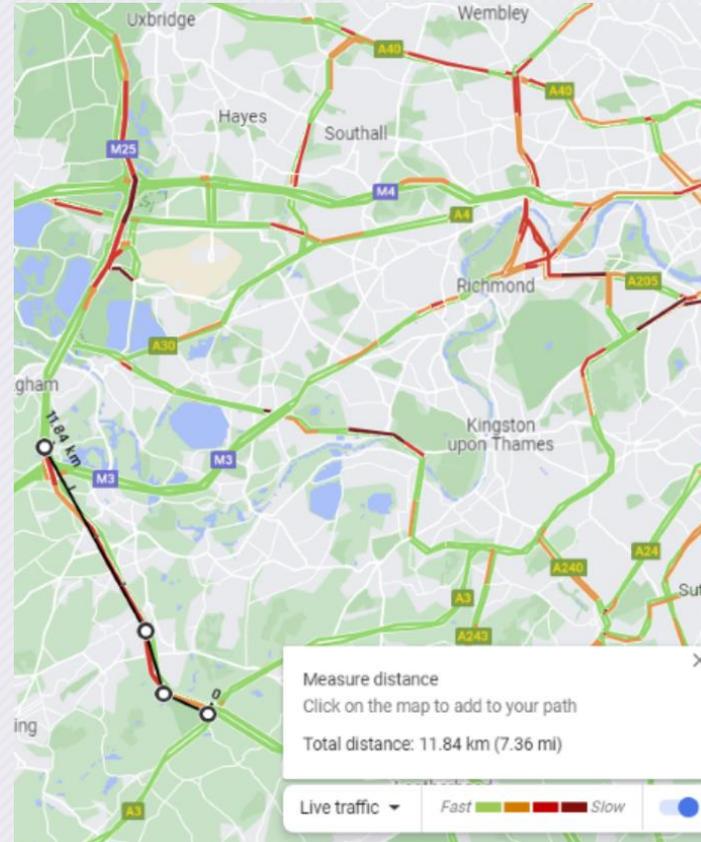
Shows approximately 14 miles of congestion on the M25 anti-clockwise



Captured at 07:46 on 09.11.22

### Heat map

Shows approximately 7 miles of congestion on the M25 clockwise



Captured at 10:15 on 09.11.22

## Incident Details

Log Number	823
Region	South East
Day	Wednesday
Date	09.11.2022
Start time	07:27
End time	09:46
Road	M25
Junction	J1b to J1a
Location	Dartford

## Incident Commentary

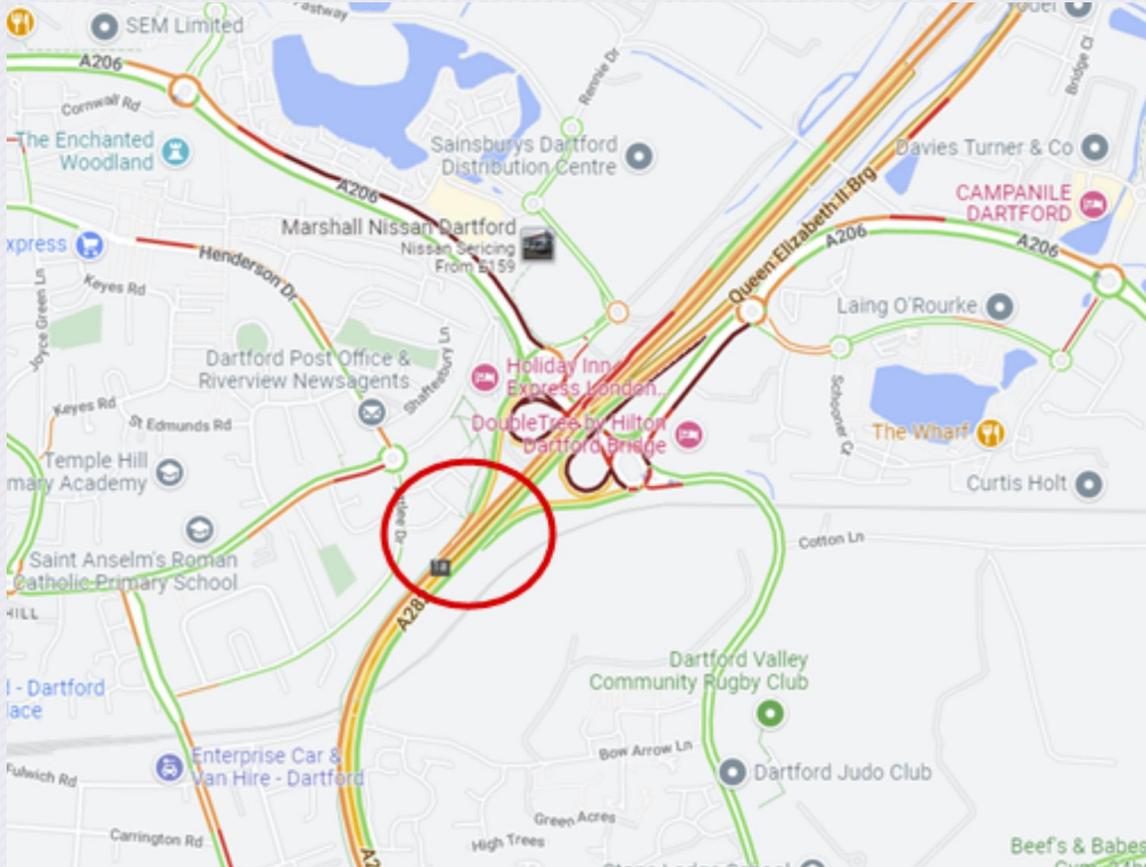
- **07:27** 1 person seen on the 2nd gantry before the tunnel
- **07:38** Traffic at Dartford Crossing is static
- **09:06** Protestor is down and road can re-open
- **09:09** Cones been removed. tunnel approached re-opened
- **09:46** All open

### Incident Impact (M25 J1b to J1a)

Peak delays on SRN (minutes)	90			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J3 to A282 northbound Dartford Crossing	5.45	90

Area Impacted (M25 J1b to J1a)

Location of protest



highways england Crown © 2022 07:39:58 09/11/22

Camera:00011,14063  
A282 06/3B

Start Video  Use low latency video

The carriageway closest to the camera is Anticlockwise

## Area Impacted (M25 J1b to J1a)

### Heat map

Shows 5.45 miles of congestion on the M25 anti-clockwise on approach to A282 northbound Dartford Crossing



*Captured at 09:13 on 09.11.22*

# Impact Assessment & Analytical Assurance Statement

## Economic Impact Method Statement

Our estimates of impact can only be based on the traffic data available. We have applied a method which allows us to estimate a *lower bound* for the impact in terms of lost vehicle-hours and on the economy.

Calculation	Method Applied	Notes and Caveats	Reported in
Delay to non-stationary vehicles	<p>We have a standard method, using well-established data sources and used in our journey time reliability metric, for calculating delay over and above that we would expect to see on a comparable day.</p> <p>This provides a total number of vehicle-hours.</p>	<p>Details of the metric calculation can be found in the National Highways Operational Metrics Manual.</p> <p>Our calculations cover the protest site, and the surrounding SRN (Strategic Road Network). The main carriageway is covered in both directions, but roundabouts are excluded as there is no data for these.</p>	“Delay Extent” column of the Incident Impact Table
Economic Impact	<p>The DfT’s <a href="#">Transport Appraisal Guidance (TAG)</a> provides average values of time for cars (£15.14 per hour). We have multiplied these by the vehicle-hours of delay to give an estimated economic impact.</p>	<p>For simplicity we have assumed all non-stationary vehicle delays apply to cars, which will underestimate the impact.</p> <p>The figures calculated do not include the further economic costs to individuals and businesses as a result of missed appointments, or late delivery of goods. Neither does it include the economic costs of activities which didn’t occur because of the protests, or the cost to the police, National Highways, or others involved in managing the incident. Given these limitations the figure quoted is an underestimate.</p>	“Economic Cost” column of the Incident Impact Table

## Economic Impact

Control Works Log Number(s)	Location	Delay Start Time	Delay End Time	Number of vehicles	Delay extent (VHD: Vehicle hours delay)	Economic cost (£)
685	M25 J26 to J27	05:45	11:15	26,885	2,610	£39,522
686	M25 J8	06:00	10:45	13,958	657	£9,948
729 & 826 *	M25 J22 & M25 J24	06:45	11:45	31,544	4,962	£75,129
748	M25 J4 to J5	06:15	08:30	13,511	90	£1,364
758 & 825 *	M25 J30 & M25 J30 to J29	06:30	12:00	25,814	361	£5,461
772	M25 J9 to J8	07:00	10:45	9,729	2,120	£32,100
813	M25 J14 to J13	06:45	11:15	40,992	935	£14,163
823	M25 J1b to J1a	06:15	10:45	19,176	913	£13,824

\* These protests have been combined due to their proximity, and where it was not possible to attribute the queuing to the individual protests

## Cumulative Economic Impact

Delay extent (VHD: Vehicle hours delay)	Estimated total economic cost (£)
12,648	£191,511

### Analytical Assurance Statement: 3rd Line of Assurance

Appropriateness	Compliance	Uncertainty	Fit for Purpose
Green-Amber	Green	Amber	Amber
Supervisor: Tracey Smith		Assurer: Claire Minett	
Producer: South East Network Data Analysis & Intelligence Team			

Data is from a variety of standard National Highways data sources, for moving but delayed traffic and is processed and used for assessment of our delay metric. Data from non-SRN links is not available, so the impact on those roads cannot be estimated and is not included in the total levels of impact quoted.

The economic impact is estimated using values of time from the DfT’s TAG guidance. Only the direct impact of delay on the mainline can be monetised in this way – impacts off the SRN, impacts due to diversion, or impacts due to individuals choosing not to travel, are not considered; neither are impacts which are less direct such as missed appointments, transport connections, or indirect impacts on business. Thus, the value quoted is subject to a degree of uncertainty and should be considered a low-end estimate.

The main scope for challenge relates to:

- Lack of data on some affected links
- Lack of data on journey purpose, so that economic impact is an order-of-magnitude estimate.

The analysis has been designed specifically for this purpose, but time constraints necessitate the use of particular data sources which are available rapidly.

**Appropriateness is considered Green-Amber.** As the agreed Analytical Plan is followed **Compliance is Green.** Whilst the mainline impact assessed is reasonably robust, our data cannot pick up numerous impacts elsewhere. **Uncertainty is thus Amber.** In summary, the analysis can be used to inform decision-making providing that the uncertainties are understood. **Fitness for purpose is therefore Amber.**

Exhibit Ref: TS/60

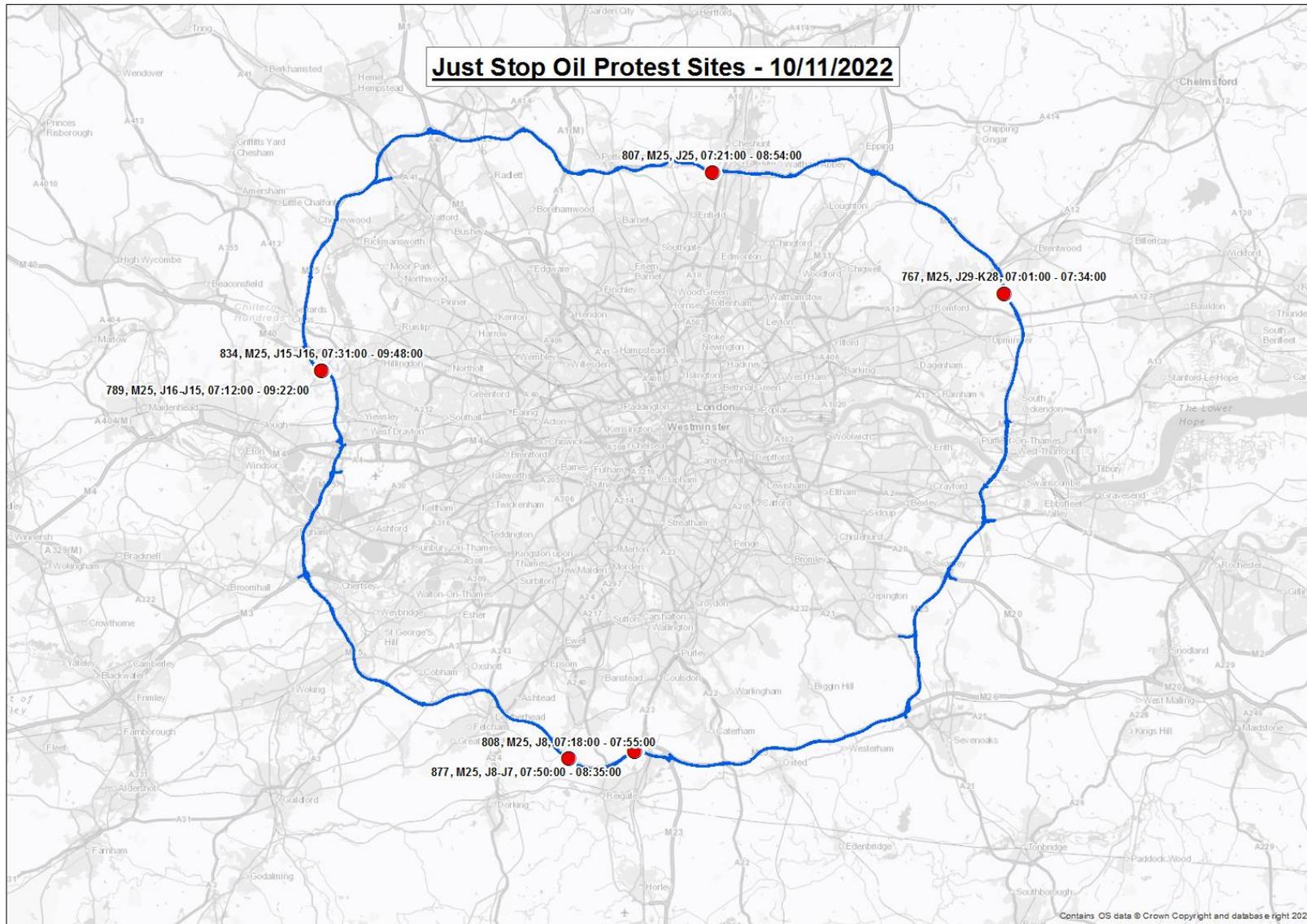
# Protests on the Strategic Road Network

10th November 2022

Impact Assessment Statement  
(Assured)

Data sources, impact methodology, assumptions and examples





To calculate impact the National Operations team will use a variety of data sources to collate and validate the data presented in this pack.

### **National Traffic Information Service (NTIS) – Real time**

NTIS collects data from induction loops that are situated under the roads surface. The loops are able to count vehicles, measure speed and measure vehicle length. NTIS also collects data from in vehicle Global Positioning Sensors (GPS). These different data sets are then validated by the system before being combined to produce a near real time view of conditions on the Strategic Road Network (SRN). The data is updated every 1 minute. The system compares the real time data to a historical data profile for the same location and time. NTIS can then confirm if traffic conditions at a location are as expected or not. Delay is then described as being above profile for a duration of time. The data is then presented to users as a heat map and event list via a user interface. This allows the national operations team to see in real time the impact of any incident on the SRN. The heat map can also be used to measure the length of a queue. This is validated using Closed – Circuit Television (CCTV) where possible.

*Please note that if NTIS data cannot be obtained for any reason, third party data such as Google will be used.*

### **Control Works Data**

Control Works data is collated from an operational application supporting National Highways management of incidents across the SRN – helping the Traffic Officer Service and others to capture and communicate the majority of the key information required to resolve an incident and get the network flowing as safely and quickly as possible. As a result, it contains a wealth of information which can also be used for other purposes after the incident has been resolved.

**The National Operations team will use all available data sources to assess the impact of protests:**

- NTIS traffic data and heat maps will be used as primary source to measure delay and the extent of queues
- CCTV observations and Google maps will be used as a source to measure delay and the extent of queues where NTIS data is unavailable

## Incident Details

Log Number	767
Region	South East
Day	Thursday
Date	10.11.2022
Start time	07:01
End time	07:34
Road	M25
Junction	J29 - J28
Location	Brentwood, Essex (Marker Post 174/6B)

## Incident Commentary

- **07:01** Pedestrian on Network
- **07:02** Carriageway closures both sides
- **07:10** Police saying protester detained
- **07:32** Protester has been removed
- **07:34** Carriageway status changed from Compromised to Clear

Incident Impact (M25 J29 to J28)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J29 to J28	1.33	Not recorded
Location 2 (Clockwise)	M25	J27 to J29	3.63	Not recorded

Area Impacted (M25 J29 to J28)

Location of protest

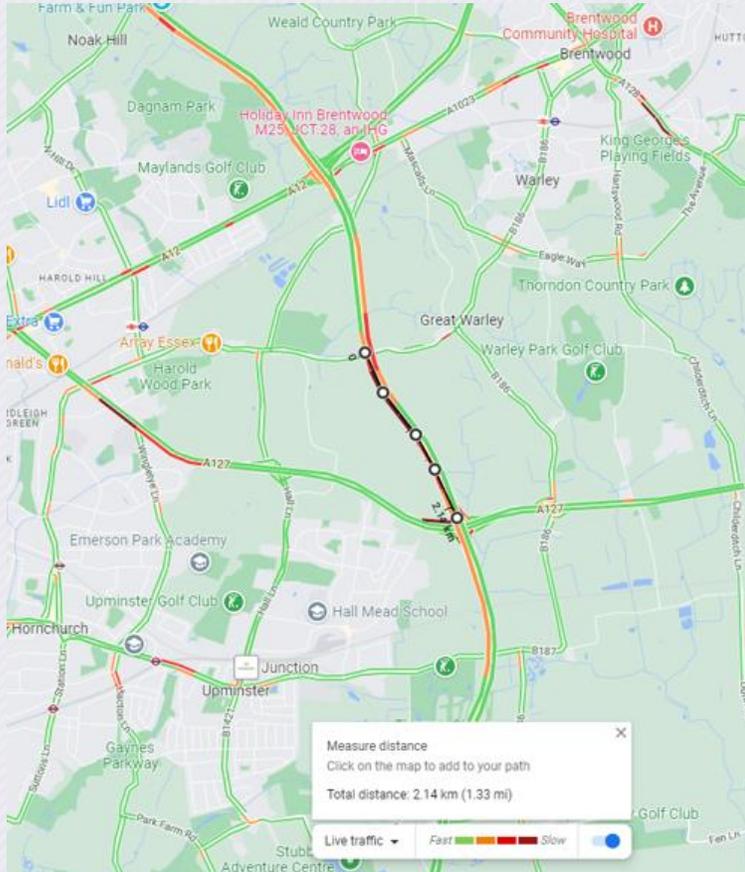


Camera:00061,55743  
M25 174/3B J29-28

## Area Impacted (M25 J29 to J28)

### Heat map

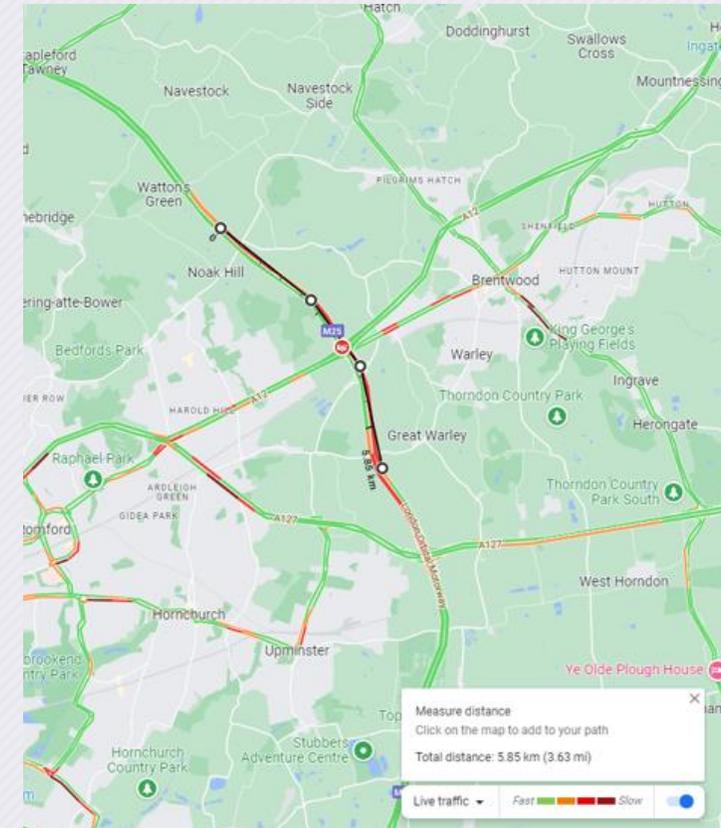
Shows 1.33 miles of congestion on the M25 clockwise



Captured at 07:09 on 10.11.22

### Heat map

Shows 3.63 miles of congestion on the M25 anti-clockwise



Captured at 07:34 on 10.11.22

## Incident Details

Log Number	789
Region	South East
Day	Thursday
Date	10.11.2022
Start time	07:12
End time	09:28
Road	M25
Junction	J16 - J15
Location	Iver, Buckinghamshire (Marker Post 100/9B)

## Incident Commentary

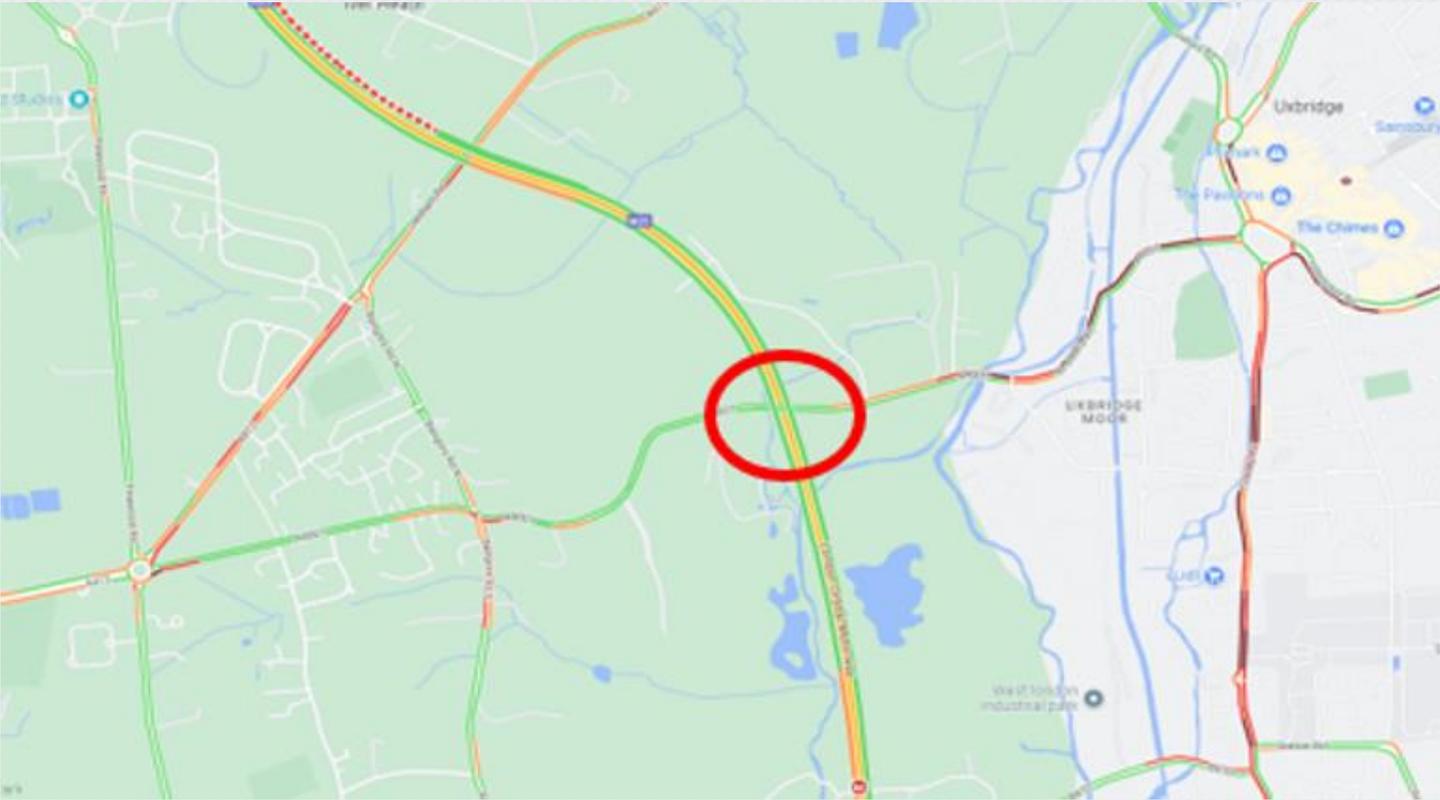
- **07:12** Carriageway status changed from Clear to Compromised (logged at 07:14)
- **07:15** Protestor is in gantry
- **07:30** Protestor is on Clockwise Track
- **07:34** Two protesters
- **08:21** Protestor remains on gantry
- **09:19** Anti-clockwise fully released
- **09:28** Finished and reopened

Incident Impact (M25 J16 to J15)

Peak delays on SRN (minutes)	75			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	J17 to J15	4.63	75

Area Impacted (M25 J16 to J15)

Location of protest



**Just Stop Oil** @JustStop\_Oil  
10 mins ago  
We're ready to keep going until the Government ends new oil and gas.

**Metropolitan Police Events** @MetPoliceEvents  
We're ready to respond to any criminality on the #M25 again today and will work quickly to minimise disruption and keep traffic moving.

**Just Stop Oil** @JustStop\_Oil  
20 mins ago  
@RishiSunak, halt all new oil and gas projects, consents and licences and we will get off the roads.  
#COP27 #COP27Egypt #M25 #CivilResistance #A22Network

 A video thumbnail showing a traffic jam on the M25 motorway. Protesters are visible on the road, and the video player interface shows a progress bar at 0:05 / 0:18.

Area Impacted (M25 J16 to J15)



Camera:00061,55009  
M25 100/9A J15-16

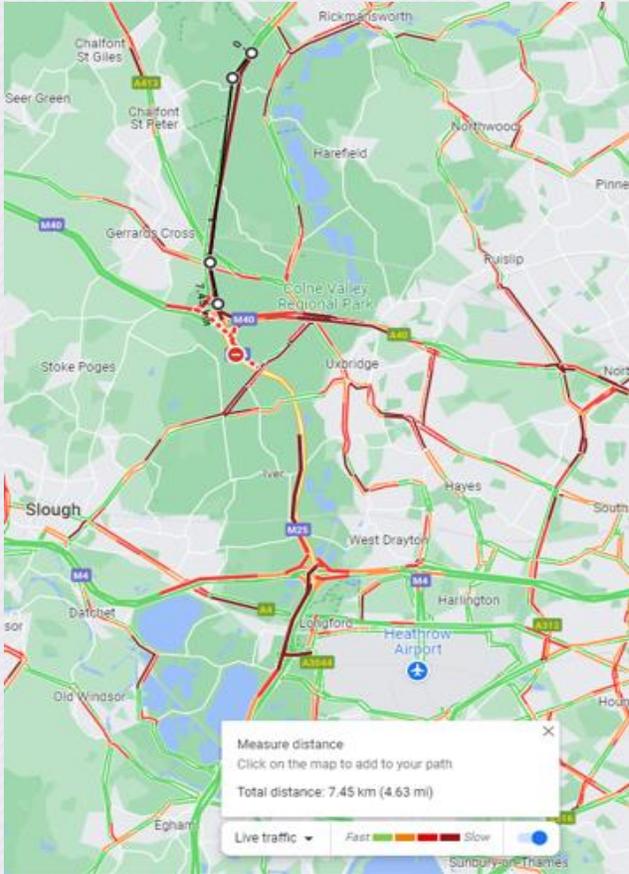


Camera:00061,55009  
M25 100/9A J15-16

Area Impacted (M25 J16 to J15)



**Heat map**  
Shows 4.63 miles of congestion on the M25 anti-clockwise



Captured at 08:52 on 10.11.22

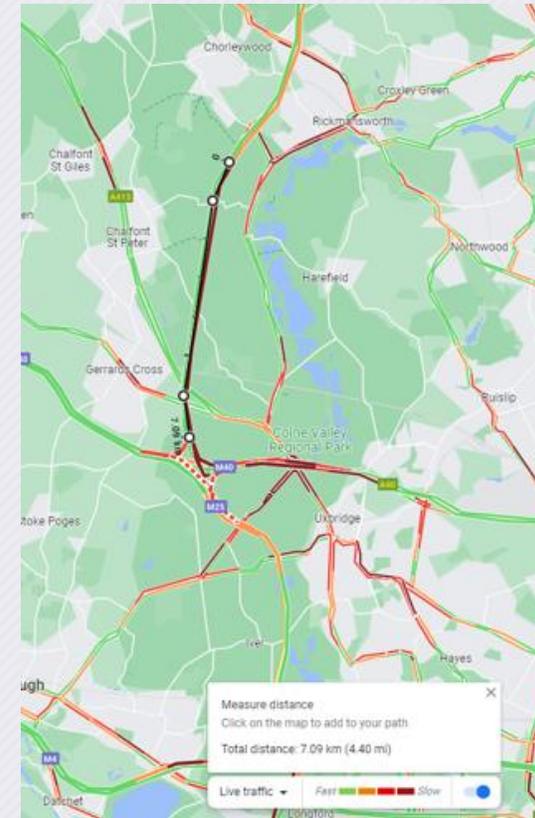
### Area Impacted (M25 J16 to J15)

#### Heat map

Shows 4.4 miles of congestion on the M25 anti-clockwise



Camera:00061,55009  
M25 100/9A J15-16



Captured at 09:24 on 10.11.22

## Incident Details

Log Number	807
Region	South East
Day	Thursday
Date	10.11.2022
Start time	07:17
End time	08:54
Road	M25
Junction	J25
Location	Hertfordshire (Marker Post 146/4B)

## Incident Commentary

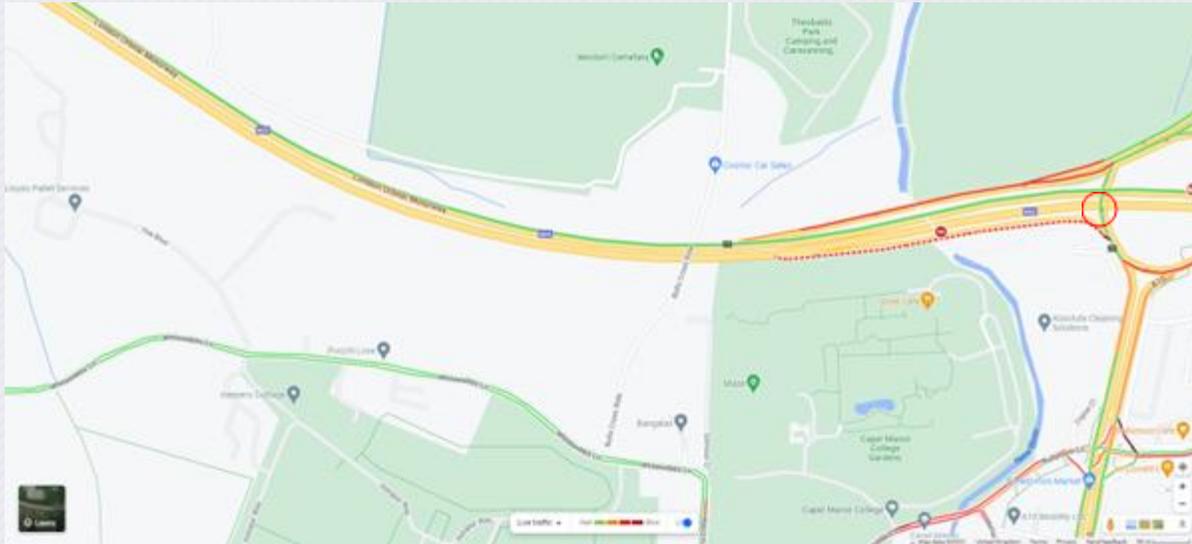
- **07:17** Carriageway status changed from Clear to Compromised (logged at 07:20)
- **07:17** Title changed from <Empty> to Protestor
- **07:22** M25/5545B (anti-clockwise) Junction to Junction closed
- **07:41** J23 mainline clockwise is closed
- **08:07** J25 closed
- **08:31** Protestor down and arrested
- **08:54** Carriageway status changed from Compromised to Clear

Incident Impact (M25 J25)

Peak delays on SRN (minutes)	60			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	M25 (J25) to M25 (Copthall Green)	6	60

## Area Impacted (M25 J25)

### Location of protest



### Heat map

Shows 6 miles of congestion on the M25 anti-clockwise



*Captured at 08:35 on 10.11.22*

### Heat map

Shows 3.3 miles of congestion on the M25 anti-clockwise



*Captured at 08:54 on 10.11.22*

Area Impacted (M25 J25)



## Incident Details

Log Number	808 The analysis for this protest has been combined with 877 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Thursday
Date	10.11.2022
Start time	07:18
End time	07:55
Road	M25
Junction	J9 - J8
Location	Surrey (Marker Post 54/7B)

## Incident Commentary

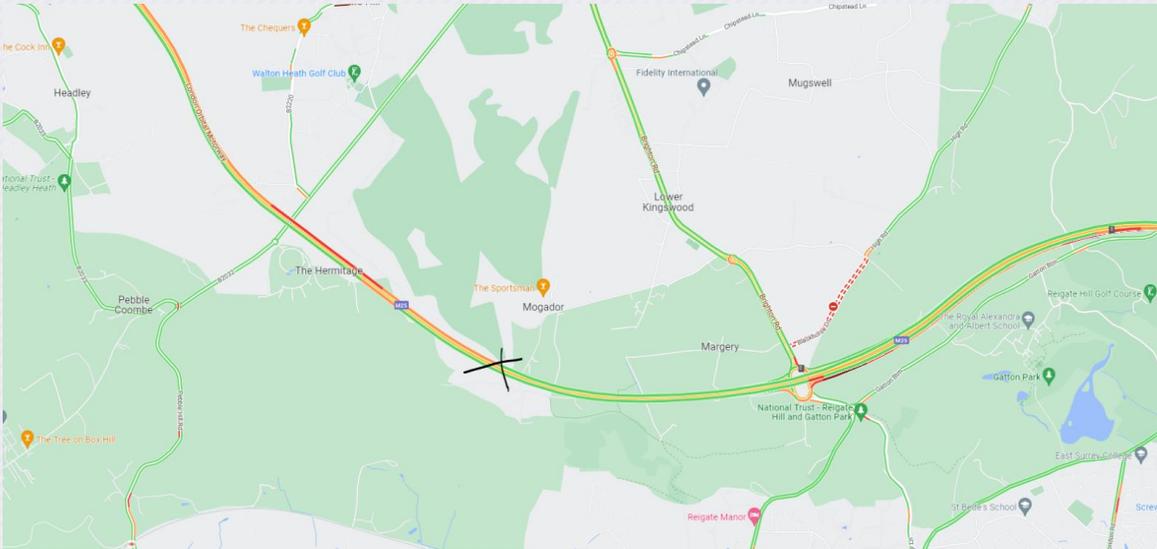
- **07:18** M25 travelling anti-clockwise someone climbing the gantry prior to J8
- **07:28** Rolling Closure changed from "False" to "True"
- **07:29** Double gantry, protestor is over the anti-clockwise carriageway
- **07:41** M25 J8 to J9 closed
- **07:55** Whole carriageway closed changed from true to false

Incident Impact (M25 J9 to J8)

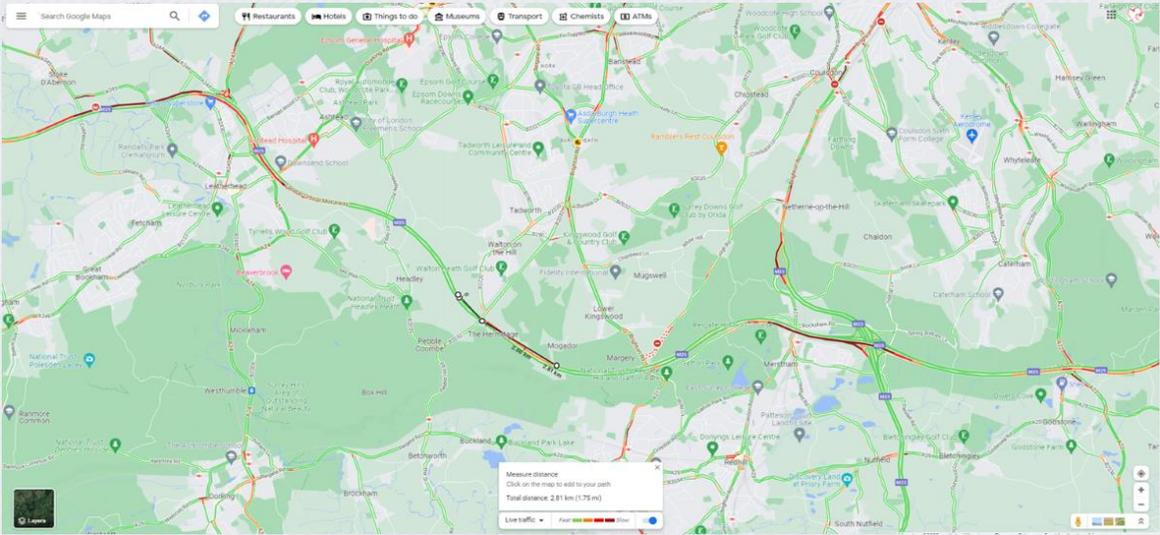
Peak delays on SRN (minutes)	33			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	M25 (Headley) to M25 (Mogador)	1.75	33

Area Impacted (M25 J9 to J8)

Location of protest



Heat map Shows 1.75 miles of congestion on the M25 anti-clockwise



Captured at 07:39 on 10.11.22

## Incident Details

Log Number	877 The analysis for this protest has been combined with 808 due to their proximity, and where it was not possible to attribute the queuing to the individual protests
Region	South East
Day	Thursday
Date	10.11.2022
Start time	07:51
End time	08:35
Road	M25
Junction	J8 - J7
Location	Surrey (Marker Post 49/0B)

## Incident Commentary

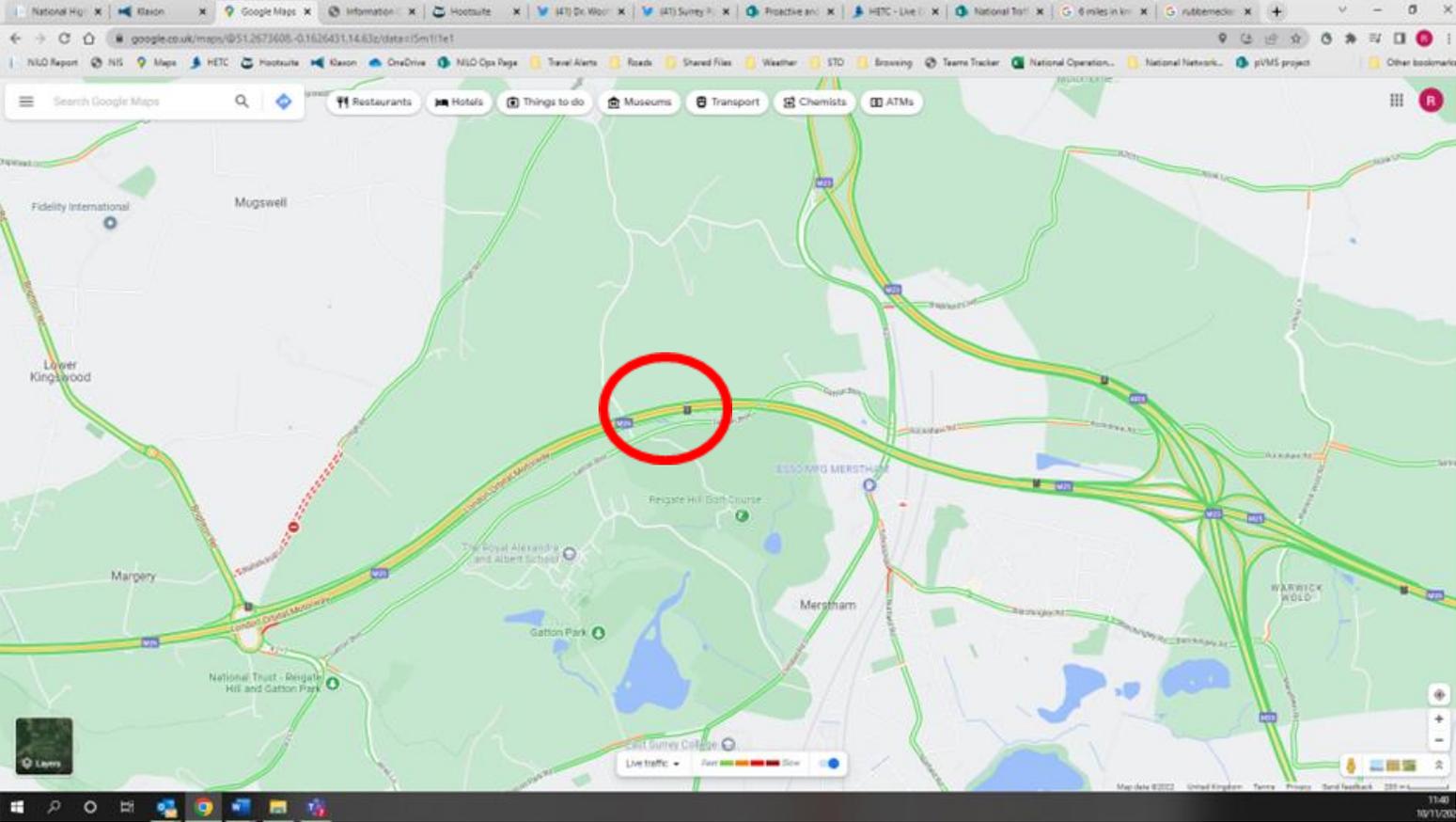
- **07:51** Pedestrian on network
- **07:54** Title changed to protestor
- **07:57** Clockwise release traffic
- **08:04** Protester has glued themselves to the gantry - arrested verbally - police are heading up
- **08:26** Protester secure in the van - ready to reopen
- **08:35** Carriageway status changed from Compromised to Clear

Incident Impact (M25 J8 to J7)

Peak delays on SRN (minutes)	29			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Anti-Clockwise)	M25	Not recorded	Not recorded	Not recorded
Location 2 (Clockwise)	M25	M25 (Oxted) to M25 (Mersham)	6.2	29

## Area Impacted (M25 J8 to J7)

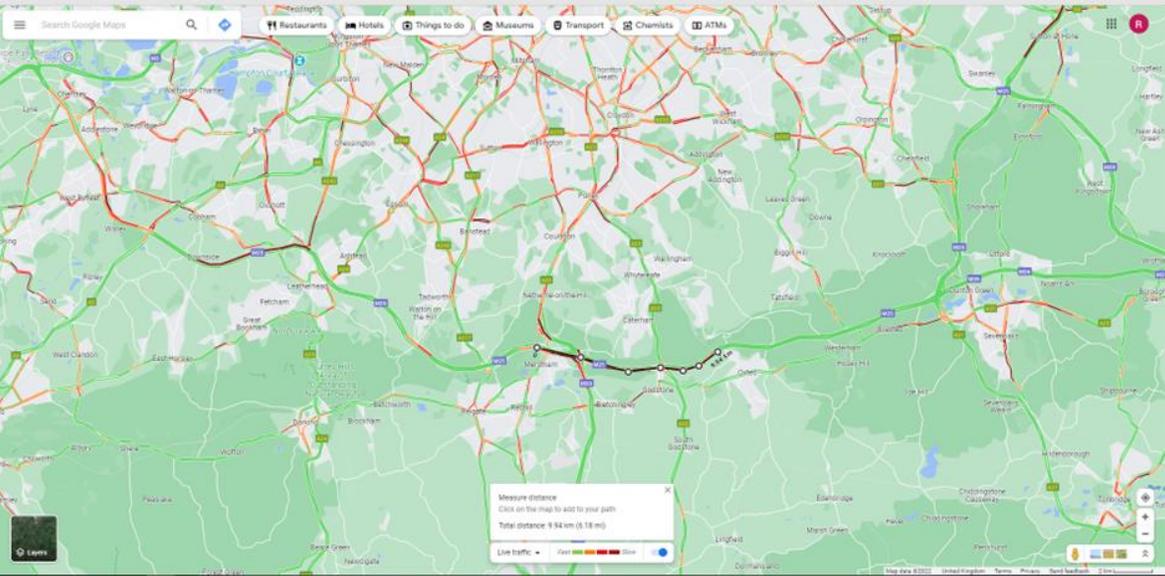
### Location of protest



Area Impacted (M25 J8 to J7)

Heat map

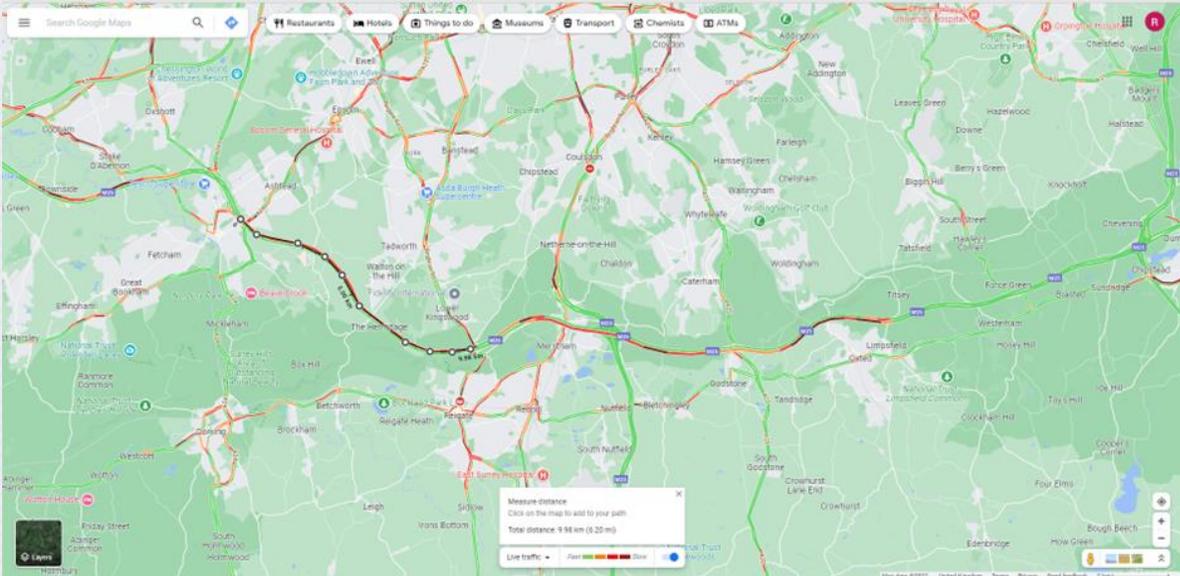
Shows 6.2 miles of congestion on the M25 anti-clockwise



Captured at 08:04 on 10.11.22

Heat map

Shows 6.2 miles of congestion on the M25 anti-clockwise



Captured at 08:31 on 10.11.22

### Incident Details

Log Number	834
Region	South East
Day	Thursday
Date	10.11.2022
Start time	07:31
End time	09:48
Road	M25
Junction	J15 - J16
Location	Iver, Buckinghamshire (Marker Post 100/8A)

### Incident Commentary

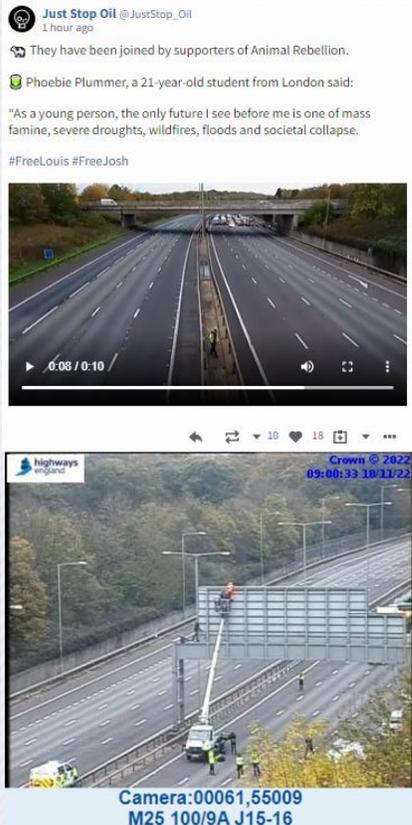
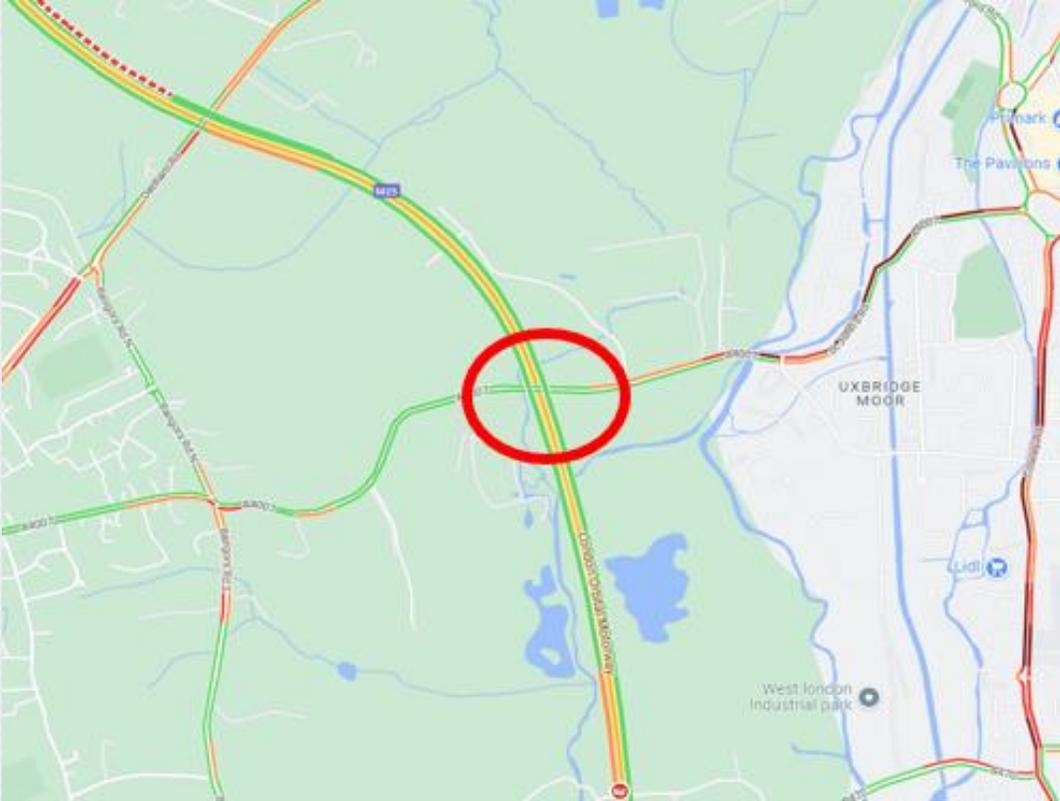
- **07:31** Carriageway status changed from Clear to Compromised (logged at 07:35)
- **07:35** Lane 1 Closure at scene
- **07:37** J15 – 16 closed
- **09:48** Carriageway status changed from Compromised to Clear

Incident Impact (M25 J15 to J16)

Peak delays on SRN (minutes)	Not recorded			
Breakdown of impact	Road	Queue extent	Queue (miles)	Peak delays (mins)
Location 1 (Clockwise)	M25	J14 to J15	5.5	Not recorded

Area Impacted (M25 J15 to J16)

Location of protest



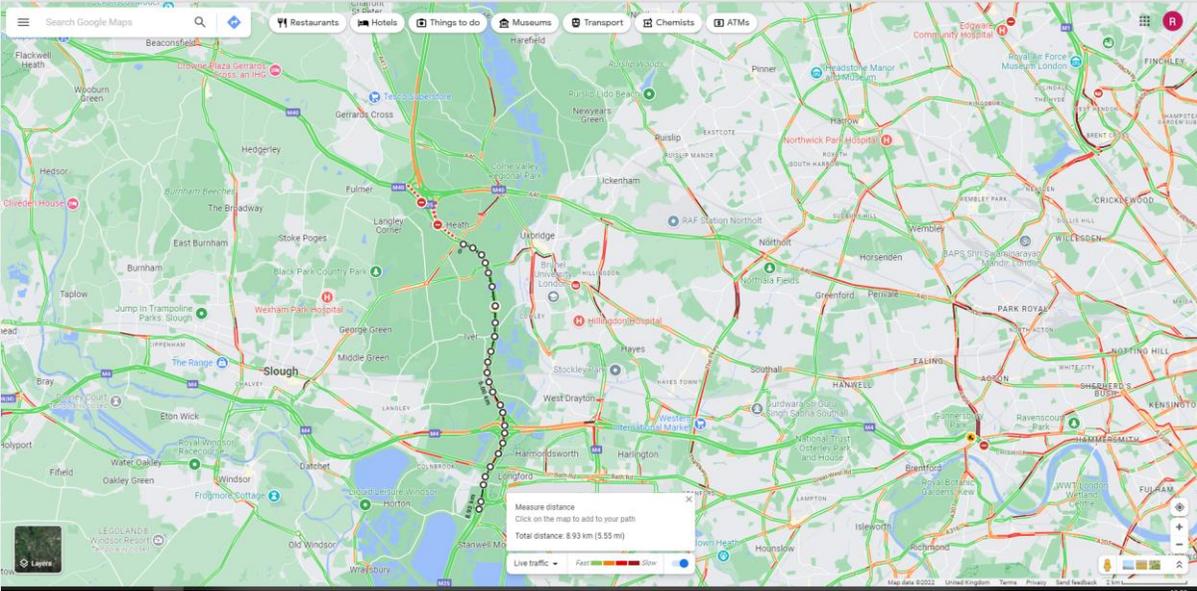
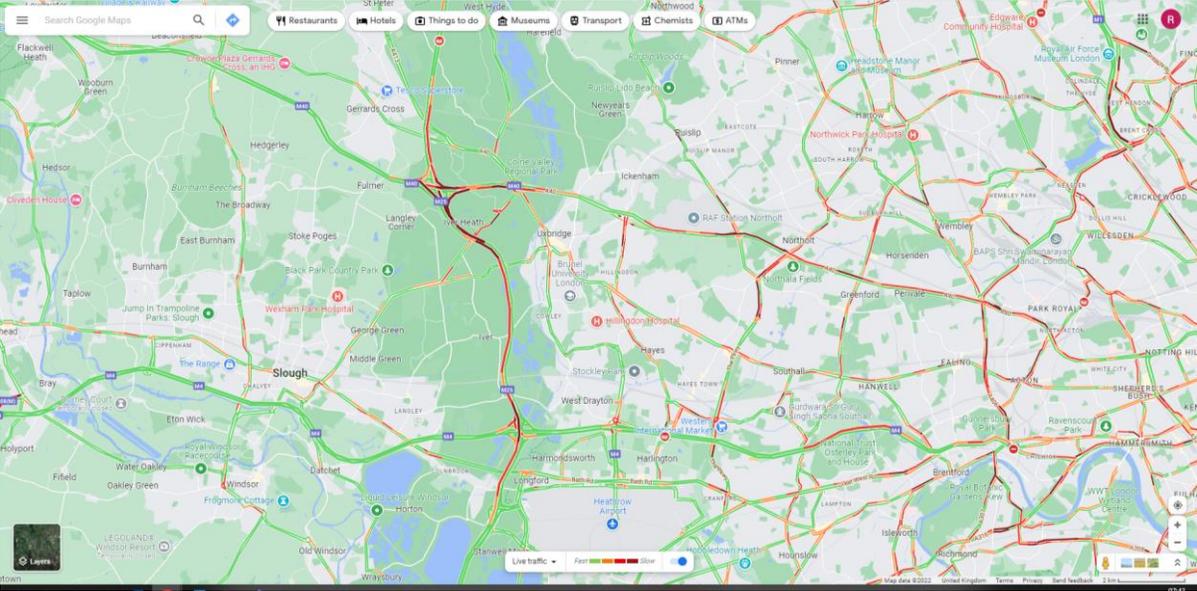
## Area Impacted (M25 J15 to J16)

The below screen shot details the congestion at the time of the incident however the queue of congestion was not measured at the time of capture.

The below screen shot retrospectively measures the distance between the scene of the protest and the back of the queue between J14 and J15

### Heat map

Shows 5.5 miles of congestion on the M25 clockwise



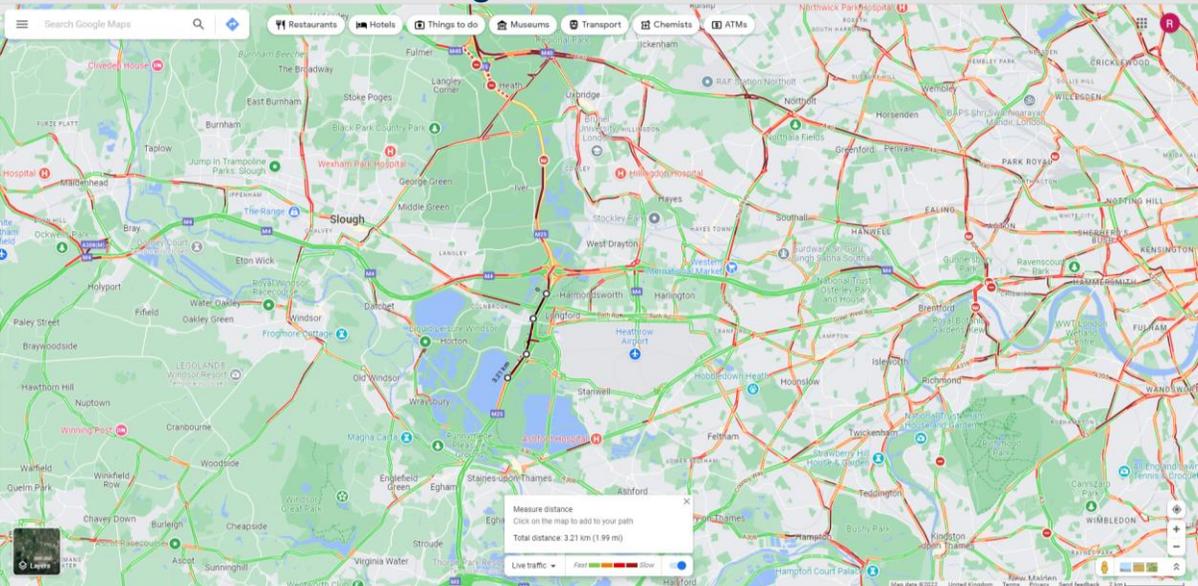
Captured at 07:43 on 10.11.22

Area Impacted (M25 J15 to J16)

Traffic on the approach

Heat map

Shows 1.99 miles of congestion on the M25 clockwise

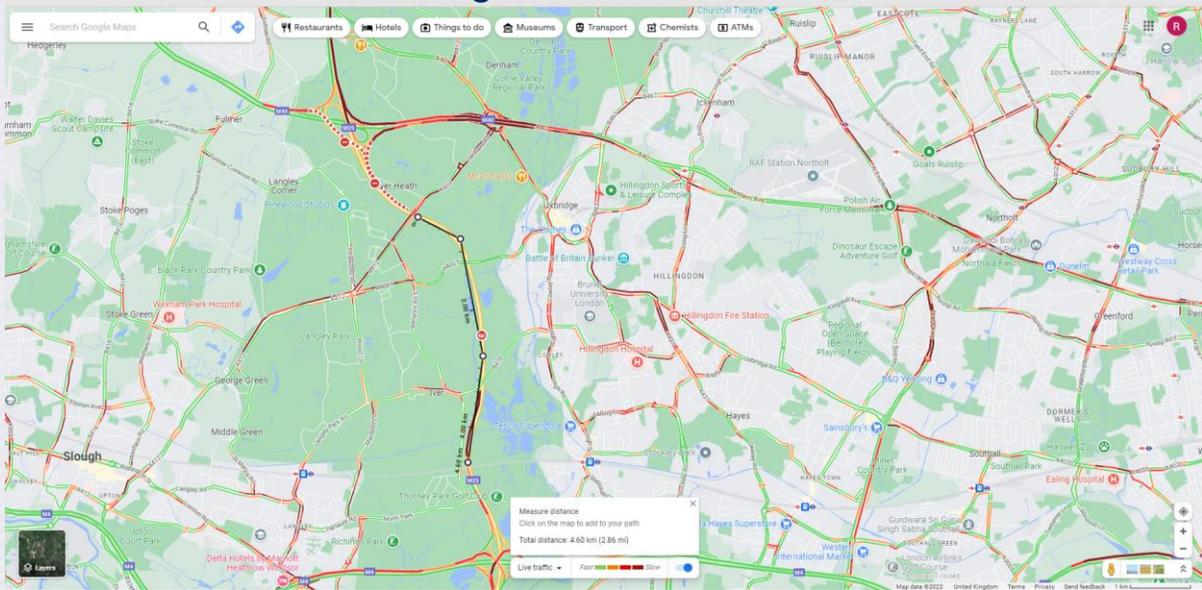


Captured at 08:57 on 10.11.22

Stationary traffic within closure

Heat map

Shows 2.86 miles of congestion on the M25 clockwise

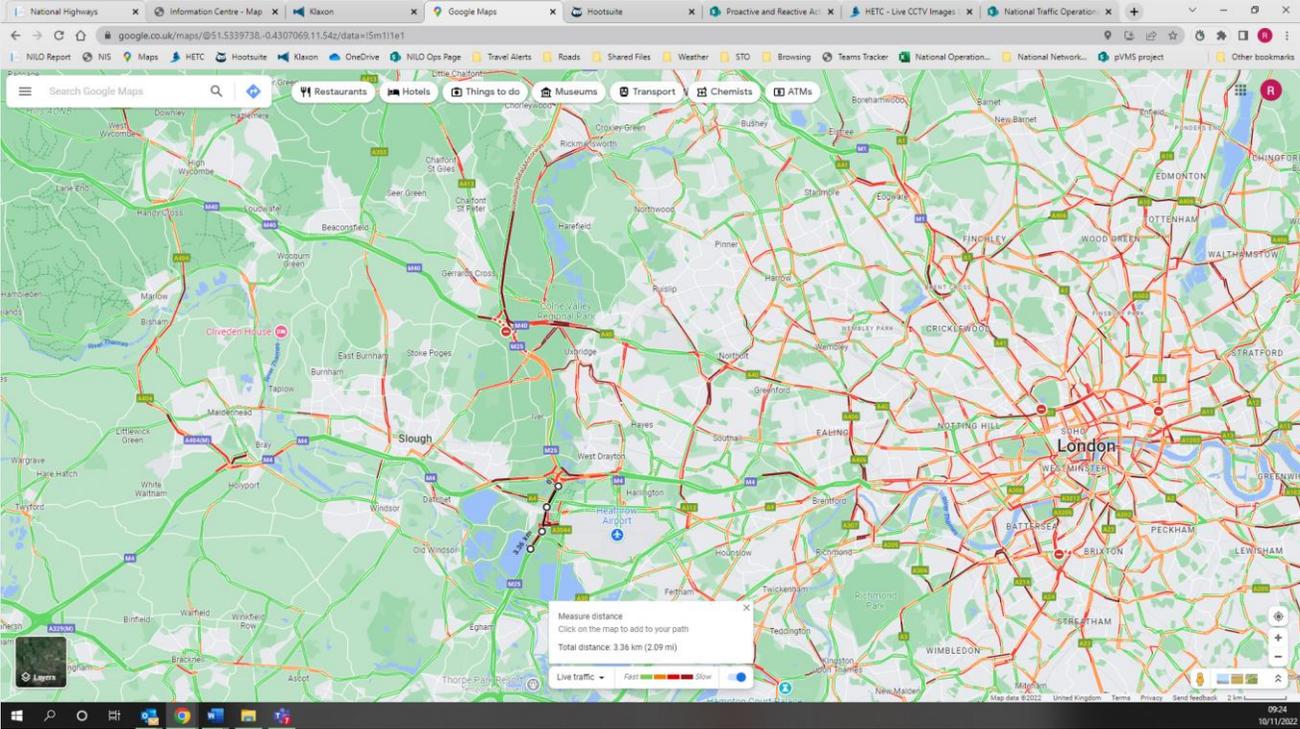


Captured at 08:57 on 10.11.22

# Area Impacted (M25 J15 to J16)

## Heat map

Shows 2.09 miles of congestion on the M25 clockwise



Captured at 9:25 on 10.11.22

# Impact Assessment & Analytical Assurance Statement

## Economic Impact Method Statement

Our estimates of impact can only be based on the traffic data available. We have applied a method which allows us to estimate a *lower bound* for the impact in terms of lost vehicle-hours and on the economy.

Calculation	Method Applied	Notes and Caveats	Reported in
Delay to non-stationary vehicles	<p>We have a standard method, using well-established data sources and used in our journey time reliability metric, for calculating delay over and above that we would expect to see on a comparable day.</p> <p>This provides a total number of vehicle-hours.</p>	<p>Details of the metric calculation can be found in the National Highways Operational Metrics Manual.</p> <p>Our calculations cover the protest site, and the surrounding SRN (Strategic Road Network). The main carriageway is covered in both directions, but roundabouts are excluded as there is no data for these.</p>	“Delay Extent” column of the Incident Impact Table
Economic Impact	<p>The DfT’s <a href="#">Transport Appraisal Guidance (TAG)</a> provides average values of time for cars (£15.14 per hour). We have multiplied these by the vehicle-hours of delay to give an estimated economic impact.</p>	<p>For simplicity we have assumed all non-stationary vehicle delays apply to cars, which will underestimate the impact.</p> <p>The figures calculated do not include the further economic costs to individuals and businesses as a result of missed appointments, or late delivery of goods. Neither does it include the economic costs of activities which didn’t occur because of the protests, or the cost to the police, National Highways, or others involved in managing the incident. Given these limitations the figure quoted is an underestimate.</p>	“Economic Cost” column of the Incident Impact Table

### Economic Impact

Control Works Log Number(s)	Location	Delay Start Time	Delay End Time	Number of vehicles	Delay extent (VHD: Vehicle hours delay)	Economic cost (£)
767	M25 J29 to J28	06:30	07:45	10,007	263	£3,978
789	M25 J16 to J15	06:45	10:00	19,333	1,599	£24,204
807	M25 J25	07:15	09:00	4,552	397	£6,006
808 & 877 *	M25 J9 to J8 & M25 J8 to J7	07:15	09:15	15,239	842	£12,755
834	M25 J15 to J16	07:30	10:30	10,008	209	£3,159

\* These protests have been combined due to their proximity, and where it was not possible to attribute the queuing to the individual protests

## Cumulative Economic Impact

Delay extent (VHD: Vehicle hours delay)	Estimated total economic cost (£)
3,309	£50,102

## Analytical Assurance Statement: 3rd Line of Assurance

Appropriateness	Compliance	Uncertainty	Fit for Purpose
Green-Amber	Green	Amber	Amber
Supervisor: Tracey Smith		Assurer: Claire Minett	
Producer: South East Network Data Analysis & Intelligence Team			

Data is from a variety of standard National Highways data sources, for moving but delayed traffic and is processed and used for assessment of our delay metric. Data from non-SRN links is not available, so the impact on those roads cannot be estimated and is not included in the total levels of impact quoted.

The economic impact is estimated using values of time from the DfT’s TAG guidance. Only the direct impact of delay on the mainline can be monetised in this way – impacts off the SRN, impacts due to diversion, or impacts due to individuals choosing not to travel, are not considered; neither are impacts which are less direct such as missed appointments, transport connections, or indirect impacts on business. Thus, the value quoted is subject to a degree of uncertainty and should be considered a low-end estimate.

The main scope for challenge relates to:

- Lack of data on some affected links
- Lack of data on journey purpose, so that economic impact is an order-of-magnitude estimate.

The analysis has been designed specifically for this purpose, but time constraints necessitate the use of particular data sources which are available rapidly.

**Appropriateness is considered Green-Amber.** As the agreed Analytical Plan is followed **Compliance is Green.** Whilst the mainline impact assessed is reasonably robust, our data cannot pick up numerous impacts elsewhere. **Uncertainty is thus Amber.** In summary, the analysis can be used to inform decision-making providing that the uncertainties are understood. **Fitness for purpose is therefore Amber.**



## Just Stop Oil youth campaigners deliver ultimatum to Rishi Sunak

Press / February 14, 2023

Two young supporters of Just Stop Oil, a one year old campaign demanding that the government stops granting licences for new fossil fuel projects, delivered an ultimatum letter to 10 Downing Street this morning. [1]

Hannah Hunt, 23, from Brighton announcing the delivery of the letter, made a brief speech to assembled reporters. [2] She said:

*“A year on from delivering Just Stop Oil’s Saint Valentine’s Day letter, along with hundreds of others, I face multiple trials and the loss of my freedom because we refused to stand by while our government planned the destruction of everything we love.*

*“We may not succeed, and we may yet bequeath a poisoned bleak inheritance – but I make this promise to those I love: for the government to win, it will have to defeat the youth of this country for we will put our bodies on the line.*

*“Now I am asking you to pick a side, to join me, to stand with those future generations and with all the ordinary people willing to sacrifice their freedom to protect our future. We must stop the harm that is new*

*oil and gas.”*

Phoebe Plummer, 21, from London read out the contents of the letter to the Prime Minister. It points out that according to the International Energy Agency in order to have an even chance of limiting the global temperature rise to 1.5°C in line with the Paris Agreement, there can be no new investments in fossil fuel supply projects. [3] She said:

*“One year ago our letter stressed that the government, of which you were a part, knew that breaching 1.5°C could be the death sentence for our children and for whole countries and regions of the world.*

*“Since then, we have been warned by the United Nations that not only will we hurtle over 1.5°C but also that there is “no credible pathway to 1.5°C in place”.*

*“Accelerating the granting of North Sea oil and gas licences ... is to knowingly plan for the death of countless millions, for the loss of entire nation states. It is an act of genocide, for which you will be held accountable. ”*

She went on to deliver the following ultimatum:

*“Just Stop Oil is demanding that: The UK government makes a statement that it will immediately halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK.*

*“If you do not provide such assurance by 10th April 2023, we will be forced to escalate our campaign – to prevent the ultimate crime against our country, humanity and life on earth..”*

**ENDS**

**Press contact:** 07762 987334

**Press email:** juststopoilpress@protonmail.com

High quality images & video here:<https://juststopoil.org/press-media>

Website: <https://juststopoil.org/>

Facebook: <https://www.facebook.com/JustStopOil/>

Instagram: <https://www.instagram.com/just.stopoil/>

Twitter: [https://twitter.com/JustStop\\_Oil](https://twitter.com/JustStop_Oil)

Youtube: <https://juststopoil.org/youtube>

Donate: <https://juststopoil.org/donate/>

**Notes to Editors**

[1] Just Stop Oil is 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. Just Stop Oil is a member of the A22 Network of civil resistance projects. Climate Emergency Fund is Just Stop Oil's primary funder for recruitment, training, and capacity building.

[2] **Statement by Hannah Hunt 14 February 2023, Downing Street**

A year ago I stood here and demanded that my government take the immediate steps needed to protect my future and the future of those generations yet to come, by ending new fossil fuel licenses and consents.

Instead of responding to the warnings issued by the UN Secretary General, the International Energy Agency ("IEA"), scientists and international institutions they are doubling down on licensing new oil and gas in the North Sea and consenting coal in Cumbria.

Instead of responding to the wishes of the British people they are implementing policies that have thrown millions into destitution while enabling fossil fuel companies to make the largest profits in UK history.

My rage, my fury is tempered by my love for life and humanity.

A year on from delivering Just Stop Oil's Saint Valentine's Day letter, along with hundreds of others, I face multiple trials and the loss of my freedom because we refused to stand by while our government planned the destruction of everything we love.

We may not succeed, and we may yet bequeath a poisoned bleak inheritance – but I make this promise to those I love: for the government to win, it will have to defeat the youth of this country for we will put our bodies on the line.

Now I am asking you to pick a side, to join me, to stand with those future generations and with all the ordinary people willing to sacrifice their freedom to protect our future. We must stop the harm that is new oil and gas.

[3] **Text of letter to the Prime Minister**

The Rt Hon Rishi Sunak MP, Prime Minister  
10 Downing Street

London SW1A 2AA

[JustStopOil@protonmail.com](mailto:JustStopOil@protonmail.com)

14 February 2023

Dear Prime Minister

A lot has happened since last Valentine's Day, when we wrote to the predecessor of your predecessor, Boris Johnson. We invited him to follow the science and act on the advice of the International Energy Agency ("IEA"), which said that to have an even chance of limiting global temperature rise in line with the Paris Agreement, there could be no investment in new fossil fuel supply projects.

One year ago our letter stressed that the government, of which you were a part, knew that breaching 1.5°C could be the death sentence for our children and for whole countries and regions of the world – and that your own Net Zero Strategy made this painfully clear. Since then, we have been warned by the United Nations that not only will we hurtle over 1.5°C but also that there is "no credible pathway to 1.5°C in place".

Nonetheless, while your government has buried its head in the sand, change is happening. Several major financial institutions, the Scottish Government and the Labour Party have pledged to end support for new fossil fuels: a policy supported by the British public.

It's just you that's not listening, accelerating the granting of North Sea oil and gas licences and approving a new coal mine in Cumbria. This is to disregard the British public and to knowingly plan for the death of countless millions, for the loss of entire nation states. It is an act of genocide, for which you will be held accountable.

Just Stop Oil is demanding that: The UK government makes a statement that it will immediately halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK.

If you do not provide such assurance by 10th April 2023, we will be forced to escalate our campaign – to prevent the ultimate crime against our country, humanity and life on earth.

We will not be bystanders.

Just Stop Oil

## **Annex 1 – Impacts of breaching 1.5°C**

### 1. Threat to global food security

Peer-reviewed research, *Increasing risks of multiple breadbasket failure under 1.5 and 2°C global warming*, concludes:

**"Risks of simultaneous crop failure ... increase disproportionately between 1.5 and 2°C, so surpassing the 1.5°C threshold will represent a threat to global food security."**

### 2. Whole regions of the world will be rendered uninhabitable

According to peer-reviewed research, beyond 1.5°C warming, tropical regions of the world risk wet bulb temperatures in excess of 35°C, which is beyond the capacity of the human body to cool itself down and therefore beyond the limit of human endurance. Around 40% of the world's population currently live in the tropics. Billions of people will face a choice: live where it is no longer safe to live, or leave.

### 3. Critical tipping points could be passed, leading to a "hothouse earth"

In 2018, leading academics, including Johan Rockstrom and Hans Schellnhuber, considered the temperature threshold for crossing critical tipping points in the climate system in *Trajectories of the Earth System in the Anthropocene* and concluded:

**“Our analysis suggests that the Earth System may be approaching a planetary threshold that could lock in a continuing rapid pathway toward much hotter conditions—Hothouse Earth ... Where such a threshold might be is uncertain, but it could be only decades ahead ...and ... it could be within the range of the Paris Accord temperature targets.”**

What did the Government’s own *Net Zero Strategy*, published in October 2021?

**“People are rightly concerned, with the latest IPCC report showing that if we fail to limit global warming to 1.5°C above pre-industrial levels, the floods and fires we have seen around the world this year will get more frequent and more fierce, crops will be more likely to fail, and sea levels will rise driving mass migration as millions are forced from their homes. Above 1.5°C we risk reaching climatic tipping points like the melting of arctic permafrost – releasing millennia of stored**

**greenhouse gases – meaning we could lose control of our climate for good.**

**But the good news is that there is, still, a path to avoid catastrophic climate change.”** [Executive Summary, p.14]

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## Related Posts

# English motorway gantries get new, more secure design

The Guardian (London)

13 Mar 2023 18:30

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**theguardian**

**Author:** Safi Bugel

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**Length:** 536 words

**Highlight:** National Highways hopes design will prove more resilient to trespassers after last year's Just Stop Oil protests

## Body

National Highways has unveiled a new design for motorway gantries that it hopes will prove harder for protesters to mount and use to cause disruption.

The renovated structures, which are expected to become the standard design in England from 2025, will have their maintenance steps hidden inside their pillars and will be more difficult to gain access to without authorisation.

The agency said this would make them "more resilient to trespassers", but it stressed that "security issues did not form part of the original specification".

Just Stop Oil activists scaled gantries above the M25 in November last year. Several stretches of the road were closed and arrests were made as members of the organisation protested against the climate emergency. One man, Jan Goodey, was handed a six-month sentence.

A spokesperson for the group said: “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 designs provide.”

National Highways launched a competition to replace the gantry designs last December, a month after the M25 protests.

The competition, run in conjunction with the Royal Institute of British Architects (RIBA), was launched as part of a wider plan to “beautify” the design of the country’s busiest roads. Design guidance published by National Highways last July included recommendations such as “minimising clutter”, providing “clues” about how to drive, being sensitive to the local landscape and improving environmental sustainability. Entries were not expected to alter the technology that sits behind gantries.

National Highways said: “Although security issues did not form part of the original specification, the new design will be more resilient to trespassers due to entry being concealed within the pillars, making it more difficult to access without authorisation.”

The successful concept was produced by the London-based architecture company Useful Studio and chosen for its “simplicity and elegance”.

National Highways’ executive director for operations, Duncan Smith, said: “This is a great opportunity for us to develop a more streamlined, elegant and consistent visual appearance for roadside gantries to enhance drivers’ experience when driving on England’s motorways and major A-roads.

“Existing designs tend to emphasise function over form. Our challenge is to create innovative structures that can accommodate the required signage and equipment that are more sympathetic to the environment.”

The new gantries will have a lower carbon footprint than the current designs as they will use less steel.

Jonathan McDowell, an RIBA architect adviser, said: “It is very encouraging that National Highways is actively engaging the design community in helping to improve the design of these ubiquitous but cumbersome parts of the motorway experience. We enjoyed seeing a wide range of interesting ideas, including those which challenged National Highways’ current practices.”

During last November’s protests, Just Stop Oil banners were draped from the overhead road structures. National Highways said at the time that the structures need “a degree of accessibility” for maintenance crews.

## Classification

### Industry:

Architectural Services (89%), Architecture (89%), Media & Telecommunications (78%), Sustainable Development (74%)

### Subject:

Negative Misc News (91%), Negative News (90%), Protests & Demonstrations (90%), Architectural Services (89%), Architecture (89%), Associations & Organizations (78%), Negative Environmental News (78%), Environmentalism (75%), Environment & Natural Resources (74%), Sustainable Development (74%), Arrests (69%), Corporate Environmental Responsibility (69%), Sustainability (69%), Environmental Footprint (64%)

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**IN THE COURT OF APPEAL**  
**CIVIL DIVISION**

Royal Courts of Justice  
Strand, London  
WC2A 2LL

Date of hearing: Thursday, 16<sup>th</sup> February 2023

**Before:**

**LORD JUSTICE FLAUX**  
**LADY JUSTICE SHARP**  
**LORD JUSTICE LEWISON**

**Between:**

**NATIONAL HIGHWAYS LTD**

**Appellant**

**- and -**

**PERSONS UNKNOWN & OTHERS**

**Respondents**

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**MS MYRIAM STACEY KC and MR ADMAS HABTESLASIE** (instructed by **DLAPIPER UK LLP**) for the **Appellant**  
**MR DAVID CRAWFORD and MR MATTHEW TULLEY**, two of the named Respondents addressed the court on behalf of the 109 named Respondents

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**PROCEEDINGS**

*(Ms Stacey was particularly difficult to hear on the recording)*  
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LADY JUSTICE SHARP: Before we begin, Ms Stacey, and for those present in court as well, we have just been given the names of those who are attending today and who may have a direct interest, some may have an indirect interest in the proceedings and so a little bit of sorting out needs to be done before we begin the hearing. The reason for that is that this is the hearing of an appeal against the judge's order below and not everybody we anticipate who is present in court will have a direct interest in that as a respondent to the appeal. We need to follow the rules of the court in relation to that.

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We understand that there are two people who wish to speak on behalf of those who are present, we understand that but we need to find out who is who and into which category everybody falls. As you may remember there were 24, there was I think what has been described in the written documents we have had, 24 named defendants against whom a final injunction was granted below by the judge below and there is no appeal before us about that issue. There is an appeal in relation to what the judge did in relation to a category of 109 people.

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Now, I appreciate it may not be of great moment to those who are in court at the moment but it is something we just need to sort out before we begin because we have only just received the names of those who are here and we obviously have received no written documents before this morning. Ms Stacey will have just been given that list. We have just received it ourselves, it has just been compiled and for the sake of the proper way of doing things that we do things here, we need to know who is who, which category everybody falls in, so that when submissions are made on behalf of various individuals, we know on whose behalf they can be made.

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So with that preliminary introduction, we are going to rise for a few moments while that issue is sorted out to give Ms Stacey an opportunity to look at the list of individuals and so we can work out whether they fall into the category of the 109 or the 24.

A FEMALE SPEAKER: It's very difficult to hear what you're saying. If you could project—

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LADY JUSTICE SHARP: Yes, I am sorry about that. Well, let me just explain it again. The judge made an order which affected a number of people but we are only hearing an appeal today in relation to the order which affected 109 of those who the judge dealt with below. There were 24 people in relation to whom the judge made an order and there is no appeal before us that relates to those individuals. So for the sake of good

A order, we need to work out whether those of you who are in court fall into the category of the 109 or the 24.

A FEMALE SPEAKER: Yes, we can tell you that straight away.

LADY JUSTICE SHARP: If you just wait please.

A FEMALE SPEAKER: Sorry.

B LADY JUSTICE SHARP: We have only just received the list and we need to look at it and Ms Stacey, who appears for the appellant, needs to go through it herself so she can have an opportunity to say something about it too. All right, we will rise for a moment to allow that to be sorted out.

C **(Short adjournment follows)**

LADY JUSTICE SHARP: Yes, Ms Stacey. You have had an opportunity to look at the list of individuals.

A MALE SPEAKER: Sorry, your honour (inaudible words) hear you.

D ANOTHER MALE SPEAKER: You need the microphones, your honour. We literally can't hear you.

E LADY JUSTICE SHARP: All right. We do not have microphones in court, apart from this is a recording device which enables it to be recorded. Ms Stacey, you have had an opportunity to look at the list—

MS STACEY: I have, my lady.

LADY JUSTICE SHARP: —of individuals who are in court and who identified themselves for the purposes of these proceedings.

F MS STACEY: Yes, my lady. What we have done is we have compared the schedule attached to Mr Justice Bennathan's order at page 213 of the core bundle and what I can do, if it assists my lady and my lords, is to run through the list of names that we have and tell you in respect of each of the named individuals who is who, if that would be helpful.

G LADY JUSTICE SHARP: It would. Just give me a moment. **(Short pause)**

A LORD JUSTICE: 213 in schedule 1?

MS STACEY: 213, schedule 1 with that open and also the list of names that my lords and my lady were handed.

H A LORD JUSTICE: Yes.

MS STACEY: There is an additional name that needs to be added to the bottom of that list, Mr Stephen Brett who (inaudible words).

A LORD JUSTICE: To the bottom of the handwritten list?

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MS STACEY: The bottom of the handwritten list.

A LORD JUSTICE: So we are looking at the handwritten list.

MS STACEY: We are looking at the handwritten list.

A LORD JUSTICE: Yes.

MS STACEY: And I am going to tell you who they are by reference to the schedule. You need not look at the schedule if you want to take my word for it but that is the exercise we have undertaken.

A LORD JUSTICE: Right.

MS STACEY: So David Crawford, taking it from the top, is a named defendant and he is defendant number 24.

A LORD JUSTICE: When you say named defendant, he is one of the 109?

MS STACEY: Sorry, he is one of the, yes, he is one of the 109.

A LORD JUSTICE: Yes.

MS STACEY: Matthew Tulley is one of the 109 and he is defendant 64.

A LORD JUSTICE: Yes.

MS STACEY: Indigo Rumbelow, over the page, she is one of the 24, defendant 110. Susan Hagley, one of the 109, defendant 98. Janine Eagling, 109, defendant 42.

A LORD JUSTICE: Yes.

MS STACEY: Tracey Mallaghan, 109, defendant 104. Victoria Lindsell, 109, defendant 107. Peter Morgan, 109, defendant 78. Peter Blencowe, 109, defendant 77. Rebecca Lockyer, 109, defendant 116. Virginia Morris, 109, defendant 119. Alyson Lee, 109, defendant 3. Stephanie Aylett, 24, defendant 92.

A LORD JUSTICE: So that is one of the 24.

MS STACEY: One of the 24 or the contemnors defendants (inaudible) defendants.

A LORD JUSTICE: Yes.

MS STACEY: That is Stephanie Aylett. Chris Parish is one of the 109, defendant 113.

Shaun Irish is not a named defendant at all. Michelle Charlesworth, 109, defendant 68. Anne Taylor, 109, defendant 7. Susan Chambers, 109, defendant 95. Julia Mercer, 109, defendant 49. Biff Whipster, one of the 24, defendant 12.

A LORD JUSTICE: Yes.

MS STACEY: And Stephen Bett who is to be added, that is S-T-E-P-H-E-N Bett, one of the 109, defendant 118.

A LORD JUSTICE: Sorry, spell that name again.

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MS STACEY: Sorry, 109, defendant 118.

A LORD JUSTICE: No, his name, his surname.

MS STACEY: Sorry, Stephen Bett, B-E-T-T.

A LORD JUSTICE: Thank you and he is one of the 109.

A MALE SPEAKER: B-R-E.

MS STACEY: B-R-E-T-T, Brett.

LADY JUSTICE SHARP: Brett.

A LORD JUSTICE: Brett, so he is one of the 109.

MS STACEY: He is one of the 109. I am just going to, my lords and my lady, can I just check—

A LORD JUSTICE: Yes.

MS STACEY: I said he is a 109 but I just need to double check that.

A MALE SPEAKER: Excuse me, my lord, is that supposed to be everyone?

LADY JUSTICE SHARP: Just wait one moment. We will give you an opportunity, or those who are nominated to speak on your behalf, to deal with it but we will hear first from – all right, so if I understand this rightly, most of those who have attended today fall into the category of people with a direct interest in this appeal because they are respondents to the appeal which is before us. Those who do not fall into that category are Indigo Rumbelow because she is one of the 24, Stephanie Aylett because she is one of the 24, Shaun Irish because he is not a named defendant at all and Biff Whipster because he is one of the 24.

MS STACEY: That is correct, my lady.

LADY JUSTICE SHARP: All right. So just so everybody understands the way in which we are going to deal with the proceedings today, the first thing that is going to happen is that we are going to hear from Ms Stacey on the appeal which concerns the category of individuals we have described as the 109. We then have an application for two of you, that is David Crawford and Matthew Tulley, to speak on behalf of the respondents to the appeal. That is everybody except the four individuals who I have identified and we have been given a written document which we understand you would like to read out. So we will start as normal with the appellant's side of the case in which they will make their submissions, so that is where we start.

MS STACEY: My lady, thank you.

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LADY JUSTICE SHARP: And could I ask that all mobile phones be turned off please. The other thing to mention is that we have had a note from someone who I think is Mia Bistram (?), is that right?

A FEMALE SPEAKER: That's me.

LADY JUSTICE SHARP: Yes and that you would like to take a sketch and of course that is perfectly acceptable.

A FEMALE SPEAKER: (Inaudible words)

LADY JUSTICE SHARP: Yes, that is fine. All right. Yes, Ms Stacey.

MS STACEY: My lady, just one point of clarification before I begin. My lady, you said that I was speaking on behalf of the category of the 109. That is absolutely right but I am also speaking – we are also appealing the dismissal of the summary judgment against persons unknown.

LADY JUSTICE SHARP: Persons unknown, yes.

A LORD JUSTICE: Yes.

MS STACEY: My lords and my lady, I appear with my learned junior, Admas Habteslasie, who sits alongside me for the appellant in this matter. By way of briefly housekeeping, you ought to have a core bundle and a supplemental bundle. There are some additional pages that were rather belated sent through, for which I apologise, which hopefully will have made their way to you. They are to be inserted behind tabs 18, 19 and 20 of the supplemental bundle. I hope you will also have had the skeleton arguments. I am working from hard copies but I understand the page numbers are exactly the same so it need not make a difference.

The approach I will adopt this morning is to deal with the submissions in five parts. First, I will give a short encapsulation of the landscape, by which I mean decision and the appeal ground in issue. Secondly, I will spend some brief time setting out the evolution and the procedural background to the claim and to the summary judgment application which will involve taking you to some key parts of the underlying documents. Thirdly, the law. We will identify what we say are the key principles referred to in the skeleton and in relation to that, I probably need only take you to a few of the authorities. Fourthly, I will return briefly to the way the case was put below by reference to the written submissions and then finally I will turn to the ground of appeal and by the time I get to that, I hope we will have done enough work so that you can see where we are going.

A So if I can turn to the overview, the landscape, this is an appeal against the decision  
of Mr Justice Bennathan where he dismissed the claimant's application for a final  
precautionary prohibitory injunction on a summary judgment basis against 109, as we  
said, named defendants and persons unknown. The application, my lady and my lords,  
B you will be familiar with but it was brought in the context of three consolidated claims in  
which my client brought claims for final precautionary relief designed to prevent the  
type of road block protests which had been undertaken by the Insulate Britain protestors  
on the M25 roads in Kent and the feeder, London feeder roads which started in the  
spring of 2021.

C The three claims were issued following the initial grant of interim injunctions on a  
without notice basis which were then continued on the return date and you will note that  
they were continued until a specified date, trial or further order in the usual way and on  
D terms which prohibited protestors from causing the blocking, endangering, or slowing  
and obstruction of vehicular traffic. The summary judgment application was brought in  
respect of that underlying claim, namely a claim for a precautionary final injunction and  
was on very similar terms effectively as the interim orders. It was clear that no damages  
E were being pursued. Even though they had featured in the pleading, that part of the  
claim was not pursued.

The way the judge dealt with it, my lady and my lords, is seen in paragraph 36 of  
the judgment which sets out his finding, behind tab 7 of the core bundle at page 250.  
F The judge categorised the injunctions granted as follows: final for the 24, interim for the  
109 and for the persons unknown. So the position we are now in is that we have a bit of  
a hybrid position, final again some, interim against others and, my lady and my lords,  
you should be aware that there is a review hearing which is due to be heard on 24<sup>th</sup> April  
G in respect of the interim part of that order.

A LORD JUSTICE: Am I right in thinking that the final injunction is itself time-limited?

MS STACEY: The final injunction is and that is consistent, my lord, with the principle that  
all injunctions ought to be kept under review regardless of what we categorise them as,  
H yes, there is a duty on parties.

A LORD JUSTICE: And that is also to be reviewed on 24<sup>th</sup> April, is it not?

MS STACEY: And that is also to be reviewed on the 24<sup>th</sup>, yes, so you are absolutely right.

The issue of principle on this appeal is based on a single ground, namely whether the  
judge was wrong to dismiss the summary judgment application for precautionary relief

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against both the persons unknown and the 109. We say that there was a substantive error of approach by the judge below in respect of the summary judgment application which we say led him astray and we say, and I will come on to this when we look at the judgment and other matters, that that error is revealed is a number of places when, for example, one considers the transcript of oral exchanges, his treatment of the summary judgment application in his judgment, the findings he subsequently came to when deciding to continue the injunction on an interim basis and we say had he applied the correct approach, on his findings he ought to have granted a final against all defendants (?).

Now, in terms of the context which we say is important, my lady and my lords, as per our skeleton argument at paragraph 34, that is page 166 of the bundle, there are practical consequences here for claimants more broadly than the facts of this particular case to understand what it is they need to do, or should do, in order to progress their claims to final resolution and Lady Justice Whipple when granting the permission to appeal noted that the appeal raises important issues as to the court's approach to final injunctions in the context of protests on places (?) where the public are entitled to go. The outcome of this appeal, therefore, we say will affect not only this case but other cases where interim injunctions have been granted and there is an inconsistency that is revealed on the face of the authorities where some interim injunctions are continued on a rolling basis and some are progressed to trial and some, such as in this case, where a decision is made to bring the matter to a conclusion through the summary judgment process.

The effect, as I have alluded to, of our appeal is that if we are correct and the judge failed to have regard to the right test, we say we would be able to rely on the findings in the judge's injunction section of his judgment, so that is from paragraph 36 onwards, and that would have this effect: firstly, we say that we would be entitled to substitute the interim injunctions for a final injunction and specifically the appeal is against paragraphs 10 and 11 of the injunction order at tab 5. I will come on to the orders is a moment. So 10 and 11 are tab 5 and 3, 4 and 5 of the judgment order at tab 6.

So the substitution and in addition we say it would have an impact on the costs judgment and the costs order which is behind tab 17 of the supplemental bundle. I can take you to that now at supplemental bundle behind tab 17 at page 276 where the order, if you have it open, paragraphs 1 and 4. So the 24 against whom summary judgment

A was granted were ordered to pay costs and then 4 deals with the 109 shall be in the case but it is notable that there are no directions as to what the case – when the case, if you like, shall be brought, what further steps need to be taken in order to secure resolution of the case.

B So just for clarification, in our skeleton argument at the bottom, paragraph 38, we sought orders for remission and directions. We need not trouble my lady and my lords with that, we do not need to in circumstances where there is going to be a review hearing in due course and we say that if we are correct and this appeal is upheld we can substitute but it would have an impact on the costs order.

C A LORD JUSTICE: Just so I understand what it is you are asking us to do if we are with you on the appeal, are you asking us to remit it to the same judge, or a different judge, or are you saying that we simply would, as it were, make our finding as to whether or not you were entitled to a final injunction?

D MS STACEY: It is the latter, my lord, on the basis that there is sufficient in the judgment, the findings of facts, findings that Mr Justice Bennathan relied on in continuing (?) the injunction are sufficient for our purposes.

E A LORD JUSTICE: He found, in effect, that the criteria for the granting of, I suppose I always call it a *quia timet* injunction—

MS STACEY: Yes.

A LORD JUSTICE: —where an anticipatory injunction were met.

MS STACEY: Yes, he found that and he went a step further.

F A LORD JUSTICE: And therefore you say if he was wrong about his analysis of the summary judgment issue, then those findings are sufficient to justify a final injunction.

G MS STACEY: They have equal application, yes, and he went one step further. He did, indeed, find that the threat, or the precautionary injunction test, I think as we call it in our skeleton, was met.

A LORD JUSTICE: Yes.

MS STACEY: But he also found that on the application of section 12(3) of the Human Rights Act—

H A LORD JUSTICE: Yes.

MS STACEY: —it was likely that the injunction would be granted at trial so that the threshold, if you like, on interim injunction which would be somewhat lower as you are applying a balance of convenience and serious issue test, he elevated that threshold in

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his judgment and was satisfied that the likelihood of being able to establish the right to an injunction at trial had been met.

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A LORD JUSTICE: Can I ask you this, Ms Stacey? What is the practical difference between the interim injunction and the final injunction given that both are time-limited to the same date? You have explained that there may be an impact on costs, there is a review hearing which is scheduled and I understand that. You did not have to give a cross undertaking in damages so there is no danger from that perspective, so what is the practical difference?

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MS STACEY: Well, in practical terms, my lord, there may be very little but it is a point of principle.

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A LORD JUSTICE: Right.

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MS STACEY: Because when I come on to the principles in due course, it is established generally that an interim injunction is intended to be just that. It is a temporary measure designed to hold the position pending trial. It has to be underpinned by a claim, which we have here, and the claim seeks in the prayer in the usual way final relief. So for practical purposes, my lords and my lady, (inaudible) point but unless one fuses the two injunctions and takes the view that one need not ever seek final relief and we can have a series of rolling interim injunctions which is one of the practical issues if some of the cases say that there is a duty on a party to progress matters to trial and cannot necessarily rely on the court's appetite to continue injunctions in circumstances where you are taking no steps to progress the underlying claim.

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LADY JUSTICE SHARP: So interim relief is supposed to be just that.

MS STACEY: Yes.

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LADY JUSTICE SHARP: Pending the final resolution of the case.

MS STACEY: That is the orthodoxy, yes. So really we are grappling here with a point of principle. In practical terms there is probably very little difference.

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LADY JUSTICE SHARP: But there are cases in which people are criticised, or litigants are criticised, if they obtain interim relief and then leave it there.

MS STACEY: Exactly, so an example of that, we do not have it in the bundle, is in the *Ineos* case at first instance.

A LORD JUSTICE: Yes.

MS STACEY: Where His Honour Judge Klein effectively struck out the claim on the basis that no steps had been taken to add the defendants.

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A LORD JUSTICE: He struck out some of it.

MS STACEY: He struck out some of it and the facts of that case—

A LORD JUSTICE: And he was very critical of the claimants in relation to their conduct since the injunction had been granted.

MS STACEY: Quite and so claimants cannot safely assume, and there are a series of review hearings upcoming in relation to all sorts of injunctions (inaudible) the roads to oil terminals and so forth, cannot safely assume that when they get to court they will not be interrogated as to what they have been doing in the meantime to progress the underlying claim and the basis for that is a few things: firstly, that there is a duty, and I will come on to the case law in relation to this but there is a duty to progress; secondly, there is a duty to name, identify and join (?) defendants; and, thirdly, an interim, as I have said, injunction is by definition intended to be a temporary holding position. So that is the landscape.

Moving then on to evolution of the claim which requires me to go to the underlying document, I apologise if you have already read everything but I think it is important for me to sketch out how this matter progressed to summary judgment.

A LORD JUSTICE: Yes.

MS STACEY: We have provided you with a chronology, understanding there is already a chronology in the bundle but the reason we prepared the later chronology is that it is procedural only and it has page references, so it might be helpful for you to have that out rather than taking you through the documents but I am broadly going to follow that.

LADY JUSTICE SHARP: Where is it?

MS STACEY: It is behind tab 20 of the supplemental.

A LORD JUSTICE: Oh, it is the supplemental?

MS STACEY: Yes.

A LORD JUSTICE: Okay, thank you. You are suggesting we take it out of the bundle, are you?

MS STACEY: In fact, the supplemental is the bundle that I am going to be predominantly referring to for this purpose.

A LORD JUSTICE: Right.

MS STACEY: So there is three interim orders, my lady and my lords. I will start with

Mr Justice Lavender, behind tab 1, on 21<sup>st</sup> September 2022.

A LORD JUSTICE: 2021.

A MS STACEY: And you will note at page 3 of the supplemental bundle—

A LORD JUSTICE: Sorry you said 2022, it is 2021.

B MS STACEY: Sorry. You are quite right, 2021. Mr Justice Lavender, that was the first  
order in time in relation to the M25 and then behind tab 2, Mr Justice Cavanagh's order  
three days later in respect of roads in Kent and you will note at this point in time it is  
C only in relation to persons unknown and then behind tab 3, if you could turn to the order  
of Mr Justice Holgate on 2<sup>nd</sup> October and that order deals specifically with London  
feeder roads as part of the strategic road network. At this point in time, and I will come  
back to this, there was an additional 113 named defendants. The terms of all of those  
orders are very similar and all of the orders contained express undertakings. You will  
see that, for example, at page 16 in the penultimate recital, an undertaking to name,  
D identify the name and apply to add as a named defendant as soon as reasonably  
practicable.

A LORD JUSTICE: In this order you did give a cross undertaking.

MS STACEY: And in this order there was a cross undertaking.

A LORD JUSTICE: Yes.

E MS STACEY: To come back to my lord, Lord Lewison's comment about what does it  
matter? At this point, just to put it in context, the duty to name is apparent from *Canada*  
*Goose* – the obligation to add persons, rather, is apparent from *Canada Goose*. It is one  
of the requirements that, in the authorities bundle behind tab 8 at page 332, paragraph 32  
F (inaudible) the danger for a claimant is if you have identified someone and you do not  
add them, then that person no longer falls within the persons unknown by definition and  
are not added as a party.

G So then we have, going back a few days, we have the order of Mr Justice May and  
it is not in the bundle but it is referred to in the chronology and what that order did was  
order that 113 persons arrested on the basis of their participation in the Insulate Britain  
protests be added and it is on the back of that order, Mr Justice May's order, that one  
sees the names appearing on the face of Mr Justice Holgate's order and in terms of  
H whilst we have Mr Justice Holgate's order open, you will note in paragraph 2 – no,  
paragraph 4 on page 17, the duration. It is said to be with immediate effect until the  
earlier of trial, further order, or and that is the sunset clause and then over the page at  
page 19 there are further directions entitling defendants to apply at any time to vary or  
discharge and then there is provision for a return date at paragraph 11.

A LORD JUSTICE: Yes.

A MS STACEY: So the others had similar terms (?). So far as the discharge of the obligation  
to name is concerned, that was undertaken in conjunction with the assistance from the  
police. A third party disclosure order was obtained. Behind tab 4 of the supplemental  
B bundle, you will find the witness statement of Tony Nwanodi which is a statement in  
support of the application for third party disclosure from the police and if I could ask  
you to turn to page 39 just to put this in context, paragraph 9 refers to Stephen Bramley  
CBE, director of legal services of the Met having worked through NPoCC, that is the  
National Police Coordination Centre, to coordinate the approach being taken in relation  
C to the court's injunctions and you see at paragraph 10 and 11 essentially an  
understanding being reached. At the bottom of page 39, the safest course is for officers  
to continue their task of removing protestors from the motorway and then over the page  
at paragraph 12 there is a reference to a protocol and memorandum of understanding that  
D was put together between the claimant and the said Mr Bramley to allow for some  
information sharing and then at 41 there is reference to the application for third party  
disclosure and its necessity.

E So this is the context within which the named defendants were added and before I  
leave this, in Laura Higson's first statement she makes it clear that the persons were  
added following their removal from the roads between September and November 2021.  
That is tab 12, page 142 to 143. Those named defendants were then served and they  
were served between October to November 2021 with no named defendant added after  
F the end of November 2021.

G Turning then to the pleadings, the claim forms start from behind tab 5. So the first  
at tab 5 is the claim form in relation to the M25 and, my lady and my lords, you will see  
that it bases the claim for possession on the grounds of trespass, anti-social behaviour  
and then nuisance at paragraph 2 but then also for statutory duty under section 130 for  
the protection of persons or rights of the public to use the highway. The other claim  
forms behind tabs 6 and 7, I probably need not take you to.

H LADY JUSTICE SHARP: Just while you talk about that, rights to use the highway, there are  
regulations in relation to pedestrians on motorways. Have those featured at all in any of  
the litigation that has taken place?

MS STACEY: No, they have not.

A LADY JUSTICE SHARP: There are regulations which prohibit pedestrians from, putting it very broadly, walking on motorways except in cases of emergency.

B MS STACEY: Yes, well the regulations specifically have not featured but certainly in the course of argument when we were presenting what was being done in this case which was rather extreme, my lady will recall, a form of protest sitting on the carriageway of motorways, they were plainly in places that pedestrians were not intended to be, it was (inaudible) for vehicles.

LADY JUSTICE SHARP: It is not a question of intended, not permitted to be.

C MS STACEY: Not permitted to be.

LADY JUSTICE SHARP: By the law. That is for the reasons, obvious reasons, for public safety.

D MS STACEY: Indeed and it is for that (inaudible) essentially section 130, reliance on section 130 in respect of the M25 was in order to pursue the statutory obligation on behalf of my client to ensure the safety of the general public in this particular location.

A LORD JUSTICE: Section 130 has a reasonable excuse defence, whereas the regulations are apparently absolute.

E MS STACEY: The regulations, I cannot pretend that the claim is based on regulations—

A LORD JUSTICE: The Motorways (England and Wales) Regulations, traffic regulations, The Motorways Traffic (England and Wales) Regulations 1982.

F MS STACEY: Right. That may have provided an additional string to the bow. It is not a string that we have deployed in the context of these proceedings, it was very much trespass, nuisance and the nuisance was presented on the basis that it was self-evidently a nuisance to be obstructing the highway in the manner in which they were being obstructed in the particular context in which we were dealing with but there may have been other statutory offences that could have been relied on but ultimately were not.

G The consolidated particulars of claim then is where I think we next turn, which is behind tab 8, page 59. It is important to note the proceedings were brought under Part 7 and the reason that is important in the context of the summary judgment I will come back to but essentially we could have applied for a default judgment in the absence of defences and Laura Higgins explains it, I think paragraph 62 of her first witness statement the reason that was not done was in order to provide an opportunity to H defendants to engage with the process and putting their positions if they wished to do so.

A So if I can just briefly turn to the relevant paragraphs of the consolidated  
particulars. Paragraph 2 refers to the entitlement as owner of the road network or as  
highways authority to take steps to prevent trespass and nuisance. Paragraph 3 refers to  
joinder and there is a reference to the protests in paragraph 7 on page 60, a description of  
B the protests that had taken place to date and a bit of a chronology at paragraph 8. At  
paragraph 10 there is a reference to press releases having been issued by Insulate Britain  
admitting the obstruction caused and stating an intention to continue and then at  
C paragraph 11, there is reference to all defendants, so that includes the named defendants,  
having participated in the protest action described, or at least in some of it and  
threatening to continue to participate in similar protest actions, not necessarily confined  
to the roads themselves.

D Paragraph 17 I think is where I would ask you to go next on page 62 which makes  
the point that the conduct has exceeded the rights of the public to use the public highway  
by causing obstruction and disruption and constitutes (inaudible) and then the point  
about endangered the life, health, property of the public. Then in subparagraph (3) on  
E page 63 there is a reference to the threat, unless restrained, to continue the actions which  
are described above and to cause an interference with the reasonable use of the strategic  
road network.

F Then 18 is important because it pulls the threads together, if you like, by saying by  
reason of those matters there is a real and imminent risk of trespass and nuisance  
continuing to be committed and then paragraph 19, a reference to an open statement of  
an intention to continue unless restrained. Then you have the prayer which sets out the  
terms of the order sought. There is a claim for damages on page 64 but, as I said, that  
was made clear it was not being pursued.

G A LORD JUSTICE: Which of your causes of action enables you to prevent what is described  
as “tunnelling in the vicinity of the roads” which I think was later—

MS STACEY: Excised.

A LORD JUSTICE: Quantified at 50 metres in the order.

MS STACEY: Yes.

H A LORD JUSTICE: So which of the causes – it cannot be trespass because you do not have  
(inaudible) next to the motorway?

MS STACEY: Indeed. Well, it would be nuisance on the basis that the tunnelling – there  
was reference in the course of the summary judgment to distraction, so when motorists

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are driving down the road and you see, for example, protestors on the side of the road where you normally would not expect to see masses of people, that could cause a distraction and in itself constitute a nuisance given the location and the same submission applied in relation to tunnelling.

B

A LORD JUSTICE: So you say it is potentially a nuisance?

MS STACEY: Potentially a nuisance. So those are the particulars of claim. In terms of defences, on the 23<sup>rd</sup>, going back to the chronology, 23<sup>rd</sup> November 2021, a few defences were filed and they are referred to specifically in the chronology as being three in total

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LADY JUSTICE SHARP: Can you just give us the names of those?

MS STACEY: Yes, Matthew Tulley, defendant 66. Marc Savitsky, who I do not have the number for and Ben Horton, defendant 126. Marc Savitsky and Ben Horton on the basis of their defences were removed as defendants and the reason for that was that they stated, they asserted in their defences, that they had not trespassed and had no intention of doing so in the future, whereas Mr Tulley was retained on the basis there was no similar statement of intention in relation to future conduct.

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LADY JUSTICE SHARP: What was his defence?

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MS STACEY: That he had been... it is referred to in Ms Higson's. Let me take you to that.

A LORD JUSTICE: That is in the core bundle, is it not?

MS STACEY: Supplemental bundle, tab 12 – no, tab 13. Yes, page 195.

A LORD JUSTICE: 195 is part of the witness statement.

F

MS STACEY: The defences are behind tab 9 of the core bundle.

A LORD JUSTICE: It is the core bundle, is it not?

MS STACEY: Page 264.

A LORD JUSTICE: Yes, sorry.

G

MS STACEY: They start at 259. 259 is Mr Horton's defence and you will see in manuscript there on page 259 reference to him never having trespassed or caused a nuisance, "Nor do intend to do so in the future", two lines from the bottom. Then 262 is Mr Savitsky's defence in similar terms.

H

A LORD JUSTICE: Yes.

MS STACEY: And then 266 – no, 264.

A LORD JUSTICE: Yes.

MS STACEY: 264, sorry (inaudible words) which arise, 264, Mr Tulley's defence.

A LORD JUSTICE: Yes.

A MS STACEY: (Inaudible) distinction on the basis that there was no – there had been incidents and there was no discretion, there being no intention to repeat the activity. My lady and my lords, no other defences were filed and no notes, no emails, nothing, no engagement by any other of the named defendants to the effect that they did not intend –  
B had not participated in, rather, any Insulate Britain protest or intended to do so in the future, no engagement whatsoever.

C Thereafter, as per the chronology, the protests continued. There were three committal applications when committals were secured against 24 of the named defendants, which brings me to the summary judgment application, which is behind tab 9 of the supplemental bundle and it was made on 24<sup>th</sup> March 2022. Page 80 on page 2 of the application, you will see what we were asking for. Paragraph 1, a final injunction in relation to the three claims and an order for further directions, third party disclosure,  
D alternative services and costs which (inaudible words) and that was listed for a two day hearing on the 4<sup>th</sup> and 5<sup>th</sup> May 2022.

E By the time it got to the summary judgment application, there was an updated list of named defendants and that is the schedule in the core bundle at page 213 and the proceedings were served on all defendants and that is Ms Higson's second statement behind tab 13 of the supplemental bundle at pages 177 (inaudible words). There was no issue below as to service. It was (inaudible words). I should say this: that insofar as  
F service was difficult, there was one, for example, one defendant who lived abroad who could not be served. Those people were dropped. So if there was any doubt as to service or a defence that my client considered to be satisfactory in terms of the threat, they were removed as named defendants.

G Then behind tab 10 of the supplemental bundle you have the draft order that we were asking Mr Justice Bennathan to grant. Page 85 specifically at paragraph 4 is paragraph 4 of the injunction that we were seeking—

A LORD JUSTICE: Sorry, which bundle?

MS STACEY: —until April 2025.

H A LORD JUSTICE: Which is the order you were asking for?

MS STACEY: Paragraph 4 of the draft order we sought one holistic injunction—

A LORD JUSTICE: Yes, where is it?

MS STACEY: Sorry, page 85.

A LORD JUSTICE: Of?

MS STACEY: Of the supplemental bundle. I am sorry, paragraph 4, tab 10.

A LORD JUSTICE: Yes, so the draft was seeking an order, in effect, for a period of three years.

MS STACEY: Yes and the basis for that evidentially, I will come on to the evidence now, the basis were statements from Insulate Britain that the next two to three years (inaudible).

A LORD JUSTICE: Yes.

MS STACEY: So that was the (inaudible) if you like, on which that time period was (inaudible). If I can turn now to the evidence that was before Mr Justice Bennathan, if we start at tab 11 of the same bundle which is the statement of Nicola Bell.

A LORD JUSTICE: Sorry, tab?

MS STACEY: Tab 11, my lord.

A LORD JUSTICE: Thank you.

MS STACEY: And what her statement essentially does is describe the roads and the impact of the protests. I do not think I need – well, if you note paragraph 4, which is the reference to the protests having been ongoing since 13<sup>th</sup> September 2021 and then further on in that paragraph in the last line, the reference to the intention to combine the campaign with a broader or more ambitious campaign. Paragraph 5, the second line refers to the injunctions having been obtained to restrain the conduct arising. Paragraph 7 refers to the importance of the SRN and the impact and the continued threat and then paragraph 8 refers to the final injunction being sought and its scope and then further on, the rest of the statement just deals with the bits of the roads that form the subject of the order that was being sought.

Then next behind tab 12 we have the first witness statement of Laura Higson. I think we can start at paragraph 12 on page 141 which is headed, “The summary judgment application”, setting out what it was that was being sought. Then over the page, paragraph 14, reference to the IB, Insulate Britain, protests so far, paragraph 14, the form they take and the intention which is said to prevent traffic from proceeding and then there is a reference to the chronology from paragraph 17 and the timeline. Paragraph 20, my lady and my lords, refers to the grant of the M25 injunction, the fact that even before that IB statements had been made consistently referring to the fact the

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protestors were being arrested, seeking to cause maximum disruption and then reference is made to those statements in the subparagraphs.

A LORD JUSTICE: Yes.

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MS STACEY: I note, for example, subparagraph 20.3, 16<sup>th</sup> September, being released from custody and told the police they would repeat the process as soon as possible and then to the arrest, that tracks all the way down to subparagraph 20.8, I think, 144, by which time we get to 21<sup>st</sup> September, recording there have been 338 arrests in total during the protest which started over a week ago and then at paragraph 21 and 22 there is reference to the injunctions in relation to Kent being obtained, the second order.

C

Page 145, the chronology continues as it does on page 146 and 147 and then at 148, paragraph 37, there is a heading, “The IB protests: the attitudes of those protesting”. Reference made to publications and statements which were said to make it clear that the protestors were committed to their programme and a flavour of that is given in some examples in the subparagraphs and it is notable that this is a period which coincides with the period where the arrests were made in respect of which the named defendants were added to the proceedings coincides.

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38 then, there is a reference to, in the last line, a strong theme in IB statements of bravado in the face of legal sanctions being imposed and yet further references to statements and specifically at page 150, at paragraph 38.7, there is a reference to a statement in the last line to throwing injunctions “at us, but we are going nowhere, there is nowhere to go” and at 38.9 on page 151, reference to a statement on 26<sup>th</sup> November, the last line, to “our numbers growing” and then to a post in December that again is after the persons had been joined, referring at the top of page 152 to: “Yes, it’s true we breached those injunctions... spent seven weeks blocking... and making a complete nuisance of ourselves”, and so forth.

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So that is the background context and then at 39, the heading, “Future protest action by IB and others with whom they are affiliated”, referring to intentions in the future and the timeline for that is 7<sup>th</sup> February 2022, so publication of press release rather more recently which at page 153, the last line in quotes says. “We haven’t gone away. We’re just getting started”. 42 refers to a reference to joinder between IB and Just Stop Oil. Paragraph 43 is a reference to Mr Hallam, a leading figure within both Just Stop Oil and Insulate Britain having said, the second line down in the quote:

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“Thousands of people will be going onto the streets and onto the motorways to the oil

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refineries”, (inaudible) focusing on the campaign and 45 through to 47 on page 155, again references to other intentions, getting students to sign (inaudible) universities and the JSO campaign appearing to have just started.

A LORD JUSTICE: Where does April 2025 come from?

B

MS STACEY: April 2025 comes from the statement. I will find the reference but it comes from... just bear with me.

A LORD JUSTICE: There is a statement somewhere about “in the next two to three years”.

MS STACEY: The next two to three years, it is in here at 152, paragraph 39. Yes, it is the last paragraph at the bottom of 152.

C

A LORD JUSTICE: Which paragraph?

MS STACEY: 39.

A LORD JUSTICE: 39.

MS STACEY: The second—

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A LORD JUSTICE: Oh, yes, two to three years, yes. Thank you.

MS STACEY: So I was about to take you then to paragraph 48 headed, “The defendants”.

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The point is made in 48 that the injunctions were initially made only against persons unknown but included the obligation to name. 49 refers to the third party disclosure order and you will see six or five lines from the top of that paragraph the sentence starting: “The claimant has discharged its obligations to date to identify and add... by adding named defendants to the proceedings, as and when notified by the police of arrests of those participating in an IB protest.” Then to information relating (inaudible) and then paragraph 50 refers to information supplied by the police, having been reviewed, that the offences for which the named defendants have been arrested on suspicion of, are offences that arise from the IB protests themselves, wilful obstruction, causing danger et cetera and then this sentence: “Therefore, each of the named defendants has been arrested on suspicion of conduct which constitutes a trespass and/or nuisance... subject to the interim injunctions.”

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LADY JUSTICE SHARP: There is a reference in paragraph 50 to the status of the road as a special road, which is what it is for the purpose of the regulations.

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MS STACEY: 52, my lady?

LADY JUSTICE SHARP: In paragraph 50.

MS STACEY: 50.

LADY JUSTICE SHARP: The one we were just looking at.

A MS STACEY: I am so sorry.

LADY JUSTICE SHARP: About five lines down.

MS STACEY: Special road, yes, absolutely. That must a reference to the regulation that your ladyship was referring to but that does not form—

B LADY JUSTICE SHARP: No.

MS STACEY: But it is in the evidence. Then paragraph 51 refers to the fact that, well, the claimant had taken the decision not to parade details of each and every defendant in the statement given its personal nature but to summarise in broad terms the basis of the arrests and then a summary is then given in paragraph 51 and you will note the timeline. So all the arrests took place between 13<sup>th</sup> September through to 2<sup>nd</sup> November, at page 161, by the police in connection with IB protests.

C A LORD JUSTICE: Why does the GDPR stop you from providing names for the purpose of legal proceedings? It is one of the exceptions, is it not?

D MS STACEY: The view was taken that what is the test? The test is this. Is it necessary, and this may be something that we will find out whether we are right about this or not but it was necessary to establish the threat and the threat in relation to those individuals. There are various ways of presenting the evidence. One option might have been to include chapter and verse as to what the precise—

E A LORD JUSTICE: The judge was quite critical of you for not naming those defendants who you had identified in these paragraphs.

F MS STACEY: He was but that criticism was founded on a misapprehension of what he ought to have been looking at and I will come on to that. Had he been looking at the right thing, we say, namely the precautionary injunction test which is founded precisely on the future risk, not on past breach, then had he been looking at it right then his concern would have been just alleviated or misplaced.

G So if we were seeking damages for trespass, we would have been required to prove that each and every individual had, in fact, trespassed on the road but that is not what we are doing. We are simply looking forward and on that basis, in those circumstances, whether for GDPR reasons or reasons of proportionality, or costs, or any other pleading or, indeed, a desire to protect to some extent the privacy of the people, a view was taken not to parade the details of those particular arrests in relation to each and every individual but we say that we were not required to do so, it was not necessary in order to meet the threshold of the precautionary injunction.

A LORD JUSTICE: Because you say that this issue was whether there was a real and imminent risk for the future.

MS STACEY: Indeed.

A LORD JUSTICE: And therefore you were looking, as it were, at the past on a kind of compendious basis without identifying individuals because you did not have to.

MS STACEY: We did not have to.

A LORD JUSTICE: And the judge seems to have taken the view you had to identify each individual and whether that individual had already committed a trespass.

MS STACEY: Yes and whether each individual might be able to raise a defence along the lines of “it wasn’t unlawful for me conduct the particular activity in respect of which I was arrested”, whereas we say the test that he was, and I will come on to this, required to apply was essentially the two-stage test in the *Vastint* case which is: is there a imminent risk, stage one, which is a multifactorial assessment. Of course past activity could be relevant but it is not a prerequisite for us to establish that there has been a past tortious activity and then the second stage is the gravity and the impact. So would it be so irreparable that if you were to have to wait to get an interim injunction as and when the activity occurred in the future, that would (inaudible).

So, my lord, back to my Lord Lewison’s point, yes, GDPR is effectively a bit of a shorthand, perhaps not as accurate as it could have been but that was the approach that was taken and we say a perfectly valid one and a proportionate one and, in fact, on this note, if I can refer your lordships to tab 20 of the... it is the costs order, yes, behind tab 17 at this point—

A LORD JUSTICE: 17 of the core?

MS STACEY: Paragraph 20 – sorry, tab 17 of the supplemental, the bundle that you have open. This is the costs order that we looked at earlier but behind the costs order there is a judgment, Mr Justice Bennathan’s judgment, which comes rather later, so January 2023 and if I could ask you to turn to paragraph—

A LORD JUSTICE: Have you got a page number for that?

MS STACEY: Yes, it is 279, which is just to put it into context, my lady and my lords, what we were dealing with at 278, if you just look at that first, this was an argument by my side that we should be entitled to costs in respect of the 109 as well as the 24 because, and the submission is extracted there at paragraph 7, essentially the judge found that the threats established (inaudible) effectively the same relief and he says that the problem

A with that, and it is really subparagraph (1). **(Short pause)** You can probably stop  
reading at the sentence starting, “I have not called for...” and the reason I am referring  
you to that is if one applies that logic, that is a section endorsing the approach that we  
were taking and if you apply that logic he should have gone to the summary judgment,  
B this was in relation to the injunction, not the summary judgment.

C So back to the witness statement of Ms Higson, and I have nearly finished with it, I  
think we were at page 161 which took us to the end of paragraph 51. She detailed in  
summary the nature of the arrests and the timeline of the arrests. 52 then dealt with  
contempt applications which we can skip over and then paragraph 60 on page 170, my  
D lady and my lords, if you would, where it is stated that the evidence is believed to show  
SRN is important. 60.2, IB protests in the past have proved dangerous and disruptive,  
considerable public resources. 60.3, a serious, ambition continuation of the plan  
(inaudible). 60.4 and then we have the two to three year point again, threatened to  
E continue for the next two to three years. 60.5, reference to a consistent position by IB  
and 60.6, the effect if the injunctions were not continued. 60.7, the effect would be  
serious, that is impact and then 60.8 specifically: “Each of the named defendants has  
taken part in IB protests, many of those defendants have explicitly expressed themselves  
to be at one with IB’s stated position and overall campaign and all defendants have, by  
taking part in the IB protests, at least implicitly done so.”

F Then on that basis, paragraph 61, it was said that there was a real and imminent risk  
of further unlawful acts which was unlikely to abate in the near or medium future and  
the court was therefore invited to accede to the summary judgment application. Then 62  
makes the point that in relation to those who had not filed a defence, this is the point I  
made earlier about the choice not to go for default judgment in order to allow defendants  
G to engage and 62.2, over the page, a feeling or a hope that the summary judgment  
process would provide a forum where the merits of the claims can be adjudicated upon  
in order to provide greater finality and more certainty and, of course, if one gets a default  
judgment, one can always have it set aside.

H There are two more things I need to take you to in relation to the evolution and  
those are the orders granted by Mr Justice Bennathan. So they are to be found in the  
core bundle behind tabs 5 and 6 and what the judge did was grant an injunction order,  
which is the tab 5 order, and then a judgment order which dealt with other matters  
behind tab 6. If we can turn to the judgment order actually first behind tab 6 which deals

A with dismissal of the summary judgment application in the first recital and then you have  
at page 236 the definition of the defendants (inaudible) the dismissal defendants and the  
contemnor defendants and then the 109 defendants. So the dismissal defendants are  
those who we removed by consent, the contemnor speaks for itself and the 109. What he  
B does not refer to is persons unknown, he does not deal with them at all, at least in the  
definition section and at paragraph 3 at the bottom of that page, the application is  
dismissed against the dismissal defendants and the 109. He does not dismiss the  
application specifically in relation to persons unknown.

C Paragraph 4, over the page, grant summary judgment in respect of contemnor  
defendants and then paragraph 5 there is a reference to injunctive relief in the form of  
both interim and final being granted as set out in the injunction order. So if we turn back  
to the injunction order at tab 5, at page 185 we have got definitions. So the named  
D defendants as per the schedule which I have referred to previously. The contemnor  
defendants are listed in paragraph 2, that is the 24. Paragraph 3 on page 186 is, it is said  
that the term “defendants” refers to both persons unknown, the named defendants and  
the contemnor defendants.

E Then paragraph 10 of the order, which is the bit we are appealing, at page 188, the  
judge granted an interim injunction until 9<sup>th</sup> May 2023 against the defendants, so that  
encapsulates both persons unknown and the 109 because it excludes the contemnor  
defendants and at paragraph 11, the final against the contemnors. Then on page 191 in  
F paragraph 19, there is a set of further directions, paragraph 19, a review hearing but then  
there are no other directions that would enable the claimant to bring the matter forward  
to trial which would explain the costs in the case order in respect of those defendants  
against whom summary judgment had been dismissed.

G A LORD JUSTICE: Sorry, which paragraph?

MS STACEY: Paragraph 9, my lord, you have further directions – sorry, paragraph 19.

A LORD JUSTICE: 19, yes.

MS STACEY: I am so sorry, paragraph 19.

A LORD JUSTICE: That applies to the whole of both final and interim injunctions.

H MS STACEY: Final arguably is determined.

A LORD JUSTICE: Well, he says “discharge this order”. He does not just say paragraph 10  
order.

MS STACEY: Sorry, my lord, which? Oh, paragraph 23.

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A LORD JUSTICE: Paragraph 19.

MS STACEY: Yes.

A LORD JUSTICE: “There shall be listed in April 2023 a hearing at which the court shall review whether it should vary or discharge this order.”

MS STACEY: Yes, indeed.

A LORD JUSTICE: Or any part.

MS STACEY: Yes, so the review—

A LORD JUSTICE: Both of the final injunction.

MS STACEY: Both final and interim.

A LORD JUSTICE: And the interim injunction.

MS STACEY: That is not in dispute. The point that I was seeking to make, that is a very limited direction. What it does not do, and when I come on to the summary judgment provisions in the CPR and the powers that one had in dealing with such applications, there is provision for directions to be – if you dismiss a summary judgment application, ordinarily one would expect you to set out how the matter is going to go forward and that is singularly lacking in the order that—

A LORD JUSTICE: The directions to trial.

MS STACEY: Yes, the directions to trial or it could be a conditional order, for example the named defendants, the 109 have liberty to apply to file a defence out of time and if they do not do so, summary judgment (inaudible) or directions to trial. There are a number of different ways but what the judge failed to do, in addition to applying the test, is to grapple with the consequences of his dismissal which leaves the claimant essentially in limbo. So that is the evolution of the claim.

If I can now turn to the law and what I intend to do is draw out a number of general principles under five broad headings which inform the test which we say the judge ought to have applied and did not apply. Many of these are unlikely to be controversial.

A LORD JUSTICE: Yes.

MS STACEY: But I think it is necessary for me to take you to them. So first, my lords and my lady, I will take you to principles relating to jurisdiction to grant an injunction. So the court has a broad discretionary jurisdiction under section 37 of the Senior Courts Act in cases where it appears to the court to be just and convenient to do so. That is unlikely to be controversial. In his judgment at paragraph 25(1), that is page 246 of the core bundle, the judge referred to a limited extract from *Injunctions* Bean, Sweet and

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Maxwell, noted (inaudible) this was not in the authorities bundle below and when we come to (inaudible) I will make this good but it was referred to by the judge at the beginning of the second day when he was effectively giving a mini judgment on the point but he referred to this limited extract. We do have – sorry, I should say to the extent that what the judge is saying here is that you need an underlying cause of action in order to obtain your judgment, then (inaudible) with that proposition (inaudible) relatively uncontroversial. You need to be able to point to a cause of action, an underlying right but there was no issue here as to my client’s standing to bring a claim for an injunction. What the extract does not show is anything more than that and if I could ask—

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A LORD JUSTICE: You say that if you are applying for a precautionary injunction, although you need a cause of action you do not need a completed cause of action.

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MS STACEY: Exactly and that is said when I take you to the test in *Vastint*. Even though the cause of action is not complete, there is clear jurisdiction. It may be that you are entirely with me but I think for present purposes, if I could take you to the parts of the authorities that I say make that point. So the extract in Bean is in the authorities bundle behind tab 20.

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A LORD JUSTICE: Authorities bundle?

MS STACEY: There are two authorities bundles, I think.

A LORD JUSTICE: I can only find one.

MS STACEY: Okay but I have got two. It is behind tab 20.

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A LORD JUSTICE: One moment.

MS STACEY: So he was referring to page 542, the judge, at paragraph 1-04 and it is that first – those first two sentences that are quoted in his judgment, “There is one overriding requirement”, under the heading, “Requirement for the substantive claim”. It is interesting to note that when one goes further down the page, there is actually a reference to the controversy, well, there is some reference to Lord Diplock’s statement in *The Siskina* being the subject of controversy.

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A LORD JUSTICE: Yes.

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MS STACEY: And to the Privy Council in *Convoy Collateral*—

A LORD JUSTICE: I mean it does not matter for today’s purposes but—

MS STACEY: It does not matter but the point is it is out of context. He refers—

A LORD JUSTICE: There is a cat that has been set among the pigeons—

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MS STACEY: Indeed.

A LORD JUSTICE: —by a decision of the Court of Appeal in a case called *Re G* which is said that what was said in the Privy Council, which was I think from recollection a judgment from the Court of Appeal in the British Virgin Islands—

MS STACEY: Indeed, yes.

A LORD JUSTICE: Representing the law of England and Wales and that has caused quite a lot of consternation.

MS STACEY: Yes.

A LORD JUSTICE: In the context of freezing injunctions but it was not—

MS STACEY: In the context of freezing injunctions.

A LORD JUSTICE: It is not in the context of—

MS STACEY: Indeed and, as my lord says, it is not necessary for my purposes to go into that but I do raise it because it is really an extension of the point and the way in which the judge dealt with this, he refers in passing to a passage in a text which was not before the parties. The parties did not really have a proper opportunity to comment upon and—

A LORD JUSTICE: Does Lord Justice Bean in his book deal with precautionary injunctions?

MS STACEY: The preceding page, I was about to take you to it, so on page 541.

A LORD JUSTICE: Right, thank you. Yes.

MS STACEY: Yes, he does.

A LORD JUSTICE: Yes.

MS STACEY: There is a reference there to, the second paragraph – it is actually the third paragraph: “An injunction may be granted even though the claimant’s legal rights have not as yet been infringed.”

A LORD JUSTICE: Yes.

MS STACEY: And then refers to *Redland Bricks*.

A LORD JUSTICE: Yes.

MS STACEY: So that is the first, if you like, principle. You need an underlying claim, arguably. There is no issue with that, we had one, and I will come back to (inaudible) in a moment.

A LORD JUSTICE: Yes.

MS STACEY: But jurisdiction, section 37, identify an underlying—

A LORD JUSTICE: Yes.

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MS STACEY: The second category of principles is to highlight the distinction between final and interim injunctions and I have done this to some extent but if I could just expand. A useful starting point may be Snell, so the same authorities bundle, paragraph – tab 18 at page 521. Sorry, if we can start at 480.

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A LORD JUSTICE: Yes.

MS STACEY: And then 521. So 480 draws the distinction between what a final injunction does and what an interlocutory or interim injunction does, the status quo interim injunction in the second paragraph.

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A LORD JUSTICE: Sorry, which page are you on?

MS STACEY: 480, my lord.

A LORD JUSTICE: 480?

MS STACEY: 480 behind tab 18, Snell.

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A LORD JUSTICE: Yes.

MS STACEY: So perpetual after the court has been able to adjudicate upon the matter and it is so called not because it goes on forever but because it is granted at the final determination of the right and then, by contrast, an interim is granted before the trial and its object is to keep the status quo until the issue can be determined and then at page 521.

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A LORD JUSTICE: Yes.

MS STACEY: A further point is made that, the second sentence: “In some cases there may be no interlocutory stage since it will be possible for the court to grant a final... without the need for a full trial: either because the... right... is admitted or (more likely) because the issues in dispute are capable of being determined on a summary basis under CPR Part 24.”

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A LORD JUSTICE: Yes.

MS STACEY: And again in the next paragraph, the first line: “The function of an interim... has been said to be to maintain the status quo.”

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A LORD JUSTICE: Yes.

MS STACEY: And there are two authorities which are compatible, consistent with that, namely in relation to the proposition for injunctions to have temporal (?) limits, so interim injunctions have temporal limits and in relation to the duty to progress claims which I refer to and those can be found – *Barking*, Mr Justice Nicklin’s first instance.

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A LORD JUSTICE: Yes.

MS STACEY: At tab 4 of the authorities bundle, page 50.

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A LORD JUSTICE: This is a passage that was not criticised in the Court of Appeal.

MS STACEY: Indeed, unaffected by the subsequent judgment. So tab 4, page 50, paragraph 89. In fact, the heading, you will note the heading is above paragraph 86 referring to the failure to progress claims.

B

A LORD JUSTICE: Yes.

MS STACEY: 89 refers to claims being allowed to become dormant.

LADY JUSTICE SHARP: That was a particular feature in relation to media injunctions.

MS STACEY: In relation to media injunctions?

C

LADY JUSTICE SHARP: Yes.

MS STACEY: Yes.

LADY JUSTICE SHARP: Because the concern was that peoples' freedom of expression was being interfered with without any resolution of the final issues, whatever they might be. It was in that context that I see that some of those are quoted.

D

MS STACEY: Yes but in *Canada Goose* the point was essentially repeated in terms of a duty and that is behind tab 8, page 335, by this court, paragraph 92, five lines from the top of paragraph 92 simply making the point: "We do not agree. An interim injunction is temporary relief intended to hold the position until trial." (Inaudible) very much in the context of these types of injunctions.

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Before leaving distinction between final and interim, if I could refer you again back to Snell for a useful exposition of the requirement of a claim to be able to claim a final injunction and that is at tab 18, page 486 at 18-009 under "locus standi" where it says: "A perpetual injunction is granted only at the instance of a person with has a right", and that has been covered: "For these purposes, there will be a sufficient right (i) if the claimant has a present cause of action... or (ii)," and we emphasise (ii), "if the claimant would have such cause of action, were the defendant to act as he threatens to do."

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A LORD JUSTICE: Yes.

MS STACEY: So that is the second general category of principles. Thirdly, if I can refer more specifically to the applicable requirements for precautionary injunctions by reference to the authorities. Now, my starting point, my lady and my lords, is the court has undoubted jurisdiction to grant a precautionary injunction to protect against a future occurrence of what would otherwise be (inaudible) and we refer to that jurisdiction in our skeleton at paragraph 15 and that is in the core bundle behind tab 3 at page 150 and the jurisdiction extends to both final and interim injunctions, there is no distinction to be

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A drawn between the two and the test as my lord, Lord Flaux, mentioned is whether there is a real and imminent risk of harm which justifies that pre-emptive remedy and we have referred to that in our skeleton as the precautionary injunction test.

If we can stick, just before I take you to the cases, with Snell just very briefly, page 504 behind tab 18.

B A LORD JUSTICE: Yes.

C MS STACEY: You will see that the risk of future interference is dealt with at 18-027 and the relevance of past interference is also referred to at the bottom of that page: “In cases where the defendant has already infringed... it will normally be appropriate to infer that the infringement will continue... a defendant will not avoid an injunction merely by denying any intention of repeating wrongful acts.”

D Now, it might be said then that we were overly generous in agreeing to remove those two defendants who said they had no intention of trespassing in the future but, as I said before, a cautious approach has been taken by my client in these cases. Then at page 505 under the heading, “Claimant’s rights not yet interfered with”.

A LORD JUSTICE: Mm-hmm.

E MS STACEY: If I could just ask you to mark up that because it is not sidelined (?), so I apologise but if you could mark up that section.

A LORD JUSTICE: Shall we just read that?

MS STACEY: Yes. **(Short pause)**

F A LORD JUSTICE: Is the extreme probability of irreparable injury a threshold condition or just a factor which goes into the court’s discretion?

G MS STACEY: It is a factor. We will come on to – I was about to take you to *Vastint* which sets out a quite useful two-stage test which is founded in stage one being risk (inaudible) stage two being gravity of harm. The test has not been expressed to be in such stark terms, it is a multifactorial assessment that fundamentally is founded on the question of whether it can be established that there is a (inaudible) risk of future harm which justifies the grant of an injunction, bearing in mind that section 37 is, if you like, qualified by (inaudible) just and convenient. There is an underpinning discretion.

H So turning now away from the textbooks to the authorities, the most convenient reference for the test, as I said, is *Vastint* and that is behind tab 16. It is only a High Court decision but it refers to other authorities and if we can start at page 467, the judgment of Mr Justice Marcus Smith. Sorry, I should put it into context. This was a

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claim for a *quia timet* precautionary injunction in relation to threatened incursions on a development site by travellers.

A LORD JUSTICE: Yes.

MS STACEY: And as you see from the last sentence of the headnote on page 464, it is said to contain a statement of the established law relating to the grant of final *quia timet* relief.

A LORD JUSTICE: And this was an application for an interim injunction.

MS STACEY: This was an application, well, it states that – no, it is the final relief, my lord.

A LORD JUSTICE: Final, yes.

MS STACEY: Yes, the final relief and *quia timet* injunctions—

A LORD JUSTICE: Yes, sought a final injunction.

MS STACEY: Yes, precautionary injunctions are dealt with from paragraph 26 on page 467 and the general description and if I can my lords and my lady to read down from paragraph 26 to 30 (inaudible). **(Short pause)**

LADY JUSTICE SHARP: Where did you want us to read to?

MS STACEY: I was going to say down to 30 and then I was going to pick it back up, because I do not think you need to read the whole of the extract from *Elliott*., so if you have got to paragraph 30.

LADY JUSTICE SHARP: Yes.

MS STACEY: Thank you and then there is a reference to *Elliott* having formulated an altogether more stringent test. So *Elliott*, just for context, was dealing with a mandatory order for the removal of ash trees. It is behind tab 15 and the test that is set out and the formulation quoted is that, well, a precautionary injunction can take a mandatory form but (inaudible) need to proceed with caution, required to be satisfied the risk of actual damage occurring is both imminent and real, so that is in the context of a nuisance claim in a mandatory injunction and then paragraph 31 and the quoted reference refers to *Lloyds v Symonds* which is a case that we, I think, referred to in our skeleton. Again, that was a noise nuisance case.

A LORD JUSTICE: Yes.

MS STACEY: Involving barking dogs and the question posed in that case, at 469 over the page, was said to be, three lines from the top of 469: “There will be cases in which the court can be satisfied that, if the defendant does what he is threatening to do, there is so strong a possibility – probability, rather, of an actionable nuisance that it is proper to

A                   restrain the act in advance rather than leave the plaintiff to seek an immediate injunction  
once nuisance has commenced.”

A LORD JUSTICE: Yes.

B                   MS STACEY: And what Mr Justice Marcus Smith then does at paragraph 31 is draw the  
threads together and set out a number of propositions. Firstly, he draws a distinction  
between – well, he says: “A distinction is drawn between final mandatory and final  
prohibitory”, we are seeking a prohibitory here, of course, “(2) *Quia timet* injunctions  
are granted [in relation to threats] where the claimant’s cause of action is not complete.”  
C                   As my lord, Lord Lewison, mentioned and that may be for a number of reasons. It may  
be entirely anticipatory, “On the other hand, the cause of action may be substantially  
complete”, and here, although there has been past activity and the injunction that we  
D                   were seeking going forward was entirely anticipatory because there was nobody (?) on  
the roads at the point in time we were seeking the final injunction: “(3) When  
considering whether to grant [such an] injunction, the court follows a two-stage test:  
first, is there a strong probability that, unless restrained... the defendant will act in  
breach of the claimant’s rights? Secondly, if the defendant did an act in contravention...  
E                   would the harm resulting be so grave and irreparable that, notwithstanding the grant of  
an immediate interlocutory... a remedy of damages would be inadequate?”

                  Then in paragraph (4) Mr Justice Marcus Smith endorsed the multifactorial  
assessment, multiple factors relevant to the assessment in each of the stages, some  
F                   overlap: “Beginning with the first stage, the strong possibility that there will be an  
infringement... without seeking to be comprehensive”, and he then cites a number of  
factors: (a) where it is entirely anticipatory: “It will be relevant to ask what other steps  
the claimant might take to ensure the infringement does not occur.” Now, pausing there,  
G                   the facts of this case, it was a development site and there had been steps taken to try and  
fence it off, for example (inaudible) in the context. In our case it is impossible, we  
say—

A LORD JUSTICE: Yes, he makes the point, does he not, they had taken steps to prevent a  
trespass, presumably by fencing and so forth.

H                   MS STACEY: Indeed, yes and then: “(b) The attitude of the defendant... is significant...  
One of the most important indications... is ordinarily found in his own statements and  
actions”, and again if I can pause there, in this case in terms of attitude, there is a  
reference in the judgment to the claimant... sorry, yes, there is an exchange in the

A transcript. It is in the core bundle, tab 3, in the notes at 173, if we just turn to that briefly. It is the core bundle, tab 3, page 173. The penultimate paragraph, the reference to “JB” is Mr Justice Bennathan.

A LORD JUSTICE: Hang on. 173?

MS STACEY: 173.

B A LORD JUSTICE: Whereabouts?

MS STACEY: It is the last reference to Mr Justice Bennathan, the penultimate at the bottom.

A LORD JUSTICE: “The fact they haven’t replied”?

C MS STACEY: Yes, “The fact they haven’t replied... A lot of them”, it refers to tweets and then it said, this is the bit: “And lots of them say they don’t care about court systems and given they haven’t formed a defence doesn’t this show that they’re more concerned with the cause?” So there are other references but in terms of attitude there was material before the court consisting of tweets and such like, as acknowledged by Mr Justice D Bennathan in that particular exchange but (inaudible words).

E Back to *Vastint* then at subparagraph (4),(c) is said to be: “It is said to be relevant that where infringements have already been committed, it may be that the defendant’s intentions are less significant”, but it is interesting, the phraseology here is important, my lady and my lords. He said: “Of course, where acts that may lead to an infringement have already been committed”. It is not said that where there have been in the past breaches. It is the nature of the activities and threshold in terms of its relevance, it is not F past activities (inaudible) if it has already been proved (?) to be a tortious activity but it may be relevant even if it falls short.

G So, for example, if my neighbour (inaudible) me and says, “I’m going to pull your fence down”, I do not need to wait for him to come onto my land and pull my fence down in order to come to the court to protect my rights. Equally, if a protestor is apprehended by the police on its way to a protest with banners and such like and glue, the fact that they have not actually sat down on the road and committed the act does not mean it is evidentially irrelevant.

H So the past activity is part of the evidential mix but it is not a prerequisite that such activity (inaudible) the equation if it cannot be established that an actual tort has been committed and then finally the time frame between the application for relief and the threatened infringement may be relevant. Essentially, it must not be premature.

A So that is all in relation to the first stage, the assessment of risk, a not  
comprehensive list of potentially relevant factors and then the second stage is introduced  
at subparagraph (5): “It is necessary to ask the counterfactual question: assuming no...  
injunction but an infringement... how effective will a more or less immediate interim  
B injunction be plus damages?” And it is really a question of how easily the harm can be  
undone and I took you to the evidence in relation to impact earlier and then the factors  
and material in relation to that include: (a) the gravity of the anticipated harm; and (b)  
C the distinction between whether you are asking for something on a mandatory basis or a  
prohibitory basis. Then Mr Justice Marcus Smith disposes of the matter on the facts of  
his case—

A LORD JUSTICE: Just before we go to the disposal on the facts, going back to his third  
proposition in paragraph 31 and his description of the second stage—

MS STACEY: Yes.

D A LORD JUSTICE: He poses the question: would the harm result and be so grave and  
irreparable? When he talks about harm being irreparable, if you link it with what he  
says in his proposition (5) he seems to be suggesting that harm which is not  
E compensatable in damages is irreparable for this purpose.

MS STACEY: Yes and the question of whether the harm is irreparable is influenced by the  
question of whether or not damages would be payable, capable of being paid. In cases  
such as this it is generally accepted, at least the interim injunction said that damages  
F would never be an adequate remedy on the basis that it is: (a) difficult to enforce,  
protestors do not have the means and what you are seeking to do is prevent harm to the  
public more generally as opposed to compensating—

A LORD JUSTICE: Well, that is the better point. The fact that these defendants may not  
G have means may or may not have much to do with it but the fact that your clients could  
not get compensated for somebody’s missed hospital appointment or missed holiday, or  
whatever it is—

MS STACEY: Indeed, so the nature of the harm—

H A LORD JUSTICE: —may well mean that the real harm is incapable of being compensated  
by damages.

MS STACEY: Yes, the real harm is incapable really of being identified in this broader sense  
and as a result of the (inaudible) in cases such as this and the real harm might consist of,  
you know, an accident happens, the health and safety considerations that form part of the

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impact evidence (inaudible words) prevented. So that is *Vastint*. In terms of disposal, I just ask you to sideline paragraphs 32 and 33. So I think you can close *Vastint*. The test is also referred to in *Ineos* by Lord Justice Longmore.

A LORD JUSTICE: Yes.

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MS STACEY: And that is tab 12, page 393, paragraph 34, albeit in the context of interim relief, subparagraph (1) of paragraph 34, which I think brings me then on to the fourth general principle related to specific requirements for injunctions against persons unknown.

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A LORD JUSTICE: Yes.

MS STACEY: My lady and my lords, the purpose of this appeal, mindful of the fact that the Supreme Court last week was dealing with the *Wolverhampton, Barking and Dagenham* appeal and considering the question of whether final injunctions could be granted against persons unknown, the case law may be in a state of flux but for present purposes *Barking and Dagenham* in the Court of Appeal is what we are proceeding on and there was no issue below that there was any jurisdictional obstacle to the grant of a final injunction against persons unknown. So for the purpose of this appeal we are proceeding on that basis, there is no jurisdictional impediment to granting a final injunction against persons unknown and the judge did not find, that was not the basis—

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A LORD JUSTICE: He did not deal with it.

MS STACEY: He did not deal with it at all, no. I should say there was a reference in – Mr Greenhall was an advocate who appeared on behalf of interested persons.

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A LORD JUSTICE: Yes.

MS STACEY: So not persons who had joined.

A LORD JUSTICE: No.

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MS STACEY: Persons who wished to be heard and he made submissions—

A LORD JUSTICE: He represented various environmental campaigners.

MS STACEY: Indeed and he made submissions which he said he confined to persons unknown.

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A LORD JUSTICE: Yes.

MS STACEY: In his skeleton argument, which is in the core appeal bundle, he did call into question whether the Court of Appeal in *Barking* were correct but that was not dealt with, expanded upon and so the judge did not decide—

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A LORD JUSTICE: What are you proposing that we do? I mean we have a situation where the Supreme Court heard an appeal last week which may or may not be successful. We do not know, do we?

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MS STACEY: We have to proceed on the basis of the law as it currently stands and on the basis, well, this appeal is against the decision of Mr Justice Bennathan.

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A LORD JUSTICE: Yes.

MS STACEY: Based on the submissions before him and the fact that he found. The basis of his decision, well, he dismissed the claim against persons unknown in its entirety without explaining why.

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A LORD JUSTICE: Yes.

MS STACEY: Our skeleton argument advanced the submission that there was no jurisdictional impediment to final injunctions being granted against persons unknown and he did not (inaudible) in any way in his judgment. Our position is that for present purposes unless the Supreme Court tells us otherwise, that is the position but the Court of Appeal in *Barking* carried out a careful analysis of the Court of Appeal in *Canada Goose* and explained why they considered that *Canada Goose* (inaudible) got it wrong.

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A LORD JUSTICE: Yes.

MS STACEY: And persons unknown make themselves parties to final injunctions once they knowingly do an act in contravention of the terms of the injunction.

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A LORD JUSTICE: Let us suppose that you get a final injunction against persons unknown because we follow the decision of this court in *Barking* and the Supreme Court then says *Barking* was wrong. What happens to the order that is made against persons unknown?

MS STACEY: Well—

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A LORD JUSTICE: They cannot appeal it because they are unknown.

MS STACEY: No. Well, it is based on the law as it currently stands and we do not unravel orders simply because subsequent appeals have found the law to be in a different state. We have to proceed on—

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A LORD JUSTICE: Is that not rather unsatisfactory?

MS STACEY: Well—

A LORD JUSTICE: If we were to make an order which the Supreme Court later tells us we should not have done, or could not have done, if you were inviting us to remit, which you were in your skeleton argument, it seems to me we could have remitted this bit of it

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to the High Court with a direction that it should not be dealt with until the Supreme Court had handed down judgment.

MS STACEY: In my submission, the concern does not arise to any great extent because of the review provisions within it which deal – it is not as though we are asking you to grant an order which is going to stand for all time without provision for review, so—

A LORD JUSTICE: That is another way of dealing with it, I agree.

MS STACEY: Yes, so whatever order you—

A LORD JUSTICE: We could grant a final injunction in relation to persons unknown, say, for six months, or nine months or—

MS STACEY: Yes.

A LORD JUSTICE: On the basis it would then be reviewed by the High Court.

MS STACEY: And if the law changes—

A LORD JUSTICE: And if the law is changed in the meantime—

MS STACEY: In the intervening period and that is something of course is part of our obligations to bring such matters to the court’s attention. I mean that is the whole purpose, or one of the purposes, of making sure that injunctions are kept under review and (inaudible) change as the law changes and the court retains a supervisory role and the advocates and the parties, it is incumbent upon them to ensure that the matters are brought to the court’s attention but for present purposes we are appealing the decision of Mr Justice Bennathan which was not founded, it was dismissed for the persons unknown summary judgment was not founded on any (inaudible) that *Barking* was wrong. What Mr Justice Bennathan did deal with were the conditions that needed to be satisfied where you are seeking injunctive relief against persons unknown and that was dealt with by him at paragraph 82 of his judgment, page 332 of the core bundle.

A LORD JUSTICE: Sorry.

MS STACEY: Not 332, sorry, 82. Sorry, that is the reference to *Canada Goose*. He dealt with it in 41 of his judgment at page 251 of his judgment. So he was mindful of those requirements and unless my lady and my lords want me to take you to the bit in *Canada Goose*, for your note it is paragraph 82 of *Canada Goose*, tab 8, 332. The judge recognised that where an injunction is sought against persons unknown, those conditions needed to be met, that there was no issue with (inaudible) and he was satisfied that they had been met. Whilst dealing with persons unknown, *Canada Goose*, it is worth noting

A that the protective jurisdiction in an appropriate case is also capable of extending to activity which may be lawful.

A LORD JUSTICE: Yes.

B MS STACEY: And this court had made that clear in at least two cases. That is *Canada Goose* at paragraph 78, Court of Appeal, and in the *Cuadrilla* case, in an appropriate case.

A LORD JUSTICE: Was he referred to *Barking* in this court?

MS STACEY: I am so sorry. I did not catch that.

C A LORD JUSTICE: Was he referred to *Barking* as decided in this court?

MS STACEY: Yes.

A LORD JUSTICE: He was.

D MS STACEY: Yes and I will take my lady and my lords to the written case below in due course. Yes, that is the fourth and the fifth and final general principles heading is the approach to summary judgment and the evidential requirements that underpin CPR Part 24.2. Firstly, again there was no suggestion below that it was not possible as a matter of principle to obtain a final precautionary injunction on the summary judgment basis provided the summary judgment test is met.

E CPR 24 is contained in the authorities bundle behind tab 19. If I could ask you to refer to page 527 as to the types of proceedings in which summary judgment is available, subparagraph (2), the court may give summary judgment against a defendant in any type of proceedings except for those listed there (inaudible words) and then in the notes, the first line of the notes (inaudible words) any type of proceedings.

F So far as the grounds are concerned, if I can ask you to turn back to page 523. CPR 24.2(a)(i) no real prospect – sorry, (ii) the defendant has no real prospect of successfully defending and there is no other compelling reason why the case should be disposed of at trial and if, my lady and my lords, I can ask you to look at the note under the heading, “No real prospect”, at the bottom of that page and the reference to *Easyair Ltd v Opal*. It is fairly small typeface but these are extracted in our skeleton below and a number of points bear emphasis.

G H Firstly, the prospect must be realistic as opposed to fanciful is point one and then over the page at 524, reference to claim carrying a degree of conviction. Principle number (v): “In reaching its conclusion the court must take into account not only the evidence actually placed before it... but also the evidence that can reasonably be

A expected to be available at trial.” So there must be a reasonable basis for an expectation  
that such evidence would be available at trial and in relation to that we say there was no  
B basis identified by the judge as to what would the difference be between the position he  
was faced with as at the date of summary judgment and the date of trial in circumstances  
where no one had engaged other than those defendants who I have already made  
mention of.

C Principle number (vi), reference to reasonable grounds existing for believing that a  
fuller investigation would add to or alter the evidence and affect the outcome, the same  
point essentially. Then (vii) we rely on: “It is not uncommon for an application... to  
D give rise to a short point of law or construction and if the court is satisfied that it has  
before it all the evidence necessary... the parties have had an adequate opportunity to  
address it in argument, it should grasp the nettle and decide it.” We say that was  
precisely the position here. It is a short point of law in the sense that the test (inaudible  
words) the court had all the material before it in order to enable it to determine that and  
there was no reason why it should be pushed off to trial or further hearing.

E Then on the same page, could I ask you to look down the page to the reference to  
*King v Stiefel* where Mrs Justice Cockerill held the court is not barred from evaluating  
the evidence, will be cautious, avoid conducting a mini trial but then 22: “When faced  
with a summary judgment application it is not enough to say, with Mr Micawber, that  
something may turn up.”

F A LORD JUSTICE: Yes.

MS STACEY: So those are the grounds. If I could then ask you to refer to page 526, two  
pages on. It is under the heading you will see at page 525, “Burdens of proof”, and this  
is extracted in our skeleton, the three lines at the top of the page: “If the applicant...  
adduces credible evidence in support of their application”—

G A LORD JUSTICE: Sorry, where are you reading from?

MS STACEY: Sorry. The top of page 526.

A LORD JUSTICE: Yes.

H MS STACEY: Under, “Burdens of proof”, you will see on the previous page: “If the  
applicant... adduces credible evidence in support of their application, the respondent  
becomes subject to an evidential burden of proving some real prospect of success or  
some other reason”, (inaudible words). Then at 531, if you please, Part 24.5 at the  
bottom of that page, “Evidence for the purposes of a summary judgment hearing”.

A These are the rules for a respondent who wishes to rely on written evidence, quite apart from the requirement to file a defence in the preceding part of the proceedings, to at least seven days before the summary judgment hearing file and serve. So there is a timetable and would need permission.

B Now, had someone turned up and had not complied with the seven days, we do not take issue with the (inaudible words) that they would have got permission, that is plain but the reason I refer my lady and my lords to this is that there is a process and there is an expectation that a party who wishes to oppose such an application having been served, having due notice in respect of which there is no issue, would put in (inaudible) whether it is in an informal way by email or turn up. In this case, none of that happened and yet the judge still considered that (inaudible words) that could be advanced on behalf of some of these defendants, albeit targeted at the wrong question and we say there was no reasonable basis for the judge to take that—

D A LORD JUSTICE: Well, it is a point Mrs Justice Cockerill makes about Mr Micawber.

MS STACEY: Indeed.

E A LORD JUSTICE: Something might turn up and what the judge says is, well, they may have a defence. Even though nobody has actually turned up and said they do have a defence, they may do.

MS STACEY: Indeed and I submitted that—

A LORD JUSTICE: And something may emerge at a later stage.

F MS STACEY: Indeed and he expressly rejected the absence of the defences, and we will come to his judgment in paragraph 35 and all the subparagraphs, as being irrelevant.

A LORD JUSTICE: Yes.

G MS STACEY: Wholly irrelevant. Well, even giving him the benefit of the doubt with the greatest of respect, you cannot dismiss that as being (inaudible words) in circumstances where there needs to be a reasonable basis to anticipate (inaudible). So that is evidence (inaudible) and the next reference, 533, over the page.

A LORD JUSTICE: Yes.

H MS STACEY: The top of the page, “Court’s powers when it determines a summary judgment application”. I have made reference in passing to this, when it determines it may, so it is not mandatory but it may give directions as to the filing of a defence, give further directions about the management of the case and then in the notes you will see under the heading, “Orders which the court may make”, listed there (a) through to (e)

A and then under, “A conditional order”, towards the bottom of that page next to 24.6.6 there is a reference to a point, you see (b), a direction: “To take a specified step in relation to his claim or defence as the case may be and which provides that the party’s claim will be dismissed... or will be struck out if he does not comply.”

B So I am only referring to this not on the basis that there were some options for the judge rather than just outright dismissing the claim. If there was a reasonable basis for him thinking something might turn up, which I do not accept, it would have been more appropriate, say, for him to have done this rather than dismissing the summary judgment claim altogether and not providing for any directions.

C A LORD JUSTICE: I can see that you say that if he was going to dismiss the summary judgment then against the 109, he should have given directions, I can see that but what conditions would he impose having granted an interim injunction?

D MS STACEY: It is about the resolution of the claim, you see, because the effect of his order, of his dismissal, was that the interim injunction was ongoing. If we are right and that is an unsatisfactory state of affairs—

A LORD JUSTICE: I see that. Directions for trial, I understand.

E MS STACEY: Yes.

A LORD JUSTICE: Your point is a different one, is it not? As I understood the point you just made, what you are saying is, well, even if the judge were right about having to take account of the fact something might turn up—

F MS STACEY: Yes.

A LORD JUSTICE: —which you do not accept.

MS STACEY: Yes.

G A LORD JUSTICE: Then the way of resolving that would have been to make an order, conditional order, for some kind that said that within 28 days or whatever any defendant who wished to put forward any matters by way of defence should serve a witness statement or a defence or something of that kind. That is the point you have got in mind.

MS STACEY: That could have been made explicit. That was an option.

H A LORD JUSTICE: Yes.

MS STACEY: It could have been made explicit but then the next reference suggests that it does not need to be made explicit because there was a right for a party to apply to set aside in any event and that is 535.

A LORD JUSTICE: Yes.

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MS STACEY: Next to 24.6.9 headed, “Setting aside orders”. If you take it four lines from the top of that passage: “Where the applicant or any respondent... fails to attend... the court may proceed in their absence. Where, in the absence... an order is made... 23.11 would appear to have the effect of enabling the court... to re-list the application for further consideration. However if, at the hearing... the court gives summary judgment... the question which arises is whether that party may apply... to have the judgment set aside.” Then it talks about the former position, it was an express position to that effect and if you track back down the page there is no such express provision in CPR 24 and pick it up in the sentence starting, “However”.

A LORD JUSTICE: Mm-hmm.

MS STACEY: “However, it seems to be readily assumed that the position is retrieved by Practice Direction... paragraph 8.1.” So, in other words, there is provision: (a) for a court to proceed in the absence of a respondent; and (b) if they do so, that person may apply to set aside the order.

A LORD JUSTICE: Yes.

MS STACEY: And again back to the general point to that approach, as Ms Higson said at paragraph 62 of her first witness statement, the decision that is taken to go for summary judgment is precisely because that provides a mechanism of opportunity for parties to come and engage in circumstances where default judgment could otherwise—

A LORD JUSTICE: Yes.

MS STACEY: Which brings me to the case advanced below. My lords and my lady, I have got case advanced below which I think, well, I will take you to the written case very briefly and then the fourth limb of my submissions, the ground of appeal where we say the judge got it wrong and then that takes me to the end. So I have just got two more sections to go. I am (inaudible) the hour but I am entirely—

LADY JUSTICE SHARP: I think you should continue.

MS STACEY: I will continue.

A LORD JUSTICE: Yes.

MS STACEY: So taking you then to the case advanced below, supplemental bundle, tab 14.

A LORD JUSTICE: Are we finished with the authorities bundle?

MS STACEY: I have, yes. Page 219 headed, “Submissions”. So if I can just ask you to sideline paragraphs 40, 41 and 42.

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A LORD JUSTICE: And by the defendants in paragraph 40, you mean all of the named or unnamed?

MS STACEY: All of the named and unnamed.

A LORD JUSTICE: Yes.

MS STACEY: Yes and where we distinguish, we have said so (?). Paragraph 42 refers specifically to risk and then 43 on page 220 refers to the *Canada Goose* requirements in relation to persons unknown. 44 refers to the defences. 45, 46 refers to the human rights analysis and then page 227, paragraph 49, why we say it is appropriate to determine the matter on a summary judgment basis. Sorry, the principles, if I could ask you to go back (inaudible) the relevant principles for summary judgment were outlined at page 204.

A LORD JUSTICE: Yes.

MS STACEY: And paragraph 24 referred to the Court of Appeal in *Barking and Dagenham*.

A LORD JUSTICE: Yes.

MS STACEY: So it starts at paragraph 23 and firstly the Court of Appeal in *Canada Goose*, paragraph 24 to *Barking and Dagenham*.

A LORD JUSTICE: Yes.

MS STACEY: And over the page, page 209, the paragraph that deals with the point that my lord, Lord Lewison, was asking about.

A LORD JUSTICE: Yes.

MS STACEY: So that is the case advanced below. Turning then finally to the ground of appeal and why we say the judge went wrong, per our skeleton we say the task of the judge was essentially threefold: firstly, he needed to consider what the claim was for and the answer to that was a claim for a final precautionary injunction against persons unknown and named defendants which required the application of a risk-based test, see *Vastint* (inaudible).

Secondly, he was required to consider whether there was disproportionate interference with any convention rights which involved looking at the terms of the proposed order and the description of the persons unknown. It is notable in this case that the description of the persons unknown assumes the unlawful conduct, it is not at large. In some of the cases, *Canada Goose* for example, it was just persons unknown as a specific description which is tied with the prohibited activities which we say are unlawful.

A So that is the second stage and, thirdly, against that backdrop he was required to  
consider whether the claimant had demonstrated on the evidence that the persons  
unknown as so defined and the 109 had no real prospect of a defence in respect of that  
claim for a precautionary injunction and that is where we say, with the greatest of  
B respect to him, the judge went wrong. He uncoupled his consideration in summary  
judgment from his consideration of an injunction and in doing so we say he fell into  
error by applying the wrong test, namely whether tortious liability had been proved and  
looked at that to the exclusion of anything else rather than looking at the question of  
C future risk.

In terms of what it might be thought he was doing, it is not entirely clear from his  
judgment but, as I said, it is analogous to him taking the view that we are applying for  
damages on the back of a trespass claim. That is the approach he seems to be taking and  
D the fact that he was applying the wrong test is apparent when one analyses his approach  
in a number of places: firstly, in the oral exchanges which are recorded in the transcript  
and they reveal, in my submission, the mistake the judge was labouring under and the  
judge straight and at the outset of the hearing made it very clear that his view was that in  
E order to grant summary judgment he would need to be satisfied that there had been past  
tortious activity in relation to each of the defendants against whom summary judgment  
was sought.

We referred in our skeleton to the note which I briefly referred to and we have now  
got the transcript behind tab 18 of the supplemental bundle and we have marked up  
F passages from that which I submit make good that contention.

LADY JUSTICE SHARP: If you give us the references, we can look at it over lunch.

MS STACEY: You have got the references and, in particular, the particular reference is at  
G page 292.

LADY JUSTICE SHARP: Yes.

MS STACEY: Where he says he is actually trying to uncouple summary judgment from the  
H relief that follows and I said you cannot do that. Then in terms of what I call the mini  
judgment, that is behind tab 19 at the start of day two. So what happened was I made  
the submission, he rose to consider (inaudible words) might be right and then in the  
morning, at page 300 of tab 19, he gave a view and at page 301 at the top of that he says:  
“My firm and clear view now is as follows”, and you see the sideline passage there

A which sets out effectively what his approach was which we say is entirely consistent with our contention—

A LORD JUSTICE: Yes.

B MS STACEY: So that is one place where it is apparent, the mistake. The second place is in the judgment itself and in our skeleton, my lady, at paragraphs 27 to 30 we identified particular aspects of the judgment which we say provide insight into his approach and which bear emphasis. So that is at core bundle, tab 3, page 158.

A LORD JUSTICE: Yes.

C MS STACEY: 158, so if I can ask you to just take – yes, it is paragraph 27 and we say it is not clear from his judgment what legal test (inaudible) drawn out on page 159 aspects which bear emphasis by reference to the paragraphs of his judgment.

A LORD JUSTICE: Yes.

D MS STACEY: In addition to those, there is also in the same bundle his judgment behind tab 7. If I could ask you to look at paragraph 5 which is on page 241. Paragraph 5 he recites what it is we are asking for and in the last line before the subparagraphs he says: “In addition to summary judgment, the claimant sought a final injunction.” So he seems there to be considering the summary judgment in distinct process independent of the underlying claim in a category of its own.

E A LORD JUSTICE: Yes.

F MS STACEY: The judge’s language in the sections that we identify at page 159 of our skeleton refer consistently to tortious liability. There is not one reference to threat in that section and references to defences and in paragraph 33 of his judgment at page 248 he sets out his – 33 to 35 is where he sets out his reasons for refusing the application in relation to the 109. He applies a somewhat mechanistic approach which again does not refer to future risk of harm at all. There is no sense of the *Vastint* type multifactorial assessment, only reference to the question of past breaches.

G At paragraph 35, my lords and my lady, on page 249 he says in his judgment the evidence supplied was manifestly inadequate but it is clear from his analysis that when he is describing the evidence as manifestly inadequate, he is focusing on the question of whether torts are committed and not on the question of future risk. So for example, by way of example, subparagraph (1): “I would have to be satisfied in each case.” He does not say of what but if you go on, “It is highly likely that many of the defendants have committed the torts”—

A LORD JUSTICE: He must mean had to be satisfied a tort was committed.

A MS STACEY: Yes, "I am not able to take a broad brush approach", and then again  
subparagraph (2), "...so as to commit the torts... English law does not proceed on the  
basis that a person arrested is assumed to be guilty." So it is all consistent language. So  
that is the language he uses which is a repeat, we say, of the transcript. Secondly is the  
B structure of his judgment where he deals with summary judgment first and only later  
injunction, which we say is manifestly wrong. He was required to apply the summary  
judgment test in conjunction with the precautionary injunction test, they are cumulative.

A LORD JUSTICE: You say he is going down the wrong path in 35(1). The question is not  
C whether defendants have committed the torts but whether there is a threat that they will.

MS STACEY: Indeed.

A LORD JUSTICE: A real and imminent risk.

D MS STACEY: Yes and what we say, we say actually whatever he thought he was doing in  
the summary judgment section, he was asking entirely the wrong question and you can  
actually excise that section from his judgment altogether and if you then turn to  
paragraph 37 which is where he deals with injunction, that is when he starts asking the  
right question and having asked the right question at that point in time, he makes it clear  
E that he has framed the question in terms of future risk, he accepts that the threat has been  
established in relation to both 109 and persons unknown because he is prepared to  
continue the injunction and he is satisfied, if you look at paragraph 40, the second half of  
paragraph 40 where he refers to section 12(3), he is satisfied, the last line, that the type  
F of publication that will be banned by this order, (inaudible) protests, will be likely to be  
similarly banned at a trial. He is also satisfied in paragraph 41 that it was appropriate to  
grant against persons unknown in the form that the order sought.

G So that is the structure of the judgment and then the final piece that makes this  
good is the costs judgment which I have already take my lady and my lords to and his  
analysis there. Whatever he was doing in the earlier section, he effectively endorses  
what I say the correct approach would have been in his approach to the injunction.

A LORD JUSTICE: When he starts off his discussion under the heading, "Injunction", he  
H starts with *American Cyanide*.

MS STACEY: Yes.

A LORD JUSTICE: Which suggests that he is going to be considering interim injunctions.

MS STACEY: Yes.

A LORD JUSTICE: And then he moves to *Vastint*, which is a final injunction.

MS STACEY: Indeed and he says, I think it is early on, he was going to grant a hybrid injunction but it is not entirely clear to me what a hybrid injunction is. At one point he was seeking to say, “Well, I am going to grant injunctions without identifying whether they are final or interim”, in paragraph 36, page 250, paragraph 36. Yes, so he refers to the Court of Appeal in *Barking and Dagenham* which, yes, is what I had in mind. He accepts that there is jurisdiction for persons unknown.

A LORD JUSTICE: So I think by hybrid he means a single order containing two different kinds of injunctions, did he?

MS STACEY: I think he means a single order that says for an injunction without saying whether it is final or interim.

A LORD JUSTICE: I think what he is contemplating is a single order with a final injunction against some and an interim injunction against any. No, maybe not.

MS STACEY: No, I do not think so.

A LORD JUSTICE: Maybe not.

LADY JUSTICE SHARP: Anyway, there we are.

MS STACEY: But that is why, sorry, the reason I have referred you to that is that is why he deals with both in one section without differentiating between the tests in relation to—

LADY JUSTICE SHARP: Ms Stacey, can I just ask you how much more you have?

MS STACEY: No, I am nearly there. If you just forgive me. No, I am almost finished. I am just (inaudible) threads together and summarise our position which will be clear to you. (Inaudible) your question and that error infected his approach thereafter because he is looking at everything through the wrong lens and that led to a cluster, we say, of mistakes in his approach. There was the mistake of focusing for summary judgment on the wrong question to the exclusion of everything else. That is the first mistake. He then made the mistake by focusing on the potential unlawfulness (?) of past activity without considering how that impacted risk and he made the mistake of disregarding the absence of a defence entirely as wholly irrelevant.

Had he asked the right question, the outcome would have been different and you can apply his analysis there to paragraphs 36 to 49 which leads to the conclusion that if he had applied the law correctly, the application should have been acceded to and a final injunction ought to have been granted. Unless I can assist you—

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A LORD JUSTICE: Well, I mean really it is the first one, is it not? Well, the first and second together, the mistake he made is the assumption that you needed to show that a tort had been committed in the past.

MS STACEY: Yes.

A LORD JUSTICE: As a condition of getting summary judgment, he was wrong about that.

MS STACEY: Yes.

A LORD JUSTICE: If he had focused on the actual prohibitory or anticipatory injunction test, he would then have gone on to ask himself the question, on the basis that that is the right test to apply, is there – do any of the defendants have an arguable or real prospect of success of showing a defence at trial?

MS STACEY: Indeed.

A LORD JUSTICE: And the answer to that was pretty obvious.

MS STACEY: Pretty obvious, indeed.

A LORD JUSTICE: Yes.

LADY JUSTICE SHARP: Right. Ms Stacey, thank you very much. Mr Crawford and Mr Tulley, we will hear from you at two o'clock. Thank you very much. We will rise now.

**(Luncheon adjournment follows)**

LADY JUSTICE SHARP: Mr Crawford and Mr Tulley, which one of you wants to go first? You are Mr Crawford?

MR CRAWFORD: I am.

LADY JUSTICE SHARP: Right.

MR CRAWFORD: Okay, shall I stand? Shall I stand?

LADY JUSTICE SHARP: I am happy if you want to sit. Normally people find it easier to stand.

MR CRAWFORD: I'll stand, if I may? I'm David Crawford. I'm one of the 109 defendants.

LADY JUSTICE SHARP: Yes. Not everyone behind you has to stand. You can all sit down.

A FEMALE SPEAKER: We'd like to.

SECOND FEMALE SPEAKER: We do, in solidarity.

LADY JUSTICE SHARP: You would like to. All right.

A MR CRAWFORD: If I may, I'd like to make a few comments in response to Myriam Stacey this morning.

LADY JUSTICE SHARP: Yes.

B MR CRAWFORD: Points which I would like to either rectify or clarify. I hope it won't take very long but I'd like the opportunity to make those points and then, with your permission, I'd like to read the letter which has been composed to represent our group sentiment.

LADY JUSTICE SHARP: Yes.

C MR CRAWFORD: So Ms Stacey started her opening by saying that the protests on the motorways started in the spring of 2021. That's not correct, they started in September 2021. I'd like to make it clear that not all defendants, certainly not myself and I know many others, was concerned with going onto the motorways and trespassing on motorways. I appreciate that that may be the charge against some but much of the protest activity was concerned with temporary blocks on the highway close to or away from motorways and they all formed part of the strategic highways network for which National Highways Limited is responsible.

E There are criminal proceedings available to balance the rights of protestors and those who wish to move freely on the highway. The public is not dependent upon just civil law to enforce those rights. There is a criminal law available for that purpose and she seemed to be implying that it was essential to have caused a civil law injunction in order to protect the public. I don't agree with that. To my knowledge, there was no tunnelling involved in the Insulate Britain protests between September and November 2021 and I heard references to tunnelling in the discussions.

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H Much was made this morning about the defendants not defending themselves during the course of the injunction proceedings and what to infer from that, whether there was anything significant that should or could be inferred from the non-appearance of defendants in these proceedings. My understanding is that I'm not open to receiving legal aid in civil matters. I may be wrong in that but perhaps you could correct me if I am and I'm a person of modest means on a retirement pension as my only income and the idea that I can defend myself equally against a multibillion pound government arm's reach organisation with all the power that that brings strikes me as being unreasonable. That would explain one of the reasons why I have not chosen to engage in defending myself in these proceedings and I guess that goes for many of us here.

A It was alleged this morning that my objective was to cause maximum disruption on  
the roads and the motorways. That wasn't my objective. That's been asserted but it's  
not true. My objective was to protest on the highway to the extent that I would be  
B arrested and placed in custody and I expected criminal law to deal with me accordingly.  
When I was asked to remove my protest from the highway, I refused and therefore I was  
arrested and my objectives in doing that were to make more publically available the  
C situation about which I was gravely concerned, which was the failure of the government  
to act in ways that would protect its citizens, and I'll come back to that later, and to draw  
publicity to my concerns. I would have been perfectly content to have caused minimum  
disruption to the extent that the police felt that the balance of rights had been infringed  
and that I should be removed from the highway. I did not set out to cause maximum  
D disruption. I have no interest in causing members of the public undue inconvenience but  
I felt moved to protest on the highway and did so.

Not all people arrested and subsequently named on the injunction had any  
E involvement in trespass on the motorway. I acknowledge that some did but in my  
experience of September and October 2021, the incursions onto the motorway were  
perhaps the minority. There were many lawful protests on the highway close to the  
motorway or on other parts of the strategic road network but they did not involve  
F trespass and regulations, I understand, exist to deal with trespass, regulations exist to  
deal with wilful obstruction, regulations exist to deal with conspiracy to cause a public  
nuisance or causing a public nuisance. These were the sorts of suspicions on which I  
and others were arrested.

No civil injunction is necessary in order to enforce those regulations and it is  
G disingenuous, I would assert, to suppose that defendants such as I were free to engage  
with this civil injunction process but chose not to for reasons where you could infer any  
wrongdoing on my part. I don't think it's right that you should infer anything about my  
guilt, or my motives, or my intentions by not appearing. You could be in a better place  
to infer something about my pecuniary circumstances.

H I would like to understand more clearly whether it's right that Justice Bennathan  
ordered that his ruling in 2022, May, the subject of the appeal, should be reviewed in  
2023, April, and if that is true, then doesn't that amount to a reasonable direction about  
what should happen next in the case of this injunction and not that the appellant was left  
in the lurch not knowing what was going to happen next?

A I have never threatened to breach National Highways Limited injunctions and where is the evidence to the contrary that I pose a threat to the public or to National Highways when I've had no opportunity in practice to defend myself and the circumstances of my involvement in protests are unknown to the appellant?

B The protests in which I was involved were, in my view, extremely well organised to the extent that they were designed to try to protect public safety at all times. People were trained in how to engage with members of the public who threatened them in order to try and encourage them to act peacefully. Measures were taken at protests on the highway to do all that was practical to provide routes for emergency vehicles. Some C people chose to secure themselves to the road, others chose not to so that they could move out of the way should the need arise.

D When did protests on or near the motorway cease? To my knowledge, they ceased on or around the end of October 2021. So I put it to the court that there was no real and imminent threat of further protests on or near the motorways or the strategic road network in January 2023 – sorry, in May 2022 when the Bennathan judgment was made. So I don't accept there was a real and imminent threat of further action on motorways or E roads could be inferred because I understand that that action had ceased many months before.

F There were references in the opening remarks to tweets. I'm not responsible for anyone else's tweets and I don't see how an opinion expressed on social media has anything to do with my involvement as a defendant in this case and I don't think anything should be inferred from somebody else's opinion about myself, my motives, or what I did, or what I intended to do.

G It was said that there was a real – this morning by the appellant that there was real and imminent threat of protests which would harm the public which had to be dealt with through an injunction and given the timetable of events, I don't think such a real and imminent threat was true at the time of Bennathan's judgment. Much of the discussion H this morning was concerned with disruption to motorways or traffic on motorways but, of course, National Highways Limited issued an injunction which covered the vast majority of the strategic road network nationally or, certainly to my knowledge, certainly in the south east of England and the areas surrounding London, if not nationally.

It was asserted this morning that protestors don't have the means, and I quote, "Protestors don't have the means to pay damages". I think that's probably a reasonable

A statement but protestors also don't have the means to defend themselves in the High Court or the Court of Appeal in proceedings such as this. I would like to invite the court to try to see the wood for the trees in its judgment on this appeal. We are in an existential crisis and we are not, as protestors, concerned with fences being knocked down or actions to suppress barking dogs. We are concerned with the future of humanity. We, being a peaceful and public-spirited protest such as the type we took part in, should not be subject to punitive costs through civil injunctions ultimately by the government.

Finally, I would like to say that a failure to defend myself should not be material. Where is the evidence against me that I intended to break the injunction? I did not break the injunction. I chose not to break the injunction once the injunction was issued. I was served the injunction and there is no evidence available to show that I presented a real and present risk of breaking that injunction. To infer that I had an intention to do so would be false. Wilful obstruction of a highway includes a reasonable excuse defence.

My intention was to wilfully obstruct the highway in a time-limited and safe fashion so that I should be arrested and held in custody. That was my expectation, not to cause maximum disruption to the road network. My further intention was to repeat that process to the point that the police and the authorities would decide that I was a repeated nuisance and that to prevent further nuisance, I should be remanded in custody awaiting trial, or awaiting a plea hearing.

That was the intention of myself and many others to create a news story in the months running up to the Conference of the Parties 26 in Glasgow where mitigating climate change and climate breakdown and the end of humanity ultimately, or much of it, was to be discussed. The authorities chose to ignore that objective and I was repeatedly arrested. I repeatedly obstructed the highway for what I think was a time-limited and reasonable period to make my protest. The police arrested me, held me in custody typically for up to 24 hours and then released me.

They did that to me and scores of other people repeatedly over a two month period where they chose not to remand any others, to my knowledge, certainly on me and the implication – the inference I drew from that was that the government did not want adverse publicity running up to COP and that it would attempt to suppress protests through injunction and then deal accordingly with anyone who breached that (inaudible) in contempt through breaching it well after November 2021 when the spotlight was off

A the UK chairmanship of COP 26. I think it's odd that I wasn't remanded, that I wasn't charged in the criminal court and that I didn't have the opportunity to make my concerns better known to the public.

B If I may, I'd now like to turn to a letter which has been prepared to the court on behalf of the named defendants?

A LORD JUSTICE: Is this the one we received this morning?

C MR CRAWFORD: It is. We are in extraordinary times. We are facing an existential crisis like no other that has been faced before. That crisis is the extinction of humanity and I would add that is not hyperbole, that can be supported by scientific evidence as a dangerously likely outcome before the end of the century.

D Two years ago in 2021, Sir David King, former chief scientific advisor to government, said publically in Australia with reference to an increasingly likely and rapid destabilisation of climates: "We have to move rapidly. What we do in the next three to four years, I believe, will determine the future of humanity." That was two years ago this month. So you could paraphrase by saying what we do in the next one to two years applies.

E Your honours, we have come here today to plea for justice which we believe we are being denied. We are people drawn from many walks of life, including clergy, builders, scientists, carers, teachers, local councillors, artists, engineers and general practitioners. We are united in our passionate desire, even at this late stage, to slow down the imminent climate catastrophe that threatens all human and much other life on earth.

F We wish to draw attention to two things: (1) the many thousands of annual excess winter deaths from hypothermia due to cold homes and I should add the United Kingdom has some of the poorest energy performance homes in Europe; and (2) significant levels of harmful carbon dioxide emissions from the supply and use of energy to heat homes. Both of these damaging problems could be tackled effectively and quickly by implementing an urgent government programme simply of home insulation. Other countries have embarked on this, notably Italy and Ireland, and we would like the government to start with the poorest homes first, those in pure poverty and those in the greatest need who are ill-placed in the escalating cost of energy in the home.

H Acting out of this passion we interrupted the traffic on roads, supervised by National Highways Limited, during 2021 in order to confront the government's criminal inaction and to engage in public – to engage the public in understanding better the

A severity of the crisis. We believe we had the right and the duty to act as we did on behalf of those who are suffering so grievously from climate change now, notably in other parts of the world but also in the UK and on behalf of future generations.

B The specific concerns we bring before you today are as follows. The injunction placed on the strategic road network by National Highways has had the effect of stifling lawful protests, a precious right that is enshrined in law in this country. We are bearing witness in public to the fact that the use of civil injunctions in this way is removing our rights and preventing ordinary people from taking action to try to right the grave wrong, namely the inaction of the government where practical action is available.

C 24 of us have been found guilty of contempt of court. We have been given immediate (?) or suspended custodial sentences. We have been subjected to enormous court costs amounting to at least £7,500 for some of us and I know some individuals, significantly in excess of that. We have been threatened with unlimited fines and the D distraint of our assets. 133 of us are threatened by National Highways Limited with an extortionate costs application which these proceedings today I am sure will enhance, even though 109 of us have not broken the injunction and no evidence has been E presented that we intended to do so. In light of the worsening cost of living crisis, if this were to be approved then it could force many of us and our families into hardship.

F All of us are also being tried in the criminal courts for taking action peacefully according to our convention rights. The roads do not belong to National Highways Limited, they belong to the people and are a legitimate site for peaceful protests and assembly. It is impossible for us to appeal against the injunction as the cost of doing so would be prohibitive. As ordinary members of the public with modest incomes, we are not on an equal footing when faced with the vast resources of National Highways G Limited.

H We believe that these injunctions are being used to silence and intimidate people who dare to speak out and protest. These protests were about matters that will ultimately impact every person in this country. They will see breakdown of the very law and order that our judiciary is here to uphold. We and our families have had our privacy invaded by having our personal details, including our home addresses, published by National Highways Limited on its website, in September 2021 in my case. This was an illegal data breach by National Highways Limited which potentially endangered us and our families and caused mental distress.

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Soon after our initial protest, we became aware that the government intervened through public comments by the minister for transport, Grant Shapps, instructing National Highways Limited to seek a court order for an interim injunction or similar action. As a result, some of us were tried for contempt in the High Court so that we could be subjected both to imprisonment and draconian court costs grossly above what we had received in the criminal courts. We do not understand how this activity could be compatible with the just treatment of people, an expectation that is our right, a right which we all hold dear and we look to your honours to uphold this right.

We put it to the court that far from being criminals, we are public-spirited people prepared to take costly action to do all that we can to avert, or at least slow down, an imminent climate catastrophe which will affect us all. We accept penalties which we incur for our actions but we are not prepared to be subjected to plain injustices of civil prosecutions and the threat of outrageous and unjust cost orders for civil injunctions that have been instigated ultimately by the government.

We believe that we have a duty to draw the public's attention to the way that the government, via a limited company in the form of National Highways Limited, is taking further action against us. This abuse of civil law, as we see it, brings the whole civil legal framework into disrepute. We urge the court to put a stop to this manifestly unjust action which plainly aims to try to punish further peaceful, public-spirited people whose aim is simply to try to protect life. Thank you.

LADY JUSTICE SHARP: Thank you very much. Mr Tulley.

MR TULLEY: Thank you. Firstly, just a quick reply to Ms Stacey again. There were two points on the test: (1) is there a risk of protest and the second one, is the impact severe? We were named because there had been identified a risk in the past, so the past risk of us standing on a road had been identified from the fact that we may have been arrested but the assumption is that the future risk was the same as the past risk and that would only be true if the injunction had zero impact on us.

In actual 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. In other words, the future risk, the current risk, was not the same as the past risk and therefore there is no evidence being provided that we were at risk.

A So that was the first comment on the risk that we were and this is just a small  
statement about DLA Piper which is a large and successful law company. As such, they  
take social and corporate responsibility very seriously. They have a CSR report  
published and their managing director of sustainability and – sorry, I’ve lost my glasses  
B – sustainability and resilience, who is Jean-Pierre Douglas-Henry, I just quote one  
sentence from it. They have a CSR report published and I would like to quote from it.  
He says: “This report is a clear message every business needs to contribute to a  
1.5 degree world, not work against it.”

C I would say that this text should cover the activities of DLA Piper. In view of this,  
I would request that DLA reduce their fees by 75 percent covering just their direct staff  
costs but not covering their overheads. If DLA are able to restate their costs for this, a  
climate protest, I would ask that the court agree to pass this saving as reduced costs on to  
the defendants. Thank you.

D LADY JUSTICE SHARP: Thank you very much. We are just going to rise for a moment  
and we will come back.

**(Short adjournment follows)**

E LADY JUSTICE SHARP: In this case we are not going to give our decision now. We are  
going to reserve our judgment, or judgments, and the parties will be sent a copy of it in  
writing when we have made our decision. The handing down of the judgment will be in  
open court but there is no need for the parties to attend on that occasion. Right, we will  
rise. Thank you very much.

F **(Hearing ends)**

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G **Marten Walsh Cherer hereby certifies that the above is an accurate and complete record  
of the proceedings or part thereof.**

H  

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On behalf of:  
Applicants/Claimants  
By: Nicola Bell  
No: 1  
Exhibit: NB1  
Date: 22 March 2022

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**Claim No: QB-2021-003576**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-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 PURPOSE OF PROTESTING**  
**(2) MR ALEXANDER RODGER AND 142 OTHERS**

Defendants

**Claim No: QB-2021-003626**

**AND B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

- (1) 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 A2070 TRUNK  
ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF  
PROTESTING**  
**(2) MR ALEXANDER RODGER AND 142 OTHERS**

Defendants

**Claim No: QB-2021-003737**

**AND B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

- (1) 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**

(2) MR ALEXANDER RODGER AND 142 OTHERS

Defendants

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WITNESS STATEMENT OF NICOLA BELL

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I, NICOLA BELL, of  
AS FOLLOWS:-

WILL SAY

**Introduction**

1. I am an engineer by training and profession, with an HNC in Civil Engineering (Member of the Chartered Institution of Highways & Transportation) and MSc in Transport Planning and Engineering (Chartered Transport Planning Professional). I have worked / have been in National Highways (and its predecessor organisations) since 2016. I am duly authorised by the Board of National Highways Limited (“NHL”) to make this statement on behalf of NHL.
2. My current role is Regional Director, Operations South East Region at NHL. The South East Region is one of six geographic regions in England. Within that region, I am responsible for a number of teams: Service Delivery teams, which include Regional Operations Centres and traffic officers, respond to incidents and keep our country moving. Service Delivery Teams also deliver all day-to-day maintenance activities on the strategic road network. Planning and Development teams comment on planning applications and plan our forward programme of improvement works, and finally, Scheme Delivery teams are responsible for delivering our improvement works.
3. I make this statement in support of NHL's application for summary judgment ("**the SJ Application**") in three claims brought by NHL in relation to protests carried out on the Strategic Road Network ("**the SRN**") under the banner of 'Insulate Britain' ("**IB**", "**the IB Protests**"). There is now shown to me a paginated clip of documents which I exhibit hereto as NB1. Page numbers without qualification refer to that exhibit.
4. The IB Protests have been ongoing across the south east of England since 13 September 2021 and involve protestors blocking motorways with their physical presence, normally

either by sitting down on or gluing themselves to the road surface and similar activities. They are dangerous and very disruptive and have caused widespread and serious disruption to other users of the SRN. The IB Protests originally focused on blocking a number of junctions on the M25 motorway. More recently, IB has indicated that it intends to combine its protest campaign with a broader and more ambitious campaign directed at causing disruption to the UK's oil infrastructure.

5. The SJ Application is made in respect of the three sets of proceedings in which NHL, as claimant, has obtained interim injunctions on an urgent basis to restrain conduct arising from the IB Protests. Those injunctions, and the proceedings they relate to, are as follows:
  - (1) On 21 September 2021, Lavender J granted an interim injunction in relation to the M25 (“**the M25 Injunction**”) (claim no. QB-2021-003576);
  - (2) On 24 September 2021, Cavanagh J granted an interim injunction in relation to parts of the SRN in Kent (claim No. QB-2021-3626) (“**the Kent Injunction**”);
  - (3) On 2 October 2021, Holgate J granted an interim injunction in relation to certain M25 ‘feeder roads’ (“**the M25 Feeder Injunction**”) (claim No. QB-2021-3737) (collectively, “**the Interim Injunctions**”, “**the Claims**”).
6. NHL has also made three applications for contempt of court (“**the Contempt Applications**”) in relation to breaches of the Interim Injunctions. The Contempt Applications are dealt with more fully in the Witness Statement of Laura Higson.
7. In this Statement, I deal with the importance of the SRN as national infrastructure (§§8-18 below), and the impact of IB Protests and the continued threat of those protests (§§19-21 below).

### **Importance of the SRN as national infrastructure**

8. By the SJ Application, NHL seeks a final injunction in the terms of the draft Order provided with the SJ Application (“**the Final Injunction**”). I deal in this section with the importance of those parts of the SRN covered by the Final Injunction. In relation to the parts of the SRN covered by the M25 Injunction and the Kent Injunction, the scope of the Final Injunction is the same as the Interim Injunctions. In relation to the M25 Feeder

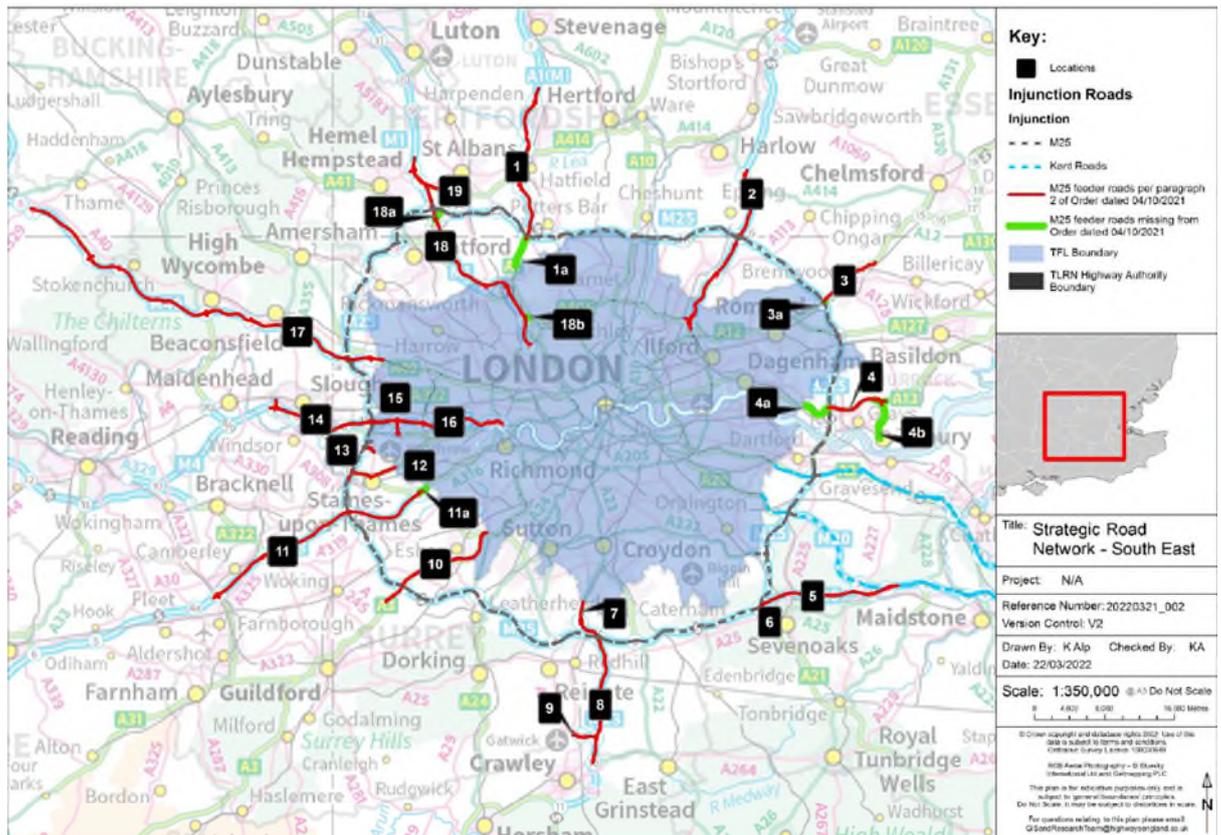
Injunction, as I explain below, the Final Injunction seeks the addition of seven additional sections for which NHL considers there is strong justification, some of which were omitted accidentally from the urgent application for the M25 Feeder Injunction. The Final Injunction also corrects certain errors in the plan appended to the M25 Feeder Injunction. I address these points below. The precise roads covered by each of the Interim Injunctions are shown on plans and documents exhibited to the Witness Statement of Laura Higson and I do not exhibit those documents myself.

*The M25 Injunction*

9. The M25 is a major (and arguably the most major) part of the SRN. The 117-mile motorway encircles most of Greater London and is one of the busiest and most important roads in the UK. It passes through 5 counties: Surrey, Buckinghamshire, Hertfordshire, Kent and Essex, and borders Berkshire and serves the most populated part of the country.

*The M25 Feeder Injunction*

10. The plan below (and exhibited at page 1 of NB1) shows in red the geographical extent of the M25 Feeder Injunction as granted by Holgate J and, in green, shows the sections that NHL proposes to include in the Final Injunction that were not included in the M25 Feeder Injunction:



11. The above plan, but showing the above roads all in red, is appended as Appendix 3 to NHL's draft order for the Final Injunction.
12. Therefore, from the list of roads set out at Appendix 3 to the draft order, the following represent the sections that were not included in the M25 Feeder Injunction:
  - (1) Road 1a: A1 from A1(M) to Rowley Lane;
  - (2) Road 3a. A1023 (Brook Street) from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access;
  - (3) Road 4a: A13 from junction with A1306 for Wennington to M25 Junction 30;
  - (4) Road 4b: A1089 from junction with A13 to Port of Tilbury entrance;
  - (5) Road 11a: A316 from M3 Junction 1 to Felthamhill Brook;
  - (6) Road 18a: A405 from M25 Junction 21A to M1 Junction 6; and
  - (7) Road 18b: A1 from Fiveways Corner roundabout to Hilltop Gardens.
13. I explain in more detail below the importance of the M25 Feeder roads that it is proposed the Final Injunction would cover. It will be seen that Roads 1a, 3a and 4a simply ensure that the part of the SRN already covered by the M25 Feeder Injunction continues over

the relevant junction, and so address what would otherwise be a gap in the effectiveness of the injunction. It will also be seen from the description below that the justification for the new sections (including those four sections just mentioned but also Roads 4b, 11a, 18a and 18b) is closely connected to the justification for those parts of the SRN that were included in the M25 Feeder Injunction. In fact, the failure to include a number of the additional sections in the plan attached to the M25 Feeder Injunction was an oversight that arose from the urgent timescale within which NHL had to prepare, apply for and finalise the M25 Feeder Injunction. I attach at page 2 to 56 of NB1 my witness statement in support of NHL's application for the M25 Feeder Injunction and exhibit N2, which shows Roads 1a (as part of Road 1), 4a (shown as part of Road 4) and 18a (shown as part of Road 18) as part of the proposed interim injunction sought.

14. There are slight discrepancies between the red roads as shown above and as shown on the plan appended to the M25 Feeder Injunction. The position is that the plan appended to the M25 Feeder Injunction did not accurately reflect the extent of some of the roads as described. Those errors have been corrected in the Final Injunction (and on the plan above), and it will be seen that the plan here and in the Final Injunction slightly narrows the scope of roads 14 to 16. These discrepancies, again, were a result of the timescale within which NHL was required to prepare its application for the M25 Feeder Roads Injunction. These points have been clarified following review by NHL as part of the preparation for the SJ Application.
  
15. As to the importance of the particular feeder roads:
  - (1) Roads 1 and 1a: A1(M), Junctions 1-6 and A1 from A1(M) to Rowley Lane: This is one of the main gateways into and out of London and one of the strategic diversion routes for when other main roads (e.g. the M1) are closed. Road 1 supports the QE2 hospital in Welwyn Garden City at Junction 4. Road 1 is a major interchange with the M25 Junction 23, a traffic officer outstation and regional operation centre, facilities which are important to the running of the all lane running smart motorway, which is safety critical. Road 1 goes across South Mimms, where there is a police station and motorway service area, a key point for refuelling for road customers, including haulage. Road 1a is also a significant artery into and out of north London.

- (2) Road 2: M11, Junctions 4 -7: Junction 4 is linked to the strategic route with the A406, a major route. Road 2 has a highways operational depot for the highways operations contractor for the M25 and that stretch of M11. North Weald airfield is between Junctions 6-7. Blocking Road 2 would also impact freight, goods and people traffic going through Stansted airport, despite the airport being slightly further up than J7. Also on Road 2 is the Princess Alexandra hospital in Harlow, an Inland Border Facility in North Weald at Junction 7, which crucial for the movement of freight and the effectiveness of the supply chain across the UK.
- (3) Roads 3 and 3a: A12 from M25 Junction 28 - A12 Junction 12 and A1023 (Brook Street) from M25 Junction 28 to Brook Street Shell Petrol Station access: These roads contain a large Shell petrol station, which is a popular refuelling stop for road users as one of the main roads going into and out of London, linking to Transport for London roads. West in Romford is the Queens Hospital, and ambulances use Roads 3 and 3a as of necessity.
- (4) Roads 4, 4a and 4b: A13 from M25 Junction 30 to junction A1089 Orsett Junction, A13 from junction with A1306 Wennington to M25 Junction 30 and A1089 from junction with A13 to Port of Tilbury entrance: These roads link into Dartford, meaning that disruption would affect Thurrock. Nearby is the DP World London Gateway port, off the A13, which is a strategic container port. Nearby also is Tilbury (with its docks), as well as Lakeside shopping centre, a significant leisure destination. Road 4b connects the A13 to the entrance to Tilbury docks. There is a large Procter & Gamble site - and various distribution centres around the junction. Also nearby is the Navigator terminal at the Thames - the major supplier of fuel to the South East (almost all fuel supplied to Kent and Essex comes to that location). That is immediately adjacent to the A13, which is next to the Queen Elizabeth Bridge. Ships unload there with raw material and it is refined into fuel for the South East. Westbound is the connection to City Airport. East of Orsett junction is Basildon University Hospital. Incidents at Junction 30 impact the Dartford crossing, a very sensitive piece of infrastructure which is rated as NHL's highest level of critical national infrastructure. If an incident occurs, NHL cannot allow standing traffic within the tunnel because of exhaust fumes, and so within 20 minutes of an incident, I would expect congestion for 5 to 10 kilometres.
- (5) Road 5: M26 - M25 to Junction 3. This is the major route from the South Coast ports south of the M25 through Surrey, then heading east to west of the country

(and back the other way). Any haulage or freight coming from the west side of the country nationally will use this route. Anything coming through the M40 or M4 or M3 would use the M26 to go to or come from the South Coast Ports. 50% of all freight movements either goes south via the M25 or across Dartford to the east. This road section is a two lane motorway, unlike many others with 3 or 4 lanes, and so is much more vulnerable to congestion. This route is very important for freight travelling to ports - this route connects with the Inland Border Facility (“**IBF**”) at Sevington (via J10/10A of the M20) - a crucial part of the EU exit operation, and important for Operation Brock, which is the contraflow system designed to keep traffic on the M20 and other roads in Kent moving when there is disruption to travel across the English Channel. As a result, if there is disruption at a port, this route and the IBF is crucial.

- (6) Road 6: A21 to B2042: This route serves Sevenoaks, Tonbridge and Royal Tunbridge Wells. It is a main commuter route for the area, including into and out of London. Disruption would significantly interrupt travel to and from those towns, for which there is little road travel choice without significant inconvenience and diversion. Additionally, Pembury Hospital is just south of Tunbridge Wells, and this part of the road is dual carriageway (making it quite vulnerable to disruption). This road is also a principal route to the South Coast and East Sussex.
- (7) Road 7: A23 Star Shaw to M25. This is a strategic route to Gatwick Airport, and a significant commuter route into and out of South London. It is a major interchange where it provides access and exit from the start of the M23 from Junction 7, which provides access to the M25 at Junction 8, then Gatwick Airport at Junction 9. It is a route to and from Croydon University Hospital, and from the M23 another route to East Surrey Hospital and Redhill Aerodrome which contains the National Police Air Service base, and Kent and Sussex Air ambulances.
- (8) Road 8: M23 – Junction 7 to Junction 10 (including M23 Gatwick spur). This is the principal route into Gatwick Airport, with all the important implications that carries for passengers and freight movements. It is the link to Manor Royal, a sizeable and important industrial hub for the South East (containing major distribution hubs for Amazon and DPD, to name but two). It is the major access route to the M25, and is an important route to East Surrey Hospital.
- (9) Road 9: A23 between North and South terminal roundabouts: This is the road that links the two terminals of Gatwick Airport and is therefore crucial for movements

within the airport and interoperable with other infrastructure within the airport. Whilst Gatwick North is presently closed to passengers, it remains an important route for airport operations including freight. It provides a major link with Manor Royal, where many airline staff, catering and service companies are based. The regional Hazardous Access Emergency Response Team comes out of Gatwick using this route.

- (10) Road 10: A3 - A240 to M25 Junction 10 to B2039 Ripley Junction. The A3 is one of the principal routes across from M25 to South Coast running all the way down to Portsmouth/Southampton and Dorset. It is a road that provides a link between Gatwick and Heathrow, and is a very busy part of the network. Junction 10 is one of the busiest, and National Highways is currently applying for a Development Consent Order for a large scale junction improvement to expand Junction 10 because of the volume of traffic and the junction's significance. It is a significant commuter route, and this part of the road provides a link to the Royal Surrey Hospital in Guildford, Chessington World of Adventures attraction, and is used as a diversion route within the perimeter of the M25.
- (11) Roads 11 and 11a: M3 – Junction 1 to Junction 4 and A316 from M3 Junction 1 to Felthamhill Brook: Road 11 is one of the major roads coming out of West London very near Heathrow, to which it also links (where the motorway ends at Sunbury, near Kempton Park Racecourse, it becomes the A316, continuing into West London). It is a significant link into and a major interchange with the M25. Junctions 2-4 allow access to the A303 which is the principal route to and from the south west of England. It provides access to St Peters Hospital in Chertsey, Twickenham Stadium, Kempton Park, and Thorpe Park. At Junction 5 is Hook RAF base, a major base in Hampshire and RAF Odiham, which is the helicopter centre for the RAF. Between the A3 and M3 is Aldershot, the home of the British army, and also Farnborough airfield. Minley in Camberley is another military camp accessed directly from Junction 4A or Junction 4 and the Royal Military Academy at Sandhurst is accessed via Junction 4. As to Road 11a in particular, this part of the SRN covers the on-slip from the A308 on to the northbound carriageway from Sunbury Cross Roundabout and the off-slip southbound from the A316 towards Sunbury Cross Roundabout on to the A308. It is also the point at which the A316 becomes the M3, which is an arterial route linking London to the West Country via the A303.

- (12) Road 12: A30 - M25 J13 to A3115: This links with the M25 at the large gyratory at Junction 13 near to Heathrow, and becomes the Staines Bypass, and is critical to Heathrow's efficient operation. It is a very busy part of the network, and works as an important relief road. It is a diversion for M3 closures for coming out of London back to the M25. There are a large number of freight forwarding companies in this area, in particular around Stanwell, and other logistics companies which link up with Heathrow. It is effectively the main artery of the industrial hinterland of Heathrow. It provides a direct link to the Great West Road/the A4 just east of Heathrow. It also provides access to Ashford Hospital.
- (13) Road 13: The A3113 - M25 J14 to A3044: This connects to Heathrow Terminal 5 - the British Airways worldwide terminal.
- (14) Road 14: The M4 - Junction 4B to Junction 7: This road connects to the Princess Margaret Hospital. Nearby is the Heston police traffic unit and National Highways traffic officer out station which provides response to the M4 and M25 motorways for incidents and any impacts to the roads. It also provides access to Windsor Castle and Legoland significant tourist attractions. These are strategically important for local economy. It is also relevant that all of this stretch is smart motorway under construction - which has lots of ongoing works - so if there were any protests then it would be very difficult to access, and would hold up installation of safety enhancement infrastructure.
- (15) Road 15: M4 Spur - M4 Junction 4 to M4 Junction 4a: This is the Heathrow spur. Nearby also to the north is Hillingdon Hospital and to the south is Ashford Hospital. Heathrow itself houses an air ambulance service. Indeed, in general terms, many of the emergency service teams use the SRN to respond to incidents. If they only have limited resource in one area, they share resources using these crucial arteries, using the SRN. They along with NHL's other partners would be widely impacted by any unplanned disruption which is why a lot of consideration and planning goes into any strategic diversions which are unavoidable.
- (16) Road 16: M4 - Junction 1A to Junction 4: This is a main route to go to Hillingdon Hospital just to the south. Wexham Park Hospital is approximately half way between the M4 and M40 just north of Slough so would be impacted by disruption on either- also RAF Northolt is just to the east. It is a significant route in and out of London. It is also an access to Wycombe Hospital, and Wembley Stadium. It is

also very close to Heathrow airport, and crucial for maintaining access to that significant national infrastructure.

- (17) Road 17: M40 Junction 7 to A40: This provides access to Slough and therefore also Wexham Park Hospital. It is also the diversion route for the A4. Nearby is Eton Dorney the major international rowing facility and a key leisure attraction. It is a major route transporting road customers to and from the Midlands and the North.
- (18) Roads 18,18a and 18b: M1 - Junction 1 to Junction 8, A405 from Junction 21A to M1 Junction 6 and A1 from Fiveways Corner roundabout to Hilltop Gardens: This is a very significant artery into and out of north London and a connector to the North Circular. It contains Scratchwood services at J2 (also known as London Gateway), a major motorway service area. Nearby also is a police traffic unit, and connect plus, the highways maintenance company office. It also provides access to Watford Hospital and Barnet Hospital on the other side. Also nearby is Hemel Hempstead Hospital by Junction 8. It is the main route from London to Luton, and Milton Keynes, the major connection between Luton into London, and access to M25. Anyone coming from Wembley North of Watford will come down the M1, and one sees many coaches come down this road to go to Wembley. On this route there is a major distribution hub for Amazon. As with the other roads, the London Fire Brigade use these major arteries to get around London quickly. So, many different fire stations in this area would use the M1 to get across London quickly to support major incidents. It is the same for Ambulance service and HART teams (Hazardous Access Emergency Response Team) need to use the major roads. As to Road 18a, the A405 North Orbital Road, this links junction 21A of the M25 to junction 6 of the M1. If this road were blocked it could delay or deny access to and from the M25 and the M1 simultaneously, thus impacting two of the busiest motorways in the country. As to Road 18b (the A1), this is where the M1 at junction 2 meets and joins with the A1 Watford Way/Great North Way. This junction is significant because if it were blocked it would deny access to and from the M25 and the A1 simultaneously. It is also a raised section of the M1 and is the furthest extent of the M1 on and off slip roads.
- (19) Road 19: A414 - M1 Junction 8 to A405: This is a key route to Hemel Hempstead Hospital. Also, it serves as a key strategic diversion route if the M1 were closed or blocked, and connects to the St Albans City Hospital. It is also the route for the

Buncefield Oil Depot and Refinery - just north of Hemel Hempstead - a crucial and strategic piece of national infrastructure.

### The Kent Injunction

16. The parts of the SRN covered by the Kent Roads Injunction are shown highlighted on the plan below, which enumerates the different roads:



17. The M20 Motorway runs roughly parallel with the A20, and also provides a direct link into Dover and Folkstone. The A2, A2070 and M2 are used in connection with the Port of Dover and Eurotunnel. The strategic importance of those locations and facilities is very significant.

- (1) Road 1: M20: The M20 acts as the main gateway to and from Europe, is considered an international route and is used by large volumes of heavy goods, commuter and holiday traffic. The route joins London via the M25 and M26 to the towns of Maidstone and Ashford before terminating near Folkestone, where it provides access to the Channel Tunnel link. The M20 provides access to a range of primary healthcare facilities including Maidstone & Tunbridge Wells Hospital, Maidstone, William Harvey Hospital, Ashford and Royal Victoria Hospital in Folkestone.

The M20 also feeds directly into the A20 which is the main link for the rest of the UK to access the busiest port in Europe, Dover.

- (2) Road 2: A20: The A20 is a major road in southeast England, connecting London with the English Channel port of Dover in Kent. Passing towns like Maidstone, Ashford and Folkestone, most of the route has been superseded by the M20. It begins at the Port of Dover heading in a north-westerly direction towards Maidstone, passing within 1.8 miles of NHL Maidstone office and Coldharbour Depot where it starts to parallel the M20. It then runs through the M26 Junction 2a onto the M25 Junction 3 where it becomes a main artery into London, terminating at Deptford joining the A2.
- (3) Road 3: A2: The A2 is a major road in southeast England, connecting London with the English Channel port of Dover in Kent. This route has always been of importance as a connection between London and sea trade routes to Continental Europe. It gives an alternative route between London and the Port of Dover, making it an important link for lorry drivers and goods entering the UK. It starts at the Port of Dover, heading north-westerly and terminating on Tower Bridge Road in central London. The A2 passes through the Rochester Crossing whereafter it becomes a main feeder road for the proposed Lower Thames crossing. It then goes onto the M2, Junction 1, where it becomes a dual carriageway creating a link to the Dartford crossing via the M25, Junction 2, thereafter becoming a main artery into the city of London where it meets the A20.
- (4) Road 4: M2: The M2 is a 26-mile long motorway in Kent, south-east England. It runs through the towns of Medway, Sittingbourne and Faversham. Feeding into the A2, it runs parallel to the M20 (just a few miles north of it) and gives an alternative route between London and the Port of Dover, making it an important link for lorry drivers. The M2 crosses the Medway River using the Medway Viaduct. Should the Lower Thames Crossing project go ahead, it would be connected to the M2 west of Strood. Although it represents a strong alternative route between London and Dover, it is most commonly used as a route between London and the North coast of Kent. The M2 also gives access to the Spire Alexandra Hospital, and could be used as a main road to join the Sittingbourne Memorial Clinic as well as the Faversham Cottage Hospital.
- (5) Road 5: A2070: The A2070 is an A road linking Brenzett with Ashford and the M20 in Kent. It feeds into both the M20 and the A259. It is a strategic access route

to Ashford from the southern part of Kent. The A2070 is characterised as a suburban road and it provides access to the William Harvey Hospital, as well as the Julie Rose stadium.

18. The Port of Dover is one of the busiest international freight ports in the UK. The two main routes to the port are the A20 and M20 and the A2 and M2. Due to the volume of freight traffic using the port, NHL, in partnership with the Kent Resilience Forum and policing partners, operates a series of systems to ensure the SRN remains safe and free flowing when normal port operations are disrupted (for example due to industrial action, adverse weather or critical incidents) such as TAP20 (Dover Traffic Access Protocol) and Operation BROCK (contraflow system to keep M20 flowing). These operations require freight traffic to travel on the SRN routes to the port and not to divert via local authority roads.

#### **Impact of the IB Protests and continued threat from protests**

19. NHL's priorities are safety of road users of the SRN and delivery of our Road Investment Strategy which includes supporting the smooth flow of traffic, encouraging economic growth and keeping the network in good condition. A central part of NHL's functions is to minimise the traffic flow impact of any incident. Against that backdrop, the IB Protests create a serious problem for NHL, given the obvious serious ramifications and foreseeable harm such traffic impact has for emergency services, road users, businesses and the economy of the country as a whole. The IB Protests are both extremely dangerous and disruptive. Indeed, that is their point:

- (1) The IB Protests carry obvious and serious risk of life to the protestors themselves from sitting or lying, standing on the edge of or attempting to enter a live carriageway. The vehicles on these roads usually travel at 70 MPH and drivers may not react swiftly enough to an unexpected pedestrian incursion. See the news reports exhibited at pages 57 to 66 of NB1.<sup>1</sup> There is also a risk to life of the

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<sup>1</sup> 'M25 crash blamed on Insulate Britain activists as woman is airlifted to hospital', Daily Telegraph, 15 September 2021, <https://www.telegraph.co.uk/news/2021/09/15/m25-protest-insulate-britain-block-britains-busiest-motorway/>. Mum paralysed from stroke after M25 protest delayed hospital trip', Watford Observer, 20 September 2021 <https://www.watfordobserver.co.uk/news/19591197.mum-paralysed-stroke-m25-protest-delayed-hospital-trip/>

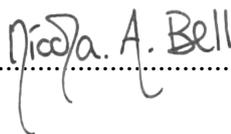
emergency services, as emergency service personnel, for example police officers, are being put at risk in a live carriageway. The mere presence of unauthorised protestors on the land covered by the Interim Injunctions is unsafe at any time of the day and has often required parts of the roads to be closed whilst the police remove the protestors from the road.

- (2) The IB Protests entail significant disruption to the SRN. A consistent, and intended, feature of the IB Protests is that they make it impossible, while there are effective 'sit ins' on the road, for traffic to proceed. That is clear from some of the photos of the IB Protests: see pages 67 to 69 of NB1.
20. Given the importance of those parts of the SRN covered by the Interim Injunctions, the highly disruptive and inherently dangerous effect of the IB Protests, IB's stated commitment to continuing their campaign and strength of belief in that campaign, the statements of intent to continue with and the indications that a significant further phase of Protests is to commence in March through IB's partnership with JSO (or other similar Protest organisations), NHL is operating on the basis that the risk of further Protests is real and imminent. IB's statements certainly indicate that the campaign is ongoing and that future protests are imminent. The timeline of IB Protests so far has shown that IB's statements deserve to be taken seriously. My view is that the Interim Injunctions and Contempt Applications have shown a measure of success as a deterrent.
  21. For those reasons, as well as the reasons set out in the Witness Statement of Laura Higson, NHL is requesting that the Court make a permanent injunction or injunctions that continue the effect of the Interim Injunctions. The details of the permanent injunction(s) sought, including the duration for which it is sought, are addressed in the Witness Statement of Laura Higson and also NHL's Skeleton Argument in support of the SJ Application.

**Statement of Truth**

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: **22 March 2022**

Signed: .....  .....

## Just Stop Oil: Motorists take law into own hands as police fail to stop protesters blocking roads

Government urges officers to use 'full powers' available to them after scenes of drivers stepping in to drag demonstrators away



Frustrated motorists took the law into their own hands and tried to physically drag environmental protesters out of the road on Tuesday as Scotland Yard insisted officers had to adhere to the law before acting.

For the 11th day running members of the [Just Stop Oil group](#) brought chaos to London streets when they blocked three roads by sitting down in front of traffic.

A fire engine and an ambulance responding to emergency calls became stuck in the gridlock in the Knightsbridge area, while thousands of other road users were affected.

Suella Braverman, the Home Secretary, urged police to “use the full powers” in new protest laws against the “indefensible” actions of the Stop the Oil campaigners who were “putting lives in danger”.

The chaos began at around 10am when 32 protesters sat down across three busy junctions, with some even gluing themselves to the tarmac.

Just Stop Oil, which is demanding that the Government halts all future licensing and production of fossil fuels in the UK, has been holding daily protests throughout October.

On Monday members blocked the Mall in front of Buckingham Palace and they have vowed to continue causing disruption until their demands are met.

With members of the public becoming increasingly frustrated at [the apparent failure of the police to prevent the direct action](#), some have started to take the law into their own hands.

At one demonstration in Knightsbridge, a van driver who was unable to get through the blockade tried to drag a protester out of the way, while a taxi driver also attempted to remove someone from the highway.

Another angry van driver even drove slowly towards the group sitting down in the road forcing them to move away from his vehicle in order to avoid being hurt.

There was further public frustration when police units did arrive with drivers angry that the activists were not immediately removed and arrested.



*Police speak to members of Just Stop Oil who have blocked roads in Knightsbridge Credit: George Cracknell Wright/LNP*

Police at the scene spent around 40 minutes assessing the situation and talking to the protesters before moving in and arresting 28 of them for wilful obstruction of the highway.

Challenged by one angry motorist at the scene, an officer said: “There's things we have to do first.”

The Met has faced criticism for its handling of direct action protests in the past, with claims that its approach does little to deter demonstrators.

But responding to the criticism, Karen Findlay, the Met's Commander of Public Order, insisted officers had to operate within the law even when dealing with people engaging in illegal activity.

Posting on Twitter, she wrote: “We are aware of this protest and the disruption it is now causing, as with other Just Stop Oil protests in the Knightsbridge area.

"We have officers already on scene who will move quickly to engage and resolve, as we have had for the last seven days in response to declared daily Just Stop Oil activity.

"Whilst having to ensure we are adhering to the legal requirements we have to operate to otherwise cases would be unable to proceed through the criminal justice process successfully.

"That in no way is not appreciating the disruptive effect on everyday Londoners and services."



*A driver remonstrates with protesters Credit: George Cracknell Wright/LNP*

The blocking of roads has become a favourite tactic among environmental groups due to the huge amount of disruption that can be caused by a relatively small number of people.

It became even more popular last year following a Supreme Court judgment, known as the Zeigler ruling, which stated that the deliberate physical obstruction of the highway could be lawful under the European Convention on Human Rights if peaceful and proportionate.

Last August, Extinction Rebellion made use of the law when members blockaded roads across London during a fortnight of action.

And in November members of the Insulate Britain group brought motorways across the country to a standstill in a series of coordinated sit-down demonstrations.

In an effort to deter those taking part the government obtained an injunction banning protesters from blocking certain roads.

However, Insulate Britain members simply circumvented the law by targeting roads not named in the injunction.

The Police, Crime, Sentencing and Courts Act passed earlier this year gives police greater powers to arrest protesters who "wilfully obstruct" highways, with a maximum penalty of up to a year in jail.

A new bill due to be considered by Parliament will give police new powers to stop and search people in order to seize items intended to cause serious disruption by locking on to roads or street furniture. Ministers also propose greater use of injunctions to prevent repeat offending by protesters who return immediately after being arrested.



*Police remove members of Just Stop Oil who have blocked roads in Knightsbridge Credit: George Cracknell Wright/LNP*

Ms Braverman will meet Sir Mark Rowley, the Met Police Commissioner, on Wednesday when it is expected she will raise the issue of the protesters.

"It is completely unacceptable that we are seeing guerrilla tactics with people coming back 11 days straight. We want to see greater use of the powers that we have given police," said a Government source.

The latest round of protests by the Just Stop Oil group is expected to continue for the rest of October, with members of the group issuing a statement on Tuesday that said: "This is not a one-day event, this is an act of resistance against a criminal government and their genocidal death project.

"Our supporters will be returning – today, tomorrow and the next day – and the next day after that – and every day until our demand is met: no new oil and gas in the UK.

"We will not be intimidated by changes to the law, we will not be stopped by private injunctions sought to silence peaceful people. Our supporters understand that these are irrelevant when set against mass starvation, slaughter, the loss of our rights, freedoms and communities."

More than 300 people have been arrested by the police since the Just Oil protests began.

# 'I have to go to hospital': Furious drivers drag Just Stop Oil activists from roads on ninth day of London protests

9 October 2022, 19:11 | Updated: 10 October 2022, 05:54



*Frustrated drivers took matters into their own hands. Picture: Twitter*

Frustrated motorists have been getting out of their vans to drag Just Stop Oil activists out of the road as the eco-protest group stops London traffic for the ninth day in a row.

Orange-bibbed protesters rallying against the continued use of oil and gas were blockading roads around Westminster when some drivers decided to take matters into their own hands.

In one video taken today, one man could be heard pleading: "I have to go to hospital for an appointment, I'm deaf, let me get on with my life and stop interfering with us."

As another man drags a protester across the floor, a woman shouts: "Oh my god, you're hurting him, stop it", to which the man snaps back: "Get off the f\*\*\*\*ing road then."

In a separate clip, the man with a hearing aid appeals to the crowd, accusing the eco-warriors of "inconveniencing and opposing their will on others".

He says: "Where's the police? What are we paying our taxes for? To have our lives inconvenienced by these idiots. This is wrong."

Meanwhile in Piccadilly Circus, one protester clambered on top of a police van and glued his hands to the roof of a police van, while two other activists chained their heads together with a bike lock as they sat in the road.

Just Stop Oil shared a video taken in Regent Street yesterday showing furious van drivers shoving and dragging protesters out of the way with force.

The campaign group tweeted: "Yesterday, a group of Just Stop Oil supporters remained resolutely nonviolent when confronted by the understandably frustrated members of the public.

"One supporter required emergency medical treatment due to having been removed from the road by a member of the public.

"The disruption will end when the Government makes a statement that it will halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK. Meet at 11 am outside Downing St. every day of October to Occupy Westminster."

The Metropolitan Police said it has arrested 45 people for obstruction the highway in Piccadilly today. Yesterday it took 24 into custody for similar offences in Marylebone Road.

The Metropolitan Police said it has arrested 45 people for obstruction the highway in Piccadilly today. Yesterday it took 24 into custody for similar offences in Marylebone Road.

Yesterday protesters from the vegan Animal Rebellion protest group vandalised hunting shops with paint as "hundreds of fellow campaigners protested in central London on Saturday to demand a "plant-based future".

Campaigners poured red paint inside Farlows, a hunting and fishing shop on Pall Mall, and daubed paint on the windows of William Evans, a shooting supply shop in nearby St James's Street, while others took and emptied milk from supermarkets.

The group, an offshoot of Extinction Rebellion, describes itself as a "mass movement using non-violent civil disobedience to call for a just, sustainable plant-based food system".

After putting out a message "calling all vegans to occupy London", AR said protesters brought London's West End "to a standstill" as people marched from Green Park to Piccadilly Circus.

A Government spokesperson said: "The right to protest is a fundamental principle of our democracy, but actions of this nature do not encourage sensible debate.

"We are supporting our Great British farmers to ensure that well-managed livestock provides environmental benefits such as supporting biodiversity, protecting the character of the countryside and generating important income for rural communities."

# Watch moment man tackles Just Stop Oil protester covering them in paint outside MI5 building

A man tried to intervene to stop the rogue painting at the MI5 building

A Just Stop Oil protester was left covered in orange paint after a furious passer-by intervened to stop them vandalising an MI5 building.

Environment activists used fire extinguishers to spray paint at the Secret Intelligence Service's headquarters in London on Monday, as well as at the Home Office, the Bank of England and the News Corp offices.

In footage posted on social media by Just Stop Oil, a member of the public can be seen intervening in the activism outside MI5.

The man tussles with an activist, as he tries to wrench a paint-spraying device from their hands.

At one point, the man appears to shove the protester and can be seen pulling off their baseball cap which he throws to the ground.

The protester continues trying to spray the building, and both they and the passer-by are too left covered in orange paint.

Londoners have been warned by the Met not to “directly intervene” with disruptive Just Stop Oil protesters.

Assistant Commissioner Matt Twist urged people not to take the law into their own hands after activists blocking roads in London were dragged out of the way in heated scenes on Saturday.

Six people have been arrested by the Met Police on suspicion of criminal damage and taken into custody at a central London police station following Monday's protests.

City of London Police officers arrested a further two people who sprayed the Bank of England.

*Guy Bell/Shutterstock*

Just Stop Oil said the buildings it targeted were chosen to represent “the four pillars that support and maintain the power of the fossil fuel economy — government, security, finance and media”.

It is the latest in a month-long stint of daily protests that has seen protesters stage sit-ins, block off key London roads, and vandalise buildings as they call on the Government to end all new oil and gas projects by 2025.

The environmental campaigners caused huge build-ups of traffic on Saturday afternoon by sitting in the middle of streets including Kensington High Street, Charing Cross Road, Kennington Park Road and Black Friars Road.

A Just Stop Oil spokesperson said: “We are not prepared to stand by and watch while everything we love is destroyed, while vulnerable people go hungry and fossil fuel companies and the rich profit from our misery.

“We are acting to stop new oil and gas because it is the right thing to do. As citizens, as parents we have every right under British law to protect ourselves and those we love. The government has the power to end the disruption today by agreeing to stop new oil and gas licences and consents.”

# Moment Just Stop Oil eco zealot sings protest song to police as he and fellow activist are hauled off Dartford Crossing bridge and arrested - as pair are found guilty of causing public nuisance after sparking two days of traffic chaos

Police bodycam footage showed the moment a [Just Stop Oil](#) demonstrator sung a protest song to officers as he was hauled off the Dartford Crossing after causing two days of traffic gridlock.

Eco-zealot Marcus Decker, 34 who was joined in the demonstration by Morgan Trowland, 40, was pulled into a cherry picker more than 200ft above ground and arrested following the stunt which sparked travel mayhem over two days.

The pair used ropes and other climbing equipment to shuffle up the cables and erect their protest site above the road where they unfurled a 'giant Just Stop Oil banner' and rigged up hammocks.

Today they were each convicted of causing a public nuisance at Basildon Crown Court for the stunt which lasted from 4am on October 17 last year to mid afternoon the following day.

When they finally agreed to come down, protester Marcus Decker was filmed singing a song of defiance as he was slowly lowered into the waiting arms of the police who had deployed a very large cherry picker.

Police bodycam footage shows a visibly exhausted Decker bellowing: 'On this good green earth we will take a stand with an open heart and a healing hand' - moments before he was pulled into the cherry picker.







During the protest the Queen Elizabeth II Bridge, which links the M25 in Essex and Kent, was closed for almost two days, prosecutor Alan King told the court.

'This closure caused gridlock for miles around throughout that period, which we say was the point,' said Mr King.

'It was because of the disruption that the incident made national news.'

He continued: 'Small businesses lost, in some cases, hundreds of thousands of pounds, people missed loved ones' funerals, children were left on the side of the road waiting for buses.'

He said the men came down at about 5.30pm on October 18 'with the help of police and a very tall cherry picker crane', but the bridge was not reopened to traffic until later.

Mr King had told jurors: 'We're not here to litigate the Government's climate change policy.'





Police body cam footage from the morning the protest began showed officers approaching both Trowland and Decker and asking them to confirm they weren't trying to harm themselves.

Both men then continued their climb.

Trowland had said in evidence: 'We climbed it (the bridge) to deliver a warning message, to put up a banner saying Just Stop Oil and to speak that message through interviews with journalists.'

He said the activist group's goal is to get the Government to stop licensing oil and gas production.

'That is putting fuel on the fire of climate change.'

Trowland, of Islington, north London, and Decker, 34, of no fixed address, denied causing a public nuisance.

They were found guilty by a jury by unanimous verdicts following more than two hours of deliberations.

Judge Shane Collery KC remanded them in custody to be sentenced on April 13.

He said: 'This court is considering custodial sentences.'

He added: 'We're dealing with significant nuisance that's been caused.'

Energy Security Secretary Grant Shapps said on Twitter: 'I welcome the court's decision today.'

'The right to protest cannot be allowed to outweigh the right of the law-abiding majority to go about their day free from selfish and antisocial disruption.'

'We are cracking down on these guerilla tactics which cause misery for the majority.'

Sean Irish, of Just Stop Oil, said outside court that the verdicts were 'quite disappointing'.

'Obviously it's quite disappointing to see this happen,' he said.

'We've seen in the Old Bailey that a jury has the right to acquit based on a conscience, whether they were aware of that I don't know, but it's disappointing to see that they've come back with a guilty verdict.'

He said that the climate crisis was 'more terrifying' than the prospect of prison time.

'Young people aren't going to die for an oil baron's profits,' Mr Irish said.

'We're not going to lie down easily, we're not going to take it, we will fight back.

'The more the government cracks down on peaceful protest, the more dangerous it becomes for the government.'

# WHAT IF THE GOVERNMENT DOESN'T HAVE IT UNDER CONTROL...?

## SLOW MARCH WITH US

By signing this form you agree to come on training and action with **Just Stop Oil**. This will mean marching in central London for multiple days. **Slow marching is still legal.** If you just want to be on the newsletter... please scroll down.

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## This calendar is for trainings specifically tailored to the Next Steps project.

To be able to take part in this action, you will need to have completed one 'height training' session and one legal briefing session. These are Mandatory.

We would also encourage as many people as possible to do the Spokes training, to maximise the media coverage - they need content!

The resilience and community building training is really important. And the Preparing for Prison is really useful so we are all prepared for the worst case scenario.

NATIONAL OR SPECIFIC FOR THIS PROJECT	TRAINING TITLE	DO I NEED TO DO IT?	INFO/NOTES/DOCS	ZOOM OR IN PERSON	ZOOM LINK OR CONTACT NAME	Zoom ID & passcode - click in the cell for full details	TIME
<b>Tuesday 1st Nov</b>							
Specific	Spokes Training	useful	Practising good in action messaging. Read this doc before	zoom	<a href="https://us06web.zoom.us/j/81974488258">https://us06web.zoom.us/j/81974488258</a>	Meeting ID: 819 7448 8258 Passcode: 146876	8.30pm - 9.30pm
Specific	Height training	MANDATORY	You will need to have done an in person heights training	in person	Nettle		All day
Specific	Project update, Q&A and connect	strongly advised	A chance for us, as a team, to gather, connect and get u	zoom	<a href="https://us02web.zoom.us/j/82136918340">https://us02web.zoom.us/j/82136918340</a>	Meeting ID: 821 3691 8340 Passcode: 503495	7pm - 8.30
National zoom, not just for us	Preparing for prison		National zoom, so please be careful about how much info	zoom	<a href="https://us02web.zoom.us/j/82316790807">https://us02web.zoom.us/j/82316790807</a>	Meeting ID: 823 1679 0807 Passcode: 711694	8pm
<b>Weds 2nd Nov</b>							
Specific	Height training	MANDATORY	You will need to have done an in person heights training	in person	Nettle		10-6pm
Specific	Smart phone video training	useful	Top tips on how to take good on action phone videos	zoom	<a href="https://us02web.zoom.us/j/88112237039">https://us02web.zoom.us/j/88112237039</a>	Meeting ID: 881 1223 7039	7pm
Specific	Virtual desktop recee training	MANDATORY	For all climbers - how to see your 'target greengage' online	zoom	<a href="https://us06web.zoom.us/j/85967509063">https://us06web.zoom.us/j/85967509063</a>	Meeting ID: 859 6750 9063 Passcode: 905371	8.30pm
Specific	Recruitment zoom		Just on here, so you can find it easily to send to other, try	Zoom	<a href="https://us02web.zoom.us/j/86410648309">https://us02web.zoom.us/j/86410648309</a>	Meeting ID: 864 1064 8309 Passcode: 114781	7pm-8
<b>Thurs 3rd Nov</b>							
Specific	Spokes Training	useful	Media links file <a href="https://cryptpad.fr/pad/#/2/pad/view/1xY7">https://cryptpad.fr/pad/#/2/pad/view/1xY7</a>	zoom	<a href="https://us06web.zoom.us/j/87937056234">https://us06web.zoom.us/j/87937056234</a>	Meeting ID: 879 3705 6234 Passcode: 576560	9.30am-10.30
Specific	Height training	MANDATORY	You will need to have done an in person heights training	in person	Nettle		10-6pm
Specific	Legal briefing	MANDATORY	Briefing from the legal team on the likely legal consequences	Zoom	<a href="https://us02web.zoom.us/j/88690862007">https://us02web.zoom.us/j/88690862007</a>	Meeting ID: 886 9086 2007 Passcode: 393714	7pm-8.30
SORRY BUT THERE IS NOT A PROJECT UPDATE ZOOM ON THURSDAY (AS PREVIOUSLY ADVERTISED) AS IT CLASHES WITH THE LEGAL TRAINING							
<b>Fri 4th Nov</b>							
Specific	Resilience training	Strongly advised	In person resilience training	in person	Nettle		10-6pm
Specific	Height training	MANDATORY	You will need to have done an in person heights training	in person	Nettle		10-6pm
Specific	Legal briefing	MANDATORY	Briefing from the legal team on the likely legal consequences	Zoom	<a href="https://us02web.zoom.us/j/88690862007">https://us02web.zoom.us/j/88690862007</a>	Meeting ID: 886 9086 2007 Passcode: 393714	5pm-6.30
Specific	Resilience & community build training	Strongly advised	Midday - Condensed, online version. Resilience & community	zoom	to be advised		12-3pm
Specific for Q's and QM's	trauma awareness and support	useful	to give queens tools to support bees	zoom	<a href="https://us02web.zoom.us/j/87076514208">https://us02web.zoom.us/j/87076514208</a>	Passcode: 656425 Meeting ID: 87076514208	18:00
Specific	Preparing for prison	recommended	Please be prepared for worse case scenarios...For those who	zoom	<a href="https://us02web.zoom.us/j/82269311654">https://us02web.zoom.us/j/82269311654</a>	Meeting ID: 822 6931 1654 Passcode: 681158	7-8.30pm
Specific	Resilience & community build training	Strongly advised	Late afternoon - Condensed, online version. Resilience	zoom	to be advised		5.30-8.30pm
<b>Sat 5th Nov</b>							
Specific	Height training	MANDATORY	You will need to have done an in person heights training	in person	Nettle		10-6pm
Specific	Resilience training	Strongly advised	In person resilience training	in person	Nettle		10-6pm
<b>Sun 6th Nov</b>							
Specific	Height training	MANDATORY	You will need to have done an in person heights training	in person	Nettle		10-6pm
Every Tuesday after action	Emotional Debrief sessions		A chance to emotionally debrief after action	zoom	<a href="https://web.zoom.us/j/87076514208">web.zoom.us/j/87076514208</a>	Passcode: 656425 Meeting ID: 87076514208	6-8pm

# JSO guerrilla campaign

Issue August - September 2022



Hannah Hunt (left) and Eben Lazarus glue themselves to *The Hay Wain* in a Just Stop Oil protest at London's National Gallery, 4 July. The painting has been covered with a JSO 'nightmare version'. PHOTO: RICH FELDGATE/JUST STOP OIL

## Gallery protests demand end to new oil extraction

On 23 July, the 'We All Want to Just Stop Oil' coalition held a 'mass swarming march' in Central London. Groups set off from 11 separate locations, causing much traffic disruption, and all converging in Parliament Square for an authorised symbolic mass sit-down. Real Media, who filmed the event, reported that 1,000 people took part.

The coalition is headed by the climate action group Just Stop Oil (JSO). Other members include CND, Disabled People Against Cuts, Fuel Poverty Action, Insulate Britain, and (Jeremy Corbyn's) Peace and Justice Project.

The coalition has five demands: no new oil extraction (JSO's original demand); tax polluters and billionaires; subsidise energy costs for ordinary people; insulate homes; and subsidise public transport.

JSO is a new group, launched in February, but even in that time it has had people sent to prison. JSO activist Ana Heyatawin was sentenced to three months in prison at Stratford magistrates' court, on 31 May, for contempt of court – for gluing herself to the dock when facing charges as a result of a JSO action.

In the run-up to the 23 July mass action, JSO had been concentrating on striking small-scale actions. This has included stunts in public art galleries in which two or more activists wearing 'Just Stop Oil' T-shirts have glued themselves to the frames of famous paintings.

The pictures chosen have included Horatio McCulloch's *My Heart's in the Highlands*, in the Kelvingrove art gallery in Glasgow (29 June); Van Gogh's *Peach Trees in Blossom*, at the Courtauld gallery in London (30 June); Thomson's *Aeolian Harp*, by Turner, at the Manchester Art Gallery (1 July); Constable's *The Hay Wain* at the National Gallery (4 July); and a 16th century copy of Leonardo's *The Last Supper at the Royal Academy* (5 July) – these last two in Central London.

At some galleries, red paint was sprayed on the floor and messages written.

At the National Gallery, activists also hung a full-size 'nightmare version' of the *The Hay Wain* from the upper frame of the painting. It included aeroplanes, a road filling the river, an abandoned car and a smoking factory. The National Gallery later said it had 'successfully dealt with' minor damage to the frame and 'some disruption to the surface of the varnish on the painting'.

Outside the UK, on 22 July, climate activists from *Ultimata Generazione* (Last Generation) glued their hands to the glass covering Botticelli's *Primavera* at the Uffizi gallery in Florence while displaying a banner.

Other actions by JSO have included activists throwing red paint over Queen Elizabeth House in Edinburgh on 2 June and over the Treasury in London on 13 June.

On 3 July, five activists in the JSO T-shirts sat on the track during the British Grand Prix at Silverstone after the race had been halted because of an accident.

On 20 July, five JSO activists climbed gantries supporting signs over the M25 motorway, causing police to stop traffic in three places.

On behalf of: the Claimant  
By: Sean Foster Martell  
No: 1  
Exhibit: SFM1

Date: 13 April 2023

**QB-2021-003576, QB-2021-003626 and QB-2021-003737**

**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) MR ALEXANDER RODGER AND 132 OTHERS**

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Ref: LNH/LNH/366530/250/UKM/125840467.1  
Solicitors for the Claimant

Defendants

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**WITNESS STATEMENT OF  
SEAN FOSTER MARTELL**

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