



**DLA Piper UK LLP**  
1 St Paul's Place  
Sheffield  
S1 2JX  
United Kingdom  
DX: 708580 Sheffield 10  
T: +44 (0) 20 7349 0296  
F: +44 (0) 114 270 0568 or +44 (0)  
114 273 8948  
dlapiper.com

**Your reference**

**Our reference**

LNH/LNH/366530/239  
UKM/122660527.1

24 November 2022

Dear Sir/Madam

**COURT OF APPEAL REFERENCES: CA-2022-001066 AND CA-2022-001105**

**APPELLANT: NATIONAL HIGHWAYS LIMITED**

**RESPONDENTS: (1) PERSONS UNKNOWN AND (2) MR ALEXANDER RODGER AND 132 OTHERS**

As you are aware, we are instructed by National Highways Limited ("NHL").

We write further to our letter of 11 November 2022, with which we enclosed the Order of Lady Justice Whipple dated 8 November 2022 granting permission for NHL to serve documents pertinent to these proceedings upon you by placing the documents on the NHL Injunctions webpage at <https://nationalhighways.co.uk/injunctions-appeal> in addition to email service where you have provided your email address, or by postal service only where you have contacted us to request that the documents be served on you by post.

The Listing Window Notification Letter dated 31 October 2022 (a copy of which is available at <https://nationalhighways.co.uk/injunctions-appeal>) sets out at paragraphs 6, 8 and 9 the following steps that NHL must comply with by 14 November 2022:

1. File and serve a copy of the Appeal Questionnaire upon every other party;
2. Serve proposed indexes for the Core Appeal Bundle and any Supplementary Appeal Bundle upon every other party; and
3. File and serve upon every other party the Appellant's Appeal Skeleton Argument.

Please note that on 7 November 2022, NHL made an application to the Court of Appeal by email to extend the deadline for complying with the above steps by two weeks, such that NHL be permitted to serve the above listed documents upon you by 4 pm on Monday 28 November 2022. That application was granted by the Court of Appeal by email on 8 November 2022 and we enclose a copy of that email exchange for your information.

---

DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority.

DLA Piper UK LLP is a limited liability partnership registered in England and Wales (registered number OC307847) which is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of members is open for inspection at its registered office and principal place of business, 160 Aldersgate Street, London, EC1A 4HT and at the address at the top of this letter. Partner denotes member of a limited liability partnership.

A list of offices and regulatory information can be found at [dlapiper.com](http://dlapiper.com).

**UK switchboard**  
+44 (0) 20 7349 0296

We enclose by way of service upon you:

1. Appeal Questionnaire;
2. Proposed Core Bundle Index;
3. Proposed Supplementary Bundle Index; and
4. NHL's Skeleton Argument for the Appeal.

### **Next Steps**

If you disagree with the time estimate for the hearing of the appeal, you must file at the Civil Appeals Office and serve on every other party your own time estimate no later than 7 days after the date of service of the Appeal Questionnaire (see paragraph 6 of the Listing Window Notification Letter).

By 19 December 2022, you must either agree the contents of the Core Appeal Bundle and the Supplementary Appeal Bundle or notify NHL of the documents that you consider should be included in, or removed from, the Bundle(s) by sending a revised index to NHL (see paragraph 8 of the Listing Window Notification Letter). In this regard we would draw your attention in particular to Paragraph 27(8) and Paragraph 27(9)(c) of Practice Direction 52C of the Civil Procedure Rules (see: <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part52/practice-direction-52c-appeals-to-the-court-of-appeal#27.1>) which give guidance on the documents that may be included in the Bundles.

Please note that the Supplementary Appeal Bundle as per the current proposed index will exceed 350 pages and accordingly, NHL will be making an application to the Court for permission to rely on a Supplementary Appeal Bundle in excess of 350 pages. That application is to be made once the contents of the Supplementary Appeal Bundle have been agreed. If we do not hear from you by 19 December 2022, we will assume that you have no objections to the proposed Bundle Indexes, and we will file the application shortly thereafter.

### **Expedition of the Hear-by-Date**

As set out at paragraph 13 of the Listing Window Notification Letter, this case has been assigned a hear-by-date of 2 October 2023 and the Court of Appeal will aim to list the Appeal hearing by this date.

By a letter dated 24 November 2022, NHL has made an application to the Court for expedition of the hear-by-date and has requested that the Appeal be heard by 24 February 2023. We enclose the expedition request letter by way of service upon you. The brief grounds on which expedition has been sought are set out in the letter.

Further details of any expedited hear-by-date will be provided to you when this becomes available.

### **Documents Available to View on NHL Injunctions Website**

The following documents pertinent to these proceedings are available to view on the NHL Injunctions website at <https://nationalhighways.co.uk/injunctions-appeal>:

1. Permission Order dated 27 October 2022;
2. Listing Window Notification Letter dated 31 October 2022;
3. Application Notice dated 3 November 2022;
4. Witness Statement of Laura Higson dated 3 November 2022 with Exhibit LNH1;
5. The Order of Lady Justice Whipple dated 8 November 2022;
6. Party Details Form;
7. Schedule: Party Details;
8. Letter to Respondents dated 24 November 2022 serving NHL's Skeleton Argument, Appeal Questionnaire and proposed Bundle Indexes;

9. Email exchange between DLA Piper and the Civil Appeals Office regarding an extension to the filing deadline;
10. NHL's Skeleton Argument for the Appeal;
11. Appeal Questionnaire;
12. Proposed Core Bundle Index;
13. Proposed Supplementary Bundle Index; and
14. Letter to the Civil Appeals Office dated 24 November 2022 requesting expedition of the hear-by-date.

If you require advice on the contents of this letter or its enclosures, we recommend that you contact a solicitor or a citizens advice bureau as soon as possible.

Yours faithfully



**DLA Piper UK LLP**

Enc.