

On behalf of: the Claimant
By: Sean Foster Martell
No: 3
Exhibit: "SFM1" – "SFM5"

Date:

QB-2021-003576

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

BETWEEN:

NATIONAL HIGHWAYS LIMITED

Claimant

- and -

**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,
A1081, A12, A120, 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**

Defendants

**THIRD WITNESS STATEMENT OF
SEAN FOSTER MARTELL**

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

1. I have worked for the Claimant, National Highways Limited (and its predecessor organisations) as Head of Service Delivery since 2019. I am duly authorised by the Board of National Highways Limited ("**NHL**") to make this statement on behalf of NHL.
2. I make this statement in support of NHL's application to vary the injunction imposed by the Order of Mrs Justice Collins Rice dated 26 April 2024 ("**the Rice Order**").
3. The purpose of this witness statement is to explain why NHL believes it is necessary for the Rice Order to be varied so as to cover additional parts of the Strategic Road Network ("**SRN**") that lead to and from Stansted and to and from Luton Airports ("**the Additional Parts**").
4. This statement is made from matters that are within my own knowledge, whether directly or resulting from matters reported to me, both orally and in writing. Where matters are based upon information received from a third-party, including material obtained and reviewed from open-source internet and social media platforms I identify the third-party source and believe the truth of the matters stated. True copies of the press and media I refer to in the footnotes to this witness statement are produced and shown to me in order at "**SFM1**".

Background to the JSO protests resulting in the Rice Order

5. 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 SRN, including the M25 (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.

6. The IB protests continued until 2 November 2021. The IB protests focused on the M25, albeit there were also protests on roads leading to the port of Dover (and within London).
7. 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.
8. On 21 September 2021, an interim injunction in relation to the M25 was granted by Mr Justice Lavender in claim number QB-2021-003576 (“**M25 Injunction**”).
9. Following the grant of the M25 Injunction, the IB protests moved southeast along the SRN, and on 24 September 2021 blocked the A20 in Kent and subsequently the port of Dover. On 24 September 2021, Mr Justice Cavanagh granted an injunction in relation to those parts of the SRN in Kent pursuant to claim number QB-2021-003626 (“**Kent Injunction**”).
10. On 2 October 2021, Mr Justice Holgate granted an injunction in relation to certain M25 'feeder roads' pursuant to claim number QB-2021-003737 (“**M25 Feeder Roads Injunction**”).
11. On 22 October 2021, NHL made its first application for contempt of court in relation to breaches by 9 Named Defendants of the M25 Injunction. On 17 November 2021, the Divisional Court gave judgment in *National Highways Limited v Ana Heyatawin and others* [2021] EWHC 3078 (QB), finding that all nine Defendants were in contempt of court and committing them for immediate imprisonment for varying periods of between 3 and 6 months.
12. On 19 November 2021, NHL made a second application for contempt of court in relation to breaches by a further 9 Named Defendants of the M25 Injunction. The Divisional Court gave judgment in *National Highways Limited v Benjamin Buse and others* [2021] EWHC 3404 (QB) on 15 December 2021, finding that all nine Defendants were in contempt of court,

and committing them for imprisonment for varying periods of between 30 days and 3 months. Six of those Defendants had their periods of imprisonment suspended.

13. On 17 December 2021, NHL made a third application for contempt of court in relation to breaches by 19 Named Defendants of the M25 Injunction. The application was determined on 2 February 2022 in *National Highways Limited v Arne Springorum and others* [2022] EWHC 205 (QB). 16 of the Defendants were found in contempt of court, and they were committed for varying periods of imprisonment of between 24 and 60 days. Eleven of those Defendants had their periods of imprisonment suspended. The application to commit the remaining 3 Defendants was dismissed as the Court was not satisfied that there had been a breach of the M25 Injunction by them.
14. 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*”.¹ This website is now defunct, so the link to the website is no longer operative. However, this is a true reflection of what IB said in their press release.
15. 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?*”²

¹<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/>

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

16. On 24 March 2022, NHL made an application for summary judgment, seeking to join the three sets of proceedings under which the M25 Injunction, the Kent Injunction and the M25 Feeder Roads Injunction were granted and to be granted a final injunction in terms similar to those granted in the three interim injunctions (*National Highways Limited v Persons Unknown and others* [2022] EWHC 1105 (QB)). On 9 May 2022, Mr Justice Bennathan made the “**Bennathan Order**”, granting a final injunction against the 24 named Defendants against whom NHL had made successful contempt of Court applications, and an interim injunction in respect of persons unknown and the remaining named Defendants at that time.
17. NHL successfully appealed the decision of Mr Justice Bennathan at a hearing on 16 February 2023, whereby the Court of Appeal amended the terms of the Bennathan Order such that a final injunction (“**Bennathan Injunction**”) was granted against persons unknown and against all named Defendants. The Bennathan Injunction was to remain in force until 9 May 2023 pending further Order.
18. 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 awards³; invading the pitches during Premier League football games⁴; conducting protests at various art galleries across the UK by spray painting “#JustStopOil” and “No New Oil” inside the galleries and by affixing themselves with

³ 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>

⁴ <https://juststopoil.org/2022/03/16/breaking-just-stop-oil-supporter-locks-on-to-goalpost-during-arsenal-v-liverpool-game/> and <https://juststopoil.org/2022/03/20/breaking-just-stop-oil-supporters-invade-pitch-during-the-spurs-vs-west-ham-game/>

superglue to various notable artworks displayed in the galleries⁵; and disrupting the British Grand Prix at Silverstone by entering onto the race track⁶.

19. 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 M25⁷.
20. On 20 July 2022, JSO protests took place in 3 separate locations on the M25 whereby 5 protestors climbed up and affixed themselves and JSO banners to overhead gantries between Junctions 10 and 11, Junctions 14 and 15, and Junctions 30 and 31. One of those protestors was a Named Defendant to the Bennathan Injunction and the remaining four protestors were 'newcomers' who were not Named Defendants, nor persons who were capable of being personally served with the Bennathan Injunction. In a press release by JSO on 20 July 2022, it declared the M25 "*a site of civil resistance*".⁸ 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

⁵ <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/>

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

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

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

estimated to be 15,492 hours in total, affecting 49,892 vehicles with a total estimated economic cost of £234,543. This data is confirmed by the NHL Assured Impact Statement exhibited at pages 99 to 108 of SFM2 prepared by an analytical team overseen by our Chief Analyst, Mark Clements whose task it is to work with and interpret traffic data.

21. NHL made its fourth contempt of Court application against the one Named Defendant to the Bennathan Injunction who took part in the 20 July 2022 M25 protest (*National Highways Limited v Louise Lancaster* [2021] EWHC 3080 (KB)). The application was determined on 7 October 2022. The Defendant was found to be in contempt of court and was sentenced to a term of imprisonment of 42 days, suspended for 2 years. No further action could be taken against the four other individuals who took part in the protest on 20 July 2022 as it was not possible for NHL to personally serve those individuals either prior to, or during the course of, the protest.
22. 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".⁹
23. 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 resistance¹⁰ 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

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

¹⁰<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/>

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.

24. In November 2022, NHL received information from a journalist that a significant protest action was planned on the M25 Motorway. On 5 November 2022, NHL made an urgent out of hours application for an interim injunction to protect the M25 Motorway from persons unknown intending to undertake environmental protest organised by JSO. Mr Justice Chamberlain granted an interim injunction that same day in relation to the M25 Motorway structures (“**M25 Structures Injunction**”) which prohibited the Defendants from entering or remaining upon or affixing themselves or any object to any Structure on the M25 Motorway or causing, assisting, facilitating or encouraging any other person to enter or remain upon or affix themselves or any object to any Structure on the M25 Motorway.
25. It was necessary for NHL to obtain the M25 Structures Injunction, in addition to the Bennathan Injunction, as whilst the M25 Structures Injunction restrained very similar conduct to that of the Bennathan Injunction, the service provisions of the Bennathan Injunction were confined to either: (i) personal service; or (ii) service via alternative means, namely by posting the Bennathan Injunction through the letterbox or affixing it to the front door of the address for service of the defendants who were named on the Bennathan Injunction. As the identities of those who would take part in the threatened action in November were unknown to NHL and given the proximity to the first day of the action, it would therefore have been impossible for NHL to serve the Bennathan Injunction upon them in time.

26. Over the course of 7, 8, 9 and 10 November 2022, JSO and AR¹¹ protestors disrupted the M25 at 38 different locations (“**November 2022 Protests**”) by climbing on to the overhead gantries, resulting in traffic having to be halted, often both clockwise and anti-clockwise, at these multiple locations across the M25. Due to the extent of the area that the protests took place at, six different police forces were required to respond to the protests. It is estimated that a total of 50,854 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.
27. The M25 Structures Injunction was subsequently confirmed at a return date hearing by Mr Justice Soole on 28 November 2022 against Persons Unknown, and at that time, 65 Named Defendants. The M25 Structures Injunction remained in force until 23.59 hrs on 15 November 2023. NHL did not seek to extend it as by then its roads had the protection of the Cotter Injunction (see paragraph 29 below).
28. On 24 January 2023, NHL issued its fifth contempt of court application in relation to the protest on the Queen Elizabeth II Bridge on 17 and 18 October 2022 against the 2 protestors. The application was due to be heard on 13 and 14 June 2023 after the defendants asked NHL to agree to an adjournment. However, by the time of the hearing, the defendants had been found guilty of public nuisance in criminal proceedings and sentenced to custodial sentences of 3 years and 2 years and 7 months respectively¹². NHL took the view, with which the Court agreed, that due to those sentences (which the Court would have had regard to in determining sanction in the civil proceedings) there was no longer any public interest in pursuing the contempt application notwithstanding the very serious breach of the Bennathan Injunction, as the Court would be very limited in the sanction it could impose and its infrastructure was protected from these 2 protestors whilst ever they were in jail.

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

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

29. On 24 April 2023, the Bennathan Injunction came before Mr Justice Cotter for review at a hearing where NHL was represented by Leading Counsel and some of the Named Defendants lodged submissions. This resulted in an Order dated 5 May 2023 (“**Original Cotter Order**”) (and 2 further Orders dated 24 July 2023 (“**the July 2023 Order**”) and 3 October 2023 (“**the October 2023 Order**”), which orders together are known as “**the Cotter Injunction**”.
30. The Cotter Injunction in simple terms varied the terms of the Bennathan Injunction extending its term to 23.59 hrs on 10 May 2024 and provided for a review hearing, as well as the removal of the majority of Named Defendants to the Bennathan Injunction, as a consequence of those Defendants providing to the Court undertakings that they would comply with the terms of the Cotter Injunction until 10 May 2025.
31. On 27 April 2023, NHL issued its sixth contempt of court application arising out of the November 2022 Protests whereby Essex and Kent police forces made arrests against 12 Defendants. The hearing commenced on 23 October 2023. Each of the 12 Named Defendants were found to be in contempt of court for breach of the M25 Structures Injunction. Ten Defendants were given no sanction based on lack of actual knowledge of the injunction. One Defendant received a custodial sentence of 40 days suspended for 24 months on terms that with immediate effect and until 23.59 hrs on 10 November 2025 the Defendant would not breach the terms of the M25 Structures Injunction. The remaining Defendant received a custodial sentence of 80 days suspended for 24 months on terms that with immediate effect and until 23.59 hrs on 10 November 2025 the Defendant would not breach the terms of the M25 Structures Injunction.
32. On 10 August 2023 NHL issued its seventh contempt of court application arising out of the November 2022 Protests whereby Surrey police force made arrests against 18 Defendants. The hearing commenced on 5 March 2024. The Court was offered and accepted undertakings from 11 Defendants who admitted breach of the M25 Structures Injunction each of whom promised to the Court that for a period of 2 years up to midnight on

28 February 2026 not to breach the terms of the M25 Structures Injunction. Five of the Defendants were each found to be in contempt of court for breach of the M25 Structures Injunction. No further sanction was given to 2 of the Defendants. One Defendant received a custodial sentence of 40 days suspended for 24 months on terms that until 23.59 on 8 March 2026 they would not breach the terms of the M25 Structures Injunction. 2 Defendants received a custodial sentence of 32 days suspended for 24 months on terms that until 23.59 on 8 March 2026 they would not breach the terms of the M25 Structures Injunction.

33. The hearing was adjourned against two Defendants until 17 May 2024 as their trial could not proceed given that they chose to glue themselves to the gates of the Royal Courts of Justice¹³, for which they were arrested by the police. Criminal charges were brought against both Defendants, and on 16 April 2024 both Defendants were acquitted.¹⁴ Following a hearing on 17 May 2024, both Defendants were found to be in contempt of court for breach of the M25 Structures Injunction, but no further sanction was imposed.
34. On 10 August 2023, NHL issued its eighth contempt of court application arising out of the November 2022 Protests whereby Thames, Hertfordshire and the Metropolitan Police made arrests against 14 Defendants. The hearing commenced on 6 June 2024. The Court was offered and accepted undertakings from 12 Defendants who admitted breach of the M25 Structures Injunction each of whom promised to the Court that for a period of 2 years up to midnight on 28 February 2026 not to breach the terms of the M25 Structures Injunction. Two of the Defendants were each found to be in contempt of court for breach of the M25 Structures Injunction. One Defendant received a custodial sentence of 24 days suspended for 24 months on terms that until 23:59 on 6 June 2026 they would not breach the

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

¹⁴ <https://juststopoil.org/2024/04/18/just-stop-oil-supporter-released-from-prison-after-acquittal-in-first-trial-under-new-locking-on-law/>

terms of the M25 Structures Injunction. The other Defendant received no further sanction.

35. On 26 March 2024 NHL applied to continue the Cotter Injunction. Although there had not been any direct protest activity on the SRN since the November 2022 Protests, it was NHL's belief that there had been no further protests on the SRN because of NHL diligently enforcing the civil injunctions it had obtained in 8 contempt applications. In support of the application for continuation, NHL adduced evidence that JSO members continue to diversify their tactics and aim to cause disruption to as many people as possible (see paragraphs 36-55 of my Second Witness Statement).
36. Following a hearing on 26 April 2024, the Rice Order was granted, extending the Cotter Injunction until 23.59 on 10 May 2025, on the basis that there was a continued threat such that the Cotter Injunction should be continued. The Rice Order also removed the remaining Named Defendants.

Basis for the variation of the Rice Order

37. This application seeks to vary the Rice Order (which relates to the SRN in the southeast) solely to provide greater protection for Stansted and Luton Airports, both of which have now secured their own injunctions. The rationale for this is addressed below.

Previous Airport Disruption

38. On 17 November 2022, climate activists from Extinction Rebellion (“ER”) and Scientist Rebellion (“SR”) blocked entrances to two of the UK's private jet airports, at Farnborough and London Luton.¹⁵ The protests were timed to coincide with the November 2022 Protests.
39. On 24 November 2022, protestors in Germany broke onto a runway in Berlin's Brandenburg Airport and glued themselves to the tarmac. This

¹⁵ [Climate-activists-target-private-jet-airports-and-demand-ban-at-Cop27-Environmental-activism-The-Guardian.pdf](https://www.theguardian.com/environment/2022/nov/17/climate-activists-target-private-jet-airports-and-demand-ban-at-Cop27-Environmental-activism-The-Guardian.pdf) (viralproject.eu)

caused the airport's temporary closure and delays to five flights. Thirteen flights had to be diverted to other airports.¹⁶

40. On 15 February 2023, ER and 'affiliated groups' blockaded the entrances to Luton Airport's Harrods Aviation and Signature private jet terminals.¹⁷
41. On 13 July 2023, climate protestors at Hamburg and Düsseldorf airports blocked runways by gluing their hands to the runways. Flights were delayed, cancelled and diverted for several hours, with at least 17 arrivals and 19 departures being cancelled.¹⁸
42. On 13 October 2023, protestors from ER's Boston faction caused disruption at Logan Airport in Boston, protesting against airport expansion. More than 500 people gathered in the airport's security entrance to cause obstruction.¹⁹
43. On 18 May 2024, climate protestors at Munich airport glued themselves to the runway, forcing the airport to close for two hours. 60 flights were cancelled, and 11 flights were diverted.²⁰
44. On 2 June 2024 there were further protests at the gates of Farnborough Airport. At the three main gates, protestors released flares and chanted slogans. A group of protestors also moved between the airport's gates to block them.²¹

JSO Airports Campaign

45. Over the past several months, JSO has been consistently and repeatedly threatening to conduct protests at airports during the summer of 2024. Since December 2023 there has been a live website hosting donations for JSO which states, "*We'll be taking action at sites of key importance to the fossil*

¹⁶ [Climate activists glue themselves to runway at Berlin airport | World News | Sky News](#)

¹⁷ [LOVE IN ACTION: Extinction Rebellion blockades Luton Airport private jet terminals in Valentine's Day protest - Extinction Rebellion UK](#)

¹⁸ [German 'Just Stop Oil' glue their hands to airport runways to halt flights | Daily Mail Online](#)

¹⁹ [Extinction Rebellion Boston :: Climate activists disrupt Logan Airport's 100th anniversary celebration to demand justice for East Boston \(xrboston.org\)](#)

²⁰ [Munich Airport forced to close for two hours after climate protestors glue themselves to runway | World News | Sky News](#)

²¹ [Climate activists blockade Farnborough private jet airport's three main gates - Extinction Rebellion UK](#)

fuel industry; the super-polluting airports.”²² The total amount of donations as at 19:00 on 23 July 2024 is currently £24,414.

46. On 3 March 2024, JSO published an article stating that *“this summer Just Stop Oil will commence a campaign of high-level actions at sites of key importance to the fossil fuel industry- airports.”*²³
47. On 21 April 2024, JSO published a post about donations towards airport disruption and shared a picture of the JSO airport threat making the front page of a newspaper.²⁴ An article published on the same day reported that JSO were planning a series of protests at airports across the UK and Europe. The article reported that a member of JSO had warned of *“disruption on a scale that has never been seen before.”*²⁵
48. On 29 April, 30 April and 1 May 2024, JSO published posts with the sign off *“Airports will be declared sites of civil resistance this summer. Take action with us- juststopoil.org”*.²⁶ On 10 May 2024, a JSO post signed off with *“Donate to help us take action at airports this summer”* along with a link to the donation page.²⁷
49. On 4 June 2024, JSO published an article with the sign-off *“Until leaders act to protect us, Just Stop Oil supports will continue to take the proportional action necessary to generate political pressure. This summer airports will be declared sites of civil resistance.”* An article published on 7 June 2024 following protests at the Duke of Westminster’s wedding referred to acting in solidarity with other groups internationally.²⁸
50. On 14 June 2024 JSO published a video in which protestors read out a letter issued to all political party leaders. The letter demanded that party leaders sign up to a legally binding treaty to stop extracting and burning oil, gas

²² [Cat's out the bag. Just Stop Oil will take action at airports | Chuffed | Non-profit charity and social enterprise fundraising](#)

²³ [We need a Revolution. What's the plan? – Just Stop Oil](#)

²⁴ <https://www.facebook.com/JustStopOil/posts/%EF%B8%8F-in-normal-circumstances-disrupting-airports-would-be-unacceptable-%EF%B8%8F-whats-more/417301891048104/>

²⁵ [Just Stop Oil eco-protesters plot summer of airport disruption across Europe | Evening Standard](#)

²⁶ https://x.com/JustStop_Oil/status/1784897360063000686, https://x.com/JustStop_Oil/status/1785253021066100892

²⁷ https://x.com/JustStop_Oil/status/1785596773991428247

²⁸ https://x.com/JustStop_Oil/status/1788881090104439161

²⁸ [Just Stop Oil supporters disrupt Duke of Westminster’s wedding – Just Stop Oil](#)

and coal by 2030. The letter stated that if the political parties did not provide such an assurance by 12 July 2024, then JSO would be forced to take action by engaging in a campaign of non-cooperation against fossil fuel use at airports across the country.²⁹

51. On 20 June 2024, a protestor entered the private airfield at Stansted airport and painted two jets using extinguishers filled with orange paint. A JSO article states that protestors will “*take the proportional action necessary to generate much needed political pressure*” and that “*areas of key importance to the fossil fuel economy will be declared sites of civil resistance around the world.*”³⁰ On the same day, JSO published a video of protestors breaking into a private airfield at Stansted airport and spray-painting Taylor Swift’s jet.³¹
52. On 20 June 2024, London City Airport obtained an injunction prohibiting anyone from entering, occupying or remaining on London City Airport in connection with the JSO campaign (or any other environmental campaign) without the airport’s permission. True copies of this injunction and the other injunctions obtained by airports referred to below which are publicly available are produced and shown to me in date order at “**SFM3**”.
53. On 27 June 2024, six people were arrested at a JSO meeting in east London, including some suspected of being the key organisers for the climate protest group. The Metropolitan Police said in a statement “*We continue to work with airport operators and others to prevent significant disruption... Anyone who disrupts the safety and security of an airport can expect to be dealt with swiftly and robustly.*”³²
54. On 1 July 2024, JSO posted a video on X, claiming that the police were attempting to scare JSO supporters from taking action this summer. JSO

²⁹ [Just Stop Oil on X: "🔗 The letter we delivered to all party leaders, issuing them an international ultimatum. 📄 The era of fossil fuels is over. Sign up to take action — https://t.co/7BzUVS02dZ https://t.co/yUVuegjRlc" / X](#)

³⁰ [I've got a fossil fuel non-proliferation treaty baby, and I'll write your name: Just Stop Oil paint private jets hours after Taylor Swift's lands – Just Stop Oil](#)

³¹ [Just Stop Oil on X: "🇯🇵 JUST STOP OIL PAINT PRIVATE JETS HOURS AFTER TAYLOR SWIFT'S LANDS 🔗 Jennifer and Cole cut the fence into the private airfield at Stansted where @taylorswift13's jet is parked, demanding an emergency treaty to end fossil fuels by 2030. 📄 Donate — https://t.co/UwALfVtRmR https://t.co/aORdvUuOmU" / X](#)

³² [Hackney Police on X: "https://t.co/4h6kTHIhuZ" / X](#)

asserted that this would only make their “*international uprising*” stronger.³³

55. On 5 July 2024, East Midlands, Manchester and Stansted airports were granted injunctions over ‘persons unknown’ whom might trespass on their land.
56. On 9 July 2024, JSO posted that two further protestors had been arrested “*in the run up to Just Stop Oil taking action at airports this summer*”.³⁴ On the same day, Heathrow Airport was granted an injunction against environmental protestors.
57. On 15 July 2024, JSO posted a video, reporting that they had received no government response to their demands and would therefore take action in 8 countries, including the UK.³⁵
58. On 16 July 2024, JSO sent an open letter to Keir Starmer, saying they would be “*engaging in a campaign of non-cooperation against fossil fuel use, at airports across the country*”.³⁶
59. On 18 July 2024, five JSO protesters were convicted of conspiracy to cause a public nuisance in relation to the M25 motorway disruption in November 2022. They were committed for a period of imprisonment of between 4 and 5 years at Southwark Crown Court.³⁷ These are the lengthiest sentences handed down to defendants in criminal trials for non-violent climate action ever and since the IB protests first began in September of 2021.
60. On 18 July 2024, Leeds Bradford Airport, London Luton Airport and Newcastle International Airport obtained injunctions banning

³³ [Just Stop Oil on X: "Phoebe, 22, had their house raided on Tuesday after they were arrested for saying goodbye to their friend at an airport. "When there is so much at stake, resistance will not stop in the face of repression." Help us replace tech seized by the police — https://t.co/G3ZsU8xzqP https://t.co/GZC3OHBHAAO" / X](https://t.co/G3ZsU8xzqP)

³⁴ [Just Stop Oil on X: " 🚨 BREAKING: 2 MORE JUST STOP OIL SUPPORTERS ARRESTED 🚨 @metpoliceuk continues it's campaign of random, speculative arrests in the run up to Just Stop Oil taking action at airports this summer. 📄 Casper was told by the police that he's on a wanted list whilst being arrested https://t.co/M0gX3DbgwV" / X](https://t.co/M0gX3DbgwV)

³⁵ [Just Stop Oil on X: " 📍 Last month, civil resistance groups across the world delivered letters to their Governments, demanding they sign a Fossil Fuel Treaty to Just Stop Oil by 2030. ✖ Each Government failed to respond to the letters before the deadline of 12th July. 📄 This summer, https://t.co/upbF0fyHyD" / X](https://t.co/upbF0fyHyD)

³⁶ [Just Stop Oil Letter to Prime Minister Starmer – Just Stop Oil](#)

³⁷ [Whole Truth Five sentenced to 4-5 years at Southwark Crown Court in longest ever sentences for nonviolent climate action – Just Stop Oil](#)

environmental protest activity at their airports. On 19 July 2024, Gatwick Airport also obtained an injunction. As at the date of signing this witness statement the injunction obtained by London Luton Airport is not in the public domain, as it has not been posted onto their website as yet.

61. Despite such severe penalties JSO are not deterred and issued a press release just 4 days after on 22 July 2024 saying "*Just Stop Oil supporters will be taking action at airports this summer.*"³⁸
62. JSO has made consistent, repeated threats to make airports sites of "*civil resistance*" this summer. These threats have justified the Court being persuaded to grant injunctions in relation to nine airports so far against persons unknown. Other airports may be in the process of making applications for their own injunctions.
63. This same evidence also justifies an extension to the Rice Order in order to protect sections of the SRN that lead to and from Stansted and to and from Luton Airports. JSO and organisations linked to them or with the same members such as ER and a relatively new organisation Fossil Free London have a history of following through on its threats of disruptive action, and their threats deserve to be taken very seriously. It is unlikely that JSO will not attempt to conduct its summer airports protest in some form (as can be seen from the arrests of JSO supporters at Heathrow airport yesterday and which I explain at paragraph 78 below), especially as JSO has continued to threaten protest activity at airports even after the granting of airport injunctions. If airports are protected by injunctive relief, then there is a real and imminent risk that protestors will instead protest on the SRN serving those airports not presently sufficiently covered by the Rice Order in order to prevent members of the public (including holidaymakers, airline staff, and airport employees as well as the emergency services) from accessing and departing from airports in line with the threats made to cause maximum disruption.

³⁸ <https://juststopoil.org/2024/07/22/just-stop-oil-statement-on-summer-actions/>

64. On 18 July 2024, Steve Luxford, Chair of the UK Aviation Intelligence Forum and Lead Officer AIRPOL Intelligence sent an email to NHL, stating that *“Airports internationally have suffered through protest disruption to the supporting road network for instance in 2023 several airports across the US were disrupted due to protestors blocking the access roads. Whilst there is no current intelligence to indicate it being a tactic in consideration, protest on roads leading to Airports could be as disruptive by stopping passengers, crew and supplies reaching aircraft. The injunctions dissuading activism at Airports could push it to the surrounding road network.”*
65. A true copy of this email is exhibited at “**SFM4**”, and it illustrates the imminent risk that JSO will repeat their previous tactics and disrupt the SRN in an effort to cause mass disruption to airports. It is therefore crucial that the Rice Order is extended given its deterrent assistance to NHL’s activities and its ability to ensure that the roads it is responsible for as highways authority can be safely and properly used by other road users, the emergency services, passengers, airport staff, plane crew and NHL’s personnel.
66. If the variation to the Rice Order were granted, then for Luton Airport and Stansted Airport there would be a ‘gap’ relating to local authority roads that would remain unprotected between the SRN in the ownership of NHL and the control and ownership of the airports themselves. NHL is not able to obtain injunctive relief in respect of roads that are not part of the SRN, and it is considered that the variation of the Rice Order is necessary to provide as much protection as possible.
67. The extent of the Additional Parts which NHL seeks to protect by varying the Rice Order take into consideration the impact a disruptive protest might have on the SRN in the vicinity of both Stansted and Luton Airports, and the ability for the travelling public and others such as the emergency services to drive to those airports. Briefly:

67.1 As to Luton Airport, the Additional Parts extend from Junction 8 of the M1 in the South, through to Junction 11 in the North, with part of A1081 highway at Junction 10 included up until the jurisdictional boundary with the local highway authority. Any protest on the SRN within this extent would likely be highly disruptive to the travelling public and all of those using the roads, who would otherwise be 'trapped' with no alternative route to Luton Airport, save for the opportunity to exit at Junction 9. Protection is otherwise sought for the stretch of motorway between Junction 8 and Junction 9 of the M1 as this ensures the extent of the M1 Motorway protected as one of the Additional Parts joins up with the Roads protected by the existing Rice Order (which covers up to Junction 8 of the M1) and which, but for variation would leave a notable unprotected gap in this stretch of the M1 Motorway.

67.2 As to Stansted Airport, the Additional Parts extend from Junction 7 of the M11 in the South through to Junction 10 of the M11 in the North, and the A120 highway where it meets Junction 8 of the M11, through to the junction joining with the B1256 at West Dunmore. Again, this extent of cover is sought as a protest within this extent would be highly disruptive to all who use the roads, who would otherwise be 'trapped' with no alternative route to Stansted Airport, save for the opportunity to exit at Junction 7A. Protection is sought for the stretch of motorway between Junction 7 and Junction 7A of the M11 as this ensures the extent of the M11 motorway protected as an Additional Part joins up with the Roads protected under the existing Rice Order (which covers up to Junction 7 of the M11) and which otherwise would leave a notable unprotected gap in this stretch of the M11 motorway. For the avoidance of doubt, there is no opportunity for vehicles travelling South to exit the M11 motorway at Junction 9, hence why NHL sees the need to add Junction 10 to the Additional Parts by way of exit.

68. NHL have confirmed with the police that there is no objection to the third-party disclosure provisions in the Rice Order being extended to the Additional Parts in addition to that area currently covered by the geographical extent of the Rice Order. A true copy of an email confirming this consent from Mark Williams to NHL's solicitors, DLA Piper dated 23 July 2024 is exhibited to this statement at “**SFM5**”.
69. NHL is not at present seeking an injunction in relation to the SRN approach roads to airports other than to and from Luton and to and from Stansted for the following reasons. In relation to Heathrow and Gatwick Airports: (i) the SRN approach roads are already subject to the Rice Order; and (ii) there is no “gap” between where the Rice Order currently ends and where the geographical extent of the injunctions for those airports start. Therefore, there is no need to seek a variation to the Rice Order in relation to Heathrow and Gatwick.
70. In relation to London City Airport which benefits from an injunction, the approach roads do not form part of the SRN and the highway authority is either Transport for London or local London Boroughs.
71. In relation to other airports in and around London who have not obtained an injunction, there is less likelihood of protest action being directed at the SRN. In the event those airports obtain injunctions, NHL will review its position and whether the Rice Order should be extended further than is presently sought by this application.
72. Southend, Lydd and Kent International Airports have not to my knowledge sought their own injunctions but, irrespective the SRN to these airports is protected by the current geographical extent of the Rice Order.
73. The Rice Order is confined to parts of the SRN around London and in the South-East (which is where the majority of IB and JSO protests on roads have taken place). However, if the SRN is targeted by protestors in an attempt to disrupt those airports outside of London without breaching the injunctions granted to those airports, NHL will seek to take such action as it is able to do so.

74. The SRN, including the M25 Motorway, is infrastructure of critical importance and therefore any direct-action protest on the SRN causes significant economic harm, risk to life, and disruption to the public.

Without Notice Application

75. Pursuant to CPR PD23A(3) NHL seeks the Court's permission to make this Application to vary the Rice Order without serving an application notice and for the Application to be heard on a without notice basis at an urgent hearing.

76. The Application has been made on a without notice basis and for the reasons given this application is urgent.

77. There is a high risk to public safety. Given the risk of imminent harm to the SRN in the south-east and in proximity to major airports and the risks to all those using the SRN, it is imperative that the application be dealt with by the Court in sufficient time ahead of the planned JSO actions threatened to commence imminently and at any time. Urgency is also needed to enable NHL to effect service of any varied injunction ahead of that date upon which any protest commences. Of note Fossil Free London posted on Facebook, X, Twitter and TikTok on 11 July 2024 that on 27 July 2024 at 10 am outside of the Department of Transport London Office there will be a legal demonstration "*to show the people of this city don't want more polluting air travel*"³⁹. This date could very well be of significance.

78. Yesterday, Cologne - Bonn Airport was targeted by protest activity as reported on the BBC news website⁴⁰. 5 protestors gained access to the airfield this morning and glued themselves to the tarmac leading to flight operations being suspended. Of note the article reports the group responsible says "similar peaceful, civil protests at airports" were planned for yesterday across Europe and North America. In addition, closer to home

³⁹ [WE WILL NOT BE SILENCED!!! 🚩New location... - Fossil Free London | Facebook](#)

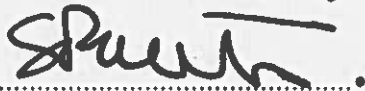
⁴⁰ [Flights diverted as climate protesters block German runway - BBC News](#)

protestors were arrested in 2 locations at Heathrow airport this morning by the Metropolitan Police and in the same article protests were mentioned at Oslo and Helsinki airports and most notably at both Zurich and Geneva protestors blocked the main roads.⁴¹

79. The Court will note from the draft order sought that NHL do not seek to vary the alternative service provisions in the Rice Order.
80. I also consider that there is a real risk that an application on notice will give rise to and perhaps even encourage the very disruption on the SRN that this Application for a variation of the Rice Order seeks to prevent.

Statement of Truth

81. 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 25 July 2024


SEAN FOSTER MARTELL

⁴¹ Just Stop Oil protesters arrested outside Heathrow in Europe-wide campaign to disrupt flights | Evening Standard

On behalf of: the Claimant
By: Sean Foster Martell
No: 3
Exhibit: "SFM1 - SFM5"

Date:

QB-2021-003576

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

NATIONAL HIGHWAYS LIMITED

Claimant

- and -

**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, A1081,
A12, A120, 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**

Defendants

**THIRD WITNESS STATEMENT OF
SEAN FOSTER MARTELL**
