

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Between:

NATIONAL HIGHWAYS LIMITED

Claimant

-and-

(1) JUST STOP OIL

(2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANT ON, OVER, UNDER, OR ADJACENT TO A
STRUCTURE ON THE M25 MOTORWAY

Defendants

CLAIMANT'S SKELETON ARGUMENT

For Urgent Application 5 November 2022

Introduction

1. This is the Claimant's skeleton argument for an urgent application for an interim injunction to protect the M25 Motorway from persons unknown who intend to undertake environmental protest organised by Just Stop Oil ("JSO").
2. The Claimant (formerly Highways England Company Limited) is a strategic highways company incorporated pursuant to ss. 1 and 15 of Infrastructure Act 2015 and under the Appointment of a Strategic Highways Company Order 2015, SI 2015 No. 376 the Claimant became the licence holder, highways authority and owner of the land for the Strategic Road Network ("SRN") including the M25 Motorway which is the subject of this application. It is the highway authority for the M25 Motorway pursuant to s.1A of the Highways Act 1980 (as amended).
3. JSO is an environmental activist group which has been engaged in significant unlawful protest action since 14 February 2022. Most recently, JSO has caused extraordinary disruption through blocking roads in central London for much of October. The JSO

website boasts extensively about the level and type of activities which have been undertaken: <https://juststopoil.org/press/>.

4. It is plain that JSO has become a well resourced, well organised, and centrally coordinated organisation. It is focussed on recruiting and expanding its numbers, and operates in much the same style as organisations which encourage their members to risk losing everything because of the asserted justness and immediacy of its cause. It is funded by an organisation called the Climate Emergency Fund¹. Ironically given the asserted environmental basis of JSO's activism, their actions are, by causing widespread delay and inconvenience, likely to have caused environmental harm due to stationary traffic.

Urgency of the present application

5. On the evening of 3 November 2022, the Claimant received intelligence that JSO was planning what its activists describe as “the most disruptive [protest] action ever”.
6. The Claimant's evidence is set out in the Witness Statement of Sean Martell (“Witness Statement”). Due to the urgent nature of the application, the Witness Statement is not signed or dated. The Claimant confirms that Mr Martell has confirmed the contents of the Witness Statement and will file a signed and dated version of the Witness Statement as soon as possible. Exhibited to the Witness Statement is the video evidence of a JSO meeting (“Meeting”) which the Claimant says shows that it is right to apprehend an immediate risk of trespass. Appended to this skeleton argument is a brief analysis of the Meeting, although the Court is respectfully invited to watch each of the separate videos which comprise the Meeting, which task will take approximately 36 minutes. To assist the Court in this task, relevant passages and time stamps are appended to this skeleton argument at Appendix 1.
7. The Meeting reveals that JSO's plan is to place 16 people on gantries evenly spaced around the M25 Motorway each day from Monday 7 November 2022 (“JSO Escalation”). The intention is to cause gridlock across the whole of the M25, which, as the London orbital motorway, is critical infrastructure for the United Kingdom.
8. Preventing the free flow of traffic even for a brief time on any part of the M25 will cause significant economic harm, disruption and inconvenience to the general public. Important

¹ <https://juststopoil.org/faqs/>

events will be missed; key workers such as hospital staff and teachers will be unable to perform their duties; and there will be significant risk to life: (a) from the impact on hospitals, hospital staff and emergency personnel; (b) to individuals caught in the traffic chaos which arises when the M25 Motorway is blocked; (c) to the individuals causing the disruption; and (d) to emergency services personnel who will have to deal with the protestors and remove them from the M25 Motorway.

9. There is also increasingly evidence that the public has lost patience with the JSO activists, and there therefore a significant risk of wider public disorder should JSO be successful in executing the JSO Escalation. For example, JSO protesters who attached themselves to the Queen Elizabeth II Bridge had fireworks shot at them², and in London the Metropolitan Police were forced to issue a statement that the public should leave them to remove the JSO protestors³.
10. The Defendants are therefore JSO as an organisation, and the Persons Unknown who the Claimant fears will trespass on Structures on the M25 Motorway.

The Bennathan Order

11. Last year, the Claimant sought injunctive relief in response to similar protests targeting the SRN by an organisation called Insulate Britain, which has since become part of JSO⁴. On 9 May 2022, Mr Justice Bennathan granted the Claimant an injunction order which was part final (against certain named defendants) and interim (against persons unknown and other named defendants) (the “Bennathan Order”). The Bennathan Order remains in force and is appended at Appendix 2.
12. The factual circumstances of the Bennathan Order were that Insulate Britain activists were a relatively small group, and the same individuals were carrying out activities.
13. Before it received the intelligence that JSO was planning the JSO Escalation, the Claimant was considering an application to amend the service provisions of the Bennathan Order, as, in the Claimant’s view, the service provisions are not fit for purpose

² <https://www.kentonline.co.uk/dartford/news/fireworks-aimed-at-just-stop-oil-protestors-275455/>

³ <https://www.standard.co.uk/news/uk/just-stop-oil-london-protest-publici-met-police-crime-b1036212.html>

⁴ <https://www.facebook.com/insulatebritain/photos/a.137922331862037/250392907281645/>

to protect the relevant roads in circumstances where JSO has managed to recruit sufficient new members that each of the protest actions can be carried out by newcomers.

14. This is because the service provisions of the Bennathan Order do not dispense with personal service. The result is that, in effect, someone carrying out a disruptive protest on the roads covered by the Bennathan Order who is a newcomer and not previously identified or served, has a “free go” – they can cause huge disruption, cost and inconvenience, but they are not defendants to the Bennathan Order until such a time as the Claimant can effect personal service.
15. This was less of an issue where the protesters were blocking the roads by sitting or gluing themselves to the roads, as those protests could be dealt with relatively swiftly, and the service of the Bennathan Order was to prevent such protestors from returning to the roads.
16. By contrast, a protestor at height can remain in place for many hours, and cause significant risk directly to emergency services personnel. The Claimant’s statutory health and safety duties are also engaged. The result of this escalation of protest activity means that it is now critical, for the reasons set out in this skeleton and in the Witness Statement, that injunctive relief is in place against newcomers and there is no “free go” – both to deter any planned JSO Escalation, and also to prevent a situation where a protestor might engage in the JSO Escalation twice.

Cause of action, explanation for new proceedings and injunction

17. In this urgent application, the Claimant seeks an interim injunction on a very tailored and specific basis to prevent a very specific activity, namely entering or remaining on defined structures (“Structures”) to which the public have no right of access on the M25 Motorway.
18. The Claimant’s cause of action is in trespass, and the Claimant will undertake to file the claim by Wednesday 9 November 2022. Briefly, the Claimant owns the Structures, and no one is permitted without consent to access the Structures. Any person without permission who goes onto, climbs, hangs off, attaches banners to, or any similar activity on a Structure is a trespasser.

19. The reasons for the Claimant's approach are as follows:
 - 19.1 Given that the JSO Escalation is planned to begin on Monday 7 November 2022, the Claimant seeks to have protection in place in advance of that date.
 - 19.2 Permission to appeal the Bennathan Order has been granted to the Claimant by the Court of Appeal on 27 October 2022. In those circumstances, it may not be appropriate to seek separately to amend the service provisions of the Bennathan Order.
 - 19.3 Unlike many other anti-trespasser injunctions, this is not a case where the public has any rights of access (e.g. a right of way over a road), nor where a person might 'accidentally' stray onto land. There is no risk of someone inadvertently attaching themselves to a gantry, which cannot be accessed on foot without trespassing.
 - 19.4 Nuisance is not pursued as a cause of action, as it is the trespassory aspect of the apprehended behaviour which is subject to the claim and this application.
 - 19.5 On Thursday 3 November 2022, Mr Justice Griffiths indicated that he would refuse an application without notice by the Claimant to add two respondents as named defendants to the Bennathan Order. His Lordship permitted the Claimant to discontinue its application. The learned judge considered that the respondents needed to be heard inter partes. His Lordship commented further that it was not appropriate to "keep rolling in new defendants" into the existing Bennathan Order, and the Claimant should give serious consideration to a fresh claim and order. The learned judge made very clear that any further applications should be on notice.
20. The factual matrix underlying the injunctive relief now sought is significantly different to that in existence six months ago, and it is more appropriate to consider the issues and the order afresh, rather than seeking to amend an order which is already relatively unwieldy, and bring a claim which is largely stayed back to life.
21. The Claimant acknowledges that the activities this application seeks to prohibit may also be prohibited by the Bennathan Order, but there is nothing in principle which prevents overlapping orders. For the reasons set out, given the urgency and the potential impact of the behaviours the proposed injunction seeks to prohibit, it is submitted that it is

appropriate to seek separate injunctive relief on a very narrow basis with workable service provisions.

22. The Claimant accepts that an urgent application without notice may have been made to review or amend the Bennathan Order, particularly in relation to service. The issue with that approach is that there may have been unintended consequences given the wider scope and geographical reach of the Bennathan Order, and it was considered inappropriate to make that application on account of the Claimant's duties in without notice proceedings.

This application

23. The names of the persons who will undertake the JSO Escalation are unknown. The indication from the Meeting is that they will be newcomers to JSO, and therefore likely to be unknown to the Claimant.
24. The critical difference between this application and earlier injunctions granted to the Claimant is the maturity (in organisational terms) of JSO. At Appendix 3 to this skeleton is the JSO Training Calendar from the past week. It was sourced from a link in the Meeting. The Court is asked to note the following:
 - 24.1 At Height Training is expressed as "MANDATORY", which implies a significant level of organisational control over the JSO Escalation.
 - 24.2 On Wednesday 2 November, an online recce of the targeted gantries is also expressed as "MANDATORY". "Greengage" is the code name used by JSO for gantries (as explained in the Meeting). Again, this demonstrates a significant planning and coordination function.
 - 24.3 Crucially, on Thursday 3 November and Friday 4 November, JSO provided legal briefings, which were again expressed as "MANDATORY". This again shows centralised control and, perhaps more relevantly, centralised consideration and dissemination of legal matters.
25. A further significant difference in this application is that the activity which the Claimant seeks to constrain in order to discourage the JSO Escalation is entering or remaining on

structures⁵ on the M25 Motorway. Unlike the road surface which has previously been the target of protest action, the structures on the M25 Motorway are not areas to which the public has lawful access for other purposes – unlikely the highway itself, over which there are public rights of way to pass and repass.

26. The Divisional Court addressed this context in respect of Article 10 and 11 in DPP v Cuciurean [2022] EWHC 736 (Admin) at [45]:

45. We conclude that there is no basis in the Strasbourg jurisprudence to support the respondent’s proposition that the freedom of expression linked to the freedom of assembly and association includes a right to protest on privately owned land or upon publicly owned land from which the public are generally excluded. The Strasbourg Court has not made any statement to that effect. Instead, it has consistently said that articles 10 and 11 do not “bestow any freedom of forum” in the specific context of interference with property rights (see *Appleby* at [47] and [52]). There is no right of entry to private property or to any publicly owned property. The furthest that the Strasbourg Court has been prepared to go is that where a bar on access to property has the effect of preventing any effective exercise of rights under articles 10 and 11, or of destroying the essence of those rights, then it would not exclude the possibility of a State being obliged to protect them by regulating property rights.

46. The approach taken by the Strasbourg Court should not come as any surprise. articles 10, 11 and A1P1 are all qualified rights. The Convention does not give priority to any one of those provisions. We would expect the Convention to be read as a whole and harmoniously. Articles 10 and 11 are subject to limitations or restrictions which are prescribed by law and necessary in a democratic society. Those limitations and restrictions include the law of trespass, the object of which is to protect property rights in accordance with A1P1. On the other hand, property rights might have to yield to articles 10 and 11 if, for example, a law governing the exercise of those rights and use of land were to destroy the essence of the freedom to protest. That would be an extreme situation. It has never been suggested that it arises in the circumstances of the present case, nor more generally in relation to section 68 of the 1994 Act. It would be fallacious to suggest that, unless a person is free to enter upon private land to stop or impede the carrying on of a lawful activity on that land by the landowner or occupier, the essence of the freedoms of expression and assembly would be destroyed. Legitimate protest can take many other forms.

27. The ratio of DPP v Cuciurean is that there is no “freedom of forum” to protest. The Divisional Court held:

⁵ The reason why that is not limited to “gantries” is that there is an obvious risk that if gantries the only structures protected by the injunction, the same harms may be caused by, for example, climbing onto bridge abutments.

76... a protest which is carried out for the purposes of disrupting or obstructing the lawful activities of other parties, does not lie at the core of articles 10 and 11, even if carried out on a highway or other publicly accessible land. Furthermore, it is established that serious disruption may amount to reprehensible conduct, so that articles 10 and 11 are not violated. The intimidation, obstruction or disruption to which section 68 applies is not criminalised unless it also involves a trespass and interference with A1P1. On this ground alone, any reliance upon articles 10 and 11 (assuming they are engaged) must be towards the periphery of those freedoms.

77... articles 10 and 11 do not bestow any "freedom of forum" to justify trespass on private land or publicly owned land which is not accessible by the public. There is no basis for supposing that section 68 has had the effect of preventing the effective exercise of freedoms of expression and assembly.

28. Here, the JSO Escalation would be “reprehensible conduct” in line with Strasbourg jurisprudence such that Articles 10 and 11 are not violated:

28.1 The public have no right at all to be on the Structures.

28.2 There is no nexus between JSO’s stated intentions and the JSO Escalation. The stated intent is to cause so much serious disruption and intimidation to the general public that the UK Government is forced to comply with JSO’s wishes – that is very far removed from legitimate protest.

28.3 Preventing persons unknown from climbing onto gantries and blocking the M25 Motorway will not deprive them of their freedom to protest lawfully. The essence of the freedoms of expression and assembly are plainly not troubled by the proposed injunction. There continues to be considerable public debate about the environment and specifically about the issue with which JSO is concerned. It is relevant that the Defendants have numerous alternative avenues by which they may express their views.

Interim Injunction

29. The test for an interim injunction is well-known (*American Cyanamid Co v Ethicon Ltd* [1975] AC 396). It requires that there be at least a serious question to be tried and then refers to the adequacy of damages for either party and the balance of justice (or convenience).

30. In relation to the test to be applied for precautionary (*quia timet*) injunctions, in *Ineos Upstream v Persons Unknown* [2017] EWHC 2945 (Ch), Morgan J held at [88] that:

“The general test to be applied by a court faced with an application for a *quia timet* injunction at trial is quite clear. The court must be satisfied that the risk of an infringement of the claimant's rights causing loss and damage is both imminent and real. The position was described in *London Borough of Islington v Elliott* [2012] EWCA Civ 56 , per Patten LJ at 29, as follows:

“29 The court has an undoubted jurisdiction to grant injunctive relief on a *quia timet* basis when that is necessary in order to prevent a threatened or apprehended act of nuisance. But because this kind of relief ordinarily involves an interference with the rights and property of the defendant and may (as in this case) take a mandatory form requiring positive action and expenditure, the practice of the court has necessarily been to proceed with caution and to require to be satisfied that the risk of actual damage occurring is both imminent and real. That is particularly so when, as in this case, the injunction sought is a permanent injunction at trial rather than an interlocutory order granted on *American Cyanamid* principles having regard to the balance of convenience. A permanent injunction can only be granted if the claimant has proved at the trial that there will be an actual infringement of his rights unless the injunction is granted.”

31. Morgan J continued at [91] to state that the *American Cyanamid* test was applicable in *quia timet* cases, and that the court was bound to apply section 12(3) of the Human Rights Act 1998 and ask what order the court would be likely to make at a trial of the claim. The learned judge concluded at [142] that as he found it likely that the court following trial would grant a permanent injunction to restrain the interferences with the Claimants legal rights, the normal response of a court would be to grant similar interim relief “*without further ado.*”
32. In the present case, there is undoubtedly a **serious issue to be tried**: the cause of action is in trespass, and the threatened acts correspond to that cause of action.
33. In relation to the **adequacy of damages**, given the nature and impact of the continuing unlawful protest action, damages would be an inadequate remedy and in any event are very unlikely to be recovered and/or compensate for the considerable total losses suffered. Furthermore, the severe danger of much of the protest activity (to the activists and others) further indicates the effects of this conduct cannot be adequately remedied through damages.

34. The Court must have regard to the **balance of convenience**, and appropriate weight to be had to the Defendants' Article 10 and 11 rights (freedom of expression and assembly) 'in the round'. The balance of convenience here is particularly stark:

34.1 As set out, Article 10 and 11 are not violated;

34.2 There is no possible loss to a Defendant if they are prevented from going onto the Structures, on the contrary, such prevention is in the Defendant's best interests; and

34.3 The harm which will be caused by allowing the JSO Escalation will be significant and impossible to compensate or repair. The very purpose of the JSO Escalation is to obstruct and disrupt the rights of highways users to exercise their rights to pass and repass along the highway. The countervailing considerations are particularly acute where, as here, their actions will interfere with the SRN, causing considerable risk to life and disruption (and consequently economic damage) on a significant scale.

35. This is a without notice injunction. That is appropriate, it is submitted, for the following reasons:

35.1 This is a case of exceptional urgency (see PD23A, para 3(1)). If the application is not heard and decided before Monday 7 November 2022, the JSO Escalation is likely to take place, causing serious risk to life, disruption and widespread economic damage.

35.2 Based on the pattern of protests and the stated intention of JSO to "*raise the tempo*", there is clearly a significant risk of continuing disruptive protest. Indeed, the Meeting indicates that there is a "Plan B" and a "Plan C".

35.3 In the circumstances, this is therefore a case where prior notice is not necessary or possible.

35.4 Given previous actions and JSO's repeated statements of intention to continue despite other injunctions, the procedure cannot be unfair or surprising to those taking part in the JSO Escalation.

36. In light of the Claimant's duty of full and frank disclosure, it is appropriate to draw the following points to the Court's attention which may tend against the grant of the

application. These matters are address either immediately, or in the relevant submissions made in this skeleton argument:

- 36.1 Those taking part in the JSO Escalation perceive there to be serious environmental disadvantages in continued oil and gas licensing, and espouse the importance of ameliorating climate change and changing government policy. Such matters have been considered in numerous other similar cases, including the HS2 injunction litigation (per Andrews J (as she then was) in Secretary of State for Transport and HS2 v Persons Unknown [2020] EWHC 671 (Ch) at [35] and [42] where the learned judge noted there was no right to undertake these forms of direct-action protest, even if the motives were to protect the environment).
- 36.2 JSO activists may pray in aid their human rights to expression and assembly under Articles 10 and 11, which are addressed above. Reference would be made to the approach of the Supreme Court in DPP v Ziegler [2021] UKSC 23. That case makes clear that interference with such convention rights must be balanced against the rights of other members of the public to use an area of land (in that case, a common, in the present case public highway forming trunk roads and part of the strategic highways network). Moreover, the distinguishing feature in this application is that the target of the JSO Escalation, and the feature to be protected by injunctive relief is not public highway.
- 36.3 It may be argued that an injunction is unnecessary as there is already injunctive relief in place and/or the Defendant may also be subject to prosecution under the criminal law. The reason for these further proceedings is set out above. There is no principle that civil remedies are not appropriate even where criminal proceedings may be brought.
- 36.4 The Court's attention might also be drawn to the issue with the descriptions of persons unknown and service provisions identified in National Highways v Persons Unknown [2021] EWHC 3081 (QB) and National Highways v Persons Unknown [2022] EWHC 1105 (QB). Similarly, it is a fundamental principle of justice that a person cannot be subject to the court's jurisdiction without having notice of the proceedings (Cameron v Liverpool Victoria Insurance Co Ltd [2019] UKSC 6 at [14]).

Persons unknown

37. There has been much recent consideration of the availability of injunctions against persons unknown in a protest context by the Court of Appeal, in: *Boyd v Ineos Upstream Limited* [2019] EWCA Civ 515; *Cuadrilla v Persons Unknown* [2020] EWCA Civ 9 and *Canada Goose v Persons Unknown* [2020] EWCA Civ 303. All were considered by the Court of Appeal in *London Borough of Barking and Dagenham v Persons Unknown & Ors* [2022] EWCA Civ 13. Although other aspects were criticised in that latter case, the guidance from *Canada Goose* at [82] was not and would appear to remain applicable:

“Building on Cameron and the Ineos requirements, it is now possible to set out the following procedural guidelines applicable to proceedings for interim relief against "persons unknown" in protester cases like the present one:

(1) The "persons unknown" defendants in the claim form are, by definition, people who have not been identified at the time of the commencement of the proceedings. If they are known and have been identified, they must be joined as individual defendants to the proceedings. The "persons unknown" defendants must be people who have not been identified but are capable of being identified and served with the proceedings, if necessary by alternative service such as can reasonably be expected to bring the proceedings to their attention. In principle, such persons include both anonymous defendants who are identifiable at the time the proceedings commence but whose names are unknown and also Newcomers, that is to say people who in the future will join the protest and fall within the description of the "persons unknown".

(2) The "persons unknown" must be defined in the originating process by reference to their conduct which is alleged to be unlawful.

(3) Interim injunctive relief may only be granted if there is a sufficiently real and imminent risk of a tort being committed to justify quia timet relief.

(4) As in the case of the originating process itself, the defendants subject to the interim injunction must be individually named if known and identified or, if not and described as "persons unknown", must be capable of being identified and served with the order, if necessary by alternative service, the method of which must be set out in the order.

(5) The prohibited acts must correspond to the threatened tort. They may include lawful conduct if, and only to the extent that, there is no other proportionate means of protecting the claimant's rights.

(6) The terms of the injunction must be sufficiently clear and precise as to enable persons potentially affected to know what they must not do. The prohibited acts must not, therefore, be described in terms of a legal cause of action, such as trespass or harassment or nuisance. They may be defined by reference to the defendant's intention if that is strictly necessary to correspond to the threatened tort and done in non-technical language which a defendant is capable of understanding and the intention is capable of proof without undue complexity. It is better practice, however, to formulate the injunction without reference to intention if the prohibited tortious act can be described in ordinary language without doing so.

(7) The interim injunction should have clear geographical and temporal limits. It must be time limited because it is an interim and not a final injunction. We shall elaborate this point when addressing Canada Goose's application for a final injunction on its summary judgment application.”

38. In respect of (1), the Claimant has sought to take a balanced approach and will undertake to name persons unknown. At the present stage, the Claimant is unable to name any individual who will take part in the JSO Escalation⁶, but this will be kept under review.
39. In respect of requirements (2) to (7) of *Canada Goose*, the Claimant submits these are, in relation to defendants identified as ‘persons unknown’, met in this case:
- 39.1 The identification of persons unknown meets the requirements of (2). It is sufficiently precise to identify the relevant defendants as it targets their conduct.
- 39.2 As to (3), torts have already been committed in respect of trespass to Structures on the M25 Motorway, and a protestor has been committed for contempt of court. There is a sufficient risk of torts being committed to justify *quia timet* relief for the purposes of (3).
- 39.3 Those to be subject to the interim injunction are those falling within the definition of D2 from time to time, and as per the Orders, and will be served by means of alternative service. (4) is thus satisfied.
- 39.4 The concern in the guidance at (5) is not acute in the case of trespass, where defining the unlawful conduct is straightforward. (5) is therefore satisfied.

⁶ Although the Claimant notes that there is a suggestion in the Meeting that the person identified as Cressida Gethian may take part in the JSO Escalation. As there is at present no certainty, the Claimant has not added Ms Gethian as a named defendant. Ms Gethian has been served with the Bennathan Order, but is not a named defendant to those proceedings.

39.5 (6) is similarly satisfied: the prohibited conduct and description of persons unknown uses non-technical language, and is clear in its scope and application.

39.6 The geographical limit required in (7) is also straightforward in this case; it is simply the M25 Motorway. The requirement for a temporal limit is also satisfied here, since the draft order has a sunset clause of 10 December 2022 at 4pm.

40. Finally, the Court's attention is drawn to section 12 of the HRA 1998. It provides:-

“(1) This section applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of the Convention right to freedom of expression.

(2) If the person against whom the application for relief is made ("the respondent") is neither present nor represented, no such relief is to be granted unless the court is satisfied – (a) that the applicant has taken all practicable steps to notify the respondent; or (b) that there are compelling reasons why the respondent should not be notified.

(3) No such relief is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.”

41. The relief sought will arguably affect the Defendants' rights to freedom of expression⁷ (sub-section (1)):

41.1 The question, for provision of notice, is whether all practicable steps have been taken to notify “the person” against whom relief is sought (sub-section (2)). It is relevant that the protestors are (i) part of a concerted campaign that has staged widely-publicised protests at a number of different locations, (ii) it is clear that JSO is aware of the various injunctions made in respect of its activities and their terms.

41.2 The Claimant will seek to draw the application to the attention of the Defendants by means of alternative service (see further below) but notes that JSO provides legal training to activists, so might be expected to inform them of the terms of any order granted.

⁷ *Arguably* only, since the injunction does not prohibit protest, only trespass.

41.3 The Claimant has to demonstrate that it is likely that they would obtain the relief it seeks at trial. For the reasons set out, namely the lack of any right for anyone to enter onto the Structures without consent of the Claimant, this test is met.

Third Party Disclosure

41.4 In common with the Bennathan Order, the draft Order includes provisions for a third-party disclosure order against a number of Chief Constables, pursuant to CPR 31.17, to facilitate the Claimant's ability to serve and subsequently monitor compliance with the Orders.

41.5 The third party disclosure provisions are agreed between the Claimant and the Police, and the Police have confirmed their consent to the provisions being included in any order made on this application.

Service

42. The Claimant has no knowledge of whom specifically will be taking part in the JSO Escalation. Nor does it have any details of JSO's physical location. It has no way of effecting personal service of the Order against anyone, and certainly not by Monday 7 November 2022.

43. The inability to personally serve means that without alternative service and the ability to bring committal proceedings, the JSO Escalation is likely to take place, and the Claimant will have no recourse to committal proceedings.

44. The Claimant seeks an order that the Order be served by an alternative method pursuant to CPR 6.27 (in addition to continuing to attempt personal service where possible). The essential requirement for any form of alternative service is that the mode of service should be such as could reasonably be expected to bring the proceedings to the attention of the defendant (*Cameron* at [12]).

45. The proposed alternative service provisions are to:

45.1 send the Order to the JSO email addresses⁸;

⁸ <https://juststopoil.org/press/>

- 45.2 place the Order on the National Highways Injunctions website (which JSO and activists are familiar with as the website hosts the injunctions under which committal proceedings have been taken against JSO activists);
- 45.3 tweeting about the Order on the National Highways twitter feed, which has 123,400 followers⁹; and
- 45.4 notifying the Press Association.
46. In the present case it is submitted that there are good reasons to find that the alternative service provisions will bring the proceedings to the attention of the Defendants because:
- 46.1 JSO, and the activists associated with it, are highly tech savvy. Their campaign focus is on social media and technology (for example, in the Meeting the advice is to record videos on phones to “speak your truth”).
- 46.2 JSO trains and operates online – as seen in the Training Programme.
- 46.3 In many ways, online service is more appropriate than paper service for such activists, as the Defendants are likely to have access to mobile phones and the internet in order to maximise publicity for the JSO Escalation (as explained in the Meeting). By contrast, a defendant is unlikely to carry papers with them, and if they do, there is an obvious risk of papers blowing onto the M25 Motorway.
- 46.4 Previous injunctions granted to the Claimant have gained widespread press coverage. In respect of this injunction, the Claimant will notify the Press Association.
- 46.5 As already noted, JSO is an organisationally mature organisation with significant control and which provides what it expresses as mandatory legal training to activists.

The Draft Order

⁹ <https://mobile.twitter.com/nationalhighways>

47. The Draft Order is straightforward. Paragraph 1 defines terms. Paragraph 2 sets out the terms of the Order, and states clearly that the long-stop date is 10 December 2022. It does not depend on intention but relates to actions which amount to the tort of trespass.
48. Paragraphs 4 - 6 set out the steps the Claimant will take to bring the Order to the attention of the Defendants.
49. Paragraphs 7 - 9 provide for third party disclosure.
50. Paragraphs 10 – 11 provide for the ability and procedure for the Defendants, or any other person affected, to apply to the Court to vary or discharge the order, and to be joined to the proceedings.
51. Paragraph 12 provides the Claimant with permission to apply to extend or vary the Order,
52. Paragraph 13 gives a return date for hearing in person.
53. Subject to any modifications the Court considers appropriate, the Claimant respectfully asks that the Court make the Order in the terms sought.

MICHAEL FRY

Francis Taylor Building

5 November 2022

Appendix 1 to Claimant's Skeleton Argument dated 5 November 2022

Video Evidence – Videos of a JSO meeting on 2 November 2022

Video 1

"Daniel" speaking, sets out the agenda for the meeting:

- 00:10 – You are going to have to commit to a couple of days training this week and about three days of action next week.

He then introduces Roger Hallam, known co-founder of IB, JSO and Extinction Rebellion, who speaks about the climate emergency as rationale for the upcoming action.

Video 2

Rodger Hallam speaking:

- 00:01 – "this project is about going day after day and keeping going".
- 00:17 – refers to Tony Blair's biography in which he states that the worst time in his premiership is when the motorways were closed due to fuel protests (which appears to have inspired the upcoming action)
- 01:00 – take a circular motorway and people block gantries at close equidistant spaces around that circle at a certain time of the day, the whole motorway will full up with cars and no one will be able to get on that motorway and it will back up on all the other motorways and all the other A roads. You will cause 100 times more disruption than single people doing it. That is what this action aims to do. Makes it impossible for the government to ignore.
- 03:00 – if we do it for one day it will be massive, but so what? If we do it for 2 days it will be global news. If we do it for three or four days you are in the ballpark of the biggest disruption in British modern history. That is what we need to do. We are not going to influence government policy by going through the motions.
- 04:25 – justified in causing this level of disruption. Not just a moral thing, it is a legal thing – English common law have the right of necessity. We have argued this at Crown Court and have been successful. Let's remind ourselves that this is entirely legal.

Video 3

"Daniel" speaking:

- 00:30 – the planned action "has the potential to be the most disruptive thing that JSO or IB has ever done and it is really happening, we have got the people and it is happening.

"Lucia" speaking about the action design:

- 01:20 – refer to gantries as "greengages"
- 01:53 – planning action over 4 days and the goal is to get 16 people on greengages per day equals 64 people needed in total. This is because it is ideal for the spacing across the entire motorway. If you divide into quarters, we have 4 people per quarter". She further states that JSO would be able to achieve the desired result of closing the whole of the motorway with only 25 people taking part in the protest.
- 02:57 – the spacing is designed to create the maximum disruption because we do want to bring the whole motorway to a standstill.
- 03:10 – the idea is to be the most disruptive action that JSO, IB and XR have ever done. I would say the most disruptive action that anyone in the climate movement has ever done.
- 04:40 – there will be one person per greengage. There are two levels of greengage – level 1 is a caged structure with a ladder with a walkway, level 2 is an open metal "crisscross" structure and would be reliant on harness. There isn't any way to sit on the level 2.

Video 4

"Lucia" speaking about the upcoming planned protest action:

- From beginning – there are climbers supporting the protestors who "are not designed to be arrestable" who will leave the protestors once in situ on the gantries.
- 00:19 – two gantries have been assigned to each climber – a first choice and a back up.
- 00:30 – mandatory climbing training for everybody taking part in the action. 8 hours training for "level 2" gantry and 6 hours for "level 1".
- 01:40 – mentions legal briefing. Whatever decision the protestors make needs to be fully informed.
- 02:51 – Daniel puts a link to a training calendar in the Teams chat. The calendar shows a range of training sessions this week, including Height Training, Legal Briefing and Preparing for Prison.
- 03:05 – the plan is to arrive at the safe house two days before your action day. A full day of preparation the day before the action. A climbing instructor and a co-ordinator will be in the safe house.
- 04:05 – currently have 41 committed to the action but still aiming for 64
- 04:27 – the nature of the disruption is going to be "enormous"

Video 5

Louise Lancaster speaking about July 2022 Protest on M25 gantry:

- 02:10 – "If you are feeling boiling angry and you want to do something, this is your action. It is incredibly empowering, you are making a difference on your own. It is the ultimate rebellion, it is the ultimate protest action".
- 02:30 – "certainly the first few rounds you are going to make massive disruption with this action. We made miles and miles – 15 miles back of tailbacks".
- 03:50 – "when I did it, it was short notice, it was planned in 2 days, I turned up at the safe house area at 11 o'clock at night, the briefing was at 2 and we went out at 6"
- 03:28 – there was a police car at the gantry Lancaster had planned to climb so she walked to the next one.
- 03:40 – (referring to if it is not possible to climb the gantry they had planned to climb) "this time things are planned out so you know you will have a plan B and possible a plan C as well so you will have an alternative"
- 04:43 – "to think of 16 people at once doing it, it is definitely going to close the ring"
- 05:03 – "don't be worried about the big costs that I got, it is exactly as Lucia said it is because I was only one doing it. The judge did say it was not reckless".

Video 6

Cressida Gethian speaking about her experience of July 2022 gantry protests.

- 00:11 "it was intensely disruptive, more than I expected, more than I think the co-ordination team expected, for 5 people which is you know half the size of a block team" (NB: block team presumably means the 16 protestors taking part in each daily action)
- 00:30 – they were able to close both sides of the motorway because there were two protestors on the gantry and Cressida noticed she could walk along the gantry to the other side of the carriageway to cause further disruption.
- 01:25 – "I am preparing to do it again and so I have been through all of the trainings and things".
- 02:58 – "absolutely incredible timing at the very start of COP, it couldn't really be better"
- 03:10 – "I am excited for this". "It really could be showstopping".

Daniel continues conduct of the meeting:

- 03:45 – refers to duty of care, the fact that they don't want people to be taking part in actions unless they are aware of the legal consequences
- 03:55 – mentions climbing training

- 04:00 – mentions legal briefing
- 04:13 – "you are going to need quite a bit of free time over the next 10 days if you are going to be doing it and you are serious about doing it"

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

BEFORE: MR JUSTICE BENNATHAN

Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737

B E T W E E N:

NATIONAL HIGHWAYS LIMITED

-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 A413 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

ORDER

PENAL NOTICE

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

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

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible.

UPON the application of the Claimant for summary judgment (“the Application”)

AND UPON hearing Myriam Stacey QC, Admas Habteslasie and Michael Fry for the Claimant, and Owen Greenhall for Jessica Branch being a person who is not a party to the proceedings but who was permitted to make representations pursuant to CPR r. 40.9.

AND UPON the Claimant confirming that this Order is not intended to prohibit lawful protest which does not block or endanger, or prevent the free flow of traffic on the Roads defined in paragraph 4 of this Order (“**the Roads**”).

IT IS ORDERED THAT:

1. The “Named Defendants” are now those Defendants with their numerical designations (e.g. D1, D2 etc.) whose names appear in the revised and re-numbered Schedule 1 annexed to this Order to reflect the Order made at paragraph 8.

2. The “Contemnor Defendants” refers to a sub-set of the Named Defendants, being the Named Defendants who have been found in contempt of Court in these proceedings, namely:
 - 2.1. Ana Heyatawin (D5)
 - 2.2. Ben Taylor (D10)
 - 2.3. Benjamin Buse (D11)
 - 2.4. Biff Whipster (D12)
 - 2.5. Christian Rowe (D17)
 - 2.6. David Nixon (D23)
 - 2.7. Diana Warner (D27)
 - 2.8. Ellie Litten (D124)
 - 2.9. Emma Smart (D31)
 - 2.10. Gabriella Ditton (D32)
 - 2.11. Indigo Rumbelow (D110)
 - 2.12. James Thomas (D40)
 - 2.13. Louis McKechnie (D54)
 - 2.14. Oliver Rock (D74)
 - 2.15. Paul Sheeky (D76)
 - 2.16. Richard Ramsden (D81)
 - 2.17. Roman Paluch-Machnik (D84)
 - 2.18. Ruth Jarman (D88)
 - 2.19. Stephanie Aylett (D92)

- 2.20. Stephen Gower (D93)
 - 2.21. Stephen Pritchard (D94)
 - 2.22. Sue Parfitt (D96)
 - 2.23. Theresa Norton (D101)
 - 2.24. Tim Speers (D102)
3. The term “Defendants” refers to both “persons unknown” as defined as First Defendant in paragraph 6, the Named Defendants, and the Contemnor Defendants.
 4. For the purposes of this Order, “the Roads” shall mean all of the following:
 - 4.1. The M25, meaning the London Orbital Motorway and shown in red on the plans at Appendix 1 annexed to this Order.
 - 4.2. The A2, A20, A2070, M2 and M20, meaning the roads shown in blue and green on the plans at Appendix 2 annexed to this Order.
 - 4.3. The A1(M) (Junction 1 to Junction 6), A1 (from A1M to Rowley Lane and from Fiveways Corner roundabout to Hilltop Gardens), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A1023 (Brook Street) (from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access), A13 (M25 Junction 30 to A1089), A13 (from junction with A1306 for Wennington to M25 Junction 30), A1089 (from junction with A13 to Port of Tilbury entrance), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A316 (from M3 Junction 1 to Felthamhill Brook), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray’s River Bridge), M1 (Junction 1 to Junction 8), A405 (from M25 Junction 21A to M1 Junction 6), A1 (from Fiveways Corner roundabout to Hilltop Gardens), and A414 (M1 Junction 8 to A405), meaning the roads shown in red on the plan at Appendix 3 annexed to this Order;

4.4. In the case of each of the Roads, the reference to the Roads shall include all carriageways, hard shoulders, central reservations, motorway (including the A1(M)) verges, slip roads, roundabouts (including those at junctions providing access to and from the Roads), gantries, traffic tunnels, traffic bridges including in the case of the M25 the Dartford Crossing and Queen Elizabeth II Bridge and other highway structures whether over, under or adjacent to the motorway/trunk road, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, lay-bys, police observation points/park up points, and emergency refuge areas.

Consolidation and Consequential Amendments

5. The three claims (QB-2021-003576, 003626 and 00737) are hereby consolidated.
6. The Claimant has permission to amend the description of the First Defendant in the consolidated claim to:

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

7. As this is a simple amalgamation of the existing categories of the First Defendants in each of the original claims, the requirements in the CPR to amend other documents in the proceedings and to serve those amended documents on the Defendants is dispensed with.
8. The following defendants are to be removed as defendants:
 - 8.1. Tam Millar
 - 8.2. Hannah Shafer
 - 8.3. Jesse Long
 - 8.4. Thomas Franke
 - 8.5. William Wright
 - 8.6. Arne Springorum
 - 8.7. Ben Horton
 - 8.8. Emily Brocklebank

8.9. Marc Savitsky

8.10. Serena Schellenberg

Injunction in Force

9. The Order of Mr Justice Chamberlain dated 17 March 2022 which continued the M25, Kent Roads and Feeder Roads Orders (“Extension Order”) shall continue and remain in force until 23.59 hrs on 9 June 2022. The Injunctions are not repeated within the body of this Order to avoid confusion. The Extension Order less appendices is appended to this Order at Schedule 2.

Interim Injunction

10. From 10 June 2022 and until 23.59 hrs on 9 May 2023 or until further Order the Defendants (excluding the Contemnor Defendants) and each of them are forbidden from:

- 10.1. Blocking, or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, tunnelling within 25m of the Roads, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.

- 10.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.

- 10.3 Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

Final Injunction

11. From 10 June 2022 until 23.59 hrs on 9 May 2023 the Contemnor Defendants and each of them are forbidden from:

- 11.1. Blocking or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, tunnelling within 25m of

the Roads, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.

11.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.

11.3 Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

Alternative service

12. The Claimant is permitted in addition to personal service to serve this Order on Named Defendants by the following methods together:

12.1. service of the sealed Order on Insulate Britain by email to their known email addresses insulatebritainlegal@protonmail.com and ring2021@protonmail.com; and

12.2. posting a copy of this Order through the letterbox of each Named Defendant (or leaving it in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a Court Order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The Notices shall be given in prominent lettering in the form set out in Appendix 4.

13. The Claimants are directed to take the following steps to publicise the existence of this Order:

13.1. Placing copies of the Order on the National Highways website;

13.2. Advertising the existence of this Order in the London Gazette;

13.3. Sending a copy of this Order to Insulate Britain's known email addresses: ring2021@protonmail.com and insulatebritainlegal@protonmail.com.

14. For the avoidance of doubt, persons who have not been served with this Order by an acceptable method are not bound by its terms. Compliance with paragraphs 12.1 and 13.1 – 13.3 above **does not constitute service** on any Defendant, nor does a failure to comply with paragraph 13 above constitute a failure of service.

Third-Party Disclosure

15. Pursuant to CPR 31.17, the Chief Constables for those forces listed in Schedule 3 to this Order shall procure that the officers within their forces disclose to the Claimant:

15.1. all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the Roads referred to in these proceedings; and

15.2. all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of this Order.

16. Without the permission of the Court, the Claimants shall not make use of any document disclosed by virtue of paragraph 15 of this Order, other than for one or more of the following uses:

(i) applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;

(ii) investigating, formulating, pleading and prosecuting any claim within these proceedings arising out of any alleged breach of this Order;

(iii) use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any Order made within these proceedings.

17. Until further Order, the postal address and/or address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.

18. The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill (owen.weatherill@npocc.police.uk), by email only.

Further directions

19. There shall be listed in April 2023 a hearing at which the Court shall review whether it should vary or discharge this Order or any part.
20. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors by email to the addresses specified at paragraph 28 below 48 hours before making such application of the nature of such application and the basis for it.
21. Any person applying to vary or discharge this Order must provide their full name and address, and address for service to the Claimant and to the Court, and must also apply to be joined as a named defendant to these proceedings at the same time.
22. The Contemnor Defendants have a right to apply for summary judgment as against them to be set aside in accordance with CPR PD 24.8.
23. The Claimants have liberty to apply to extend, vary or discharge this Order, or for further directions.
24. No acknowledgment of service, admission or defence is required by any party until further so ordered.
25. Costs reserved.

Communications with the Claimant

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

DLA Piper UK LLP

Attention: Petra Billing and Rob Shaw

1 St. Paul's Place

Sheffield S1 2JX

E: petra.billing@dlapiper.com and rob.shaw@dlapiper.com

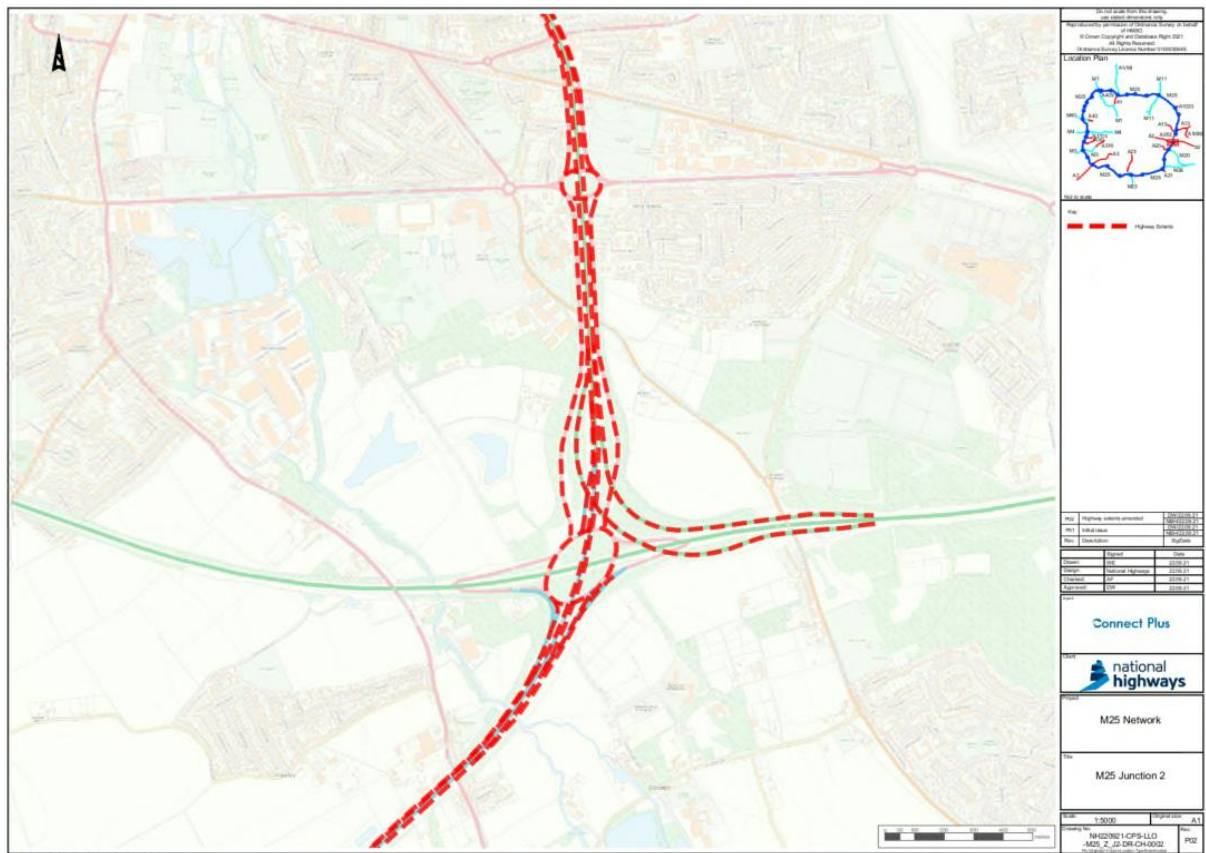
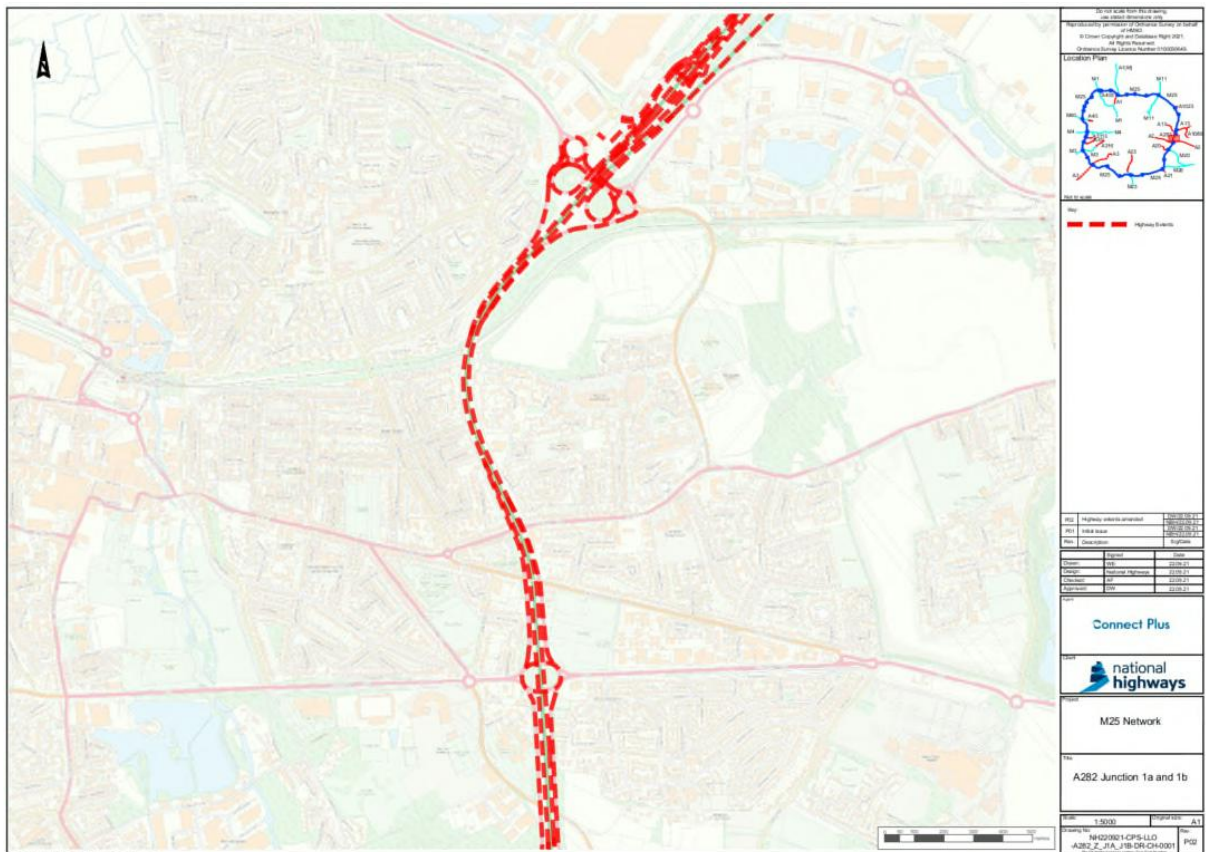
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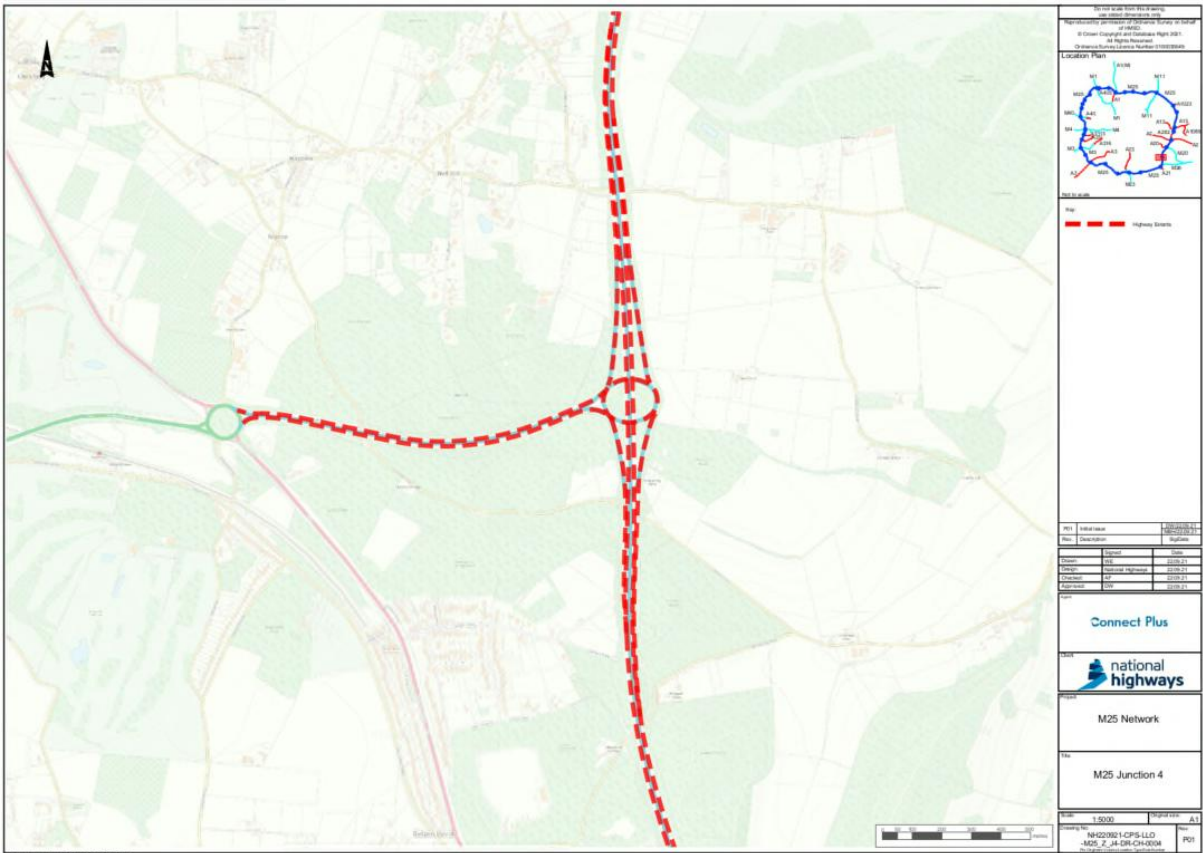
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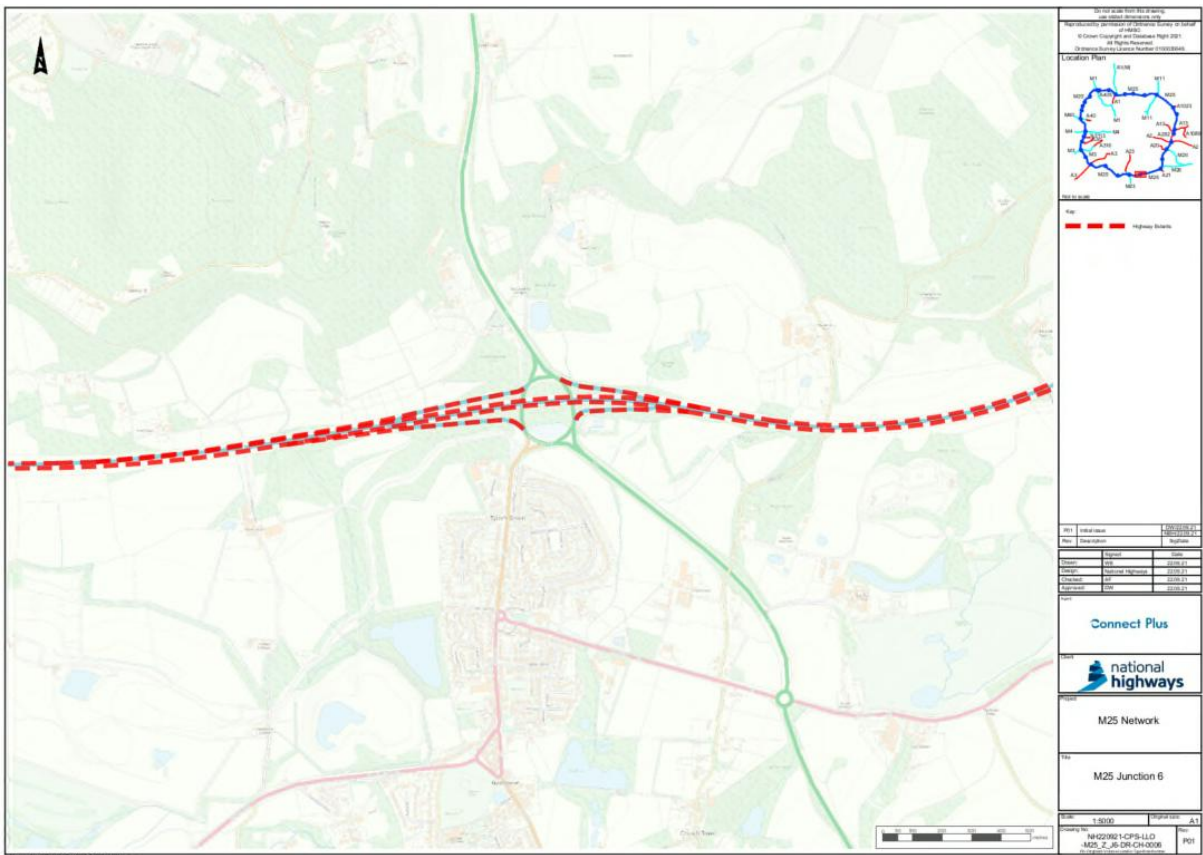
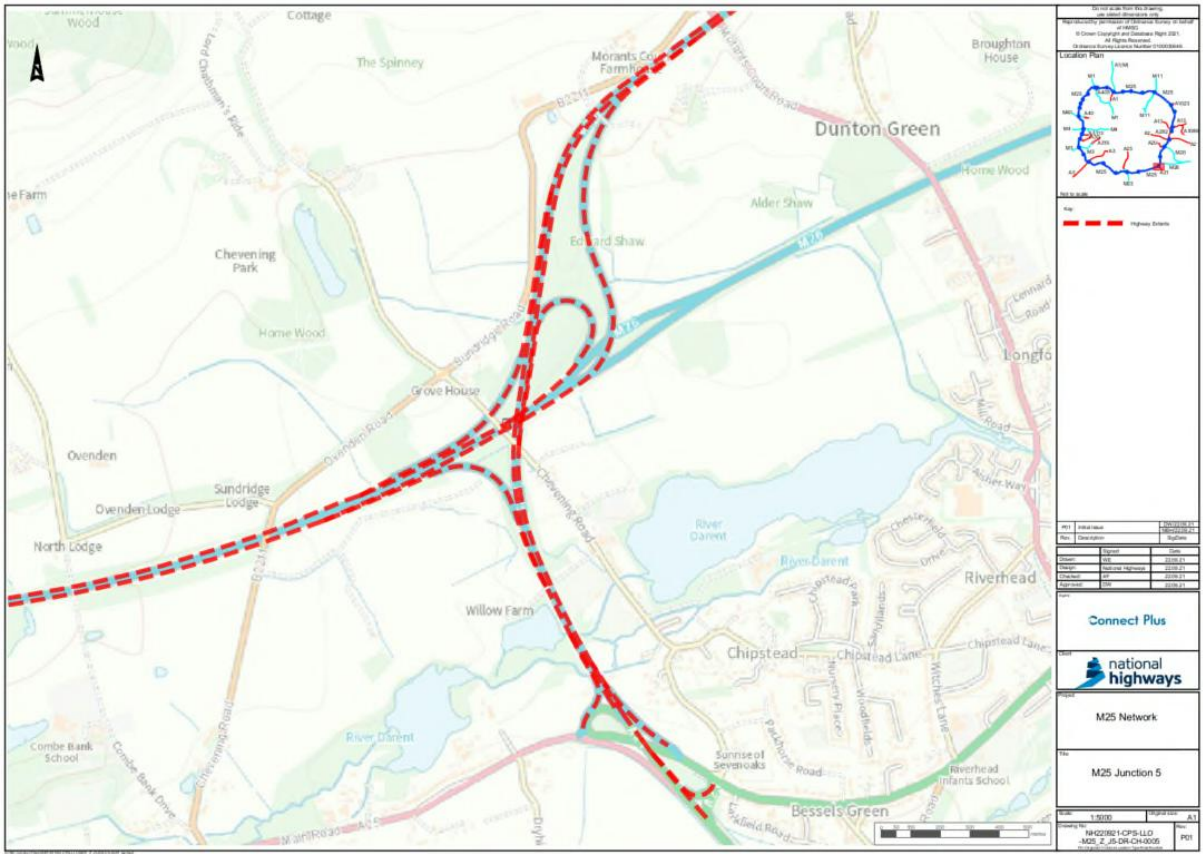
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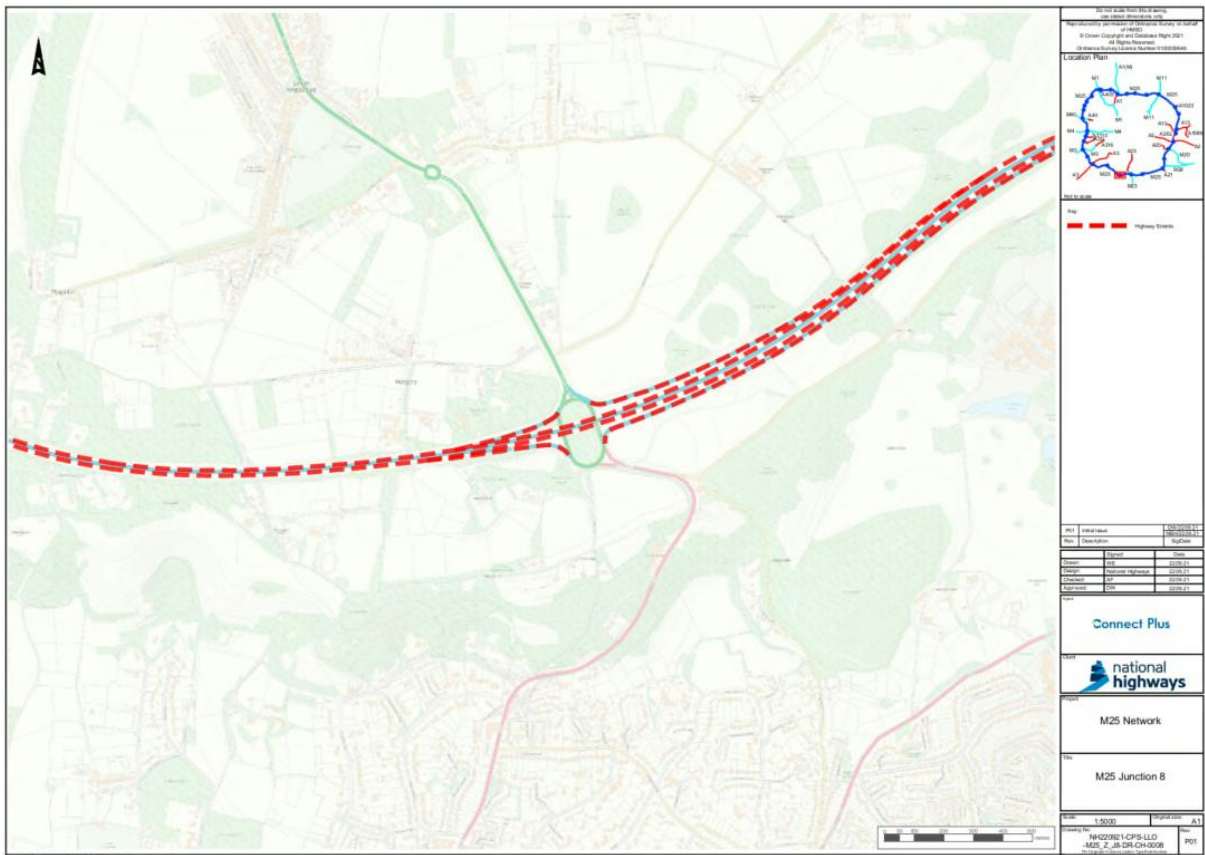
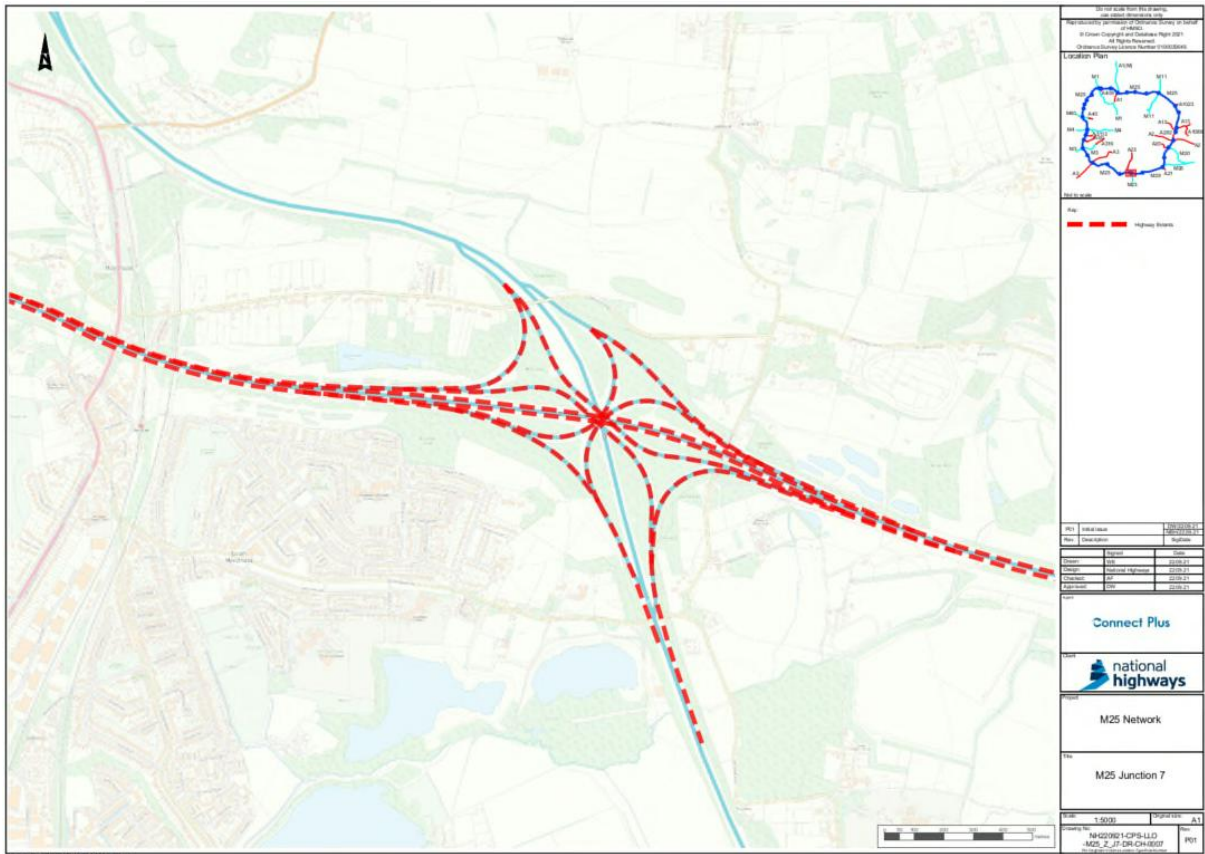


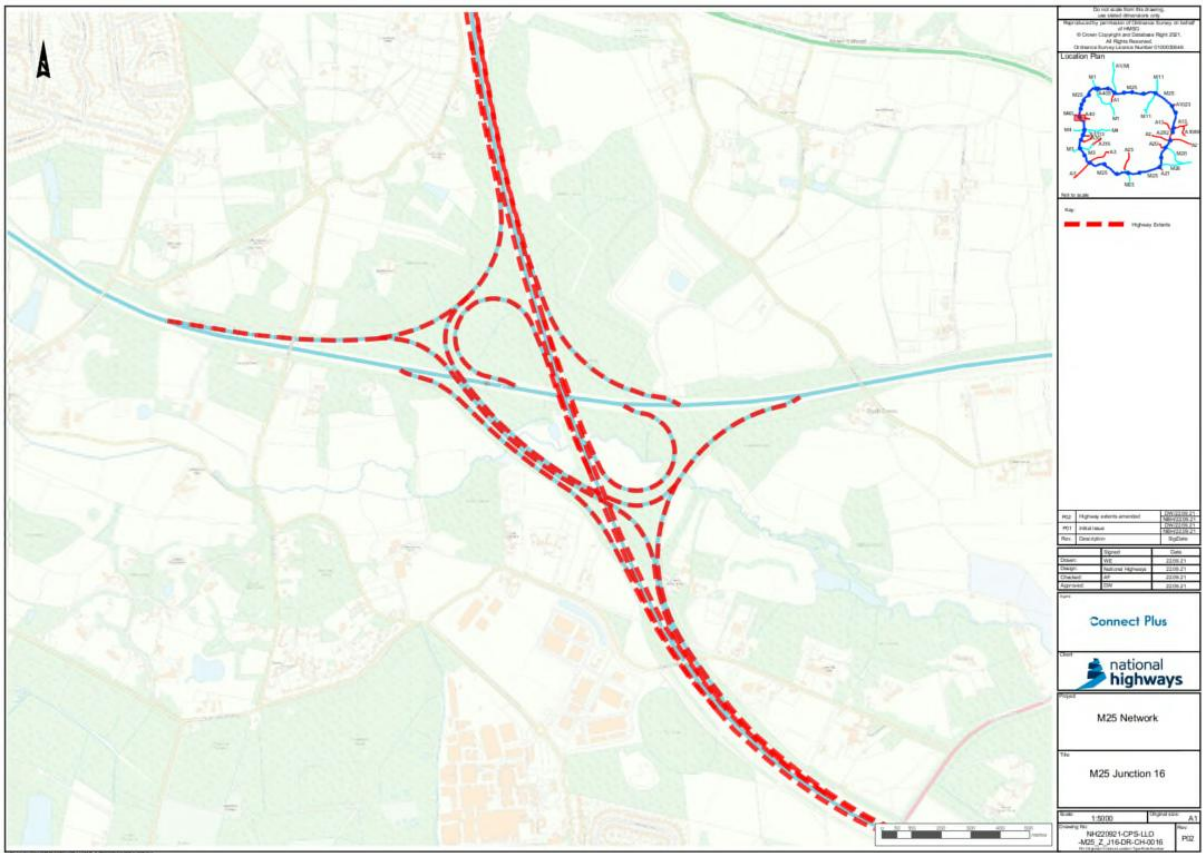
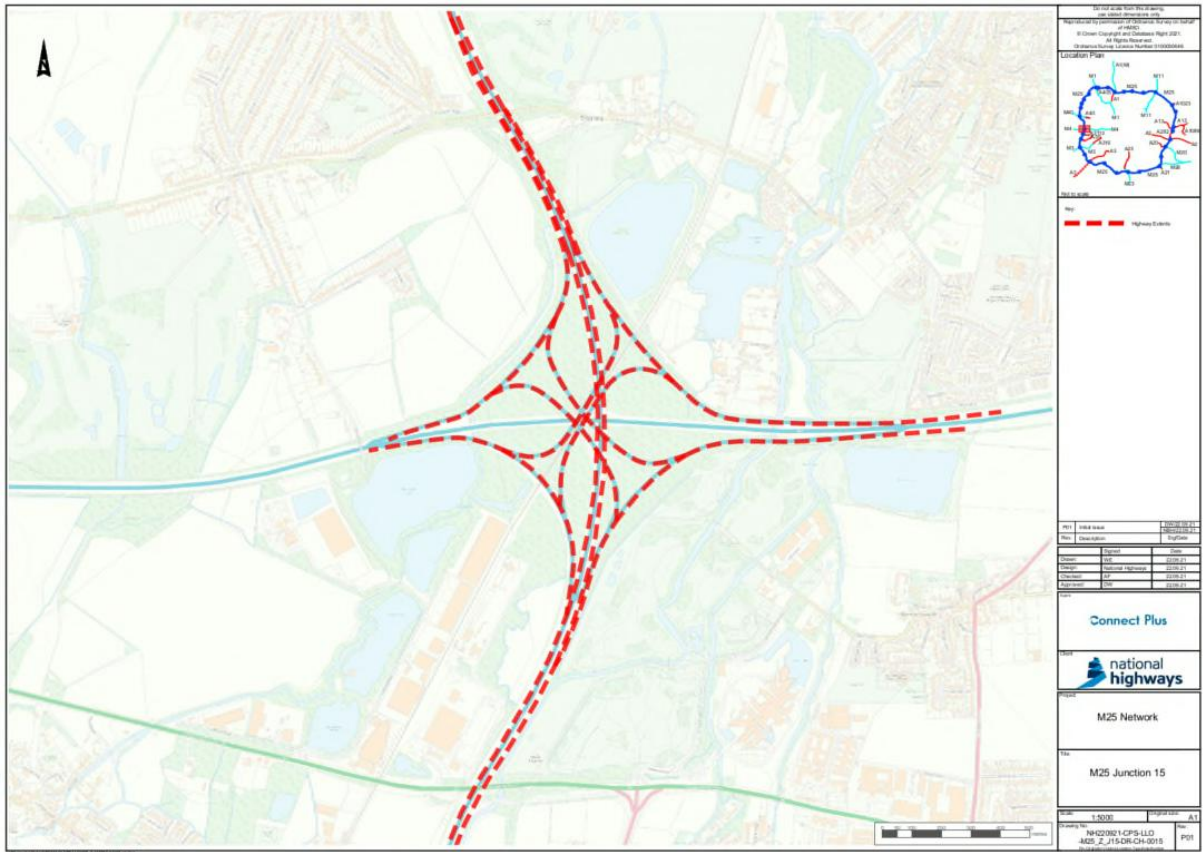
APPENDIX 1

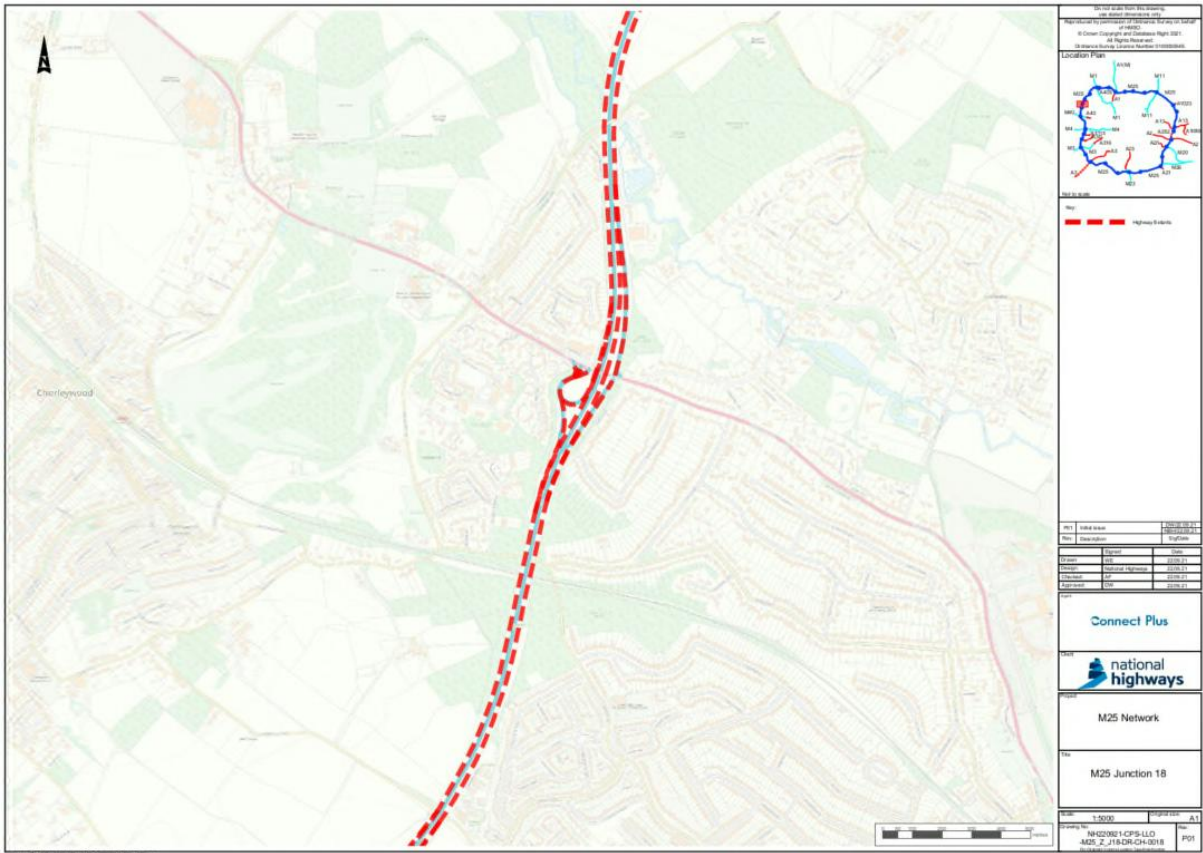
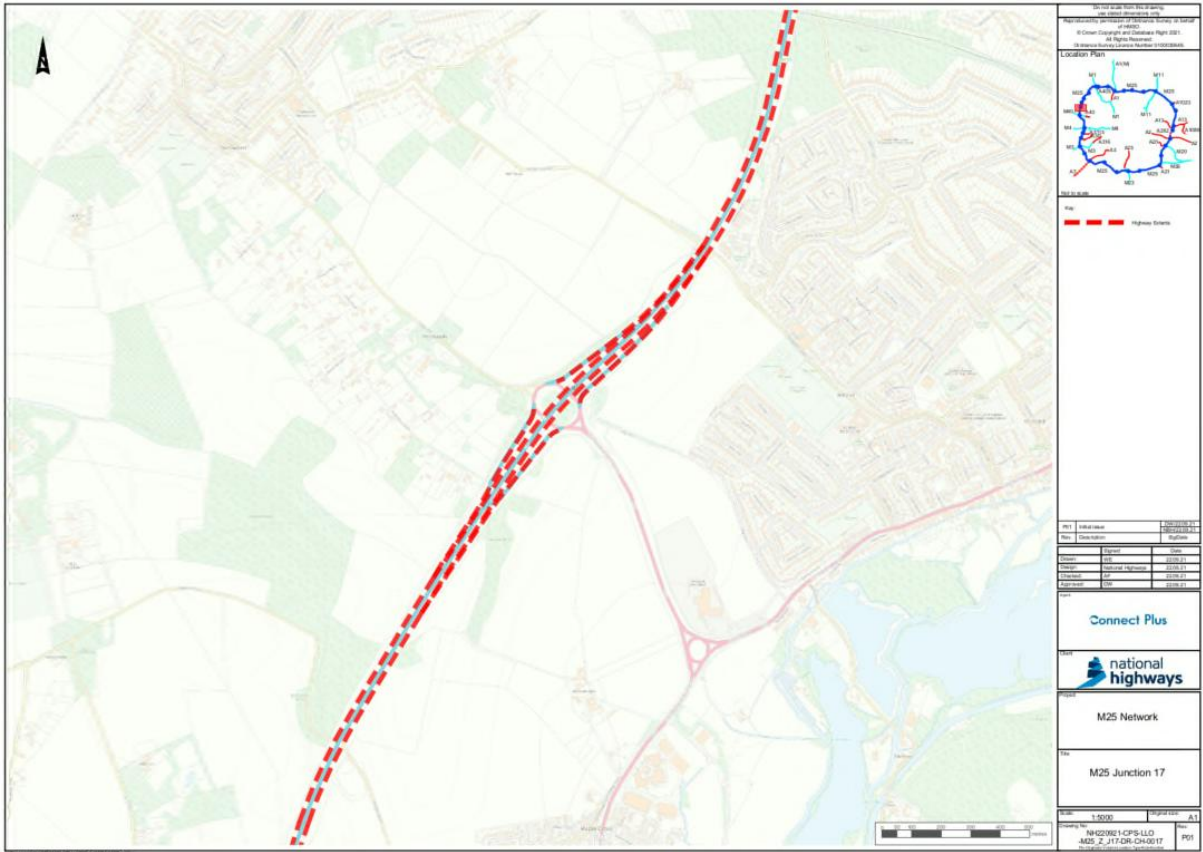


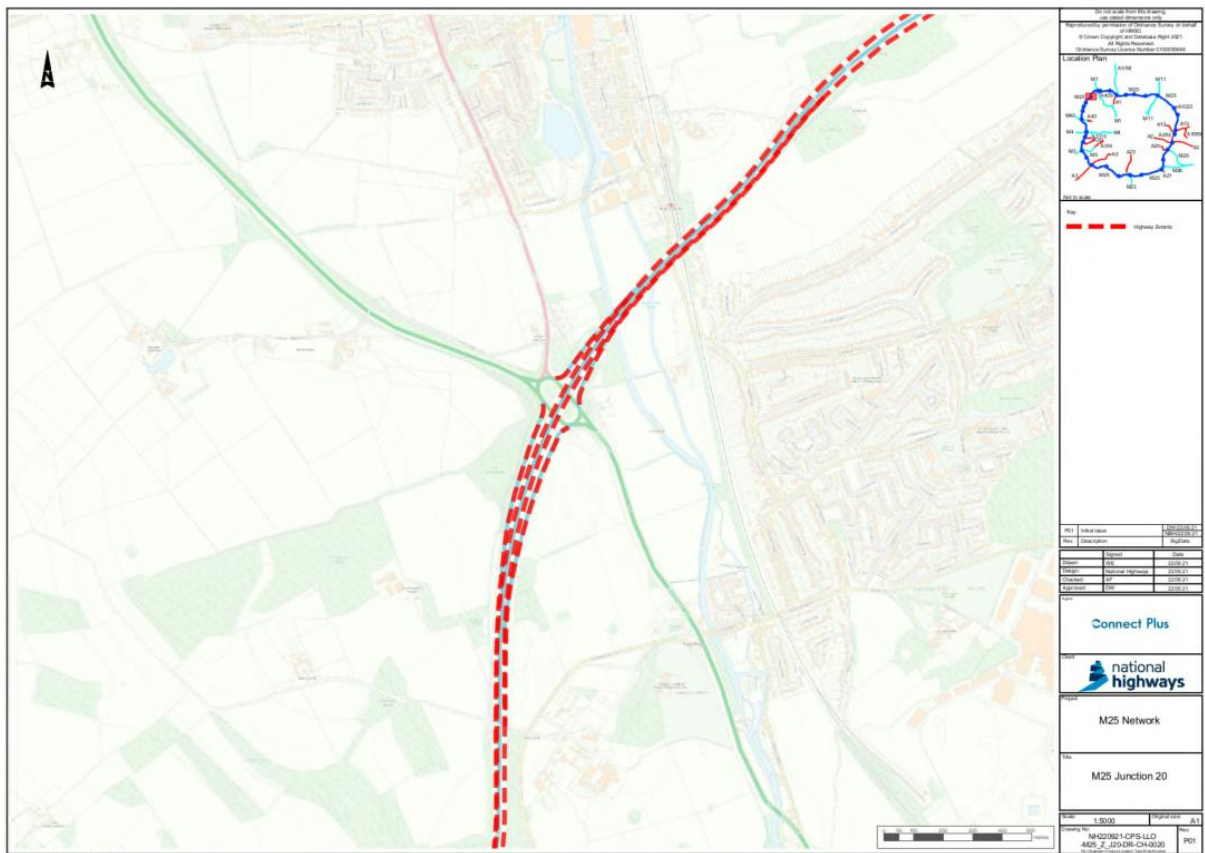
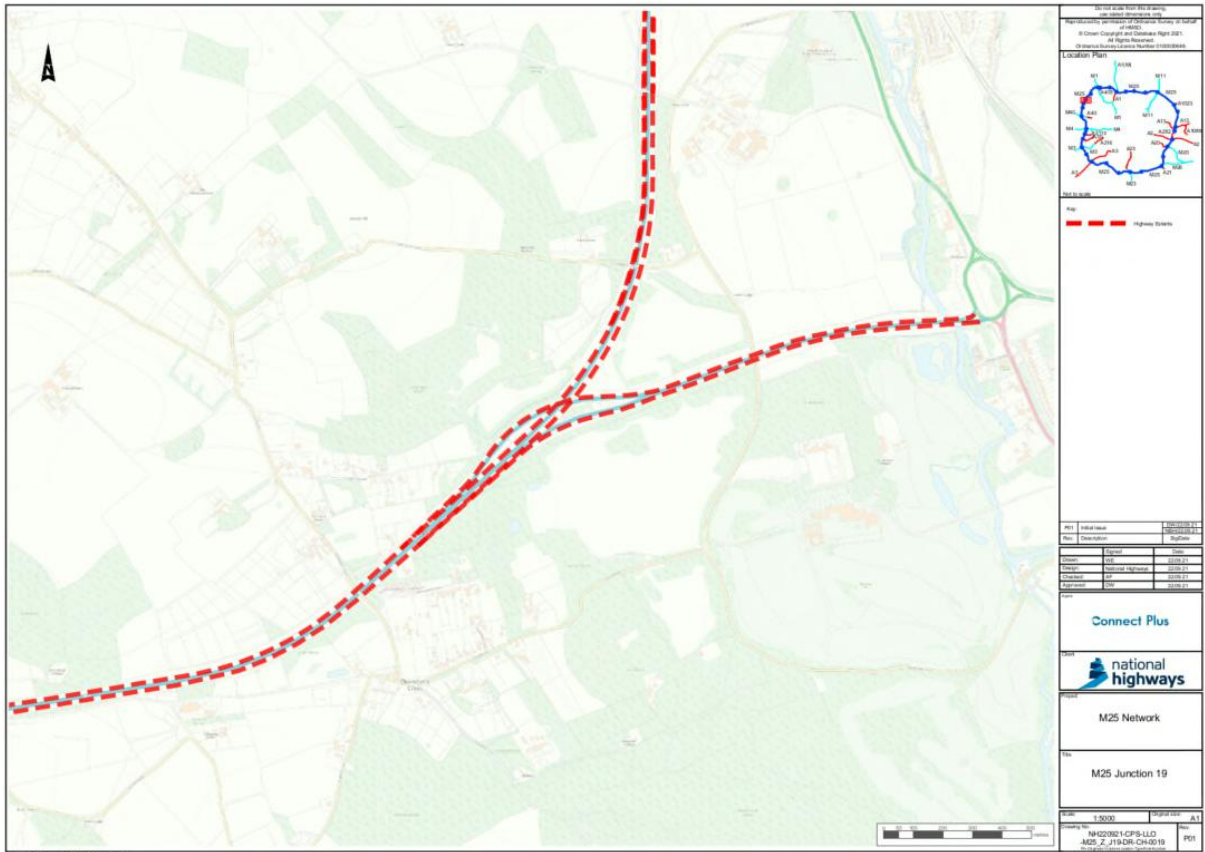


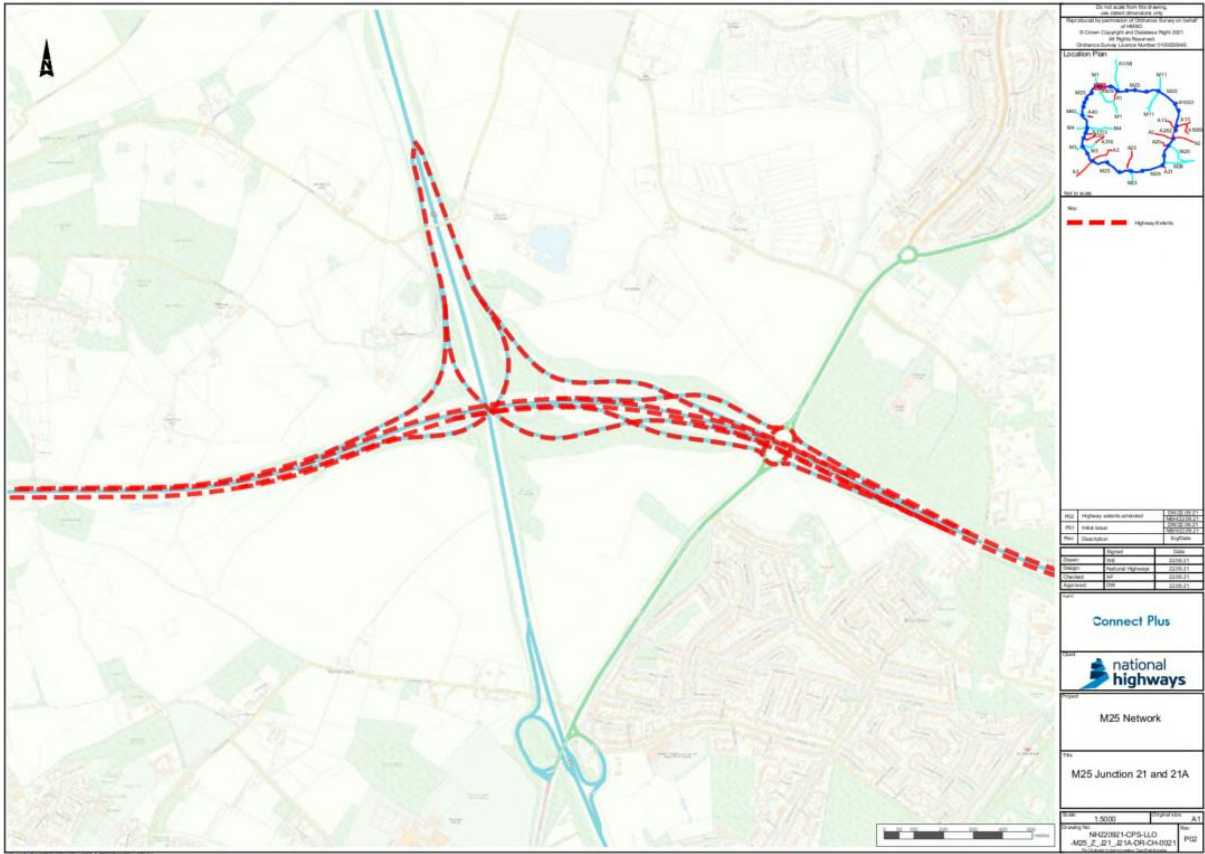


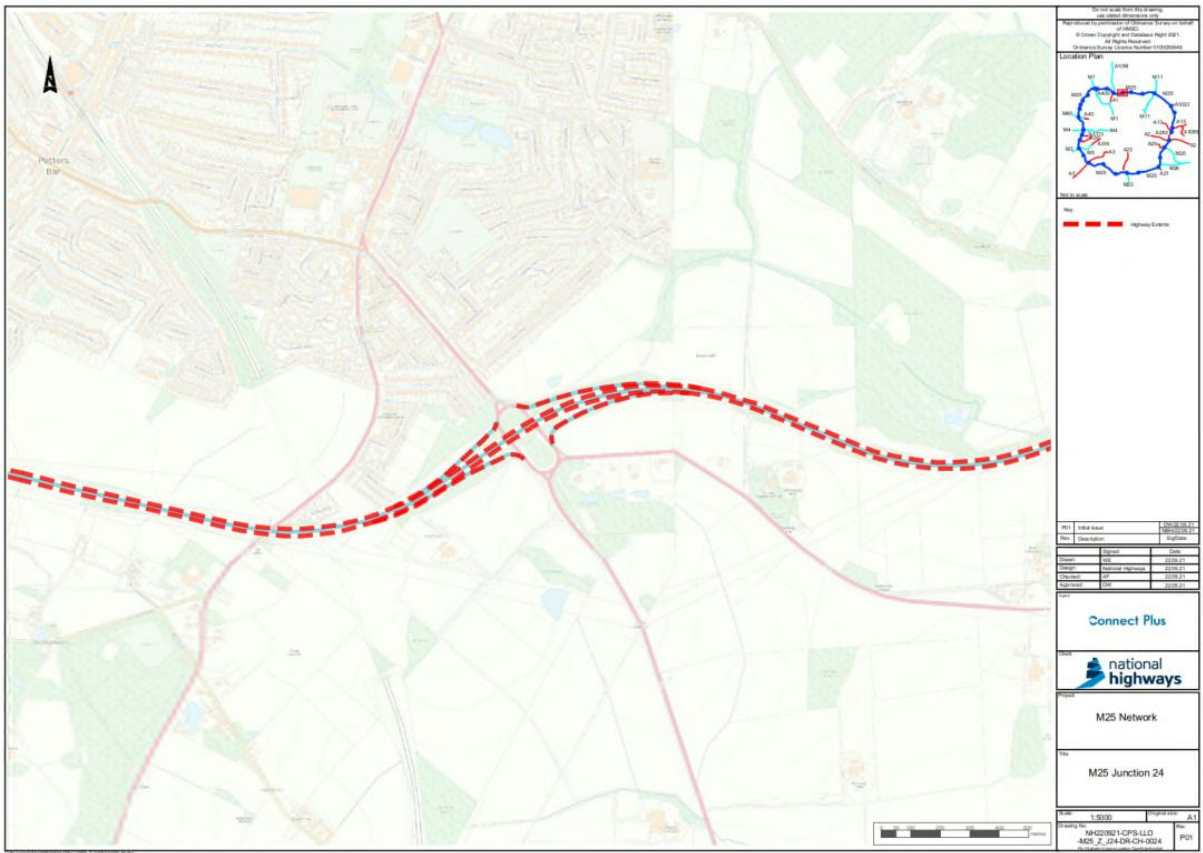
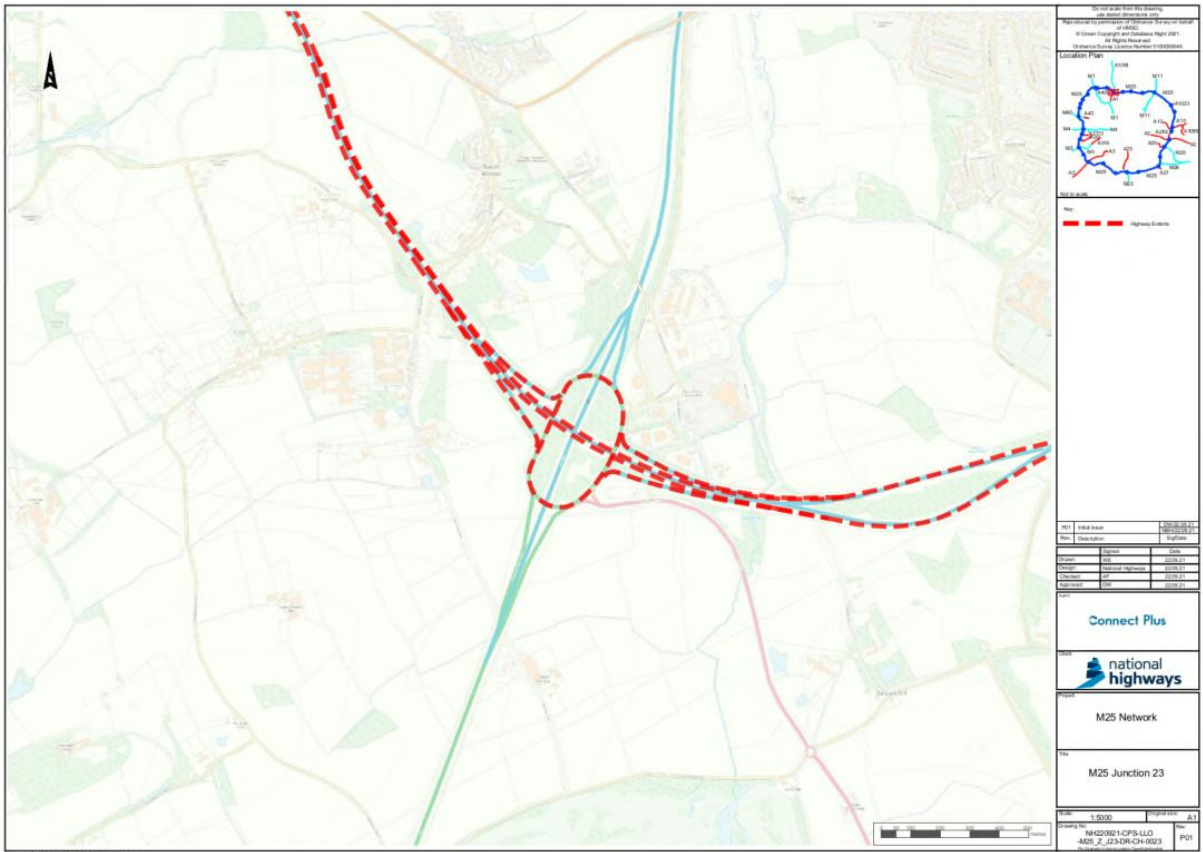


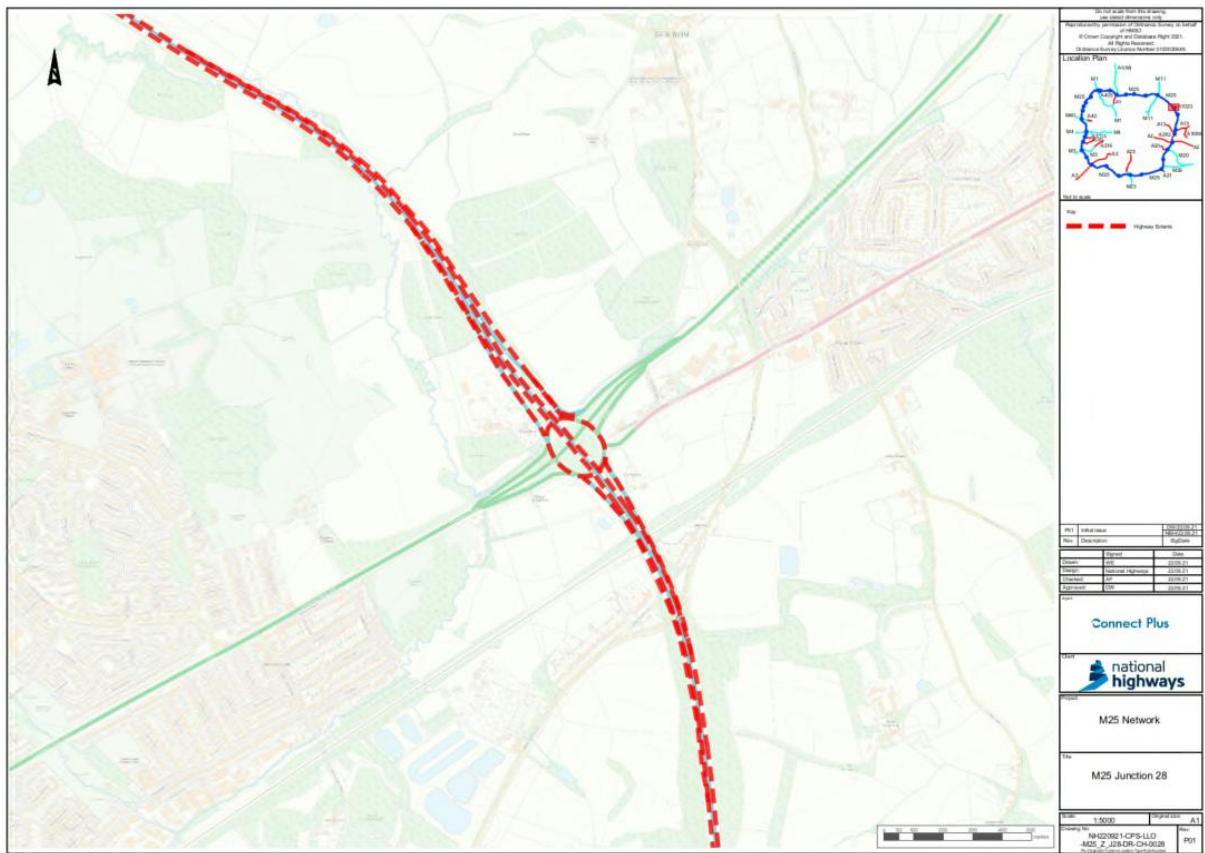
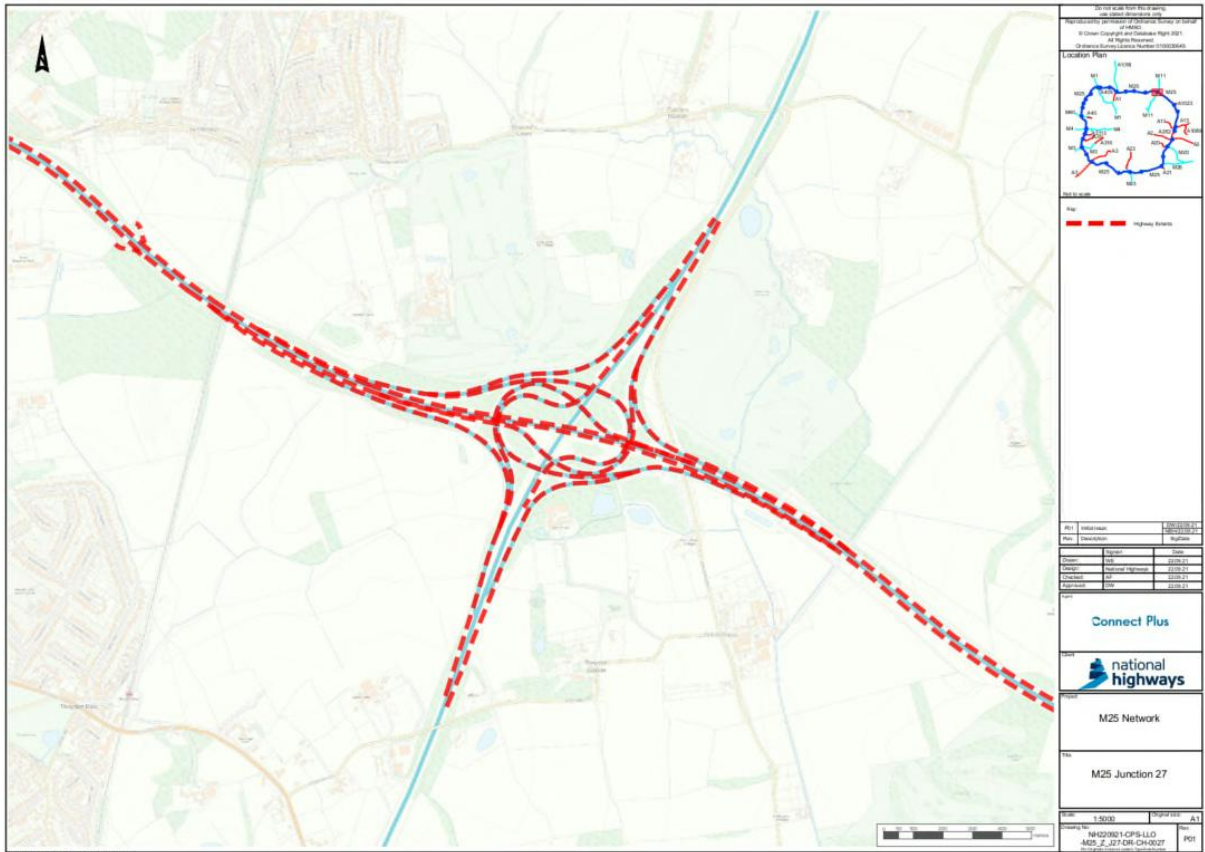






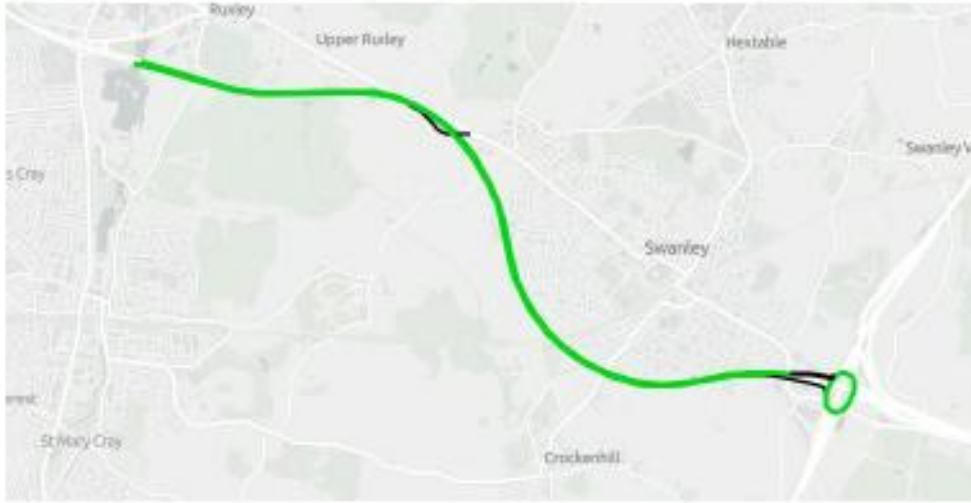




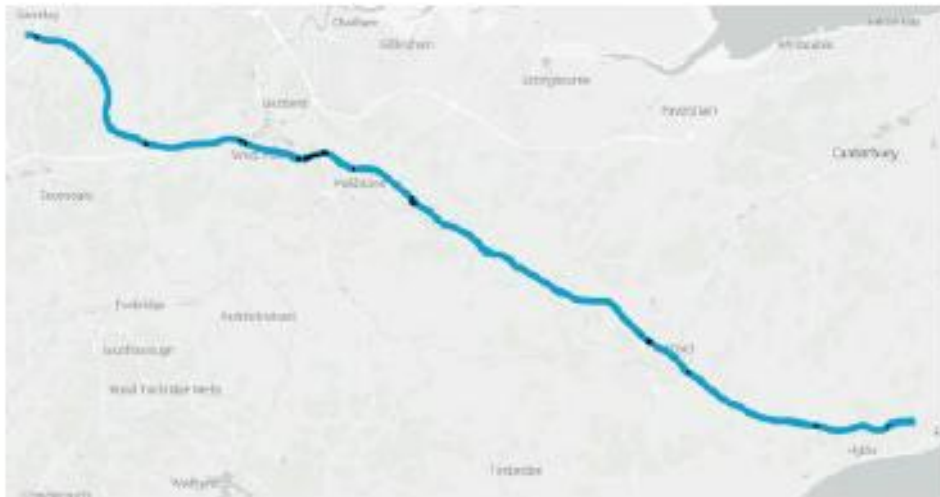


APPENDIX 2

A20 London - M25



M20



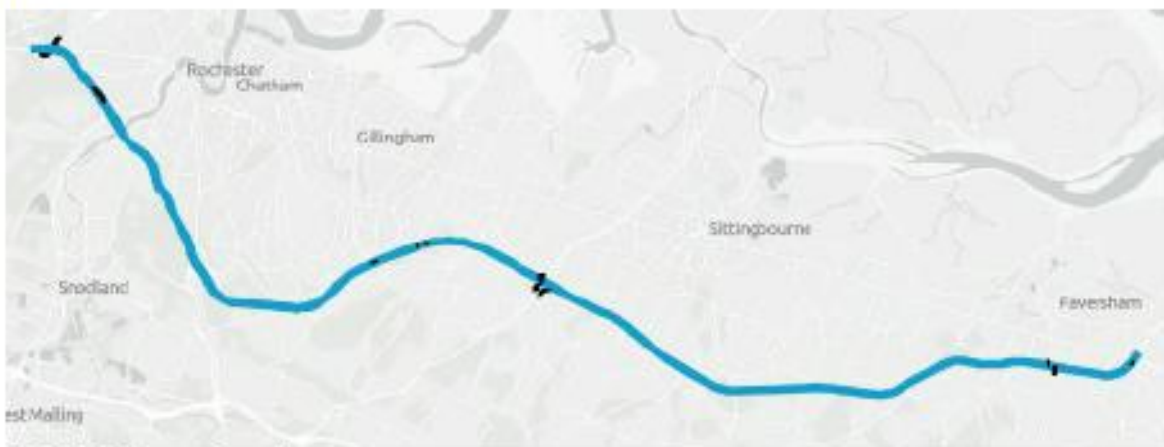
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A2 London – M2 Section



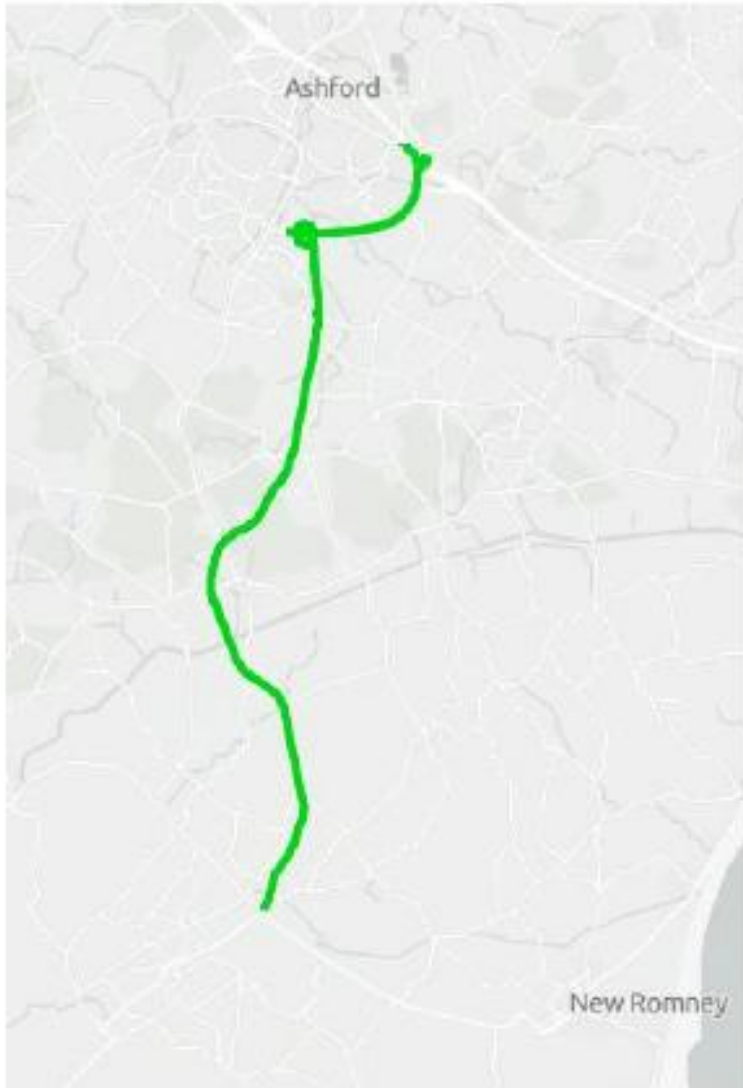
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A2 M2 - Dover Section



A2070

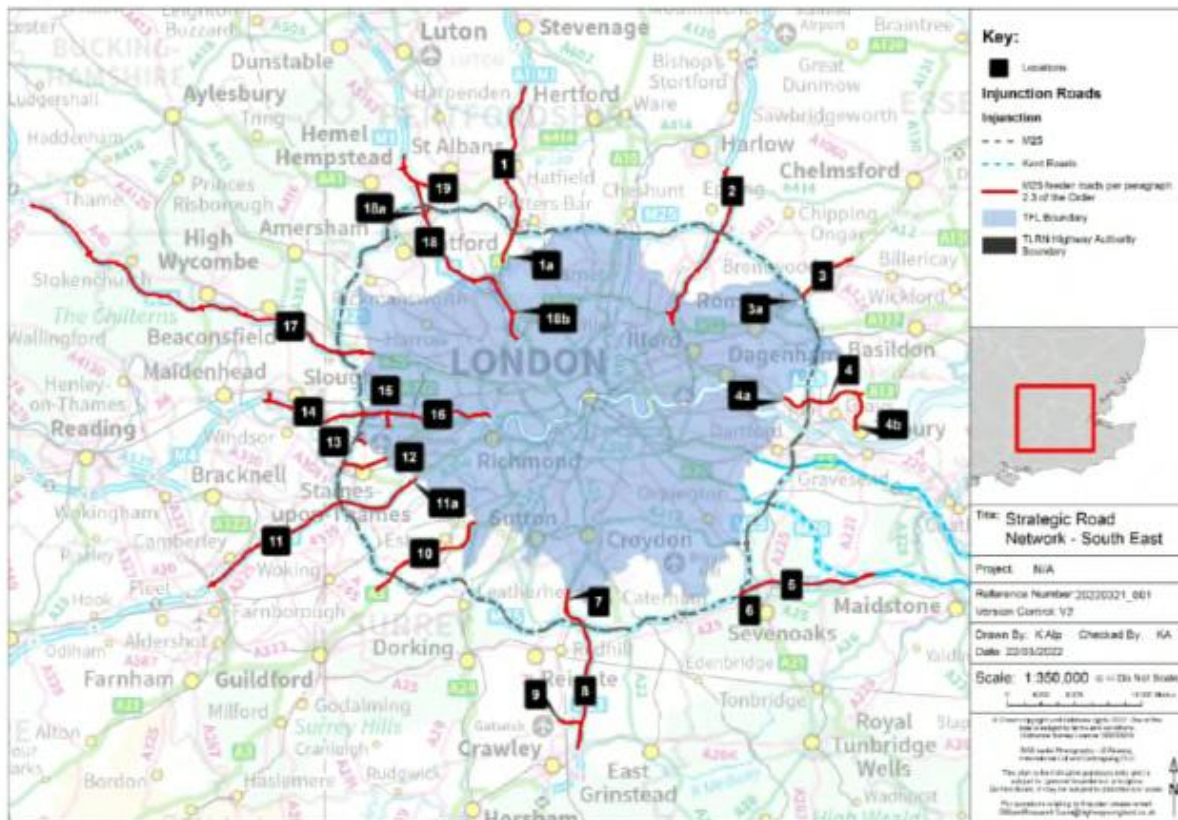


Kent & Surrounding areas SRN



APPENDIX 3

Strategic Road Network – South East



1. A1(M) from Junction 1 to Junction 6

1a. A1 from A1(M) to Rowley Lane

2. M11 from Junction 4 to Junction 7

3. A12 from M25 Junction 28 to A12 Junction 12

3a. A1023 (Brook Street) from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access

4. A13 from M25 Junction 30 to junction with A1089

4a. A13 from junction with A1306 for Wennington to M25 Junction 30

4b. A1089 from junction with A13 to Port of Tilbury entrance

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

APPENDIX 4

[On the package containing the Court order]

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

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

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

SCHEDULE 1 – NAMED DEFENDANTS

	Name	Address
1.	PERSONS UNKNOWN CAUSING THE BLOCKING OF, OR ENDANGERING, OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING	
2.	Alexander RODGER	[REDACTED]
3.	Alyson LEE	[REDACTED]
4.	Amy PRITCHARD	[REDACTED]
5.	Ana HEYATAWIN	[REDACTED]
6.	Andrew Taylor WORSLEY	[REDACTED]
7.	Anne TAYLOR	[REDACTED]
8.	Anthony WHITEHOUSE	[REDACTED]
9.	Barry MITCHELL	[REDACTED]
10.	Ben TAYLOR	[REDACTED]
11.	Benjamin BUSE	[REDACTED]
12.	Biff William Courtenay WHIPSTER	[REDACTED]
13.	Cameron FORD	[REDACTED]
14.	Catherine RENNIE-NASH	[REDACTED]
15.	Catherine EASTBURN	[REDACTED]
16.	Christian MURRAY-LESLIE	[REDACTED]

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

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

		[REDACTED]
53.	Liam NORTON	[REDACTED]
54.	Louis MCKECHNIE	[REDACTED]
55.	Louise Charlotte LANCASTER	[REDACTED]
56.	Lucy CRAWFORD	[REDACTED]
57.	Mair BAIN	[REDACTED]
58.	Margaret MALOWSKA	[REDACTED]
59.	Marguerite DOWBLEDAY	[REDACTED]
60.	Maria LEE	[REDACTED]
61.	Martin John NEWELL	[REDACTED]
62.	Mary ADAMS	[REDACTED]
63.	Matthew LUNNON	[REDACTED]
64.	Matthew TULLEY	[REDACTED]
65.	Meredith WILLIAMS	[REDACTED]
66.	Michael BROWN	[REDACTED]
67.	Michael Anthony WILEY	[REDACTED]

68.	Michelle CHARLSWORTH	[REDACTED]
69.	Natalie Clare MORLEY	[REDACTED]
70.	Nathaniel SQUIRE	[REDACTED]
71.	Nicholas COOPER	[REDACTED]
72.	Nicholas ONLEY	[REDACTED]
73.	Nicholas TILL	[REDACTED]
74.	Oliver ROCK	[REDACTED]
75.	Paul COOPER	[REDACTED]
76.	Paul SHEEKY	[REDACTED]
77.	Peter BLENCOWE	[REDACTED]
78.	Peter MORGAN	[REDACTED]
79.	Phillipa CLARKE	[REDACTED]
80.	Priyadaka CONWAY	[REDACTED]
81.	Richard RAMSDEN	[REDACTED]
82.	Rob STUART	[REDACTED]
83.	Robin Andrew COLLETT	[REDACTED]
84.	Roman Andrzej PALUCH-MACHNIK	[REDACTED]
85.	Rosemary WEBSTER	[REDACTED]

86.	Rowan TILLY	[REDACTED]
87.	Ruth Ann COOK	[REDACTED]
88.	Ruth JARMAN	[REDACTED]
89.	Sarah HIRONS	[REDACTED]
90.	Simon REDING	[REDACTED]
91.	Stefania MOROSI	[REDACTED]
92.	Stephanie AYLETT	[REDACTED]
93.	Stephen Charles GOWER	[REDACTED]
94.	Stephen PRITCHARD	[REDACTED]
95.	Susan CHAMBERS	[REDACTED]
96.	Sue PARFITT	[REDACTED]
97.	Sue SPENCER- LONGHURST	[REDACTED]
98.	Susan HAGLEY	[REDACTED]
99.	Suzie WEBB	[REDACTED]
100.	Tessa-Marie BURNS	[REDACTED]
101.	Theresa NORTON	[REDACTED]
102.	Tim SPEERS	[REDACTED]
103.	Tim William HEWES	[REDACTED]

104.	Tracey MALLAGHAN	[REDACTED]
105.	Valerie SAUNDERS	[REDACTED]
106.	Venitia CARTER	[REDACTED]
107.	Victoria Anne LINDSELL	[REDACTED]
108.	Xavier GONZALEZ TRIMMER	[REDACTED]
109.	Bethany MOGIE	[REDACTED]
110.	Indigo RUMBELOW	[REDACTED]
111.	Adrian TEMPLE-BROWN	[REDACTED]
112.	Ben NEWMAN	[REDACTED]
113.	Christopher PARISH	[REDACTED]
114.	Elizabeth SMAIL	[REDACTED]
115.	Julian MAYNARD SMITH	[REDACTED]
116.	Rebecca LOCKYER	[REDACTED]
117.	Simon MILNER-EDWARDS	[REDACTED]
118.	Stephen BRETT	[REDACTED]
119.	Virginia MORRIS	[REDACTED]
120.	Andria EFTHIMIOUS-MORDAUNT	[REDACTED]

121.	Christopher FORD	[REDACTED]
122.	Darcy MITCHELL	[REDACTED]
123.	David MANN	[REDACTED]
124.	Ellie LITTEN	[REDACTED]
125.	Julie MACOLI	[REDACTED]
126.	Kai BARTLETT	[REDACTED]
127.	Sophie FRANKLIN	[REDACTED]
128.	Tony HILL	[REDACTED]
129.	Nicholas BENTLEY	[REDACTED]
130.	Nicola STICKELLS	[REDACTED]
131.	Mary LIGHT	[REDACTED]
132.	David McKENNY	[REDACTED]
133.	Giovanna LEWIS	[REDACTED]
134.	Margaret REID	[REDACTED]

SCHEDULE 2

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

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

**Before the Honourable Mr Justice Chamberlain
On 17 March 2022**

B E T W E E N:

NATIONAL HIGHWAYS LIMITED



-and-

- (1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING**
- (2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING**
- (3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**
- (4) MR ALEXANDER RODGER AND 142 OTHERS**

Defendants

ORDER

PENAL NOTICE

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

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

Uæ^Áí J

IMPORTANT NOTICE TO THE DEFENDANTS

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

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

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

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

AND UPON hearing David Elvin QC, Counsel for the Claimant

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

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

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

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

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

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

IT IS ORDERED THAT:

Continuation of the M25 Order

1. For the purposes of this Order, the

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

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

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

(together the “**Roads**”).

Continuation of the M25 Order

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

Injunction in force – M25 Order

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

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

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

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

3.4 Erecting any structure on the M25.

3.5 Tunnelling in the vicinity of the M25.

3.6 Entering onto the M25 unless in a motor vehicle.

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

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

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

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

Continuation of the Kent Roads Order

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

Injunction in force - Kent Roads Order

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

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

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

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

Continuation of the Feeder Roads Order

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

Injunction in force – Feeder Roads Order

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

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

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

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

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

7.5 Erecting any structure on the Roads.

7.6 Tunnelling in the vicinity of the Roads.

7.7 Entering onto the Roads unless in a motor vehicle.

7.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.

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

7.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 7.1 – 7.9 above.

7.11 Continuing any act prohibited by paragraphs 7.1 – 7.10 above.

Alternative Service

8. The Claimant is permitted in addition to personal service to serve this Order and other documents in these proceedings by the following three methods:

8.1 placing a copy of this Order on the National Highways website; and

8.2 sending a copy of this Order to Insulate Britain's email addresses: Insulate Britain ring2021@protonmail.com and insulatebritainlegal@protonmail.com; and

8.3 posting a copy of this Order together with covering letter through the letterbox of each Defendant (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The Notices shall be given in prominent lettering in the form set out in Schedule 1; or

8.4 instead of by post as set out in paragraph 8.3 above, by email in circumstances where a Defendant has requested email service of documents.

9. Compliance with paragraph 8 shall constitute service of this Order.

Third-Party Disclosure

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

Further directions

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

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

Communications with the Claimant

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

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

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

Reference – RXS/366530/107

BY THE COURT

Dated: 18 March 2022

SCHEDULE 3

CHIEF CONSTABLES OF THE FORCES OF:

City of London Police

Metropolitan Police Service

Avon and Somerset Constabulary

Bedfordshire Police

Cambridgeshire Constabulary

Cheshire Constabulary

Cleveland Police

Cumbria Constabulary

Derbyshire Constabulary

Devon & Cornwall Police

Dorset Police

Durham Constabulary

Essex Police

Gloucestershire Constabulary

Greater Manchester Police

Hampshire Constabulary

Hertfordshire Constabulary

Humberside Police

Kent Police

Lancashire Constabulary

Leicestershire Police

Lincolnshire Police

Merseyside Police

Norfolk Constabulary
North Yorkshire Police
Northamptonshire Police
Northumbria Police
Nottinghamshire Police
South Yorkshire Police
Staffordshire Police
Suffolk Constabulary
Surrey Police
Sussex Police
Thames Valley Police
Warwickshire Police
West Mercia Police
West Midlands Police
West Yorkshire Police
Wiltshire Police

SCHEDULE 4

Email addresses of further linked protestor organisations

Extinction Rebellion UK

- (i) enquiries@extinctionrebellion.uk
- (ii) press@extinctionrebellion.uk
- (iii) xrvideo@protonmail.com
- (iv) xr-action@protonmail.com
- (v) xraffinitysupport@protonmail.com
- (vi) xr-arrestwelfare@protonmail.com
- (vii) artsxr@gmail.com
- (viii) xr-CitizensAssembly@protonmail.com
- (ix) xr.connectingcommunities@gmail.com
- (x) xrdemocracy@protonmail.com
- (xi) xrnotables@gmail.com
- (xii) integration@rebellion.earth
- (xiii) xr-international@protonmail.com
- (xiv) xr-legal@riseup.net
- (xv) press@extinctionrebellion.uk
- (xvi) xr-newsletter@protonmail.com
- (xvii) xr-peoplesassembly@protonmail.com
- (xviii) xrpoliceliason@protonmail.com
- (xix) rebelringers@rebellion.earth
- (xx) xr.regenerativeculture@gmail.com
- (xxi) xr-regionaldevelopment@protonmail.com
- (xxii) RelationshipsXRUK@protonmail.com

- (xxiii) xr.mandates@gmail.com
- (xxiv) socialmedia@extinctionrebellion.uk
- (xxv) xrsocialmediaevents@gmail.com
- (xxvi) eventsxr@gmail.com
- (xxvii) xrbristol.regional@protonmail.com
- (xxviii) xrcymru@protonmail.com
- (xxix) xr.eastengland@protonmail.com
- (xxx) xrlondoncoord@gmail.com
- (xxxi) XRMidlands@protonmail.com
- (xxxii) xrne@protonmail.com
- (xxxiii) support@xrnorth.org
- (xxxiv) xrni@rebellion.earth
- (xxxv) xrscotland@gmail.com
- (xxxvi) XR-SouthEastRegionalTeam@protonmail.com
- (xxxvii) xr.regional.sw@protonmail.com
- (xxxviii) talksandtraining.xrbristol@protonmail.com
- (xxxix) xrcymrutalksandtraining@gmail.com
- (xl) eoexrtnt@protonmail.com
- (xli) xrlondoncommunityevents@gmail.com
- (xlii) xrmidlandstraining@protonmail.com
- (xliii) XRNE.training@protonmail.com
- (xliv) xrnw.training@gmail.com
- (xlv) xryorkshire.training@gmail.com
- (xlvi) xrni.tt@rebellion.earth
- (xlvii) talksandtrainings.scotland@extinctionrebellion.uk
- (xlviii) xrtse@gmail.com

(xlix) xrsw.trainings@gmail.com

Just Stop Oil

(l) Ring2021@protonmail.com

(li) juststopoil@protonmail.com

Youth Climate Swarm

(lii) youthclimateswarm@protonmail.com

Insulate Britain

(liii) Ring2021@protonmail.com

(liv) iblegal@protonmail.com

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?
Tuesday 1st Nov		
Specific	Spokes Training	useful
Specific	Height training	MANDATORY
Specific	Project update, Q&A and connect	strongly advised
National zoom, not just for us	Preparing for prison	
Weds 2nd Nov		
Specific	Height training	MANDATORY
Specific	Smart phone video training	useful
Specific	Virtual desktop recce training	MANDATORY
Specific	Recruitment zoom	
Thurs 3rd Nov		
Specific	Spokes Training	useful
Specific	Height training	MANDATORY
Specific	Legal briefing	MANDATORY
	SORRY BUT THERE IS NOT A PROJECT UPDATE ZOOM ON THURSDAY (AS PREVIOUSLY ADVERTISED) AS IT CLASHES WITH THE LEGAL TRAINING	
Fri 4th Nov		
Specific	Resilience training	Strongly advised
Specific	Height training	MANDATORY
Specific	Legal briefing	MANDATORY
Specific	Resilience & community build training	Strongly advised
Specific for Q's and QM's	trauma awareness and support	useful
Specific	Preparing for prison	recommended
Specific	Resilience & community build training	Strongly advised
Sat 5th Nov		
Specific	Height training	MANDATORY
Specific	Resilience training	Strongly advised
Sun 6th Nov		
Specific	Height training	MANDATORY
Every Tuesday after action	Emotional Debrief sessions	

INFO/NOTES/DOCS

Practising good in action messaging. Read this doc before training https://docs.google.com/document/d/1jzd4hJxYiv_A3bqLxgZ35tOoByJ-kAar6mwHbIPsH_0/edit

You will need to have done an in person heights training session to participate in this action. Safety is massively important.

A chance for us, as a team, to gather, connect and get updates on how the project is progressing.

National zoom, so please be careful about how much info you divulge... For those expecting to risk being on remand, or for everyone to be prepared for worst case scenario. Hugely useful checklist <https://docs.google.com/document/d/1b6EdsHKM6z8Q2NW6jk4PbxOKVIJeH6UaPi2fOr>

You will need to have done an in person heights training session to participate in this action. Safety is massively important.

Top tips on how to take good on action phone videos

For all climbers - how to see your 'target greengage' online and prepare yourself

Just on here, so you can find it easily to send to other, trust people you know, to invite them along. This is the last Recruitment zoom

Media links file <https://cryptpad.fr/pad/#/2/pad/view/1xIY7DkonZEJEsf6iWM0FmiiIPQHDIczB+c5mGDbfFI/>

You will need to have done an in person heights training session to participate in this action. Safety is massively important.

Briefing from the legal team on the likely legal consequences of taking part in this project. There are NO GUARANTEES with any action we take, but this will give you an indication of the most likely repercussions.

In person resilience training

You will need to have done an in person heights training session to participate in this action. Safety is massively important.

Briefing from the legal team on the likely legal consequences of taking part in this project. There are NO GUARANTEES with any action we take, but this will give you an indication of the most likely repercussions.

Midday - Condensed, online version. Resilience & connecting with each other.

to give queens tools to support bees

Please be prepared for worse case scenarios...For those expecting to risk being on remand, or for everyone to be prepared for worst case scenario. Hugely useful checklist <https://docs.google.com/document/d/1b6EdsHKM6z8Q2NW6jk4PbxOKVIJeH6UaPi2fOnks314/edit#bookmark>

Late afternoon - Condensed, online version. Resilience & connecting with each other.

You will need to have done an in person heights training session to participate in this action. Safety is massively important.

In person resilience training

You will need to have done an in person heights training session to participate in this action. Safety is massively important.

A chance to emotionally debrief after action

ZOOM OR IN PERSON	ZOOM LINK OR CONTACT NAME	Zoom ID & passcode - click in the cell for full details	TIME
zoom	https://us06web.zoom.us/j/81974488258?pwd=RUDCS3lzL3VIT1I5Y1JHZ2Nod2Yxdz09	Meeting ID: 819 7448 8258 Passcode: 146876	8.30pm - 9.30pm
in person	Nettle		All day
zoom	https://us02web.zoom.us/j/82136918340?pwd=OXBaNDdtckdEaWwvVWRvMjV1b1R0UT09	Meeting ID: 821 3691 8340 Passcode: 503495	7pm - 8.30
zoom	https://us02web.zoom.us/j/82316790807?pwd=VmRlRlFjZSUq0SE5NMFNcaEhCQmFmQT09	Meeting ID: 823 1679 0807 Passcode: 711694	8pm
in person	Nettle		10-6pm
zoom	https://us02web.zoom.us/j/88112237039	Meeting ID: 881 1223 7039	7pm
zoom	https://us06web.zoom.us/j/85967509063?pwd=b1R4dE4yU1VSZ1hqcHYwVFNOBfPwDz09	Meeting ID: 859 6750 9063 Passcode: 905371	8.30pm
Zoom	https://us02web.zoom.us/j/86410648309?pwd=VE1ES012WkpxQWEzcEhIU2xGTUdKQT09	Meeting ID: 864 1064 8309 Passcode: 114781	7pm-8
zoom	https://us06web.zoom.us/j/87937056234?pwd=YkIQQWVWRDA3TIV5L0twcGIFZ1Z3Zz09	Meeting ID: 879 3705 6234 Passcode: 576560	9.30am-10.30
in person	Nettle		10-6pm
Zoom	https://us02web.zoom.us/j/88690862007?pwd=a0x5d3JtXFZWDRwS09QNIZFK1rQT09	Meeting ID: 886 9086 2007 Passcode: 393714	7pm-8.30
in person	Nettle		10-6pm
in person	Nettle		10-6pm
Zoom	https://us02web.zoom.us/j/88690862007?pwd=a0x5d3JtXFZWDRwS09QNIZFK1rQT09	Meeting ID: 886 9086 2007 Passcode: 393714	5pm-6.30
zoom	to be advised		12-3pm
zoom	https://us02web.zoom.us/j/87076514208 Passcode: 656425	Meeting ID 87076514208	18:00
zoom	https://us02web.zoom.us/j/82269311654?pwd=ck9iSXIRbnc3YVFJWVVDY3Vwcll0UT09	Meeting ID: 822 6931 1654 Passcode: 681158	7-8.30pm
zoom	to be advised		5.30-8.30pm
in person	Nettle		10-6pm
in person	Nettle		10-6pm
in person	Nettle		10-6pm
in person	Nettle		10-6pm
zoom	https://us02web.zoom.us/j/87076514208	Passcode: 656425 Meeting ID 87076514208	6-8pm

On behalf of: the
Claimant/Applicant
By: Sean Foster Martell
No: 1
Exhibits: SFM1

Date: 5 November 2022

Claim no: KB-22-XXXX

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

Between:

NATIONAL HIGHWAYS LIMITED

Claimant

-and-

(1) JUST STOP OIL

**(2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT
THE CONSENT OF THE CLAIMANT ON, OVER, UNDER, OR
ADJACENT TO A STRUCTURE ON THE M25 MOTORWAY**

Defendants

**WITNESS STATEMENT OF
SEAN FOSTER MARTELL**

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

1. I make this witness statement on behalf of the Claimant / Applicant and in support of NHL's application for an interim injunction in the terms set out in the draft order enclosed with the application (the “**Application**”).
2. I have worked for NHL (and its predecessor organisations) as the Head of Service Delivery since October 2019. I am duly authorised by the Board of NHL to make this witness statement in support of NHL's application.
3. I make this statement from matters that are within my own knowledge, whether directly or resulting from matters reported to me verbally or in writing. Where

matters are based upon information received from a third party, I identify the third-party source of that information and why I believe the truth of those matters.

4. There is now produced and shown to me and exhibited hereto a bundle of documents marked as Exhibit **SFM1**. References in this witness statement to page numbers are to page numbers of that exhibit unless stated otherwise.
5. I describe in this witness statement:
 - 5.1 Who NHL is;
 - 5.2 Why the application is being made without notice to the Defendants;
 - 5.3 a brief background to similar proceedings leading up to the making of the Application;
 - 5.4 incidents of direct-action protest that have taken place by the environmental activist group Just Stop Oil or those affiliated to ("**JSO**");
 - 5.5 incidents of direct-action protest that NHL believes are highly likely to take place on the Roads, commencing from sometime after 4 November 2022; and
 - 5.6 why NHL requires permission to serve documents by alternative means.

The Claimant

6. NHL is the government company which plans, designs, builds, operates and maintains England's motorways and major A roads, known as the SRN (or Strategic Road Network).
7. NHL manage and improve the SRN to make journeys safer, smoother and more reliable. Our priorities are, first and foremost, safety, customers and delivery.
8. Pursuant to the Infrastructure Act 2015 ("**the 2015 Act**"), sections 1 and 15, the Secretary of State for Transport appointed and licensed the Claimant's predecessor in title, Highways England Company Limited (Co. Reg. No. 9346363), as a strategic highways company pursuant to section 1 of the 2015 Act and entered into a transfer scheme pursuant to section 15 of the 2015 Act namely the Appointment of a Strategic Highways Company Order 2015, SI 2015 No. 376. As a result,

Highways England Company Limited became the licence holder, highways authority and owner of the land for and of the SRN.

9. On 8 September 2021 or thereabouts, Highways England Company Limited changed its name to National Highways Limited. NHL as a strategic highways company is also designated the highway authority for the SRN by section 1(1A) of the Highways Act 1980 as amended (“**the 1980 Act**”). In addition to vesting of the property title, ownership of the highway vests in the highway authority pursuant to section 263 of the 1980 Act. There is shown to me true copies of the transfer Scheme, the Licence and the resolution and change of name confirmation (which can be found at pages 1 to 66 of **SFM1**).

10. NHL’s statutory duties are set out in the 2015 Act and the 1980 Act and include:

a. 2015 Act, Section 5: General duties

(2) A strategic highways company must also, in exercising its functions, have regard to the effect of the exercise of those functions on

(b) the safety of users of the highways.

b. 1980 Act, Section 41: Duty to maintain highways maintainable at public expense

(1) The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty, subject to subsections (2) and (4) below, to maintain the highway.

(1A) In particular, a highway authority are under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

c. 1980 Act, Section 130: Protection of public rights

(1) It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it.

d. 1980 Act, Section 150: Duty to remove snow soil etc. from highway

(1) If an obstruction arises in a highway from accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause, the highway authority shall remove the obstruction.

The M25 Motorway

11. NHL is aware of intelligence that suggests that it is very likely the M25 Motorway will be the subject of direct-action protest from 7 November 2022. The M25 is orbital motorway which encircles London shown in red on the plans at Appendix 1 to the draft Order. The description of the M25 Motorway includes the A282, which is the Dartford Crossing and the Queen Elizabeth II Bridge – the reason for the designation as the A282 is to allow non-motorway traffic to cross the River Thames using the Dartford Crossing and the Queen Elizabeth II Bridge.
12. The M25 Motorway is infrastructure of critical importance, and as I discuss later in this witness statement, any direct action protest on the M25 Motorway causes significant economic harm, risk to life, and disruption to the public.
13. The A282 forms part of the orbital highway around London, which otherwise comprises the M25. Travelling clockwise, the A282 joins the M25 at Junction 30, carrying traffic across the Thames River over the Queen Elizabeth II bridge, and reconnecting with the M25 at Junction 2. Travelling anticlockwise, the A282 carries traffic through the Dartford Crossing (tunnel).
14. From the perspective of a driver, there is no discernible difference between the M25 ending/starting and the A282 ending/starting – the difference is in the categorisation and name only. The reason for this difference is because the A282 historically carried a dual carriageway through the Dartford Crossing, and could therefore not be categorised as a motorway. It is – for practicable purposes at least – part of the M25 orbital motorway

Without Notice Application

15. Pursuant to CPR rule 6.15(3)(b) and 23.4(2)(c), NHL seeks the Court's permission to make the Application on a without notice basis and for it to be dealt at an urgent hearing.
16. The Application has been made on a without notice basis and for the reasons given in this witness statement further below, this application is urgent.

17. There is a high risk to public safety. Given the risk of imminent harm to the M25 Motorway and the risks to those using it, it is imperative that the application be dealt with by the Court in sufficient time ahead of the planned JSO actions due to commence on 7 November 2022 (if not before) and to enable NHL to effect service ahead of that date.
18. I also consider that there is a real risk that an application on notice will give rise to the very disruption (including the scaling of gantries) on the M25 Motorway that this Application seeks to prevent.

Background relating to protests to date

19. NHL has endured similar protest activity on its roads before. Insulate Britain (“**IB**”) is an environmental activist group founded by members of the global environmental movement Extinction Rebellion. Seeking to highlight their cause, the IB protests took the form of protestors blocking parts of the SRN (as well as other roads) by their physical presence, usually by sitting down on or gluing themselves to the road surface, the intention being to prevent traffic from proceeding along the highway. Where the IB protests have taken place, they have caused traffic jams, congestion, significant tailing-back of traffic and disruption to public services such as the fire service and ambulance services and to members of the public.
20. The IB protests commenced on 13 September 2021 and continued until 2 November 2021. The IB protests focussed on the M25, albeit there were also protests on other roads forming part of the SRN, such as those leading to the port of Dover and roads within London.
21. As a result of the initial protests on the M25, on 21 September 2021, Lavender J granted an interim injunction in relation to the M25 ("**the M25 Injunction**") (Claim no. QB-2021-003576).
22. On 24 September 2021, Cavanagh J granted an interim injunction in relation to parts of the SRN in Kent ("**the Kent Injunction**") (Claim No. QB-2021-3626).
23. 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).
24. On 25 October 2021, NHL applied for and obtained from Linden J, an interim injunction in relation to the entire SRN, excluding those parts covered by the M25

Injunction, the Kent Injunction and the M25 Feeder Injunction ("**the SRN Injunction**").

25. NHL has made four contempt of court applications in relation to breaches of the M25 Injunction, as follows:
26. The first on 22 October 2021 in relation to nine defendants in *National Highways Limited v Ana Heyatawin and others [2021] EWHC 3078 (QB)*. All nine defendants were sentenced to immediate terms of imprisonment ranging between 3 and 6 months;
27. The second on 19 November 2021 in relation to nine defendants in *National Highways Limited v Benjamin Buse and others [2021] EWHC 3404 (QB)*. All nine defendants were found to be in contempt and were sentenced to terms of imprisonment between 30 days and 2 months and 3 days, with seven of the sentences being suspended for 2 years;
28. The third on 17 December 2021 in relation to nineteen defendants at three different protest events in *National Highways Limited v Arne Springorum and others [2022] EWHC 205 (QB)*. Sixteen of the defendants were found to be in contempt and were sentenced to terms of imprisonment between 24 and 60 days, with 11 of those sentences being suspended for 2 years; and
29. The fourth on 19 August 2022 in relation to one defendant in *National Highways Limited v Louise Lancaster [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.
30. 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 were granted and to be granted a final injunction in terms similar than 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, Bennathan J made the "Injunction Order", joining the three sets of proceedings and continuing the injunction until 9 May 2023 or until further order.

JSO protests and impact

31. Whilst no direct action by IB and/or JSO took place on the SRN in the period between 3 November 2021 and 19 July 2022, since the inception of the JSO

movement its protest tactics have been 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; invading the pitches during Premier League football games; conducting protests at various art galleries across the UK by spray painting "#JustStopOil" and "No New Oil" inside the galleries and by affixing themselves with superglue to various notable artworks displayed in the galleries; and disrupting the British Grand Prix at Silverstone by entering onto the race track. A selection of media articles and JSO social media posts are exhibited at pages 67 to 73 of SFM1.

32. 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. As a result of these protests, oil companies (Valero; ExxonMobil; Essar Oil; and Shell UK) obtained injunctions to prevent further disruption at their sites in UK and on petrol station forecourts.
33. 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 (the "**July 2022 Protest**"). In a press release by JSO on 20 July 2022, it declared the M25 "*a site of civil resistance*". 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 at 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. This data is confirmed by the NHL Assured Impact Statement exhibited at pages 74 to 83 of SFM1 prepared by an analytical team overseen by our Chief Analyst Mark Clements whose task it is to work with and interpret traffic data.

34. Of the five individuals involved in the July 2022 Protest, only one of the individuals (D55 – Louise Lancaster) was known to NHL as a Named Defendant to the Injunction Order. D55 had previously been personally served with the Injunction Order on 16 May 2022 at her home address. NHL was aware of D55’s address as this had been provided by the police following a previous occasion when D55 was arrested after taking part in the IB protests.
35. The other four individuals involved in the July 2022 Protest were “newcomers”, i.e. not Named Defendants to the Injunction Order. Following their arrests as a result of the July 2022 Protest, NHL was supplied with address details for these individuals and was able to effect service of the Injunction Order via the service provisions currently authorised in the Injunction Order. However, as these four individuals had not been served with the Injunction Order prior to the July 2022 Protest, it was not able bring applications for contempt of court against these individuals.
36. As I mentioned at paragraph 29 above, NHL made the fourth contempt application on 19 August 2022 in relation to D55 for her breaches of the Injunction Order in the July 2022 Protest. A note of the hearing which took place on 7 October 2022 is exhibited at pages 84 to 94. During the hearing, counsel for D55 argued that as D55 was wearing a harness that was attached to the gantry that the carriageway could have safely remained open. Mr. Justice Cotter did not agree with this assessment, stating that police officers would have had legitimate cause to fear that D55 would use the harness to swing below the gantry, noting further that the police and NHL would have had "*absolutely no choice but to close the carriageway*" and "*It would have been reckless and a breach of the police and the Highways Authority's duty of care to allow a live carriageway beneath a protestor*".
37. Scaling gantries for the purposes of protest are highly disruptive to the SRN as they require the road to be shut down, and specialist police officers to be brought in to remove the protestors. During the July 2022 Protest, the protestors in question refused to voluntarily leave the structures, resulting in their being forcibly removed which resulted in roads being shut for several hours. Protests of this nature are not only highly disruptive but are also very difficult for NHL to prepare for, and indeed, NHL's ability to prevent these forms of protest is extremely limited. The ladder which leads up to the gantry at Junction 31 of the M25 which was subject to one of the July 2022 Protests was locked as a security measure to

prevent any unauthorised persons from entering onto the gantry. The protestor used climbing equipment to circumvent this.

38. Further actions subsequently occurred on 24 August 2022, when three service stations on the M25 were targeted by 32 JSO activists; and on 1 and 2 October 2022, when supporters of JSO and IB, amongst others, blocked the Waterloo, Westminster, Lambeth and Vauxhall bridges for two days by sitting in the road. This protest did not directly affect the SRN.
39. Most notably, on 17 October 2022, two protestors climbed the suspension cables of the Queen Elizabeth II Bridge at the Dartford Crossing on the M25 Motorway and suspended a large JSO banner between the suspension cables. The two protestors also suspended themselves, each in a small hammock, at a height of approximately 200 feet above the carriageway between the suspension cables. As a result of the protest, the police closed both carriageways of the A282 Queen Elizabeth II Bridge between J29 of the M25 clockwise and J4 of the M25 anticlockwise. The protestors refused to co-operate with the police and remained at height from approximately 05:00 am on 17 October 2022 until approximately 16:00 pm on 18 October 2022. The protest caused delays on the M25 from approximately 03:53 am on 17 October 2022 until 21:54 pm on 18 October 2022. During the peak congestion period arising out of the protest and the subsequent road closures there were queues of up to 8.4 miles which resulted in a maximum delay of 120 minutes for users of the anticlockwise carriageway. Delays of a maximum of 120 minutes were also experienced by users of the clockwise carriageway with queues of up to 4.4 miles.
40. These two individuals were also “newcomers” and unknown to NHL at the time of this incident. NHL had not therefore been able to serve them with the Injunction Order, but attempted to do so during the protest on 17 October 2022 by:
 - 40.1 Arranging for one of the police negotiators to read, using a megaphone, a script (which is exhibited at page 95 of SFM1) from the top of one of the bridge towers (due to the proximity of the protestors at the top of the suspension cables) explaining that:
 - 40.1.1 the Bridge is subject to a High Court Injunction, the Injunction Order, which forbids the Defendants (including persons unknown) from blocking, or endangering, or preventing the free

flow of traffic on the roads covered by the Injunction Order for the purpose of protesting and that by disobeying the Injunction order they may be held in contempt of Court;

40.1.2 a copy of the Injunction Order was available to view on the NHL website; and

40.1.3 that a process server, beneath them on the bridge, was holding copies of the Injunction Order.

40.2 Arranging for a process server to repeat the same process by reading out the Script using a megaphone, but from beneath the protestors.

41. NHL explored other potential options for serving the protestors, such as by using a drone, but due to the height of the protestors and health and safety concerns, there were no other feasible options other than those described at paragraph 40 above. Once the protestors came to the ground on 18 October 2022 they were arrested and the process server instructed by NHL attempted to personally serve the two individuals. However, they refused to accept the Injunction Order and therefore the process server had to place the Injunction Order on the ground at their feet.

42. The level of harm caused by the incident at the QE II Bridge in terms of both cost and disruption is significant. An incident of this nature replicated elsewhere on the SRN would undoubtedly be equally catastrophic, hence the need to deter and prevent such incidents and harm. NHL cannot risk the level of harm caused by the QEII Bridge protest occurring elsewhere on the network. The seriousness of the present situation is akin to the circumstances of October 2021, where Lavender J identified that the '*clear and imminent*' risk of further protest activity needed to be curtailed.

43. JSO have continued to cause 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. Other protest actions have included activists spray painting New Scotland Yard and Harrods, defacing the waxwork model of King Charles III in Madame Tussauds, throwing tomato soup on Van Gogh's £76 million Sunflowers painting at the National Gallery as well as

targeting high-end car dealerships in London Mayfair. Most recently, on 31 October 2022, JSO spray painted the Home Office, MI5 building, the Bank of England and the headquarters of News Corp at London Bridge. While these protests have not directly impacted the Roads, they show that JSO are 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*".

44. According to a Sky News article dated 31 October 2022 (a copy of which is at pages 96 and 97 of SFM1), a total of 650 police arrests of JSO members have been made since the group began its campaign on 1 October 2022, accounting for more than 7,900 police officer shifts.
45. JSO have pledged to continue their campaign of civil resistance "*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*". They go on to assert that "*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*". Please see page 99 of SFM1.
46. JSO stated their commitment to cause disruption throughout the whole of October, and that is exactly what they have done. The actions described in paragraphs 38 to 44 above (amongst others) have been carried out every day during the month of October, with each day being documented on the JSO website . This demonstrates that they are true to their word, and it is my firm belief that their stated commitment to carry out further action should be taken very seriously.
47. As can be seen from the above, the service requirements of the Injunction Order were conceived when the direct action protest was of a different nature. The recent and threatened protests which have involved gantries and bridges are of a different order of magnitude, and the harms are far more significant. It is my view that the Injunction Order no longer provides the necessary protection for the M25 Motorway, particularly in circumstances where JSO has recruited several newcomers who may take part in direct action protest on the M25 Motorway.

Risk of future protest activity

48. JSO protestors continue to demonstrate a clear intention to continue their cause by disrupting the M25 Motorway. On 20 October 2022, NHL received intelligence from the National Police Co-ordination Centre (“NPoCC”) under reference 23/29607/22 stating as follows:

“Just Stop Oil (JSO) are planning on disrupting the motorway network in the MIDLANDS and LONDON area on the following dates – 07/11/2022 + 08/11/2022 + 09/11/2022 + 10/11/2022. JSO are planning on scaling motorway gantries.”. Please see page 101 of SFM1.

49. The police have advised NHL that they are unable to provide any further information as to the context or extent of this intelligence briefing. This is the first instance that NHL has received direct intelligence of planned protest action affecting the SRN from the police due to the restrictions placed on them sharing intelligence.
50. NHL is deeply concerned at the prospect of individuals scaling the motorway gantries. In the South East region alone there are over 1,000 gantry structures and almost 7,000 across the entire SRN. Without further information, it is unclear what the references to “South East and Midlands” mean in terms of precise geographical spread.
51. In a press release published on the JSO website on 1 November 2022, 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 4th November, we will escalate our legal disruption against this treasonous government”*. See pages 103 to 104 of SM1. This stated commitment to ‘escalate’ matters after 4 November 2022 should be taken very seriously, particularly in light of JSO having followed through with their campaign of ‘continuous civil resistance’ throughout the whole of October (see paragraph 46 above). Whilst it is not clear from the press release what action JSO are planning to take, the press release does suggest that their actions could well go above and beyond those carried out during October, and also serves to bolster the police intelligence mentioned above.

52. On 2 November 2022 NHL received intelligence from NPoCC under reference URN IN4522031003 1AP 30/10/2022, stating as follows:

“Just Stop Oil are planning to continue causing significant disruption until at least the end of 2022. A major plan is being prepared with the intention of blocking the M25 on a daily basis with between 50-75 protesters.” See pages 105 and 106 of SM1.

53. The police have again advised NHL that they are unable to provide any further information as to the context or extent of this intelligence briefing.

54. On 3 November 2022 received intelligence from NPoCC, stating as follows:

“Just Stop Oil will conduct major disruptive direct action at multiple locations on the M25 motorway between Monday 07/11/2022 and Thursday 10/11/2022. Protesters are likely to be deployed very early in the morning at around 0500 hours or 0600 hours. Protesters are looking to use ropes and harnesses to access the metal signs that cross the motorways and may lock themselves on.” See page 108 of SM1.

55. On 3 November 2022 NHL were provided with 6 videos by a source who NHL intends to keep confidential for obvious reasons. These videos were taken of a Microsoft Teams meeting between members of JSO that took place on 2 November 2022, and are exhibited at page 110 of SM1. The meeting concerns a planned protest action that will be carried out on the M25 from Monday 7 November 2022 to Thursday 10 November 2022 and appears to be an attempt to recruit new members into JSO and to take part in the planned protest action. Various JSO members give talks throughout the meeting, including: Roger Hallam, one of the known co-founders of IB, JSO and Extinction Rebellion; Louise Lancaster, designated in the Injunction Order as D55 who was found to be in contempt of the Injunction Order as a result of taking part in the July 2022 Protest; and Cressida Gethian who also took part in the July 2022 Protest as a 'newcomer'.

Service

56. As I have explained above, NHL was not able to serve, in accordance with the current terms of the Injunction Order, four of the protestors who took part in the

July 2022 Protest or the two individual who took part in the QEII Bridge Protest, until their protest had concluded, and they were arrested.

57. NHL is confident that JSO is already aware of the existence of the Injunction Order following repeated references to the fact that they "*will not be stopped by private injunctions*" in daily JSO press releases. However, in anticipation of the planned action, on 4 November 2022, DLA Piper on behalf of NHL sent a copy of the Injunction Order by email to the two known email addresses for JSO, bringing to their attention the acts prohibited by, and the roads that are subject to the Injunction Order as well as the penal notice attached to the Injunction Order. The email requests that JSO immediately draw this to the attention of its members and affiliates. A copy of the email and attachment is exhibited at pages 111 to 163 of SM1.
58. NHL has also published a tweet on its Twitter page with a link to the Injunction Order on the NHL website. A copy of the tweet is exhibited at page 164 of SM1. However, this (and the email to JSO) will not constitute valid service of the Injunction Order based on its provisions for service.
59. It is also of great concern that the first day of these planned actions has been planned to coincide with industrial action across the National Rail network on 7 November 2022. Whilst that strike action was cancelled by the RMT Union on 4 November 2022, it is still expected that there will be some disruption to rail services on 7 November 2022. The level of disruption likely to be caused by disruption across the SRN will be compounded if there are limited rail services running. It is foreseeable that members of the public using the SRN as an alternative to rail services they would otherwise have utilised will, nonetheless, be subjected to severe disruption on the SRN.
60. Most motorists do not appear to have sympathy for the protestors' cause and there is often reported in the media a level of resentment by motorists. This likely stems from the accumulation of protests that motorists have had to put up with on the SRN over the past 13 months, including those by the protest groups known as IB and JSO referred to above. During those protests some motorists resorted to dragging protestors out of the road themselves as well as driving vehicles at protestors and in one case tying a protestor to railings. I believe that any future protests could result in motorists following similar courses of direct action and taking the law into their own hands, presenting serious threat to life, to physically

move the protestors and carry on with their journey. Considering the recent JSO actions throughout October, the Met Police have urged the public not to directly intervene with JSO demonstrators following some motorists ‘taking matters into their own hands’. Such intervention is of course extremely dangerous on any road, but the seriousness and potential implications of motorists trying to intervene on motorways where traffic could be travelling at up to 70 mph does not bear thinking about.

61. I am concerned that it is just a matter of time before there is a serious incident on the SRN should these protests continue to disrupt the SRN. Regardless of how well intentioned or otherwise the protestors’ cause may be, obstructing major roads is incredibly dangerous both to the protestors and the travelling public. It is not simply the delay that will be caused to those travelling on the SRN as they go about their ordinary business. There is the risk of collision (resulting in injuries or even fatalities) should vehicles have to break suddenly or as the result of a concertina effect due to blockages in the traffic. Emergency vehicles may also be delayed posing a threat to life.
62. The unpredictable nature of the location of the protests, including the lack of advance formal warning mentioned earlier, together with the increasing public safety risk is preventing NHL from carrying out its statutory duty as the highway authority for the SRN (as referred to earlier in this witness statement) – particularly regarding the safety of the travelling public.
63. I am very concerned, particularly considering the police intelligence and JSO press release from 1 November 2022, that the M25 Motorway will be targeted by protests in the coming days causing significant and unlawful disruption to lawful road users, threat to life and economic damage to further their objectives.

Third Party Disclosure by the Police

64. NHL also seeks an order providing for police forces to disclose information relating to the arrests of individuals participating in protest activity associated with, organised by or in any way affiliated with JSO and evidence of breaches of the injunction order sought because while that injunction remains in force:
 - 64.1 NHL needs the police to disclose the name and postal address of any protestors who are arrested; and

- 64.2 The police will continue to be the primary source of evidence of any breaches of the injunction.
65. The disclosure obligations applied for will assist NHL in:
- 65.1 Applying to add new protestors who are arrested as named defendants to the proceedings; and
- 65.2 Bringing contempt of court applications to enforce any injunction granted by the court, should there be any breaches.
66. I exhibit at pages 165 to 166 of SM1 a true copy of an email exchange dated 4 November 2022 between Petra Billing of NHL's instructed firm of solicitors, Assistant Chief Constable Owen Weatherill M.St (Cantab) and Stephen Bramley CBE, a barrister and Director of Legal Services at the Directorate of Legal Services, Metropolitan Police Service. Mr. Weatherill has confirmed on behalf of and with the full authority of each of the Chief Constables of police for those forces listed in Schedule 1 to the draft order filed with this application that they consent to a disclosure order in those terms including the duty of disclosure on the same terms previously agreed, which is what NHL is seeking.

Statement of Truth

67. 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: 5 November 2022



.....
SEAN FOSTER MARTELL

On behalf of: the
Claimant/Applicant
By: Sean Foster Martell
No: 1
Exhibits: SFM1

Date: 5 November 2022

Claim no: KB-22-XXXX
IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Between:

NATIONAL HIGHWAYS LIMITED

Claimant

-and-

(1) JUST STOP OIL

**(2) PERSONS UNKNOWN ENTERING OR
REMAINING WITHOUT THE CONSENT OF THE
CLAIMANT ON, OVER, UNDER, OR ADJACENT TO
A STRUCTURE ON THE M25 MOTORWAY**

Defendants

**WITNESS STATEMENT OF
SEAN FOSTER MARTELL**

DLA Piper UK LLP
1 St Paul's Place
Sheffield
S1 2JX
United Kingdom
Tel: +44 114 283 3084
Fax: +44 114 283 3393

Ref: LNH/LNH/366530/248/UKM/122254204.1
Solicitors for the Applicant

Dated *30 March* 2015

**THE SECRETARY OF STATE
TO
HIGHWAYS ENGLAND COMPANY LIMITED**

TRANSFER SCHEME

made by the Secretary of State
under section 15 of the Infrastructure Act 2015

TRANSFER SCHEME

BACKGROUND

- (A) Section 1 of the Infrastructure Act 2015 (the “**2015 Act**”) provides that the Secretary of State may by order appoint one or more companies as a “strategic highways company”.
- (B) By virtue of article 2 of the Appointment of a Strategic Highways Company Order 2015¹ (the “**2015 Order**”) Highways England Company Limited (the “**Company**”) is appointed with effect from 1 April 2015 as the strategic highways company for the whole of England, and the highway authority for the highways specified in that article.
- (C) Section 15(1) of the 2015 Act provides that the Secretary of State may make one or more schemes for the transfer of property, rights and liabilities from the Secretary of State to a strategic highways company.
- (D) The Secretary of State, in exercise of the powers conferred by section 15 of, and Schedule 3 to, the 2015 Act makes this Transfer Scheme for the transfer to the Company of certain property, rights and liabilities of the Secretary of State.
- (E) In accordance with section 15(2) of the 2015 Act, in making this Transfer Scheme the Secretary of State has had regard to the statutory functions of the Company and the terms of its appointment.

PART 1

INTERPRETATION AND COMMENCEMENT

1 Interpretation

1.1 In this Transfer Scheme the following expressions have the following meanings:

“**the 1980 Act**” means the Highways Act 1980;

“**the 2015 Act**” means the Infrastructure Act 2015;

“**the 2015 Order**” means the Appointment of a Strategic Highways Company Order 2015;

“**the Company**” means Highways England Company Limited, a company limited by shares and incorporated in England and Wales under company number 9346363;

“**Excluded Matters**” means the property, rights and liabilities which are expressly identified in this Transfer Scheme as being excluded from the HA Designated Undertaking;

“**HA Designated Undertaking**” means:

- (a) the property, rights and liabilities, other than the Excluded Matters, which, immediately before the Transfer Date, were held by the Secretary of State exclusively or primarily for the purposes of the Relevant HA Activities, and
- (b) any other property, rights and liabilities which were held by the Secretary of State immediately before the Transfer Date, and are expressly identified in this Transfer Scheme as being included in the HA Designated Undertaking;

¹ S.I. 2015/376.

“Intellectual Property” means patents, utility models, rights to inventions, copyright and neighbouring and related rights, trade marks and service marks, business names and domain names, rights in get-up and trade dress, goodwill and the right to sue for passing off or unfair competition, rights in designs, database rights, rights to use, and protect the confidentiality of, confidential information (including know-how and trade secrets), and all other intellectual property rights, in each case whether registered or unregistered and including all applications and rights to apply for and be granted, renewals or extensions of, and rights to claim priority from, such rights and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future in any part of the world;

“land” includes land covered by water and any interest or right in, over or under land;

“the Objects” means the Company’s objects as defined in Article 4 of its Articles of Association adopted by special resolution on 12 March 2015;

“Records” means information recorded in any form, including information recorded in writing or drawn on paper or sheet material or recorded in any electronic or electromagnetic form (including databases stored on computer tapes or disks);

“Relevant HA Activities” means the activities which:

- (a) before the Transfer Date were carried out by that part of the Department for Transport known as the Highways Agency, and
- (b) concerned the exercise of the Secretary of State’s functions in relation to the Transferred Highways;

“Transfer Date” means 1 April 2015; and

“Transferred Highways” means the highways specified in article 2 of the 2015 Order as highways for which the Company is the highway authority.

- 1.2 Except as otherwise stated a reference to a paragraph, sub-paragraph or Schedule means a paragraph or sub-paragraph of, or a Schedule to this Transfer Scheme.
- 1.3 A reference to any contract, agreement or other document is a reference to that contract, agreement or other document as amended, novated, restated, supplemented or extended from time to time.
- 1.4 A reference to rights and liabilities held in land includes (but is not limited to) any leases, tenancies, licences, other agreements, covenants, easements and wayleaves.
- 1.5 A reference to employment includes reference to employment in the civil service of the State and, in respect of such employment, a reference to a contract of employment is to be treated as a reference to the terms of employment in the civil service of the State.
- 1.6 Except where defined or explained in sub-paragraphs 1.1 to 1.5, or the context otherwise requires, words and expressions which are defined or explained in the Interpretation Act 1978, the 1980 Act or the 2015 Act have the same meaning in this Transfer Scheme.

2 Commencement

This Transfer Scheme comes into force on the Transfer Date.

PART 2

TRANSFER PROVISIONS

3 Transfer of property, rights and liabilities

On the Transfer Date, the HA Designated Undertaking (including the property, rights and liabilities referred to in paragraphs 4.3, 5.1, 5.2, 7.1, 7.2, 8.1, 8.3, 9.1, 10.1, 11.1, 11.3, 12 and 13.1) is transferred to the Company.

4 Land held for the purposes of the strategic road network

4.1 It is noted that, by virtue of article 2 of the 2015 Order, as of the Transfer Date, the Company is the highway authority for the Transferred Highways.

4.2 It is further noted that, by virtue of section 263 of the 1980 Act, the Transferred Highways, together with the material and scrapings of them, vest in the Company with effect from the Transfer Date.

4.3 Further to sub-paragraphs 4.1 and 4.2, the following are included in the HA Designated Undertaking:

4.3.1 The property, rights and liabilities held by the Secretary of State in all land which, immediately before the Transfer Date, was vested in the Secretary of State for the purposes of the Secretary of State's functions as highway authority in relation to the Transferred Highways;

4.3.2 To the extent not vested in the Company by virtue of section 263 of the 1980 Act, all property, rights and liabilities held by the Secretary of State in the land mentioned in sub-paragraph 4.2.

4.4 For the avoidance of doubt, the property, rights and liabilities held by the Secretary of State for the purposes of the DVSA Activities in the land mentioned below are excluded from the HA Designated Undertaking.

<u>Property Name</u>	<u>Address</u>
Doxey	M6 (J14), corner of Aston Bank, Seighford Road, Doxey, Staffordshire ST16 1DQ
Todhills	M6 (J44) Northbound, Guards Mill, Todhills, Carlisle, Cumbria, CA6 4HA

4.5 In sub-paragraph 4.4, "DVSA Activities" means the activities carried out by that part of the Department for Transport known as the Driver and Vehicle Standards Agency.

5 Other interests in land

5.1 The property, rights and liabilities held by the Secretary of State in the land described in Schedules 1 and 2 are included in the HA Designated Undertaking.

- 5.2** The property, rights and liabilities held by the Secretary of State in relation to the following are included in the HA Designated Undertaking:
- 5.2.1** any agreement which requires a person to pay additional monies to the Secretary of State in relation to land which:
- (i) the person acquired from the Secretary of State, and
 - (ii) at any time before the acquisition was held by the Secretary of State for the purposes of the Relevant HA Activities;
- 5.2.2** any arrears of rent or credits payable under any tenancy agreement entered into by the Secretary of State in relation to land which, at the time the rent was due, was held by the Secretary of State for the purposes of the Relevant HA Activities;
- 5.2.3** any sum payable under a judgment or court order relating to land which, at the time judgment was given or the order was made, was held by the Secretary of State for the purposes of the Relevant HA Activities;
- 5.2.4** any compensation or other sum payable in relation to, or in connection with, land held or acquired by the Secretary of State for the purposes of the Relevant HA Activities.

6 Detrunked land

- 6.1** Sub-paragraph 6.2 applies in relation to any land which is no longer vested in the Secretary of State due to a highway having ceased to be a trunk road and where, as of the Transfer Date, the registered proprietor of the land is not the person in whom it has vested by virtue of section 265 of the 1980 Act (being the person which became the highway authority for the highway).
- 6.2** The Company must take all appropriate action for the purposes of properly implementing and registering the vesting of the land with the Land Registry.
- 6.3** For the purposes of sub-paragraph 6.2 the Company is to be treated as the same person in law as the Secretary of State, as appropriate.

7 Occupation under the Civil Estate Occupancy Agreement etc.

- 7.1** The property, rights and liabilities held by the Secretary of State for Transport (acting as the Highways Agency) under the agreements specified in the tables in paragraphs 1 and 2 of Schedule 3 are included in the HA Designated Undertaking.
- 7.2** The property, rights and liabilities held by the Secretary of State (acting as the Highways Agency) under the agreements specified in columns 1 to 5 of the table in paragraph 3 of Schedule 3 are included in the HA Designated Undertaking to the extent they relate to the building or part of the building described in column 6 of that table.
- 7.3** To the extent that they relate to property, rights and liabilities transferring to the Company under sub-paragraphs 7.1 and 7.2, the agreements mentioned in those sub-paragraphs have effect (to the extent that they did not do so immediately before the Transfer Date) as legally-binding contractual licences.

7.4 For the avoidance of doubt, sub-paragraph 7.3 does not confer rights of exclusive control or occupation in respect of any property and does not create any tenancy.

8 Furniture, Fittings, Plant, Stores, Equipment and Machinery etc.

8.1 The property, rights and liabilities held by the Secretary of State for the purposes of the Relevant HA Activities in relation to the items specified in sub-paragraph 8.2 are included in the HA Designated Undertaking.

8.2 The items mentioned in sub-paragraph 8.1 are:

8.2.1 all plant, fittings, equipment and machinery;

8.2.2 all motor vehicles;

8.2.3 all inventory, stores and raw materials;

8.2.4 all furniture, including desks, chairs and filing cabinets; and

8.2.5 all computers, mobile telephones and other electronic instruments.

8.3 The property, rights and liabilities held by the Secretary of State in the emergency strategic salt reserve allocated for use by local highway authorities in England (and which as of the Transfer Date comprises approximately 290 tonnes of salt) are included in the HA Designated Undertaking.

9 Intellectual Property and Records

9.1 All Records held by the Secretary of State (or by another person on behalf of the Secretary of State) for the purposes of the Relevant HA Activities are included in the HA Designated Undertaking.

9.2 All Intellectual Property held by the Secretary of State is excluded from the HA Designated Undertaking.

9.3 The Secretary of State grants to the Company a perpetual, non-exclusive, royalty free licence to use, for the purposes of the Objects, all Intellectual Property which, immediately before the Transfer Date, was held by the Secretary of State for the purposes of the Relevant HA Activities.

9.4 Sub-paragraph 9.5 applies where:

9.4.1 before the Transfer Date, the Secretary of State granted a licence to another person to use Intellectual Property held by the Secretary of State;

9.4.2 the licence was granted under a provision of a contract or agreement; and

9.4.3 the rights and liabilities held by the Secretary of State in relation to that provision have transferred to the Company under this Transfer Scheme.

9.5 The licence continues to have effect as a licence granted by the Secretary of State (and not the Company) on the same terms as originally granted.

9.6 For the avoidance of doubt, nothing in this Transfer Scheme assigns to the Company any copyright owned by the Crown.

10 Highway Agreements etc.

- 10.1** The property, rights and liabilities held by the Secretary of State in relation to all agreements entered into under any enactment for the purposes of the Relevant HA Activities are included in the HA Designated Undertaking.
- 10.2** The enactments referred to in sub-paragraph 10.1 include (but are not limited to):
- 10.2.1** Section 4 of the 1980 Act (agreement for exercise by Minister of certain functions of local highway authority as respects highway affected by construction etc. of trunk road);
 - 10.2.2** Section 6 of the 1980 Act (delegation etc. of functions with respect to trunk roads);
 - 10.2.3** Section 38 of the 1980 Act (power of highway authorities to adopt by agreement);
 - 10.2.4** Section 85 of the 1980 Act (exercise of powers by agreement between neighbouring authorities);
 - 10.2.5** Section 127 of the 1980 Act (stopping up private access to premises by agreement);
 - 10.2.6** Section 253 of the 1980 Act (agreements as to the use of land near highways);
 - 10.2.7** Section 278 of the 1980 Act (agreements as to execution of works); and
 - 10.2.8** Section 106 of the Town and Country Planning Act 1990 (planning obligations).

11 Other Contracts and Agreements

- 11.1** The property, rights and liabilities held by the Secretary of State in relation to the contracts and agreements specified or described in Schedule 4 are included in the HA Designated Undertaking.
- 11.2** The property, rights and liabilities held by the Secretary of State in relation to the Dartford Free Flow Crossing Contract entered into with Sanef Operations Limited are excluded from the HA Designated Undertaking.
- 11.3** In so far as they relate to the Relevant HA Activities, the property, rights and liabilities held by the Secretary of State in relation to all other contracts, agreements, memorandums of understanding and other arrangements (whether legally binding or otherwise) are included in the HA Designated Undertaking.
- 11.4** The property, rights and liabilities referred to in sub-paragraph 11.3 do not include those for which specific provision is made elsewhere in this Transfer Scheme.
- 11.5** For the avoidance of doubt any property, rights and liabilities held by the Secretary of State in relation to the matters mentioned in sub-paragraph 11.3 which relate partly to the Relevant HA Activities are included in the HA Designated Undertaking only to the extent that they relate to those activities.

12 Employees

All of the property, rights and liabilities held by the Secretary of State in relation to the contracts of employment of the employees named in Schedule 5 are included in the HA Designated Undertaking.

PART 3

SUPPLEMENTARY PROVISIONS

13 Supplementary provisions

- 13.1** The property, rights and liabilities referred to in this Transfer Scheme include:
- 13.1.1** any property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the Secretary of State;
 - 13.1.2** any property acquired in the period after the making of this Transfer Scheme and before it comes into force;
 - 13.1.3** any rights and liabilities arising in that period;
 - 13.1.4** any rights and liabilities arising after this Transfer Scheme comes into force in respect of matters occurring before it comes into force;
 - 13.1.5** any rights and liabilities under an enactment or an EU instrument.
- 13.2** The provisions of this Transfer Scheme have effect irrespective of:
- 13.2.1** any requirement to obtain a person's consent or concurrence,
 - 13.2.2** any liability in respect of a contravention of another requirement, and
 - 13.2.3** any interference with an interest or right,
- which would otherwise apply.
- 13.3** Sub-paragraphs 13.4 and 13.5 apply where, as a consequence of a provision of this Transfer Scheme, or in consequence of anything done, or likely to be done, in connection with this Transfer Scheme, a person would otherwise be entitled:
- 13.3.1** to terminate, modify, acquire or claim an interest to which the Secretary of State is entitled or subject, or
 - 13.3.2** to treat such an interest or right as modified or terminated.
- 13.4** The entitlement is not enforceable in relation to the interest or right as a consequence of what is done or is likely to be done in connection with this Transfer Scheme.
- 13.5** The entitlement is preserved so as to be enforceable in respect of the first occasion when corresponding circumstances next occur after the Transfer Date.

14 Continuity provisions

- 14.1** Any agreements made, transactions effected or other things done by or in relation to the Secretary of State are to be treated, so far as may be necessary for the purposes of or in

connection with property, rights or liabilities transferred by this Transfer Scheme, as made, effected or done by or in relation to the Company.

- 14.2** Any reference in an agreement, instrument or other document to the Secretary of State, or to an employee or office holder of the Secretary of State is to have effect, so far as may be necessary for the purposes of or in connection with property, rights or liabilities transferred by this Transfer Scheme, as a reference to the Company or an employee of the Company.
- 14.3** Any proceedings commenced by or against the Secretary of State in relation to property, rights or liabilities transferred by this Transfer Scheme are to be continued by or against the Company.

Signed by authority of the Secretary of
State for Transport this
[30] day of [March] 2015

}

S L Gooding

Senior Civil Servant
Department for Transport

SCHEDULE 1
Other interests in land

1. Freehold property held by the Secretary of State for Communities & Local Government (SSCLG) or the Secretary of State for Transport (SST):

<u>Property Name</u>	<u>Address</u>	<u>Owner</u>
Federated House	London Road Dorking RH4 1SZ	SST
East Regional Control Centre (M25/M1 Interchange Jcn 23)	St Albans Road South Mimms Potters Bar EN6 3PN	SST
North West Regional Control Centre (M6 Jcn 23)	Rob Lane Newton Le Willows Warrington WA12 0DR	SST
Ainley Top	M62 (J24) Ainley Top N.W of Huddersfield. West Yorkshire	SST
Badbury	M4 J15, Swindon	SST
Boston Spa	A1/A659 Boston Spa. N.W of Leeds, near Wetherby, West Yorkshire	SST
Boughton	A2 Eastbound, Canterbury Rd, Boughton, near Faversham. Kent	SST
Crick	M1 (J18)/A428 Rugby Road, Crick, Northamptonshire	SST
Dunkirk	M56 (J16)/A5117 Dunkirk, Ellesmere Port, Cheshire	SST
Handcross	A23 Handcross, S. of Crawley, West Sussex	SST
Harlow	M11 (J7)/A414, Harlow, Essex	SST
Mottram	A57 Hyde Road	SST
Quinton	M5 (J3)/A456 Quinton,	SST

	Halesowen, W. Midlands	
Ross On Wye	A40/M50 (J4) Ross -on -Wye, Herefordshire	SST
Rostherne	A556 Rostherne, near J19 M6, Cheshire	SST
Sampford Peverell	M5 (J27)/A373 Sampford Peverell, East of Tiverton, Devon	SST
Sandy	A1 North, Sandy, Lower Coldecote. Bedfordshire	SST
Saxondale	A46/A52 Saxondale, Old Nottingham Road, Bingham. E of Nottingham, Notts	SST
Scotch Corner	A1/A66 Scotch Corner, Richmond. S.W. of Darlington, North Yorkshire	SST
Sprotborough	A1 (M)Sprotborough, W. of Doncaster, South Yorkshire	SST
Switch Island	M57 Liverpool	SST
Tankersley	M1/A61 Tankersley, Barnsley, South Yorkshire	SST
Thornham	M62 / A622 (J20) Thornham, near Rochdale. N. of Oldham	SST
Towcester	Southbound A43 close to junction with A413, Towcester, Northamptonshire	SST
Wall	A5/A5127, Staffordshire	SST
Withy Patch	A27 Withy Patch, Withy Down Lay-by, near Lancing, West Sussex	SST

Skellow	A1/A638 Skellow N.W. of Darlington, Co. Durham	SST
South Cave	A63 South Cave, W of Hull, Humberside	SST
Cuerden	M65 Terminal Roundabout, Lancashire	SST
Pytchley	Highway Depot, Kettering, Northamptonshire	SST
Leatherhead	M25 (J9)/A243, Leatherhead, Surrey	SST
Birdwell	A61, Birdwell, Barnsley, South Yorkshire	SST
Sandbach	Sandbach compound, Nr M6, Cheshire	SST

2. Office building leases held by the Secretary of State for Communities & Local Government (SSCLG) or the Secretary of State for Transport (SST):

<u>Property Name / Address</u>	<u>Postcode</u>	<u>Description</u>	<u>Lease Start Date</u>	<u>Lease Expiry</u>	<u>Lessor</u>	<u>Lessee</u>
Piccadilly Gate, Manchester	M1 2WD	Part Ground Floor	28/06/2010	27/06/2025	London and Continental Railways Ltd.	SST
Piccadilly Gate, Manchester	M1 2WD	8 th Floor	28/06/2010	27/06/2025	London and Continental Railways Ltd.	SST
Piccadilly Gate, Manchester	M1 2WD	9 th Floor	28/06/2010	27/06/2025	London and Continental Railways Ltd.	SST
Ash House, Exeter	EX2 7LB	First Floor Ash House	21/01/2004	20/01/2019	William Pollard and Co Ltd	SSCLG
Ash House, Exeter	EX2 7LB	Ground Floor Ash House	21/01/2004	20/01/2019	William Pollard and Co Ltd	SSCLG
Bridge	GU1 4GA	Basement, Ground to	05/10/1990	01/10/2015	Aviva Investors	SSCLG

House, Guildford		3rd Floors				
Federated House, Dorking	RH4 1SZ	Land for 60 car spaces	15/04/2005	14/04/2015	CES (Dorking) Ltd	SSCLG
Hudson House, York	YO1 6HP	Part 5th Floor Hudson House	28/09/2006	30/06/2015	Palace Capital PLC/ Signal Property Investment LLP	SSCLG
Hudson House Bunker, York	YO1 6HP	Hudson House Bunker	02/10/2006	01/10/3005	Palace Capital PLC/Signal Property Investment LLP	SSCLG
Lateral, Leeds	LS11 9AT	Third and Fourth Floor Offices	29/09/2006	28/09/2021	RREEF Ltd	SSCLG
The Cube, Birmingham	B1 1RN	The Cube 9th, 10th & 11th floors	25/03/2010	24/03/2025	EPISO Cube S.A.R.L.	SSCLG
Woodlands, Bedford	MK41 7LW	Ground Floor, First Floor and Second Floor	07/10/2014	06/10/2024	Wichford Woodlands Ltd	SSCLG
East Midlands Regional Control Centre, Nottingham	NG8 6PZ	Offices and reception area	12/12/2005	11/12/2030	The Trustees of the TBF and KL Thompson Trust	SST
National Traffic Operations Centre, Birmingham	B32 1AF	2 storey National Traffic Control Centre building	24/06/2002	23/06/2152	St Modwen Properties	SST
South West Regional Control Centre, Bristol	BS11 9FB	South West Regional Control Centre	14/06/2005	13/06/2030	Toscafund St James Court Ltd	SST

West Midlands Regional Control Centre /Traffic Officer Outstation, Birmingham	B32 1AF	Unit 1, Quinton Business Park	25/03/2004	24/03/2029	A & J Mucklow Investments	SST
South East Regional Control Centre, Godstone	RH9 8BQ	1st, 2nd and 3rd floors	16/03/2004	15/03/2035	Surrey Constabulary	SST
North East Regional Control Centre, Wakefield	WF2 7UA	Kestrel House, Unit C41, Calder Business Park	06/07/2005	06/07/2030	Irish Life Insurance Plc	SST

3. Agreements for lease:

<u>Property Name / Address</u>	<u>Postcode</u>	<u>Description</u>	<u>Intended Lease Start Date</u>	<u>Intended Lease Expiry</u>	<u>Lessor</u>	<u>Lessee</u>
The Cube, Birmingham	B1 1RN	The Cube 8th floor	tbc (likely to be March/April 2015)	24/03/2025	EPISO Cube S.A.R.L.	SSCLG
Bridge House, Guildford	GU1 4GA	Basement, Ground to 3 rd floors	02/10/2015	01/10/2025	Aviva Investors	SSCLG

4. Motorway service areas:

1. **BIRCH (TWIN)**

M62 JUNCTION 18-19, WHITTLE LANE, HEYWOOD, MANCHESTER, OL10 2RB

2. **BIRCHANGER GREEN (JUNCTION)**

M11 JUNCTION 8, DUNMOW ROAD, BISHOP'S STORTFORD, ESSEX COUNTY, CM23 5QZ

3. **CHERWELL VALLEY (JUNCTION)**

M40 JUNCTION 10, BICESTER, OXFORDSHIRE COUNTY, OX27 7RD

4. **CLACKET LANE (TWIN)**

M25 JUNCTION 5-6, WESTERHAM, SURREY COUNTY, TN16 2ER

5. **CORLEY (TWIN)**

M6 JUNCTION 3-4, COVENTRY, WARWICKSHIRE COUNTY, CV7 8NR

6. **KEELE (TWIN)**

M6 JUNCTION 15-16, NEWCASTLE, STAFFORDSHIRE COUNTY, ST5 5HG

7. **KNUTSFORD (TWIN)**

M6 JUNCTION 18-19, CHESHIRE COUNTY, WA16 0TL

8. **LEICESTER FOREST EAST (TWIN)**

M1 JUNCTION 21-21A, LEICESTER, LEICESTERSHIRE COUNTY, LE3 3GB

9. **MEMBURY (TWIN)**

M4 JUNCTION 14-15, HUNGERFORD, WEST BERKSHIRE, RG17 7TZ

10. **NEWPORT PAGNELL (TWIN)**

M1 JUNCTION 14-15, MILTON KEYNES, MK16 8DS

11. **NORTHAMPTON, TWIN (Formerly Rothersthorpe),**

M1 JUNCTION 15A, NORTHAMPTONSHIRE COUNTY, NN4 9QS

12. **NORTON CANES (JUNCTION)**

M6 TOLL JUNCTION T6-T7, CANNOCK, STAFFORDSHIRE COUNTY, WS11 9UX

13. **SANDBACH (TWIN)**

M6 JUNCTION 16-17, CHESHIRE COUNTY, CW11 2FZ

14. **SOUTH MIMMS (JUNCTION)**

M25 JUNCTION 23 POTTERS BAR, HERTFORDSHIRE COUNTY, EN6 3QQ

15. **STRENSHAM (TWIN)**

M5 JUNCTION 7-8 WORCESTERSHIRE COUNTY, WR8 0BZ

16. THURROCK (JUNCTION)

M25 JUNCTION 31, GRAYS, THURROCK, RM16 3BG

17. TODDINGTON (TWIN)

M1 JUNCTION 11-12, DUNSTABLE, BEDFORDSHIRE COUNTY, LU5 6HR

18. TROWELL (TWIN)

M1 JUNCTION 25-26, NOTTINGHAM, NOTTINGHAMSHIRE COUNTY, NG9 3PL

19. WARWICK (TWIN)

M40 JUNCTION 12-13, WARWICKSHIRE COUNTY, CV35 0AA

20. WATFORD GAP (TWIN)

M1 JUNCTION 16-17, NORTHAMPTON, NORTHAMPTONSHIRE COUNTY, NN6 7UZ

21. WOODALL (TWIN)

M1 JUNCTION 30-31, SHEFFIELD, SOUTH YORKSHIRE, S26 7XR.

Notes

In the above list a reference to "TWIN" means the motorway service area (MSA) is located on both sides of the carriageway. A reference to "JUNCTION" means the MSA is a single site located on a motorway junction.

SCHEDULE 2 Surplus land

Highways Agency Property Ref	Property Address	EPIMS Reference
2	THE OLD FARMHOUSE, ALONGSIDE M6, ASH FLATS LANE, STAFFORD, STAFFORDSHIRE COUNTY, ST18 9BP	13113
58	LAND AT BYRON LODGE, CRANFIELD ROAD, MILTON KEYNES, BEDFORDSHIRE COUNTY, MK17 8AX	12767
84	UNIT 19/19A AT APEX BUSINESS CENTRE, BOSCOMBE ROAD, DUNSTABLE, BEDFORDSHIRE COUNTY, LU5 4SB	16448
87	UNIT 21 APEX BUSINESS CENTRE, BOSCOMBE ROAD, DUNSTABLE, BEDFORDSHIRE COUNTY, LU5 4SB	16449
135	MEADOW COTTAGE, HILLSEND LANE, ATTLEBOROUGH, NORFOLK COUNTY, NR17 1BG	13079
146	LARGE ARABLE SITE ADJ TO A405 NORTH ORBITAL RD, TIPPENDELL LANE, ST ALBANS, HERTFORDSHIRE COUNTY, AL2 2PZ	15144
170	LAND AT BIRCHANGER LANE (PLOT A), BIRCHANGER, BISHOPS STORTFORD, ESSEX COUNTY, CM23 5SN	16619
171	LAND AT BIRCHANGER (PLOT B), BIRCHANGER, BISHOPS STORTFORD, ESSEX COUNTY, CM23 5SN	16620
175	LAND ADJOINING COTTAGE FARM, GOOSE GREEN, HODDESDON, HERTFORDSHIRE COUNTY, EN11 8SN	13236
176	LAND AT HIGH LEIGH & SHARED ACCESS(S BEADIE), KENNEDY AVENUE, HODDESDON, HERTFORDSHIRE COUNTY, EN11 8NN	16599
182	PLOT A LAND AT A12/ B1002, ROMAN ROAD, INGATESTONE, ESSEX COUNTY, CM4 9HG	13238
189	LAND AT OLD PARK FARM, TODDINGTON, DUNSTABLE, BEDFORDSHIRE COUNTY, LU5 6HP	13243
205	STRIP OF LAND NEXT TO A435 & FOOTBALL CLUB, A435 AND BIRMINGHAM ROAD, STUDLEY, WARWICKSHIRE COUNTY, B80 7BD	15303
207	ROUGH PASTURE/PART WOODED/AREA OF FLOOD PLAIN, LAND AT LONGBRIDGE (PLOT 10/16), BARFORD, WARWICK, WARWICKSHIRE COUNTY, CV34 6RB	16333
230	LAND AT LOTHERTON PARK FARM, MICKLEFIELD, LEEDS, WEST YORKSHIRE, LS25 4AH	16462
234	PASTURE LAND NEAR BODENHAM FARM & THE BIRCHES, STANKLYN LANE, STONE, WORCESTERSHIRE COUNTY, DY10 4AP	12987
244	VACANT LAND AT THREE RISE ALLOTMENTS, BINGLEY, WEST YORKSHIRE, BD16 2RZ	16437
255	LAND FORMER SITE OF, 3 KENILWORTH GROVE, STOKE-ON-TRENT, CITY OF STOKE-ON-TRENT, ST3 5QD	16438
279	TUDOR HOUSE, SHOTATTON, RUYTON XI TOWNS,, SHREWSBURY, SHROPSHIRE COUNTY, SY1 4ET	15455
280	FARMLAND ADJACENT TO TUDOR HOUSE, SHOTTATON, SHREWSBURY, SHROPSHIRE COUNTY, SY4 1JH	13005
287	PLOT A (N PLOT OF FORMER STANFORD FARM), TORTON, HARTLEBURY, WORCESTERSHIRE COUNTY, DY11 7SD	12200
294	LANDLOCKED GRASSED AREA OF LAND, WORCESTER RD, TORTON VILLAS, KIDDERMINSTER, WORCESTERSHIRE COUNTY, DY11 7RT	12202
305	LAND AT JUNCTION A4123/M5 J2, WOLVERHAMPTON ROAD, OLDBURY WEST MIDLANDS, BIRMINGHAM, B69 4RQ	12207

314	GRASSED AREA ADJACENT RICHARDSONS DEVELOPMENTS, BIRCHFIELD LANE (A4034), OLDBURY, BIRMINGHAM, B69 1AB	12209
338	REMAINDER LAND AT COBBLERS FARM, LOW HILL, TORTON, WORCESTERSHIRE COUNTY, DY10 4HT	12215
343	LAND NEXT TO THE SPINNEY, WAGGON LANE, KIDDERMINSTER, WORCESTERSHIRE COUNTY, DY10 3PN	16546
345	WOOD VIEW, TODHILLS, CARLISLE, CUMBRIA COUNTY, CA6 4HA	15315
356	LAND ADJ EAST FARM (NYK29789), BROUGHBRIDGE, YORK, NORTH YORKSHIRE COUNTY, YO51 9JW	15316
463	47 ARNESBY AVENUE, SALE, MANCHESTER, M33 2NJ	13270
470	43 ARNESBY AVENUE, SALE, MANCHESTER, M33 2NJ	13403
471	51 ARNESBY AVENUE, SALE, MANCHESTER, M33 2WH	13273
500	45 ARNESBY AVENUE, SALE, MANCHESTER, M33 2WH	12967
511	LAND AT CHEER BROOK, MILL HILL HOLLOW, STOCKPORT, CHESHIRE COUNTY, SK12 1EJ	12973
524	LAND AT TARVIN ROAD, HARE LANE, CHESTER, CHESHIRE COUNTY, CH3 7DB	16410
551	LAND OFF BUXTON ROAD, STOCKPORT, MANCHESTER, SK7 6LU	15227
565	49 ARNESBY AVENUE, SALE, MANCHESTER, M33 2WH	12429
566	CHESHIRE BIKES, UNIT 1 WATERSIDE MILL, WATERSIDE, MACCLESFIELD, CHESHIRE COUNTY, SK11 7HG	15230
574	LAND FORMERLY FERNLEA, OLD MILL LANE, STOCKPORT, MANCHESTER, SK7 6DP	12437
578	LAND FRONTING, 407 BROADWAY, OLDHAM, MANCHESTER, OL9 8AP	13364
599	LAND FRONTING, 511 BROADWAY, OLDHAM, MANCHESTER, OL9 9NR	13365
602	LAND FRONTING, 517 BROADWAY, OLDHAM, MANCHESTER, OL9 9NR	13366
659	LAND AT, GRAFTON STREET / CLARENDON STREET, HYDE, MANCHESTER, SK14 2EP	16439
673	THE CORNER HOUSE HEADLEY ROAD, HINDHEAD, SURREY COUNTY, GU26 6TH	13212
690	3 CHASE PLAIN COTTAGES, HINDHEAD, SURREY COUNTY, GU26 4BZ	13218
691	BORDER COTTAGE, HAMMER LANE, HINDHEAD, SURREY COUNTY, GU26 6DD	13219
702	2 CHASE PLAIN COTTAGES, HINDHEAD, SURREY COUNTY, GU26 6BZ	13220
705	1 CHASE PLAIN, PORTSMOUTH ROAD, HINDHEAD, SURREY COUNTY, GU26 6BZ	13223
706	4 CHASE PLAIN COTTAGES, HINDHEAD, SURREY COUNTY, GU26 6BZ	13224
715	THE BUNGALOW HAMMER LANE, HINDHEAD, HAMPSHIRE COUNTY, GU26 6DE	13282

725	THE SPINNEY HINDHEAD ROAD, HINDHEAD, SURREY COUNTY, GU26 6AY	13287
729	EASTWOOD, PORTSMOUTH ROAD, HINDHEAD, SURREY COUNTY, GU26 6BQ	16440
741	THE SHIELING, HINDHEAD ROAD, HINDHEAD, SURREY COUNTY, GU26 6AY	15235
766	LAND AT SOUTHAMPTON PARKWAY, WIDE LANE, SOUTHAMPTON, HAMPSHIRE COUNTY, SO18 2HG	15440
767	VODAPHONE AGREEMENT FOR, MAST AT MOORGREEN ROAD, SOUTHAMPTON, HAMPSHIRE COUNTY, SO30 2HG	15236
771	CHASE HOUSE REST HOME, HINDHEAD ROAD, HINDHEAD, SURREY COUNTY, GU26 6AY	16324
787	MILTON GATE FARM, MILTON STREET, POLEGATE, EAST SUSSEX COUNTY, BN26 5RJ	13302
795	WESTDOWN, PORTSMOUTH ROAD, HINDHEAD, SURREY COUNTY, GU26 6BQ	16578
824	LAND AT TOWNWALL STREET, DOVER, KENT COUNTY, CT16 1LX	15237
834	LAND AT DONCASTER DROVE, EASTLEIGH, HAMPSHIRE COUNTY, SO50 9NQ	13405
839	LAND AT, ELIZABETH STREET, DOVER, KENT COUNTY, CT17 9EG	15238
849	LAND AT HONEY HILLS WOOD, DETLING, KENT COUNTY, ME14 3JW	15240
854	LAND AT A21 KIPPINGS CROSS, BRENCHLEY, KENT COUNTY, TN12 7HE	15241
881	LAND ADJOINING A259 CATHEDRAL WAY, CHICHESTER, WEST SUSSEX COUNTY, PO18 9UL	13045
882	LONE PINE, HINDHEAD, HAMPSHIRE COUNTY, GU26 6DG	15242
883	THE WHITE LODGE, HINDHEAD, HAMPSHIRE COUNTY, GU26 6DG	15243
889	LAND FORMING PART OF CAR PARK, ALMON PLACE, ROCHESTER, MEDWAY, ME1 1EL	15246
892	LAND ADJACENT TO CHATHAM ROAD, MAIDSTONE, KENT COUNTY, ME14 2NH	13052
917	CROSSACRES, HUTGATE ROAD, HONITON DEVON, DEVON COUNTY, EX14 9UY	13406
918	LAND AT CROSSACRES, HONITON, DEVON COUNTY, EX14 9UY	13407
923	BASEMENT FLAT, BELLAIR HOUSE, BERNE LANE, CHARMOUTH, DORSET COUNTY, DT6 6RD	12256
924	THE WEST GATE, BRIDPORT, DORSET COUNTY, DT6 6RD	13408
933	CARLOW, OLD LADY LANE, SWINDON, SWINDON, SN26 8DN	16454
942	THE OLD BAKERY, 92 REDWICK ROAD, BRISTOL, SOUTH GLOUCESTERSHIRE, BS35 4LU	13410
959	FIRST FLOOR FLAT, BELLAIR COTTAGE, BRIDPORT, DORSET COUNTY, DT6 6RD	12272
971	DERELICT BUILDINGS AND LAND AT, GOLD CAP FARM, MUDDYFORD LANE, CHIDEOCK, DORSET COUNTY, DT6 6DJ	16538

974	TOP FLAT, BELLAIR HOUSE BERNE LANE, CHARMOUTH, DORSET COUNTY, DT6 6RD	12454
991	LAND AT CHIDEOCK MANOR ESTATE, BRIDPORT, DORSET COUNTY, DT6 6LF	12462
999	STOKETON CROSS CARAVAN PARK, LISKEARD ROAD, SALTASH, CORNWALL COUNTY, PL12 4RZ	16463
1012	LAND AT WANEHOUSE FARM, MORCOMBELAKE, DORSET COUNTY, DT6 6DJ	16404
1058	DERELICT BUILDINGS & LAND FORMERLY LOUGHWOOD VILLA, AXMINSTER, DEVON COUNTY, EX13 7DU	13412
1071	LAND AT, SANDY LANE, AUST, BRISTOL, SOUTH GLOUCESTERSHIRE, BS35 4BJ	16430
1155	LITTLE MICKLOW FARMHOUSE, ECCLESHALL ROAD, STONE, STAFFORDSHIRE COUNTY, ST15 0BY	16327
1163	LAND AT LOW HILL FARM, LOW HILL, KIDDERMINSTER, WORCESTERSHIRE COUNTY, DY10 4HT	13090
1169	BROOKHOUSE FARMHOUSE, YARNFIELD LANE, STONE, STAFFORDSHIRE COUNTY, ST15 0NF	13092
1179	PLOT 9 ROYD FARM SOUTH OF BYPASS, ROYD LANE, KEIGHLEY, WEST YORKSHIRE, BD20 6DG	13372
1193	LAND AT THE SALVATION ARMY CITADEL, MANCHESTER ROAD, HOLLINWOOD, OLDHAM, MANCHESTER, OL8 3RA	16336
1201	53 CARTER LANE WEST, SOUTH NORMANTON, DERBYSHIRE COUNTY, DE55 2DX	12276
1203	LAND AT OLD GREAT NORTH ROAD, MARKHAM MOOR, RETFORD, NOTTINGHAMSHIRE COUNTY, DN22 0QU	12278
1205	BUNGALOW ON LAND AT MANDALAY FARM, BAWTRY ROAD,, BLYTH, NOTTINGHAMSHIRE COUNTY, S81 8HJ	16455
1206	LAND AT MANDALAY FARM, BAWTRY ROAD, BLYTH, NOTTINGHAMSHIRE COUNTY	16456
1217	LAND AT PANT RAILWAY STATION, OSWESTRY, SHROPSHIRE COUNTY, SY10 8JY	16423
1238	SITE OF THE FORMER CORNER GARAGE, 2 WALSALL ROAD, CHURCHBRIDGE, STAFFORDSHIRE COUNTY, WS11 3JY	12286
1249	LAND AT OAKFIELD, RINGWAY ROAD, MANCHESTER, MANCHESTER, M22 5WF	12287
1259	LAND ADJOINING DORRELLS, BATTLE, EAST SUSSEX COUNTY, TN33 0ND	15174
1306	LAND ON THE WEST SIDE OF LICHFIELD ROAD, WISHAW, LICHFIELD, WARWICKSHIRE COUNTY, B76 9PX	16434
1307	PLOT 1 IMPR. LLYNCLYS BRIDGE & APPROACHES, LLYNCLYS, SHROPSHIRE COUNTY, SY10 8LJ	16331
1321	LAND AT, WILLOW BANK, OTLEY, WEST YORKSHIRE, LS21 1DL	15177
1334	PLOT12/13 AT COCK BECK, ABERFORD, LEEDS, WEST YORKSHIRE	12483
1342	LAND AT 247-259 NORMACOT ROAD, STOKE ON TRENT, CITY OF STOKE-ON-TRENT, ST3 1QY	16443
1343	LAND AT QUEENSBERRY ROAD, STOKE ON TRENT, CITY OF STOKE-ON-TRENT, ST3 1QX	16444
1348	LAND OFF WOOLFOX LAY-BY ON A1, GREETHAM, STRETTON, RUTLAND, LE15 7QT	12486

1351	LAND ADJ A10 AT WESTMILL, GREYFRIARS, WARE, HERTFORDSHIRE COUNTY, SG12 0XW	12488
1359	LAND SOUTH OF A47 SADDLEBOW, KING'S LYNN, NORFOLK COUNTY, PE34 3RA	13423
1364	PLOT 11A LAND AT FOSDYKE BRIDGE, A17, WISBECH, LINCOLNSHIRE COUNTY, PE12 6LH	12495
1383	LAND AT SHEFFIELD ROAD, UNSTONE, DERBYSHIRE COUNTY, S18 4DB	13432
1392	1 OLD WORLD COTTAGES, VINEHALL ROAD, ROBERTSBRIDGE, EAST SUSSEX COUNTY, TN32 5JW	16262
1399	1510 SQ METRES OF ROUGH LAND, LAND NORTH OF WATLING STREET, TAMWORTH, STAFFORDSHIRE COUNTY, B77 5BP	16547
1426	THE WHITE HOUSE, 87 STATION ROAD, THORNEY, CITY OF PETERBOROUGH, PE6 0QE	12896
1431	LAND AT DEWSBURY ROAD, LEEDS, WEST YORKSHIRE, LS11 9BH	12899
1482	LAND AT ROSE TISSUES, MANCHESTER ROAD, OLDHAM, MANCHESTER, OL9 7LS	13337
1488	LAND ADJACENT TO 1 ROSE COTTAGES (PLOT 404/105), NEXT TO ELM HIGH ROAD, ELM, WISBECH, CAMBRIDGESHIRE COUNTY, PE14 0DD	15186
1489	LAND ADJACENT TO 2 ROSE COTTAGES (PLOT 405/105), NEXT TO ELM HIGH ROAD, ELM, WISBECH, CAMBRIDGESHIRE COUNTY, PE14 0DD	15187
1490	LAND ADJACENT TO 3 ROSE COTTAGES (PLOT 406/105), NEXT TO ELM HIGH ROAD, ELM, WISBECH, CAMBRIDGESHIRE COUNTY, PE14 0DD	15188
1518	LAND AT A50 SAWLEY ROUNDABOUT, LOCKINGTON, LEICESTERSHIRE COUNTY, DE72 2HN	13346
1520	HARROW LODGE, EBDEN'S HILL, ST. LEONARDS ON SEA, EAST SUSSEX COUNTY, TN37 7PN	13347
1524	PLOTS 11/3 A, B, C & G, ABERFORD, WEST YORKSHIRE	13348
1589	LAND AT OCKENDON ROAD (EAST), NORTH OCKENDON, UPMINSTER, LONDON, RM14 3QJ	15192
1613	FOUNDRY PLACE, LONDON ROAD, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QR	12786
1649	3 AREAS OF LAND, ADJACENT TO A46 & ARABLE LAND, GROBY, LEICESTERSHIRE COUNTY, LE6 0HA	15028
1650	PLOT A, LAND AT HOOKMOOR, BRAMHAM, ABERFORD, LEEDS, WEST YORKSHIRE	12796
1653	PLOT B, LAND AT A12/B1002, ROMAN ROAD, INGATESTONE, ESSEX COUNTY, CM4 9HE	15423
1666	ARABLE LAND AT RUDDINGS FARM, WALSHFORD BRIDGE, WETHERBY, NORTH YORKSHIRE COUNTY, LS22 5HR	13426
1671	GROUND FLOOR FLAT, BELLAIR COTTAGE, BRIDPORT, DORSET COUNTY, DT6 6RD	15030
1692	LAND AT BIRCHANGER LANE PLOTS 76 AND 77X, BISHOPS STORTFORD, ESSEX COUNTY, CM23 5SN	16266
1705	THE COTTAGE, HAZEL GROVE, HINDHEAD, SURREY COUNTY, GU26 6BJ	12304
1707	LAND AT FORMER SITE OF 12-16 DIXON'S ROAD, CHESTERFIELD, DERBYSHIRE, DERBYSHIRE COUNTY, S41 7HB	15036
1709	THE GRANGE STABLES, LAMBERHURST QUARTER, TUNBRIDGE WELLS, KENT COUNTY, TN3 8AN	12307

1717	THE GRANGE AND THE LAND AT THE GRANGE, LAMBERHURST QUARTER, KENT COUNTY	12308
1721	LAND AT FORMER BALDERTON HOSPITAL, A1, NEWARK, NOTTINGHAMSHIRE COUNTY, NG24 3JT	15037
1726	THREE HORSESHOES FARM, LAMBERHURST QUARTER, TUNBRIDGE WELLS, KENT COUNTY, TN3 8AP	12311
1759	LAND AT SPITTLEFIELDS, RINGWOOD, HAMPSHIRE COUNTY, BH24 1QH	16464
1771	LAND FORMER SITE OF LYMEHURST, BUXTON ROAD, STOCKPORT, MANCHESTER, SK7 6NG	12322
1780	LAND AT DENTON ROAD, DENTON BURN, NEWCASTLE UPON TYNE, NEWCASTLE, NE15 7HB	12498
1781	SPRING BANK, LAMBERHURST QUARTER, TUNBRIDGE WELLS, KENT COUNTY, TN3 8AN	12499
1787	LAND TO THE EAST OF 1021 UTTOXETER ROAD, MEIR, STOKE ON TRENT, CITY OF STOKE-ON-TRENT, ST3 6HH	15041
1790	LAND AT LITTLEFAIR ROAD (UNLEASED), HULL, CITY OF KINGSTON UPON HULL, HU9 5LP	13428
1797	LAND ADJACENT TO OVERMOOR FARM & SOUTHLANDS, NORTH OF PLOT B AT TIBSHELF, ALFRETON, DERBYSHIRE COUNTY, DE55 5NH	16383
1813	AMBLEFORD COTTAGE, LAMBERHURST QUARTER, TUNBRIDGE WELLS, KENT COUNTY, TN3 3AT	12508
1819	CHASE COACH HOUSE, HINDHEAD ROAD, HINDHEAD, SURREY COUNTY, GU26 6AY	15043
1829	LAND AT, PARSONAGE BARN LANE, RINGWOOD, HAMPSHIRE COUNTY, BH24 1PS	16458
1830	STAGE COTTAGE, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QD	12517
1839	1 ELLINGHAM ROAD, ATTLEBOROUGH, NORFOLK COUNTY, NR17 1YH	12518
1841	LAND ON THE NORTH EAST SIDE OF UTTOXETER ROAD, CHURCH BROUGHTON, FOSTON, DERBYSHIRE, DERBYSHIRE COUNTY, DE65 5DJ	16384
1849	WINDMILL HOUSE, HASTINGS ROAD, TONBRIDGE, KENT COUNTY, TN12 7HF	12522
1864	LAND AT THE LION QUAYS HOTEL COMPLEX, WESTON RHYN, OSWESTRY, SHROPSHIRE COUNTY, SY10 7TG	16465
1870	LAND AT WINDMILL HOUSE, HASTINGS ROAD, MATFIELD, TONBRIDGE, KENT COUNTY, TN12 7HF	12910
1871	CORNER COTTAGE, LONDON ROAD, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QY	12911
1872	STRIP OF LAND AT MANSFIELD ROAD, DETRUNKED A60, ST ALBANS ROAD,, NOTTINGHAM, NOTTINGHAMSHIRE COUNTY, NG5 6GP	15095
1880	FLIMWELL HOUSE FARM, WADHURST, KENT COUNTY, TN5 7QG	12914
1897	LAND AT CUTLER HILL FARM, FAILSWORTH, MANCHESTER, M35 9HL	15098
1898	LAND AT GREEN FOLD FARM, FAILSWORTH, MANCHESTER, M35 9NL	13424
1901	HORIZON FARM, GOUDHURST ROAD, TUNBRIDGE WELLS, KENT COUNTY, TN3 8AH	12920
1904	CROSS KEYS, LONDON ROAD, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QS	12921

1911	MILLGATE FARM, 178 BUXTON ROAD, STOCKPORT, MANCHESTER, SK7 6LY	15099
1912	LAND AT JOHN BANK LANE, ASHFORD-IN-THE WATER, DERBYSHIRE COUNTY, DE45 1PY	16386
1914	LAND ADJ TO SELBY GOLF CLUB, MILL LANE, SELBY, NORTH YORKSHIRE COUNTY, YO8 9LD	13425
1915	PLOT 1 LAND ADJ GRANGE FARM, WISHAW, SUTTON COLDFIELD, WARWICKSHIRE COUNTY, B76 9PX	16387
1919	LAND AT, AMBLEFORD COTTAGE, LAMBERHURST QUARTER, TUNBRIDGE WELLS, KENT COUNTY, TN3 8AT	15460
1922	LAND ADJACENT TO A5 AT NEWLANDS, HOLYHEAD ROAD, MORETON, WESTON RHYN, OSWESTRY, SHROPSHIRE COUNTY, SY11 3EN	16467
1934	LAND AT ROSEBANK, SEDBURY LANE, CHEPSTOW, GLOUCESTERSHIRE COUNTY, NP16 7DU	12860
1938	LAND PART OF FORMER SITE OF NOS 8 & 10, MILL STREET, SHIPSTON-ON-STOUR, WARWICKSHIRE COUNTY, CV36 4AN	16390
1939	LAND AT CREEK SIDE, COSHAM, CITY OF PORTSMOUTH	13430
1941	LAND TO THE BACK OF, 73/75 HALL LANE, BARNET, LONDON, NW4 4TJ	15105
1943	SWIFTSDEN LODGE, LONDON ROAD, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QS	12866
1954	176 BUXTON ROAD, STOCKPORT, MANCHESTER, SK7 6LY	15108
1955	SILVERHILL FARM, SILVERHILL, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7PU	12873
1956	HINDHEAD HILL FARMHOUSE, PORTSMOUTH ROAD, THURSLEY, GODALMING, SURREY COUNTY, GU8 6NN	15070
1967	CREWE VAGRANTS CRICKET & HOCKEY CLUB, NEWCASTLE ROAD, NANTWICH, CHESHIRE COUNTY, CW5 7ES	12878
1980	2 SILVERDALE COTTAGES, NORTHBRIDGE STREET, ROBERTSBRIDGE, EAST SUSSEX COUNTY, TN32 5NW	12325
1981	3 SILVERDALE COTTAGE NORTHBRIDGE ST, ROBERTSBRIDGE, EAST SUSSEX COUNTY, TN32 5NW	12326
1984	PLOT A - LAND ON S/W SIDE OF STANSTED ROAD, A10, GREAT AMWELL., WARE, HERTFORDSHIRE COUNTY, SG12 9RN	12327
1985	PLOT B - LAND AT N/E SIDE OF STANSTED ROAD, DETRUNKED A10 AT GREAT AMWELL, WARE, HERTFORDSHIRE COUNTY, SG12 9RN	12328
1987	LAND AT FLIMWELL LODGE, FLIMWELL, KENT COUNTY	12329
1988	LAND AT, HORIZON FARM, GOUDHURST ROAD, LAMBERHURST, KENT COUNTY, TN3 8AH	12330
1991	LAND AT DEEP TREES (SITE OF THE LAWNS), WALKMILL DRIVE, WYCHBOLD, WORCESTERSHIRE COUNTY, WR9 7PB	16391
2004	LAND ADJACENT TO BALLAKITCH,, OTTERBOURNE,, WINCHESTER, HAMPSHIRE COUNTY	15113
2010	HOMESTEAD BARN NORTHBRIDGE STREET, ROBERTSBRIDGE, EAST SUSSEX COUNTY, TN32 5NP	12341
2011	10 FLIMWELL CLOSE, WADHURST, KENT COUNTY, TN5 7PP	12342
2025	LAND ADJACENT TO THE A5, ADJ CARLYON INDUSTRIAL ESTATE, ATHERSTONE, WARWICKSHIRE COUNTY, CV9 1LW	16272

2032	PLOT 1/5 LAND AT MARSTON LANE, CURDWORTH, WARWICKSHIRE COUNTY	16392
2036	LAND AT M3/ ADJ TO MEAD COTTAGES, HIGHWAYS ROAD, WINCHESTER, HAMPSHIRE COUNTY, SO21 2DF	16406
2038	PLOTS 1 & 2, LAND ADJACENT TO HOWARD LANE & ASHTON ROAD, DENTON, MANCHESTER, M34 3EZ	15248
2046	LAND AT SISOONS/OLIVERS GARAGE SITES, HEDON ROAD, HULL, CITY OF KINGSTON UPON HULL, HU9 5QN	15249
2050	LAND NEAR BLACKBROOK, HIGH PEAK, DERBYSHIRE COUNTY	13431
2063	PLOT 2 LAND ADJ GRANGE FARM, WISHAW, SUTTON COLDFIELD, WARWICKSHIRE COUNTY, B76 9PX	16393
2070	LAND KNOWN AS POND PLANTATION, ADJACENT TO A1 (M) NORTH, POTTERSHEATH, WELWYN, HERTFORDSHIRE COUNTY	15251
2071	LANDLOCKED FORMER ARABLE LAND ADJACENT M40, NEAR WARWICK SERVICES, CHESTERTON., WARWICK, WARWICKSHIRE COUNTY, CV33 9LD	16394
2072	11 FLIMWELL CLOSE, WADHURST, KENT COUNTY, TN5 7PP	12538
2080	LAND AT ROSCOE FARM, BOLTON ROAD, CHORLEY, LANCASHIRE COUNTY, PR6 9HW	15252
2083	LAND ADJACENT TO 507 BLACKBURN ROAD, DARWEN, BLACKBURN WITH DARWEN	15253
2086	LAND NORTH OF BRIDGE INN ROUNDABOUT, NORTH DEIGHTON, NORTH YORKSHIRE COUNTY, LS22 5HT	15426
2087	LAND AT, CHESTER ROAD, BACKFORD, CHESTER, CHESHIRE COUNTY, CH1 6PL	15254
2113	HOLLY HILL, HAZEL GROVE, HINDHEAD, SURREY COUNTY, GU26 6BJ	13006
2120	GRAZING/PADDOCK LAND TO THE EAST OF WOODLANDS, WAGGON LANE, KIDDERMINSTER, WORCESTERSHIRE COUNTY, DY10 3PN	16427
2139	LAND AT HAPTON, M65 JCT 9, ROSEGROVE, BURNLEY, LANCASHIRE COUNTY, BB12 7LH	15259
2142	LAND BEHIND NORTH COTTAGES, OFF NORTH ORBITAL ROAD, ST ALBANS, HERTFORDSHIRE COUNTY, AL2 1AP	13014
2149	LAND ADJACENT TO 10 QUEBEC DRIVE, IPSWICH, SUFFOLK COUNTY, IP5 1HP	15260
2150	LAND AT FORMER HOSPITAL, OVER, GLOUCESTER, GLOUCESTERSHIRE COUNTY, GL2 8DB	13017
2194	LAND (PART FORMER SITE OF NO. 6), MILL STREET, SHIPSTON ON STOUR, WARWICKSHIRE COUNTY, CV36 4AN	16275
2227	LAND AT MERSTHAM, REDHILL, SURREY COUNTY, RH1 3AD	15346
2267	LAND ALONGSIDE THE A47 (PLOT 98J), HARDWICK ROAD, KING'S LYNN, NORFOLK COUNTY, PE30 4YN	12347
2271	FERN BANK, TOLL BAR, WORKINGTON, CUMBRIA COUNTY, CA14 4PD	12348
2280	LEASED LAND AT LITTLEFAIR ROAD, (AREA 1) HEDON ROAD, HULL, CITY OF KINGSTON UPON HULL, HU9 5PL	15348
2296	LAND AT M5 JUNCTION 12, HARESFIELD, GLOUCESTERSHIRE COUNTY, GL10 3EH	12363
2299	MILL BARN, SILVERHILL, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QD	12364

2300	LAND ADJACENT TO MILL BARN, BODIAM LANE, SILVERHILL, HURST GREEN, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QD	12365
2303	WILDFLOWER MEADOW ON RIVER NIDD FLOOD PLAIN, RUDDINGS FARM, WALSHFORD BRIDGE, WETHERBY, NORTH YORKSHIRE COUNTY, LS22 5HR	15351
2330	SWANFIELD FARM, LONDON ROAD, ETCHINGHAM, EAST SUSSEX COUNTY, TN19 7QS	12377
2345	PLOT 40A - LAND TO THE EAST OF A10, LITTLEPORT, ELY, CAMBRIDGESHIRE COUNTY, CB6 1JJ	15354
2348	PLOT 42A -(WAS SPA) - LAND TO WEST OF A10, LITTLEPORT, ELY, CAMBRIDGESHIRE COUNTY, CB6	15355
2355	LAND AT 14 THE AVENUE & GWYNFA CLOSE & A1 (M), THE AVENUE & GWYNFA CLOSE, WELWYN, HERTFORDSHIRE COUNTY, AL6 0PR	15357
2358	LAND AT SWANFIELD FARM, LONDON ROAD, HURST GREEN, EAST SUSSEX COUNTY, TN19 7QS	12391
2373	LAND TO THE REAR OF SPRING BANK, LAMBERHURST QUARTER, TUNBRIDGE WELLS, KENT COUNTY, TN3 8AN	12552
2377	LAND ADJ TO TELLSON CRESCENT, SALFORD, MANCHESTER, M6 7LJ	12556
2380	LAND TO THE EAST OF SADDLEBOW, KINGS LYNN SOUTHERN BYPASS - A47, KINGS LYNN, NORFOLK COUNTY, PE34 3RA	15360
2388	LAND ADJACENT OPERATIONAL NETWORK (M1 JCT 15A), SWAN VALLEY WAY, SWAN VALLEY, NORTHAMPTON, NORTHAMPTONSHIRE COUNTY, NN4 9BD	12561
2389	LAND ADJACENT TO A4074, ADJOINING QUEENFORD LAKES, DRAYTON ROAD, WALLINGFORD, DORCHESTER - ON - THAMES, OXFORDSHIRE COUNTY, OX10 7PH	12562
2400	AREA OF LAND (PARKING/STORAGE) ON COMMERCIAL SITE, EAST OF BINGLEY ROAD, HODDESDON, HERTFORDSHIRE COUNTY, EN11 0NX	12567
2403	PILGRIMS, HAVETT ROAD, LISKEARD, CORNWALL COUNTY, PL14 6HB	12568
2404	MIDDLE SECTION OF ROADWAY AT COMMERCIAL SITE, BINGLEY ROAD, HODDESDON, HERTFORDSHIRE COUNTY, EN11 0NX	12569
2405	LAND (ACCESS STRIP TO DEVELOPMENT SITE), DAWLEY ROAD, TELFORD, TELFORD AND WREKIN, TF1 2JL	16461
2409	LAND NEXT TO CEDARS HOTEL, NEAR A1308, (WAS A45), NEEDHAM ROAD, STOWMARKET, SUFFOLK, SUFFOLK COUNTY, 1P14 2AJ	15366
2441	LAND AT, WEST ROAD, BRIDPORT, DORSET COUNTY, DT6 6AG	15368
2443	LAND AT HEADLEY ROAD, LIPHOOK, HAMPSHIRE COUNTY, GU30 7PT	13177
2444	LAND AT 25 SHILLINGFORD ROAD, EXETER, DEVON COUNTY, EX2 8UB	16431
2449	LAND ADJ A19 AT BILLINGHAM, STOCKTON-ON-TEES, STOCKTON-ON-TEES, TS22 5RW	15196
2453	LAND AT ELECTRICITY SUB STATION, BOG HEIGHT ROAD, DARWEN, BLACKBURN WITH DARWEN, BB3 0AW	13185
2455	LAND AT CORONATION CHANNEL, LOW ROAD (DETRUNKED A16), SPALDING, LINCOLNSHIRE COUNTY	15198
2467	LAND ALONGSIDE A600 (ST JOHN'S BRIDGE IMPROVEMENT), LONDON ROAD, BEDFORD, BEDFORDSHIRE COUNTY	16254
2473	PMA LAND ADJACENT TO 3 FIELD FARM DRIVE, A11 GREAT CHESTERFORD, SAFFRON WALDEN, ESSEX COUNTY, CB10 1RG	15201
2482	LAND FORMING PART OF THE M20, STATION ROAD, ASHFORD, KENT COUNTY, TN25 4JJ	16470

2483	LAND NORTH OF NEWMARKET LANE, M62 J30, LEEDS, WEST YORKSHIRE, LS26 9DP	15202
2490	LAND AT, MARSH LANE, WATER ORTON, BIRMINGHAM, WARWICKSHIRE COUNTY, B46 1NT	15273
2497	LAND TO THE REAR OF, 8 DUNHOLME END, MAIDENHEAD, WINDSOR AND MAIDENHEAD, SL6 3YP	12827
2500	LAND ADJ A1(M) AT SINDERBY (LITTLEBOY), THIRSK, NORTH YORKSHIRE COUNTY, YO7 4JA	15427
2512	LAND AT FAIRY HILL, SPITAL HARDWICK LANE, PONTEFRACT, WEST YORKSHIRE, WF8 2NG	15204
2513	WOODLANDS EDGE, HASTINGS ROAD, WADHURST, EAST SUSSEX COUNTY, TN5 7PR	12583
2521	PLOT 7/5D(I), WATLING STREET, HINTS., TAMWORTH, STAFFORDSHIRE COUNTY, B78 3DF	15205
2522	PLOT 7/5A(I), WATLING STREET, HINTS, TAMWORTH, STAFFORDSHIRE COUNTY, B78 3DF	15206
2530	PLOT B LAND ADJ A1(M) AT SINDERBY (C OF E), THIRSK, NORTH YORKSHIRE COUNTY, YO7 4JA	15428
2547	SMALL AREA OF FIELD ADJACENT TO FILLING STATION, HARPENDEN ROAD, ST ALBANS, HERTFORDSHIRE COUNTY, AL3 6BZ	15210
2558	ARABLE LAND NORTH OF RUDDINGS FARM, WALSHFORD BRIDGE, WETHERBY, NORTH YORKSHIRE COUNTY, LS22 5HR	15212
2560	LAND ADJ. M18 (BRAMLEY PLANTATION), HELLABY, ROTHERHAM, SOUTH YORKSHIRE, S66 1YY	15213
2570	LAND AT HAWKE WOOD, NEAR M1 JUNCTION 30, BARLBOROUGH, CHESTERFIELD, DERBYSHIRE COUNTY, S43 4TJ	16280
2581	LAND AT WARBLINGTON CASTLE FARM, 4, CHURCH LANE, WARBLINGTON, EMSWORTH, HAMPSHIRE COUNTY, PO10 7LG	15216
2582	FORMER PARAPET ABUTMENT & LAND/TRACK, JAMAGE ROAD, TALKE PITS, STOKE ON TRENT, STAFFORDSHIRE COUNTY, ST7 1TT	16281
2586	LAND ALONGSIDE LYNN ROAD (ACCESS TO SITE), LITTLEPORT, ELY, CAMBRIDGESHIRE COUNTY, CB6 1QG	15218
2600	LAND ADJACENT TO ABBEY COURT, JUNCTION 6 OF THE M20, BOXLEY, MAIDSTONE, KENT COUNTY, ME14 3AL	15051
2603	LAND ADJ 16 OLD MILL LANE, STOCKPORT, MANCHESTER, SK7 6DP	12680
2606	FORMER SITE OF MILL COTTAGE, OLD MILL LANE, STOCKPORT, MANCHESTER, SK7 6DP	12683
2624	LAND AT A1246, FAIRBURN, KNOTTINGLEY, NORTH YORKSHIRE COUNTY, WF11 9JA	15054
2628	VARIOUS PLOTS, ADJ A1 NEWCASTLE WESTERN BYPASS, NEWCASTLE UPON TYNE, NEWCASTLE, NE3 3LH	12599
2629	LAND AT A1/A684 SOUTHBOUND SLIP ROAD, LEEMING BAR, NORTHALLERTON, NORTH YORKSHIRE COUNTY, DL7 9BE	13360
2630	LAND NORTH OF, FORD, ALWINGTON, TORRIDGE, DEVON COUNTY, EX39 5BN	15055
2631	LAND OFF, HARP ROAD, BRENT KNOLL, SOMERSET COUNTY, TA9 4HH	15056
2656	LAND AT PIPER'S HILL, LYING TO THE WEST OF RECTORY LANE, WOKING, SURREY COUNTY, KT14 7LD	16425
2709	LAND ALONGSIDE M6 AND BESCOT CRESCENT, BESCOT CRESCENT, WALSALL, BIRMINGHAM, WS1 4NB	16559

2722	LAND SOUTH OF BUXTON ROAD, (ADJ 4 BUXTON ROAD), HIGH LANE, STOCKPORT, MANCHESTER, SK6 8AX	15087
2751	SMALL AREA OF ROUGH WOODLAND, NEWPORT ROAD, SHIFNAL, SHROPSHIRE COUNTY, TF11 8BY	15009
2754	LAND OFF M4, ROYAL WOOTTON BASSETT, WILTSHIRE COUNTY, SN15 5BG	15011
2767	LAND AT M1, TINSLEY, SHEFFIELD, SOUTH YORKSHIRE, S9 1RD	16567
2772	PMA LAND AT CROFT FARM, M1 J31, SHEFFIELD, SOUTH YORKSHIRE, S26 2AD	16426
2777	PLOT 1 ADJ M56 J6 HASTY LANE, MANCHESTER AIRPORT, MANCHESTER, M90 5TE	16471
2778	PLOT 2 ADJ M56 J6 RUNGER LANE, RINGWAY, ALTRINCHAM, MANCHESTER, WA15 8XJ	16551
2779	PLOT 4 ADJ M56 J6 WILMSLOW ROAD, RINGWAY, ALTRINCHAM, MANCHESTER, WA15 8XL	16552
2783	SEMMMS SMBC MAP PARCEL REF 11, BUXTON ROAD, HAZEL GROVE, STOCKPORT, MANCHESTER, SK7 6NB	16569
2784	SEMMMS SMBC MAP PARCEL REF 12, BUXTON ROAD, HAZELGROVE, STOCKPORT, MANCHESTER, SK7 6NQ	16570
2785	LAND AT HINDHEAD HILL FARM, PORTSMOUTH ROAD, THURSLEY, GODALMING, SURREY COUNTY, GU8 6NN	16531
2799	LAND OFF ALPHAGATE DRIVE, DENTON, MANCHESTER, M34 3QJ	16572
2814	PLOT 35, RUSSELL STREET / TOWNWALL STREET, DOVER, KENT COUNTY, CT16 1SZ	16558
2852	STOPPED UP LAND AT 16/18 WELLINGTON ROAD, ADJ PALMERSTON AVENUE, BOOTLE, MERSEYSIDE, L21 6PE	16600
2885	LAND TO SOUTH OF HAZEL GROVE GOLF CLUB, A6 MARR PLOT 6, STOCKPORT, MANCHESTER, SL7 6AL	16601
2887	PLOT 6/41J OFF THORNCLIFFE, SHEFFIELD, SOUTH YORKSHIRE, S35 4LG	16602
2889	LAND AT WALNUT TREE FARM - A6 MARR PLOT 221, 348 CHESTER ROAD, WOODFORD, STOCKPORT, MANCHESTER, SK7 1QG	16604
2890	LAND AT 151 WOODFORD ROAD, A6 MARR PLOT 228, STOCKPORT, MANCHESTER, SK7 1QD	16605
2891	LAND AT HILL GREEN FARM, A6 MARR PLOT 113, WOODFORD ROAD, POYNTON, STOCKPORT, CHESHIRE COUNTY, SK12 1ED	16606
2892	LAND AT HILL GREEN FARM, A6 MARR PLOT 115, WOODFORD ROAD, POYNTON, STOCKPORT, CHESHIRE COUNTY, SK12 1ED	16607
2893	PLOT B (FARM SHOP & WOODLAND) STANFORD FARM, TORTON, HARTLEBURY, WORCESTERSHIRE COUNTY, DY11 7SD	16608
2903	PLOT 1 ADJ GLEWS GARAGE (YEA55263), AIRMYN, GOOLE, EAST RIDING OF YORKSHIRE, DN14 8JS	16626
2906	PLOT C (SOUTHERN FIELD), STANFORD FARM, TORTON, HARTLEBURY, WORCESTERSHIRE COUNTY, DY11 7SD	16630
2917	LAND ADJ COURTHILL, OLD RADNALLS FARM, GREEN LANE, CHIEVELEY, NEWBURY, WEST BERKSHIRE, RG20 8XF	16730
2920	PLOT 2 ADJ GLEWS GARAGE (YEA56476), AIRMYN, GOOLE, EAST RIDING OF YORKSHIRE, DN14 8JS	16808
2921	PLOT 3 ADJ GLEWS GARAGE (YEA 55111), AIRMYN, GOOLE, EAST RIDING OF YORKSHIRE, DN14 8JS	16809

2922	LAND AT 93 LONGTHORPE LANE, THORPE, WAKEFIELD, WEST YORKSHIRE, WF3 3DA	16798
2925	LAND ADJ EAST FARM (YK8466), BOROUGHBIDGE, YORK, NORTH YORKSHIRE COUNTY, YO51 9JW	16734

SCHEDULE 3

Occupation under the Civil Estate Occupancy Agreement etc.

1. Occupancy agreements where the Highways Agency is a minor occupier:

Location	Building	Minor Occupier name	Major Occupier name	Agreement Type	Term
Bristol	Temple Quay House	Highways Agency	Department for Communities and Local Government	MOTO	01/01/2014 – 24/03/2021
London	Sanctuary Building	Highways Agency	Nuclear Decommissioning Agency	Service Level Agreement	06/10/2014 – 31/05/2017

2. Occupancy agreements where the Highways Agency is the main occupier:

Location	Building	Minor Occupier Name	Agreement Type	Term
Bedford	Woodlands	Halcrow	Licence	23/03/2012 to 31/03/2015
Bedford	Woodlands	Health and Safety Executive	MOTO	17/01/2011 to 11/08/2020
Bedford	Woodlands	Home and Communities Agency	MOTO	01/01/2014 to 11/08/2020
Guildford	Bridge House	Homes and Communities Agency	MOTO	11/07/2014 to 02/10/2015
Guildford	Bridge House	UK Business Innovation and Skills	MOTO	01/10/2014 to 02/10/2015
Guildford	Bridge House	UKTI	MOTO	01/10/2014 to 02/10/2015
Guildford	Bridge House	Valuation Office Agency	MOTO	11/07/2014 to 29/05/2015
Guildford	Bridge House	Ordnance Survey	MOTO	24/12/2014 to 29/05/2015
Guildford	Bridge House	Equalities and Human Rights Commission	MOTO	11/07/2014 to 02/10/2015
Leeds	Lateral	Environment Agency	MOTO	17/09/2012 to 29/09/2016
Leeds	Lateral	DEFRA Natural England	MOTO	01/12/2013 to 28/09/2021
Manchester	Ground Floor Piccadilly Gate	Ministry of Defence	MOTO	01/09/2012 to 27/06/2025

Manchester	Ground Floor Piccadilly Gate	Business Innovation and Skills	MOTO	01/04/2014 to 27/06/2025
Manchester	Ground Floor Piccadilly Gate	Department for Education	MOTO	01/03/2011 to 27/06/2025
Pytchley		DVSA	MOTO	01/07/2009 to 30/06/2016
Leatherhead		DVSA	MOTO	01/04/07 to 31/03/2017
Sandbach		DVSA	MOTO	13/06/2012 to 12/06/2017
Badbury		DVSA	MOTO	11/02/2002 to 10/02/2022
Birdwell		DVSA	MOTO	01/10/2009 to 30/09/2014
Potters Bar	East RCC	DVSA	MOTO	01/01/2008 to 15/08/2015

3. Occupancy agreements partially transferring to the Company:

Location	Building	Minor Occupier Name	Agreement Type	Term	Description
Manchester	Piccadilly Gate	Office of Rail Regulator	Licence	15/06/2011 to 27/06/2025	Part Ground Floor
Manchester	Piccadilly Gate	Passenger Focus	MOTO	14/02/2011 to 13/02/2016	Part Ground Floor
Manchester	Piccadilly Gate	CAFCASS	MOTO	07/09/2013 to 06/09/2018	Part Ground Floor
Various	N/A	Driver and Vehicle Standards Agency	MOTO	01/04/2007 to 31/03/2017	All buildings covered by the MOTO except Doxey

SCHEDULE 4

Contracts and Agreements

1. All 'Design, Build, Finance and Operate' contracts entered into with the following organisations in relation to the matters specified next to their respective names, together with all other contracts and agreements entered into pursuant to or in connection with, or referenced in, those contracts.
 - a. Autolink Concessionnaires (A19) Limited – A19 Dishforth to Tyne Tunnel
 - b. Connect A30/A35 Limited – A30 Exeter to Bere Regis
 - c. Connect A50 Limited – A50/A564 Stoke to Derby Link
 - d. Connect M1-A1 Limited – M1 - A1 Lofthouse to Bramham
 - e. Connect Plus (M25) Limited – M25
 - f. Road Link (A69) Limited – A69 Carlisle to Newcastle
 - g. Road Management Services (Darrington) Limited – A1 Darrington to Dishforth
 - h. Road Management Services (Gloucester) Limited – A419 / A417 Swindon to Gloucester
 - i. Road Management Services (Peterborough) Limited – A1(M) Alconbury to Peterborough
 - j. Sheppey Route Limited – A249
 - k. UK Highways M40 Limited – M40 Denham to Warwick
 - l. GeneSYS Telecommunication Limited – National Roads Telecommunications Services

2. All Asset Support, Managing Agent Contractor and Regional Technology Maintenance contracts including those with the following parties in relation to the matters specified next to their respective names
 - a. Amey Highways Limited – Area 6 and Area 8 Asset Support Contracts
 - b. A-One+ Integrated Highway Services (a Halcrow Group Limited, Colas Limited, Costain Limited joint venture) – Area 7, Area 12 and Area 14 Managing Agent Contractor
 - c. Balfour Beatty Civil Engineering Limited and Mott MacDonald Limited joint venture – Area 4 Managing Agent Contractor and Area 10 Asset Support Contract
 - d. Balfour Beatty Civil Engineering Limited – Regional Technology Maintenance Contracts: South West, North West, East and West Midlands

- e. EM Highway Services Limited – Area 1 and Area 13 Managing Agent Contractor and Area 3 and Area 9 Asset Support Contracts
 - f. Skanska Construction Limited – Area 2 Asset Support Contract
 - g. Telent Technology Services Limited – Regional Technology Maintenance Contracts East, South East and M25 & Greater London
3. The Next Generation Vehicle Recovery contract entered into with FMG Support Limited.
 4. The “Agreement for the Maintenance of the Technology Management System on the M6 Toll Road” entered into with Midland Expressway Limited.

SCHEDULE 5
Employees



Department
for Transport

Highways England: Licence

*Secretary of State for Transport statutory directions
and guidance to the strategic highways company*

April 2015

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Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General enquiries <https://forms.dft.gov.uk>

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Foreword

In setting up Highways England as an arms-length, government-owned company, delivering a long term plan framed by Government's clear vision, and sustained by stable investment, an independent monitor and a user watchdog, we have fundamentally transformed the way our strategic roads are run.

This change means better long-term planning, more efficient delivery, greater transparency, clearer accountability and ultimately a better service for the people and businesses that use and rely on the network on a daily basis.

Government remains responsible for strategic roads and Ministers will continue to be accountable for making sure that the network is managed responsibly, in a way that safeguards value for public investment, meeting the needs of road users, securing individual well-being and supporting economic purpose, both today and for future generations. We have put in place a robust system of governance that ensures we can effectively oversee management and delivery, and intervene to prevent or tackle any failures.

This document represents a crucial part of that system, by setting out the Secretary of State's statutory directions and guidance to Highways England. It makes clear, to both Highways England and the wider community of road users and stakeholders, what we expect Highways England to achieve and how they must behave in discharging their duties and in delivering our vision and plans for the network, set out in the Road Investment Strategy.

The Licence emphasises that the role of Highways England is about more than just complying with the letter of the law. We expect the company to go the extra mile in the way it engages with road users and collaborates with other organisations to develop shared solutions. And they must take a lead in promoting and improving the role and performance of roads in respect of broader communal responsibilities, such as the aesthetics of design, safety and the environment, as well as driving forward wider progress on technology and innovation.

Our reforms are more than a technical change, they are an opportunity to catalyse and drive forward a genuine transformation of the network over the long term. The Licence has a vital role to play in shaping the culture of Highways England and so shift the way we think about how our strategic roads are managed and developed.



The Rt Hon John Hayes MP

Minister of State for Transport



Part 1 - Scope

- 1.1** The Secretary of State has appointed Highways England Company Limited (the "Licence holder") as a strategic highways company by way of an Order in accordance with section 1 of the Infrastructure Act 2015. The effect of this appointment is to confer upon the Licence holder the legislative functions of a strategic highways company as regards the areas and highways in respect of which it is appointed. As a result, the Licence holder will be the highway authority, traffic authority and street authority for the strategic road network.
- 1.2** This Licence shall come into force on 1 April 2015 and shall continue in force unless and until revoked in accordance with the conditions of this Licence.

Part 2 - Interpretation

2.1 This document includes both statutory directions and statutory guidance issued by the Secretary of State to the Licence holder, as provided for in section 6 of the Infrastructure Act 2015. Directions must be complied with by the Licence holder. In the interests of clarity, in this document the statutory directions are indicated by use of the word “**must**” (where marked in bold). All other parts of the document should be considered statutory guidance.

2.2 In this Licence:

"Activities"	means the functions carried out by the Licence holder in meeting its obligations and exercising its role as a strategic highways company appointed by the Secretary of State under section 1 of the Infrastructure Act 2015;
"Appointment Order" or "the appointment"	means the Appointment of a Strategic Highways Company Order 2015 (S.I.2015/376);
"Conditions" or "Licence conditions"	means the directions and guidance issued by the Secretary of State to the Licence holder under section 6 of the Infrastructure Act 2015 set out in this Licence;
"Consultation"	means consultation or engagement proportionate to the circumstances in accordance with government guidance on consultation principles ¹ ;
"Enforcement Policy"	means the Highways Monitor's policies that secure the Licence holder's compliance with the requirements of the Road Investment Strategy and the Licence.
"Highways Monitor"	means the organisation established under section 15 of the Railways and Transport Safety Act 2003, as amended, which will be responsible for monitoring the costs, efficiency and performance of the company.
"Licence holder's network" or "the network"	means the highways for which the Licence holder is appointed, as set out in the Appointment Order;
"Relevant assets"	means the Licence holder's network and other assets held by the Licence holder for the purposes of operating, managing and improving the highways for which the Licence holder is responsible;

¹ <https://www.gov.uk/government/publications/consultation-principles-guidance>

"Road Investment Strategy"	means any Road Investment Strategy set by the Secretary of State under section 3 of the Infrastructure Act 2015;
"Route"	A route is a strategic corridor through which strategic road network traffic flows between economically and socially associated centres of population and industry, and/or between strategic points of entry to and from overseas markets, such as ports and airports, and destinations;
"Transport Focus"	means the organisation established under section 19 of the Railways Act 2005, as amended, which will be responsible for representing and promoting the interests of users of the strategic road network;
"Secretary of State"	means the Secretary of State for Transport, or those acting on his behalf;
"Strategic highways company"	means a company appointed by the Secretary of State by way of an Order in accordance with section 1 of the Infrastructure Act 2015;
"Whole-life cost"	means the total cost of ownership over the life of an asset.

- 2.3** Any reference in this Licence to a numbered paragraph is a reference to the paragraph bearing that number in the condition in which the reference occurs.
- 2.4** In interpreting this Licence, headings shall be disregarded.
- 2.5** Where in this Licence the Licence holder is required to comply with any obligation within a specified time limit, the Licence holder **must** comply with the obligation notwithstanding that the time limit has passed, and must do so as soon as practicable.

Part 3 - General conditions

- 3.1** The Licence holder **must**, without prejudice to the Licence holder's legal duties or other obligations, comply with or have due regard to (as appropriate) the conditions set out in this document, which constitute statutory directions and guidance issued by the Secretary of State to the Licence holder as provided for in section 6 of the Infrastructure Act 2015.
- 3.2** It is not intended that these conditions should be incompatible with other legal duties or statutory guidance, though they may affect the manner in which certain functions (including statutory functions) are discharged.
- 3.3** If the Licence holder becomes aware of any incompatibility between the Licence and its other legal duties, it **must** notify the Secretary of State and the Highways Monitor immediately.
- 3.4** Where in this Licence there is a provision for the Secretary of State to give his consent, the Secretary of State may give such consent subject to conditions².
- 3.5** The Secretary of State may make changes to this Licence at any time, but does not intend to do so without first consulting the Licence holder and the Highways Monitor, taking into consideration any advice or representations duly made.
- 3.6** Where in this Licence there is a provision for the Secretary of State to give a notice or to issue further directions or guidance to the Licence holder, the Secretary of State may first consult the Licence holder and take into consideration any representations duly made. The Secretary of State will notify the Highways Monitor of any such directions or guidance.
- 3.7** The Secretary of State may also issue additional directions and guidance to the Licence holder at any time, ensuring that such directions and guidance are made known to the Highways Monitor and published in accordance with section 6 of the Infrastructure Act 2015. The Licence holder **must** report on its progress in carrying out such directions and advice, as required by the Secretary of State.
- 3.8** Where any amendments to or the issuing of additional directions and guidance to the Licence holder by the Secretary of State under 3.6 or 7 would result in a significant impact on the ability of the Licence holder to fund or deliver its activities, the Secretary of State will consider making a proportionate change in the requirements on the Licence holder or the funding made available by the government.
- 3.9** Any significant alteration in the size of the network for which the Licence holder is the highway authority will be accompanied by consideration of a proportionate change in the requirements on the Licence holder or the funding made available by the government.

² This includes where Secretary of State consent may be conditional on any necessary approvals from other parts of government.

3.10 Any consideration of a significant change in the requirements on the Licence holder or the funding made available by the government, including under the circumstances described in 3.5 - 3.9, will be subject to the formal processes for considering changes to the Road Investment Strategy, as set out in Part 6.

Part 4 - Aims and objectives

- 4.1** The network for which the Licence holder is responsible is a critical national asset, which the Licence holder **must** operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity.
- 4.2** Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder **must**, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to:
- a. Ensure the effective operation of the network;
 - b. Ensure the maintenance, resilience, renewal, and replacement of the network;
 - c. Ensure the improvement, enhancement and long-term development of the network;
 - d. Ensure efficiency and value for money;
 - e. Protect and improve the safety of the network;
 - f. Cooperate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning;
 - g. Minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment;
 - h. Conform to the principles of sustainable development.
- 4.3** For the purposes of this section, "sustainable development" means encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations.

Part 5 - Exercising the role of a strategic highways company

Effective operation

- 5.1** In complying with 4.2(a) and relevant statutory duties, including the general duties relating to network management under the Traffic Management Act 2004, the Licence holder should:
- a. Seek to minimise disruption to road users that might reasonably be expected to occur as a result of:
 - i. Planned disruption to the network (including from road works);
 - ii. Unplanned disruption to the network (including from incidents on the network and the short-term effects of extreme weather conditions)
 - b. Proactively and reactively provide relevant, accurate and timely information about traffic and conditions on the network to road users, including when there is disruption.
- 5.2** When seeking prior authorisation from the Secretary of State of any non-prescribed traffic sign before it is erected on the network, in accordance with sections 64 and 65 of the Road Traffic Regulation Act 1984, the Licence holder should:
- a. Do so in line with any relevant procedures or guidance that the Secretary of State may specify by notice or in guidelines to the Licence holder;
 - b. Consider any non-prescribed traffic sign previously authorised by the Secretary of State for use on the strategic road network as already authorised;
 - c. Consider initial authorisation of a new non-prescribed traffic sign by the Secretary of State for use on the network to also cover any subsequent uses of the same sign on the network, without the need for further authorisation unless otherwise indicated by the Secretary of State.
- 5.3** The Licence holder **must not** display messages on the road network that do not relate to the Licence holder's statutory responsibilities or the wider management of the road network.

Maintenance, resilience, renewal, and replacement

- 5.4** In complying with 4.2(b), the Licence holder should take all reasonable steps to ensure the continued availability and resilience of the network as a strategic artery for national traffic, and as an effective part of the wider road and transport system.

- 5.5** The Licence holder **must** demonstrate in the Delivery Plan how it aims to comply with the general duty to maintain highways in section 41 of the Highways Act.

Improvement, enhancement and long-term development

- 5.6** In complying with 4.2(c), and Part 6 of the Licence, the Licence holder **must**:
- a. Cooperate with the Secretary of State in developing Road Investment Strategies, including taking the necessary steps to deliver any elements or information required for the development of future strategies;
 - b. Establish and maintain a clear understanding of the pressures upon and impacts of its network at both a national and route level (including in the preparation of route strategies, as required at 5.13), and be aware of the actions needed to improve conditions for users, and manage or mitigate existing problems, to inform the future development and improvement of the network and its performance;
 - c. Provide for sufficient flexibility and future-proofing in planning the long-term development and improvement of the network, taking account of long-term trends, uncertainties and risks - including new and emerging technologies and long-term trends in climate and weather conditions.
- 5.7** The Licence holder may carry out relevant research, development, demonstration and deployment of innovative technologies and applications in line with, and as a function of, the Licence holder's role as a strategic highways company, and is authorised to conduct experiments or trials under section 283 of the Highways Act 1980.
- 5.8** In carrying out any activities referred to in 5.7, including under section 283 of the Highways Act 1980, the Licence holder **must**:
- a. Agree its strategic plans for research, development, demonstration and deployment of innovative technologies and applications, including any experiments or trials which may have significant implications for user safety or government policy, with the Secretary of State;
 - b. Publish its plans for research, development, demonstration and deployment of innovative technologies and applications, as well as any final results from such activities; and
 - c. Where relevant, assist and co-operate with the Government on wider research, development and demonstration activities.

Asset management

- 5.9** The Licence holder **must** develop and maintain high quality and readily accessible information about the assets held, operated and managed by the Licence holder in line with, and as a function of, the Licence holder's

legal duties as a highway authority, including their condition, capability, and capacity, as well as their performance, including against any expectations set out in a Road Investment Strategy.

- 5.10** The Licence holder **must** develop, maintain and implement an asset management policy and strategy, taking into account the requirements of 5.12 - to be initially published to timescales specified in the Licence holder's Delivery Plan - setting out how it will apply a best practice approach to managing the lifecycle of its assets, including maintaining a registry of its asset inventory and condition.
- 5.11** In complying with 5.9 and 5.10, the Licence holder should adopt a long-term approach to asset management consistent with ISO 55000 standards.

Efficiency and value for money

- 5.12** In complying with 4.2(d), the Licence holder **must**:
- a. Adopt a Whole-life cost approach to managing its assets;
 - b. When presented with a significant choice between bearing short-term costs and increasing long-term costs, appraise the different options in line with relevant government policy and guidance to determine which represents the best overall value for money;
 - c. Ensure that it has in place robust internal arrangements to achieve, and to demonstrate how it has achieved, value for money;
 - d. Have due regard to circumstances in which it may be appropriate to carry out additional work as part of proposals where these can reduce or eliminate long-term costs or disruption to the network.

Route strategies

- 5.13** In accordance with section 4 of the Infrastructure Act 2015, the Licence holder **must** periodically prepare and publish route strategies covering the whole of the network, to develop and maintain an appropriate evidence base on the state and performance of the network, and issues affecting these, to inform the setting of Road Investment Strategies (as set out in Part 6) and the Licence holder's ongoing management and development of the network when planning and carrying out its activities.
- 5.14** In preparing route strategies under 5.13 the Licence holder **must**:
- a. Agree the process and timescales for preparing route strategies with the Secretary of State, including the definition of routes on the network;
 - b. Publish the process for preparing route strategies;
 - c. Identify current performance issues and future challenges for all routes on the network;
 - d. Establish outline operational and investment priorities for all routes on the network;

- e. Take account of relevant local plans and priorities concerning local road and other transport networks, wider socio-economic developments, and government policy;
- f. Consider the need for effective integration between the Licence holder's network and the rest of the transport system, including carrying out joint studies with other organisations where appropriate;
- g. Engage with and take account of the views of relevant national and local stakeholders, including those organisations or groups identified at 5.18;
- h. Engage with and take account of the views of Transport Focus and the Highways Monitor;
- i. Identify indicative options for intervention, covering operational, maintenance and, if appropriate, road improvement needs;
- j. Consider opportunities for collaborative solutions, including potential interventions off the Licence holder's network, that can improve the performance of the network and provide increased integration benefits over those that the Licence holder can achieve alone, where this delivers value for money;
- k. Include sufficient evidence to allow the Secretary of State to take informed decisions on the development of a future Road Investment Strategy – including preliminary assessments of deliverability and value for money of any proposed road improvement schemes.

Safety

- 5.15** In complying with 4.2(e) and its general duty under section 5(2) of the Infrastructure Act 2015 to have regard to safety, the Licence holder should, when exercising functions related to safety, have due regard to the need to protect and improve the safety of the network as a whole for all road users, including:
- a. Ensuring that protecting and improving safety is embedded into its business decision-making processes and is considered at all levels of operations;
 - b. Seeking to achieve the best possible safety outcomes across its activities, while working in the context of sustainable development and delivering value for money; and
 - c. Taking opportunities to engage with and support wider efforts to improve safety for road users.
- 5.16** The Licence holder **must** develop and implement strategic plans that demonstrate how it will meet its legal duties and other obligations with regard to safety, including the requirements of 5.15, to be published to timescales specified in the Licence holder's Delivery Plan.

Cooperation

- 5.17** In complying with 4.2(f) and its general duty to cooperate under section 5(1) of the Infrastructure Act 2015, the Licence holder should co-operate with other persons or organisations in order to:
- Facilitate the movement of traffic and manage its impacts;
 - Respond to and manage planned and unplanned disruption to the network;
 - Take account of local needs, priorities and plans in planning for the operation, maintenance and long-term development of the network (including in the preparation of route strategies, as required at 5.13);
 - Provide reasonable support to local authorities in their planning and the management of their own networks.
- 5.18** In complying with 5.17, the Licence holder should cooperate with, consult and take reasonable account of the views of:
- Local authorities and devolved administrations;
 - Other transport network operators (including local highway authorities, Network Rail, port and airport operators);
 - Operational partners (including, but not limited to, the emergency services);
 - Road users;
 - Local communities;
 - Other relevant stakeholders with a significant stake in the long-term development of the network.
- 5.19** In complying with 5.17 and 5.18, the Licence holder should co-operate with other persons or organisations in a way which is demonstrably:
- Open and transparent – involving relevant stakeholders, ensuring that essential information is available to affected and interested parties, and that the processes for engagement and communication are clear;
 - Positive and responsive – seek to build trusting and effective working relationships with key partners and stakeholders, engaging with due efficiency and economy and in a timely manner;
 - Collaborative – working with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.
- 5.20** The Licence holder **must** cooperate with and assist Transport Focus and the Highways Monitor to support the fulfilment of their statutory functions and must formally agree working practices with the respective organisations to facilitate this.
- 5.21** The Licence holder **must** develop and implement a stakeholder engagement plan that demonstrates how it aims to communicate, engage and cooperate with others in exercising its functions and complying with the requirements set out in 5.17 - 5.19, to be published to timescales specified in the Licence holder's Delivery Plan.

- 5.22** The Licence holder **must** establish a stakeholder advisory panel to provide advice to the Licence holder's Board on issues directly affecting local authorities and communities, and ensure that:
- a. The membership of the panel includes representation from a credible range of local government and other stakeholders, including environmental and safety groups, as appropriate;
 - b. The Licence holder seeks advice from the panel on a regular basis.

Environment

- 5.23** In complying with 4.2(g) and its general duty under section 5(2) of the Infrastructure Act 2015 to have regard to the environment, the Licence holder should:
- a. Ensure that protecting and enhancing the environment is embedded into its business decision-making processes and is considered at all levels of operations;
 - b. Ensure the best practicable environmental outcomes across its activities, while working in the context of sustainable development and delivering value for money;
 - c. Consider the cumulative environmental impact of its activities across its network and identify holistic approaches to mitigate such impacts and improve environmental performance;
 - d. Where appropriate, work with others to develop solutions that can provide increased environmental benefits over those that the Licence holder can achieve alone, where this delivers value for money;
 - e. Calculate and consider the carbon impact of road projects and factor carbon into design decisions, and seek to minimise carbon emissions and other greenhouse gases from its operations;
 - f. Adapt its network to operate in a changing climate, including assessing, managing and mitigating the potential risks posed by climate change to the operation, maintenance and improvement of the network;
 - g. Develop approaches to the construction, maintenance and operation of the Licence holder's network that are consistent with the government's plans for a low carbon future;
 - h. Take opportunities to influence road users to reduce the greenhouse gas emissions from their journey choices.
- 5.24** The Licence holder **must** develop and implement strategic plans that demonstrate how it aims to meet its legal duties and other obligations with regard to the environment, including the requirements of 5.23, to be published to timescales specified in the Licence holder's Delivery Plan.

Sustainable development and design

- 5.25** In complying with 4.2(h), the Licence holder should balance a range of factors in meeting the short and long-term needs of the network, in particular with regard to:
- a. Supporting national and local economic growth and regeneration;
 - b. Protecting and improving the safety of road users and road workers;
 - c. Protecting, managing and enhancing the environment;
 - d. Seeking to improve the well-being of road users and communities affected by the network;
 - e. Ensuring efficiency and value for money.
- 5.26** In exercising its functions, the Licence holder **must** have due regard to relevant principles and guidance on good design, to ensure that the development of the network takes account of geographical, environmental and socio-economic context.
- 5.27** The Licence holder **must** establish a Design Panel to provide advice to the Licence holder on design issues, and in doing so ensure that:
- a. The membership of the Design Panel includes representation from credible experts and relevant stakeholders, as appropriate;
 - b. The Licence holder seeks, and has due regard to, the views of the Secretary of State concerning the purpose, remit and membership of the Design Panel;
 - c. The Licence holder seeks advice from the Design Panel:
 - i. on the design of road improvement schemes, where these are in sensitive locations or expected to have a substantial impact on the surrounding landscape;
 - ii. on the development of relevant design standards concerning the visual impact of schemes; and
 - iii. at any other time where required by the Secretary of State.
 - d. The Licence holder has due regard to the advice and general recommendations of the Design Panel, and the particular observations of the Panel on specific schemes.
- 5.28** The Licence holder **must** develop and implement strategic plans that demonstrate how, in meeting its legal duties and other obligations, it aims to support and promote sustainable development, with particular regard to those factors specified in 5.25, and principles of good design, to be published to timescales specified in the Licence holder's Delivery Plan.

Government policy

- 5.29** In exercising its role as a strategic highways company and complying with the requirements in Part 4, the Licence holder **must** comply with or have due regard to relevant Government policy, as advised by the

Secretary of State, with full regard to any implications for the Licence holder's ability to deliver the Road Investment Strategy.

- 5.30** For the purposes of this section, "relevant Government policy" means all current policies which:
- a. Relate to the activities of the Licence holder, and
 - b. Have been:
 - i. Published in England by or on behalf of Her Majesty's Government, or
 - ii. Indicated to the Licence holder by the Secretary of State.

Standards, specifications and guidance

- 5.31** In carrying out its activities, the Licence holder **must** have due regard to any guidance, standards or specifications relevant to its statutory or other functions. This includes being mindful of where new standards or specifications are developing and seeking to ensure that new projects are brought into line.
- 5.32** In the event that the Licence holder departs from relevant statutory guidance, standards or specifications, the Licence holder **must** clearly record the justification for the departure, explaining why the provisions were not appropriate and (where applicable) how the alternative approach seeks to achieve the same outcomes through different means.

Planning

- 5.33** In addition to any requirements imposed by planning legislation, the Licence holder **must** take reasonable steps to assist those seeking to make planning applications for which the Licence holder is likely to be a statutory consultee under the Town & Country Planning (development management procedure) (England) Order 2010.
- 5.34** Where the Licence holder is consulted by a local planning authority in light of its responsibilities as a statutory consultee under the Town & Country Planning (development management procedure) (England) Order 2010, and where the Licence holder chooses to comment on an application, it **must** make clear which of its comments are:
- a. Information: intended to provide a general context the decision of the local planning authority; or
 - b. Formal recommendations: where, should the local planning authority be minded to disagree with a recommendation of the Licence holder, the Licence holder will put its recommendation to the Secretary of State to take a view.
- 5.35** In the event that the Licence holder makes a formal recommendation as described in 5.34(b), it **must** inform the Secretary of State at the earliest opportunity, ahead of any decision by the local planning authority, unless the Secretary of State waives this right. This information is in addition to any requirements made through the development management regime.
- 5.36** The Licence holder **must**, in making decisions under section 175B of the Highways Act about permission for any new connections to its network:

- a. Unless otherwise directed by the Secretary of State, consider granting permission in light of the nature of the road in question and the consequences of the new connection, having particular regard to:
 - i. In the case of sections of the network designed for high-speed traffic, with partially or comprehensively limited access, there should be a presumption against connection, except where it can be provided safely and where there is a demonstrable benefit to the economy;
 - ii. On all other sections of the network there should be a presumption in favour of connection, except where a clear case can be made to prohibit connection on the basis of safety or economic impacts.
- b. Include its section 175B decision in its consultation response to the local planning authority whenever it is consulted about a development which requires consent under that section.

Land and property

- 5.37** The Licence holder **must** hold and manage land and property in line with, and as a function of, the Licence holder's legal duties as a highway authority, and solely for the purposes of operating, managing and improving the highway, unless otherwise approved by the Secretary of State.
- 5.38** The Licence holder **must** establish, maintain and ensure ready access to all appropriate records relating to the purchase, sale, maintenance and condition of all land and property owned, held, used or occupied by the Licence holder and show how these are being or will be managed. This includes where compulsory purchase proceedings have (or are proposed to be) commenced.

Commercial activity and charging for services

- 5.39** The Licence holder may charge for ancillary services where the law allows, on a non-discriminatory and cost-recovery basis, providing either:
- a. Secretary of State, in his previous role as highway authority for the network, charged for or carried out the activity on a cost recovery basis; or
 - b. The Secretary of State has agreed to the introduction of new charges.
- 5.40** The Licence holder **must not** introduce any other new charges, expand the application or scope of any existing charges, undertake commercial services for profit, or form any subsidiary companies or joint ventures that generate profit, without approval from the Secretary of State.
- 5.41** Any introduction of new charges or new commercial services by the Licence holder, where the necessary government approvals - including those required by 5.39(b) or 5.40 - have been granted, **must** be in line with relevant government guidance.

5.42 The Licence holder **must not** receive commercial sponsorship or paid advertising without approval from the Secretary of State.

Part 6 - Setting and varying the Road Investment Strategy

Introduction

- 6.1 The Secretary of State may at any time set a Road Investment Strategy (RIS) for a strategic highways company, or vary a RIS that has already been set.
- 6.2 A RIS is to relate to such period ('Road Period') as the Secretary of State considers appropriate. For each RIS, the Secretary of State will determine the Road Period and set the timetable for developing and agreeing the RIS.
- 6.3 A RIS must specify the requirements to be delivered by the Licence holder during the Road Period to which it relates and the funding to be provided by the Secretary of State in order to deliver those requirements. Such requirements may include activities to be performed, results to be achieved and standards to be met.
- 6.4 The Licence holder **must** co-operate with the Secretary of State to reach an agreed position on a RIS and comply with the processes for setting and varying a RIS.
- 6.5 In the event that, for any reason, there is no current RIS in effect (for example, due to a delay between one RIS expiring and the commencement of a subsequent agreed RIS), the Licence holder **must** continue to comply with its legal obligations and the requirements set out in this Licence, as well as any further directions issued by the Secretary of State, until a new RIS has been agreed and comes into effect.

Setting the Road Investment Strategy

Step 1: The Strategic Road Network (SRN) Initial Report

- 6.6 Once informed of the Road Period by the Secretary of State, the Licence holder **must** prepare and provide to the Secretary of State a SRN Initial Report to inform the preparation of a draft Road Investment Strategy by the Secretary of State.
- 6.7 In producing a SRN Initial Report, the Licence holder **must** include:
 - a. An assessment of the current state of the network and user needs from it;
 - b. Potential maintenance and enhancement priorities; and
 - c. Future developmental needs and prospects.
- 6.8 In producing a SRN Initial Report, the Licence holder **must**:
 - a. Comply with the timetable set by the Secretary of State;
 - b. Take account of the evidence developed through the preparation of route strategies, as required at 5.13;

- c. Consider the need for effective integration between the Licence holder's network and the rest of the transport system;
- d. Engage with and take account of the views of relevant local and national stakeholders, including those organisations or groups identified at 5.18;
- e. Engage with and take account of the views of Transport Focus and the Highways Monitor;
- f. Take into account any directions and guidance that the Secretary of State may specify in relation to producing a SRN Initial Report by notice or in guidelines to the Licence holder; and
- g. Publish the SRN Initial Report.

6.9 As soon as possible following publication of the SRN Initial Report by the Licence holder, the Secretary of State will conduct a consultation on the SRN Initial Report.

Step 2: The Secretary of State's proposals and Draft RIS

- 6.10** The Secretary of State's response to the consultation referred to at 6.9 will include proposals for a Road Investment Strategy (the 'Draft RIS').
- 6.11** The Draft RIS will include details of the requirements to be delivered by the Licence holder along with the financial resources to be provided by the Secretary of State for the purpose of delivering those requirements, and the intended Road Period to which the proposals relate.
- 6.12** The Highways Monitor will assess the Draft RIS and provide advice to the Secretary of State, in accordance with the timetable set by the Secretary of State, on whether the Secretary of State's proposed requirements are challenging and deliverable with the proposed financial resources.
- 6.13** The Licence holder **must** assist the Highways Monitor in their assessment of the Draft RIS, including providing any additional information as necessary.
- 6.14** The Secretary of State, having taken account of advice from the Highways Monitor, will submit to the Licence holder:
 - a. A Draft RIS;
 - b. As part of the Draft RIS, a statement of his or her general strategy in respect of highways for which the Licence holder is the highway authority;
 - c. Any other information in support of the Draft RIS as the Secretary of State considers appropriate;
 - d. A clear timescale within which the Licence holder is required to respond with a Draft Strategic Business Plan.

Step 3: The Company's Draft Strategic Business Plan (SBP)

- 6.15** The Licence holder **must** respond to the Draft RIS issued by the Secretary of State in the form of a draft Strategic Business Plan (the 'Draft SBP'), detailing its plans for delivering the requirements set out in the Road Investment Strategy, for the whole period of that RIS.

- 6.16** In providing a Draft SBP to the Secretary of State, the Licence holder **must**:
- a. Clearly indicate whether the Licence holder agrees to the proposals in the Draft RIS, or make counter-proposals;
 - b. Take into account any directions and guidance that the Secretary of State may specify in relation to producing a SBP by notice or in guidelines to the Licence holder;
 - c. Engage with and take account of the views of the Highways Monitor;
 - d. Submit the Draft SBP to the Secretary of State within the specified timescales.

Step 4: The Efficiency Review

- 6.17** The Highways Monitor will assess the Draft SBP and provide advice to the Secretary of State, in accordance with the timetable set by the Secretary of State, on whether the Licence holder's proposed requirements are deliverable with the proposed financial resources, and the extent to which the Draft SBP is challenging and deliverable, including with regard to the levels of efficiency the Licence holder proposes to achieve.
- 6.18** The Licence holder **must** assist the Highways Monitor in their assessment of the Draft SBP, including providing any additional information as necessary.

Step 5: Finalising the RIS and the SBP

- 6.19** Following the Efficiency Review the Secretary of State, taking account of the advice of the Highways Monitor, will do one of the following:
- a. Approve the Draft SBP and finalise the RIS;
 - b. Direct the Licence holder to make revisions to the Draft SBP before granting approval; or
 - c. Produce a revised Draft RIS, at which point the Secretary of State and the Licence holder will follow the process as specified above between 6.14 and 6.16 in order to reach a mutually agreed position on a final RIS and a final SBP.
- 6.20** If necessary, the Secretary of State will request additional advice from the Highways Monitor on revised versions of the Draft RIS and/or the Draft SBP to facilitate their finalisation.
- 6.21** Once both the Draft RIS and Draft SBP have been finalised, they **must** be published by the Secretary of State and the Licence holder respectively.
- 6.22** In the event that the Secretary of State and the Licence holder fail to reach a mutually agreed position on the Draft RIS and/or the Draft SBP within the timetable set by the Secretary of State, the Secretary of State retains the right to determine the content of a final RIS and/or SBP.

Step 6: Mobilisation

- 6.23** Once the RIS has been finalised and the SBP finalised or determined, the Licence holder **must** take appropriate steps in advance of the next Road Period commencing to ensure that it is ready to undertake delivery of the RIS from the start of that period, including preparing a Draft Delivery Plan setting out the details of how the Licence holder aims to deliver the final SBP and submitting it to the Secretary of State for approval.
- 6.24** In preparing a draft Delivery Plan, the Licence holder **must** engage with and take account of the views of the Highways Monitor on the format and level of detail of the Delivery Plan to facilitate reporting arrangements.

Step 7: Delivery

- 6.25** Following approval of a Draft SBP and Draft Delivery Plan by the Secretary of State, and his issuing of a final RIS, the Licence holder **must** publish and deliver the final SBP and the associated Delivery Plan.
- 6.26** The Licence holder **must** report to the Highways Monitor on progress in delivering requirements set out in the final SBP and Delivery Plan on an annual basis, submitting a draft report to the Highways Monitor for approval (providing a copy to the Secretary of State), following which the Licence holder **must** publish the final report.
- 6.27** The Licence holder **must** update its Delivery Plan on an annual basis, submitting a draft update of the Delivery Plan to the Secretary of State for approval. Subject to the Secretary of State being satisfied that the update is consistent with, and contains no material revisions to, the original Delivery Plan, the Licence holder **must** publish the updated Delivery Plan.

Varying the Road Investment Strategy

- 6.28** The Secretary of State is able to vary a RIS once it has been agreed, and the Licence holder may also request a change to the RIS.
- 6.29** Small-scale changes to the RIS, beyond minor refinements that are within the Licence holder's discretion, will be handled through a formal change control process. Major variations, which would affect the Licence holder's overall funding, have a material effect on the integrity of the RIS or otherwise compromise the Licence holder's ability to comply with the RIS, would require the RIS to be re-opened.
- 6.30** In considering or proposing any variation of a RIS, the Secretary of State and the Licence holder **must** have due regard to the desirability of maintaining certainty and stability in respect of the existing RIS.

Change control

- 6.31** Small-scale changes to the RIS, which do not have a bearing on the overall funding envelope and do not materially affect the integrity of the RIS (including small-scale additions to the RIS, as at 6.32), will be subject to a formal change control process, as described at 6.32 – 6.36.
- 6.32** In the event that the Secretary of State considers that a small-scale change to the detail of an objective set out in the RIS may be necessary

(for example, a change to the way in which a particular objective is measured, or a change to the nature of a project identified in the RIS Investment Plan), he will notify the Licence holder, the Highways Monitor and Transport Focus. Where the Secretary of State is seeking additions beyond the current RIS, such as additional schemes or further metrics or indicators, the Secretary of State will consider making a proportionate increase in the funding made available by government to the Licence holder to deliver these, along with the existing RIS requirements.

- 6.33** In the event that the Licence holder requests a small-scale change to the RIS, or identifies that a specific project in the RIS Investment Plan may need to be replaced (due to a deterioration in the business case or difficulties in obtaining relevant consents) the Licence holder **must** provide sufficiently detailed proposals and supporting evidence to allow the Secretary of State to make an informed decision.
- 6.34** The Secretary of State will consider the viability and desirability of any request by the Licence holder under 6.33, seeking advice from the Highways Monitor, where appropriate, and will respond to the Licence holder within three months with a decision about whether or not to proceed with a change.
- 6.35** Following a notification under 6.32, or a response to the Licence holder by the Secretary of State under 6.34, the Secretary of State will begin discussions with the Licence holder and the Highways Monitor to agree the change, including any proportionate increase in the funding as described at 6.32. Once agreed, the Secretary of State will publish details of the change.
- 6.36** In the event that, under the circumstances described at 6.35, the Secretary of State and the Licence holder fail to reach a mutually agreed position, having sought advice from the Highways Monitor, the Secretary of State retains the right to make a final determination.

Re-opening the RIS

- 6.37** Where, in exceptional circumstances, a major variation is considered necessary, which would affect the Licence holder's overall funding, have a material effect on the integrity of the RIS, or otherwise compromise the Licence holder's ability to comply with the RIS, the Secretary of State will formally initiate the process for re-opening the RIS by publishing proposals for variation to the existing RIS and setting a timetable for the process.
- 6.38** In the event that the Licence holder requests that the Secretary of State initiate the process for re-opening the RIS, as described at 6.37, the Licence holder **must** provide sufficiently detailed proposals and supporting evidence to support its request. Following such a request, the Secretary of State will seek advice from the Highways Monitor on the deliverability of the RIS and the validity of the Licence holder's request.
- 6.39** Once the process for re-opening the RIS has been initiated, the Secretary of State will conduct a consultation on the proposals, or alternatively direct the Licence holder to conduct a consultation, depending on the nature of the proposed variation. In either case, the Licence holder **must** provide notification of the launch of the consultation process to those persons it considers appropriate.

- 6.40** Following the consultation process, the Secretary of State will formally respond to the consultation, setting out his or her decision on whether to proceed with the RIS variation process in light of consultation responses.
- 6.41** Should the Secretary of State decide to proceed with a revised RIS, the response to the consultation will include publication of revised proposals, equivalent to those produced in Step 2 of the process for setting the RIS, and set a timetable for finalising a revised RIS, SBP and Delivery Plan.
- 6.42** Following the publication of revised proposals, the Secretary of State, the Licence holder and the Highways Monitor will follow the standard process for determining and agreeing a final RIS, SBP and Delivery Plan, as set out at 6.14 to 6.24, above, in accordance with the timetable set by the Secretary of State under 6.41.

Part 7 - Data and information

Collection and provision of data and information

- 7.1** The Licence holder **must** provide data or information on its performance in complying with and/or delivering the requirements of the Road Investment Strategy, Strategic Business Plan, Delivery Plan and Licence, as required by the Highways Monitor for the purpose of fulfilling its statutory functions.
- 7.2** In complying with 7.1, the Licence holder **must** provide data or information in such form and manner and at such times as the Highways Monitor may reasonably specify in guidelines to the Licence holder.
- 7.3** The Licence holder **must** also collect, record and provide the following data or information as required:
- a. Data or information on performance of the Licence holder's network, assets or the movements and characteristics of traffic on the network not covered by 7.1, that is necessary or relevant to comply with its legal duties or other obligations in exercising its role as a strategic highways company, for example for the purposes of meeting environmental reporting requirements;
 - b. Information to the Secretary of State, annually and on request, on the numbers of planning applications received under the Development Management Order 2010, and how these have been dealt with, including cases involving permissions under section 175B of the Highways Act;
 - c. Information to the Secretary of State, annually and on request, on what actions the Licence holder has taken and is planning to take to encourage the development of an appropriate construction and design skills base to support delivery of the Road Investment Strategy, including:
 - i. the availability and take-up of apprenticeship and graduate programmes and training of existing staff within its own business; and
 - ii. its assessment of the capability and skills of its supply chain.
 - d. Any other data or information that the Secretary of State may reasonably require, including that required to fulfil statutory responsibilities or for official government statistics;
 - e. Any other data or information that Transport Focus or the Highways Monitor may reasonably require, where relevant to the fulfilment of their statutory functions.
- 7.4** The Licence holder **must** provide data or information in respect of 7.3(d) and 7.3(e) in such form and manner and at such times as the Secretary of State, Transport Focus and the Highways Monitor (as appropriate) may reasonably specify in guidelines to the Licence holder, and help with

the processing of data where it facilitates this goal. Where provision of such information under 7.3(d) and (e) would result in a significant impact on the ability of the Licence holder to fund or deliver its activities, the Secretary of State will consider making a proportionate change in the requirements on the Licence holder or the funding made available by the government.

- 7.5** The Licence holder **must** allow access to the network to persons authorised by the Secretary of State for the purposes of collecting traffic data or maintaining equipment used for this purpose, where arrangements for doing so have been agreed in advance with the Licence holder.

Publication of data and information

- 7.6** The Licence holder should have due regard to government policy on data and transparency.
- 7.7** In particular, the Licence holder **must** make publicly available all data and information required by 7.1, as well as any other data or information where publication is specifically required by the Secretary of State.
- 7.8** In complying with 7.7, the Licence holder should have due regard to the need to ensure interoperability with other systems and comply with recognised standards in order to enable the sharing of data for operational or other purposes and maximise the utility of data for third parties.
- 7.9** The Licence holder **must**, taking into account any relevant directions and guidance that the Secretary of State may specify, formulate and publish - to timescales specified in the Licence holder's Delivery Plan - policies as to how it will:
- a. Manage and provide data and information relating to its activities;
 - b. Provide and improve information services to road users.

Provision of expert and technical advice

- 7.10** The Licence holder **must**, where required, provide expert advice to the Secretary of State or other parts of government on relevant policy or technical matters. This includes advice to the Secretary of State in his role as 'competent authority' for the UK in relation to relevant EU activities.
- 7.11** Where appropriate, the Secretary of State may designate the Licence holder as the 'competent authority' for the UK, or require the company to represent the UK in other international activities, where such an arrangement complies with the law.
- 7.12** Where the Secretary of State makes any requirements or issues directions to the Licence holder under 7.10 - 7.11, the Secretary of State will seek to provide advance notice wherever possible, and these will be subject to the general conditions at 3.8 and 3.10 to ensure that the Licence holder is properly resourced to carry out this function.

Part 8 - Enforcement and revocation

Application

- 8.1** The Licence holder **must** act within the conditions of this Licence at all times.
- 8.2** Where the Licence holder fails to comply with the conditions of the Licence, the Highways Monitor may act to enforce these conditions, including through the issue of improvement notices or the levying of fines under section 11 of the Infrastructure Act 2015, in accordance with the Highways Monitor's published Enforcement Policy and any relevant agreement with, or with due regard to guidance from, the Secretary of State.
- 8.3** These conditions do not limit the ability of the Highways Monitor to apply sanctions to other situations that do not involve breaches of the Licence.
- 8.4** None of the conditions laid out in this part affect the Secretary of State's powers under other legislation or role as shareholder of the strategic highways company, or apply conditions to their use. However, where the Secretary of State intends to exercise these powers, for reasons that may relate indirectly to potential breaches of the Licence, the Secretary of State will consult with the Highways Monitor before taking action.
- 8.5** The Licence holder **must** ensure the Highways Monitor is aware, at the earliest opportunity, of:
- a. Any past or current breach of the Licence and of any action being taken to address the breach; and
 - b. Any issues likely to lead to a potential breach of the Licence, and of any action being taken to address the possibility.

Emergencies

- 8.6** Where an emergency situation is agreed to have taken place, as set out in 8.7(a), the application of enforcement activity by the Highways Monitor in relation to the Licence holder's performance or compliance with the obligations set out in this Licence may be suspended.
- 8.7** The nature and extent of any suspension of enforcement activity under 8.6 would be at the discretion of the Highways Monitor, provided that:
- a. The Secretary of State declares that an emergency is in progress or has recently taken place that may have implications for the Licence holder to comply with or deliver its obligations. This includes where this is the result of advice from the Highways Monitor or an application by the Licence holder to the Secretary of State for recognition that an emergency is in progress or has recently taken place;

- b. The Highways Monitor acts in accordance with any relevant agreement with, or has due regard to guidance from, the Secretary of State.

Revocation

- 8.8 If a failure to deliver or a breach of statutory duty or other obligation by the Licence holder is so great that it constitutes a loss of confidence in the ability of the Licence holder to fulfil its legal duties or other obligations, this may result in directions from the Secretary of State or revocation of the appointment by the Secretary of State.
- 8.9 The Secretary of State will not take such a course of action without evidence from the Highways Monitor that the Licence holder has failed to discharge its legal duties or other obligations.
- 8.10 In the event of revocation of the appointment, the Secretary of State will:
 - a. Notify the Licence holder of his intention to revoke the appointment;
 - b. Advise the Licence holder in writing of the date on which it is intended that the order which terminates the Licence holder's appointment as a strategic highways company will take effect;
 - c. Make a transfer scheme under section 15 of the Infrastructure Act 2015, to coincide with revocation of the appointment, ensuring that all property and contracts of the Licence holder, and rights and responsibilities therein, will revert to the Secretary of State.

Ordered handover

- 8.11 Following notification by the Secretary of State under 8.10(a) of a decision to revoke the Licence holder's appointment, the Licence holder **must** co-operate in any transitional arrangements, including:
 - a. The provision of information;
 - b. The transfer of lands, assets, contracts or staff associated with its activities under the Licence;
 - c. The delivery of the Road Investment Strategy and any protocol agreements.
- 8.12 The Licence holder's continued responsibilities during this period of transition, as described in 8.11, are ended only at the point at which the revocation comes into effect.

Company No: 09346363

**COMPANY LIMITED BY SHARES
WRITTEN RESOLUTION**

of

HIGHWAYS ENGLAND COMPANY LIMITED

Pursuant to Chapter 2 of Part 13 of the Companies Act 2006, the directors of the Company propose that the following resolution is passed as a special resolution.

SPECIAL RESOLUTION

THAT, the name of the Company be and is hereby changed to "National Highways Limited".

AGREEMENT

Please read the notes at the end of this document before signifying your agreement to the resolution.

We, the undersigned, being a person entitled to vote on the above resolution, irrevocably agree to such resolution:

Name of Shareholder

Signature

Date of Signature

The Secretary of State for Transport



12/8/21

Copy:

Auditors

NOTES

1. Shareholders who wish to agree to such resolution should signify their agreement by signing and returning this document to Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ, marked for the attention of the Company Secretary.

If you do not agree to the resolution, you do not need to do anything; you will not be deemed to agree if you fail to reply.

2. If sufficient agreement is not received within 28 days of the circulation of the proposed resolution, then this resolution will lapse and shareholders will not be able to indicate agreement after that date. If you agree to the resolution, please ensure your agreement reaches us before that date.
3. Once you have indicated your agreement to the resolution, you may not revoke your agreement.
4. In the case of joint holders of shares, only the vote of the senior holder who votes will be counted by the Company. Seniority is determined by the order in which the names of the joint holders appear in the register of members.
5. If you are signing this document on behalf of a person under a power of attorney or other authority please send a copy of the relevant power of attorney or authority when returning this document.

FRIDAY
SATURDAY



A11 *AACCJQ7K* #295
04/09/2021
COMPANIES HOUSE
AABS9IA2
A03 27/08/2021 #58
COMPANIES HOUSE



FILE COPY

**CERTIFICATE OF INCORPORATION
ON CHANGE OF NAME**

Company Number **9346363**

The Registrar of Companies for England and Wales hereby certifies that under the Companies Act 2006:

HIGHWAYS ENGLAND COMPANY LIMITED

a company incorporated as private limited by shares; having its registered office situated in England and Wales; has changed its name to:

NATIONAL HIGHWAYS LIMITED

Given at Companies House on **8th September 2021**



Breaking: Just Stop Oil supporter locks on to goalpost during Everton vs Newcastle United game

Press / March 17, 2022

Just Stop Oil Press Release | 9pm 18 March 2022

At 8:50 PM today, a young supporter of Just Stop Oil ran onto the pitch during the Everton vs Newcastle United game to draw attention to the group's demand that the Government ends all new fossil fuel supply projects.

Louis, 21, locked on to the goalpost at Goodison Park wearing a Just Stop Oil t-shirt, causing the referee to stop play for nearly 10 minutes.

The shirt featured a link – bit.ly/WeHaveNoFuture – which leads to a short video message. [1]

Louis said:

"It's 2022 and it's time to look up, time to step up and not stand by. It's time to act like it's an emergency.

"Report after report is telling me that my future is going to be dire, and my government is telling me not to worry and pay into a pension.

“My generation is being shafted – we face a cost of living crisis, a housing crisis, a fuel crisis and an unlivable planet – but we have a choice. We can choose to highlight that our climate is breaking down, we can choose to resist this government that is betraying us, we can choose to step up and not stand by.”

Just Stop Oil is a coalition of groups taking direct action 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]

Football fans may already know that the game is at risk due to the climate crisis as hundreds of sports facilities are wrecked by extreme weather and flooding – posing an existential threat for some smaller clubs. [2]

However, the connection between football and the climate crisis extends beyond being a passive victim of its effects. Oil and gas companies, the main cause of climate breakdown, pay vast sums to sponsor Premier League football clubs in order to clean up their dirty image. [3]

Newcastle United fans may have reason to be particularly concerned. Their club was recently purchased by a consortium including Saudi Arabia’s sovereign wealth fund, which controls 80% of the shares. For the past seven years, Saudi Arabia has used its oil wealth to fund a brutal war in Yemen, responsible for the deaths of over a quarter of a million people. [4]

ENDS

Press contact: 07762 987334

Email: juststopoil@protonmail.com

High quality photos and video footage available here:

<https://drive.google.com/drive/folders/1Dgcuv5vJzfdSrdpX6HJEaayoidcO8xy>

Website: <https://juststopoil.org>

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

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

Twitter: https://twitter.com/juststop_oil

Youtube: <https://www.youtube.com/channel/UC-t4U1Azf8AOkCBJILSNBmw>

Notes to Editors

[1] About Just Stop Oil

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.

We must urgently end our reliance on fossil fuels to avoid irreversible changes in the earth's climate system. We cannot continue to burn fossil fuels in the belief that future developments in carbon capture and storage and other so-called "unicorn technologies" will allow us to suck vast quantities of carbon dioxide from the atmosphere.

The UK must begin this process immediately. It starts by calling a halt to any further fossil fuel projects on the UK Continental Shelf. That would give us eight years of fossil fuel production left in which to rapidly transition to a zero carbon economy.

Everyone knows we have to engage in massive changes. Just Stop Oil is a coalition of groups demanding the no-brainer things be done immediately – actions that will reduce the demand for fossil fuel energy dramatically such as insulating our homes, rethinking how we travel, getting on with renewable energy and making sure no-one is left behind.

We either come together as humanity or we die. Youth know which they choose. They have already chosen. They are in the streets to demand a future. We are all in the streets to make sure they get it. It's as basic as that.

Further information about Just Stop Oil and our demands here: <https://www.juststopoil.org>

[2]

https://static1.squarespace.com/static/58b40fe1be65940cc4889d33/t/5a85c91e9140b71180ba91e0/1518717218061/The+Climate+Coalition_Game+Changer.pdf

<https://www.bbc.co.uk/sport/extra/16x9wuq4hs/Football-fight-to-stay-afloat>

[3]

<https://www.politico.eu/article/eu-uefa-football-oil-and-gas-sponsors-climate-change/>

[4]

<https://amp.theguardian.com/football/2021/oct/07/newcastle-united-qa-who-is-taking-over-and-why-are-they-controversial>

https://www.theguardian.com/football/2022/mar/11/shouldnt-someone-in-football-also-care-about-the-war-in-yemen-just-a-little?CMP=Share_iOSApp_Other

[← Previous Post](#)

[Next Post →](#)



Young supporters of Just Stop Oil glue themselves to a Turner painting at Manchester Art Gallery

[Press](#) / July 1, 2022

Two young supporters of Just Stop Oil have glued themselves to the frame of a painting at the Manchester Art Gallery, as they call for the government to end new oil and gas and for art institutions to join them in civil resistance.

The painting is Tomson's *Aeolian Harp* (1809) by J.M.W. Turner. It depicts a view overlooking the River Thames from Richmond Hill.

Paul Bell 21, a physics graduate from Birmingham said

"The youth of the world have literally nothing to lose anymore, we are a generation sacrificed. There are millions in fuel and food poverty, our wildlife and landscapes are devastated and we face famine and war. Our government is accelerating the chaos by allowing new fossil fuel infrastructure, we will not stand by and let this creeping evil continue."

"No-one gets a free pass. By refusing to use its power and influence to help end this madness, the art establishment is complicit in genocide. Directors of art institutions should be calling on the government to stop all new oil and gas projects immediately."

Edred Whittingham, 24, a Student at Exeter University said:

"I would like to say to anyone and everyone who is reading this, you may think this action is outrageous or scandalous but what choice do I have? The Government is knowingly destroying the futures of young people and condemning billions of people all over the world to death by continuing to license new fossil fuel infrastructure.

"How far would you be willing to go to save the life of someone you love? What about the future of humanity? I cannot carry on living my life as if this is not happening. I am willing to do anything I can to wake people up and to stop this grotesque catastrophe from unfolding, even if it means sacrificing my liberty."

According to flood risk mapping carried out by Climate Central, the areas of London that are depicted in Turner's painting could be regularly underwater as early as 2030. [1][2]

Yesterday two young supporters of Just Stop Oil were arrested at the Courtauld Gallery in London after they glued themselves to the frame of Peach Trees in Blossom by Vincent Van Gogh. Louis McKechnie, 21, from Weymouth in Dorset and Emily Brocklebank, 24, from Leeds were held in custody overnight.

ENDS

Press contact: 07762 987334

Email: juststopoilpress@protonmail.com

High quality photos and video footage available here:

<https://drive.google.com/drive/folders/1Dgcv5vJzfdSrdpX6HJEaayoidcO8xy>

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

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

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

Twitter: https://twitter.com/JustStop_Oil

Youtube: <https://www.youtube.com/channel/UC-t4U1Azf8AOkCBJILSNBmw>

Notes to Editors

[1] <https://www.standard.co.uk/news/london/london-flooding-risk-map-areas-underwater-10-years-b950199.html>

[2] <https://coastal.climatecentral.org/map/12/-0.1902/51.52/?>



Just Stop Oil supporters invade the track at Silverstone disrupting the British Grand Prix

Press / July 3, 2022

Five Just Stop Oil supporters have disrupted the British Grand Prix at Silverstone by invading the track and sitting down. They are demanding that the government calls an immediate halt to new oil and gas projects in the UK and have said that they will continue to disrupt sports, cultural events and oil until this demand is met.

The track invasion occurred during a halt in the race after an accident on the first lap. The Just Stop Oil supporters were removed by track officials and police and expect to be arrested.

Louis Mckechnie, 21, Weymouth said

"I'm in resistance because I cannot stand by while our government licenses new oil and gas projects. Our addiction to oil has brought us to the brink of catastrophe. Millions of people face starvation globally as a

result of climate breakdown and the fossil fuelled war in Ukraine. Hungry people are rioting, economies are collapsing – this is what happens when you run out of food.

“Our government is knowingly destroying my future and condemning billions of people to death all over the world. They have failed us, we will die waiting for politicians to solve this crisis. We refuse to be spectators to genocide. I urge everyone to join the Just Stop Oil coalition and resist this government’s genocidal plans.

Nonviolent civil resistance is the only thing that can save us now.”

Bethany Mogie, 40, from St Albans said

“This is the most frightening thing I have ever done, but I’m supporting the Just Stop Oil coalition because I’m even more terrified about what this government is doing to our children. They are behaving criminally and I refuse to stand by and watch. If we do not act with urgency to end our reliance on fossil fuels, climate collapse will be inevitable and unstoppable. We will lose everything. ”

Joshua Smith, 29, a bricklayer from Manchester said

“Burning oil and gas is directly responsible for the climate crisis. If Governments aren’t made to end new fossil fuel projects then children alive today will grow up in a collapsing world with devastating heat waves, crop failure and ultimately no food on the shelves of Tesco. That means you having to explain to your children why they are going to bed hungry each night .

“Successive governments have had 30 years to fix this, it’s obvious that our political system cannot deal with such a monumental crisis. Resistance is the only sane response to this situation and it’s the only thing that will work. ”

Alasdair Gibson, 21, a student from Aberdeen said

“No one is exempt from the devastating consequences of climate change. It’s not a problem for tomorrow, it’s a threat we face today. It’s already here. Hundreds of millions of people across the world are exposed to drought and famine. Every region of the earth is exposed to extreme temperatures. We are living on borrowed time.”

“Our government is failing to take the necessary steps to keep its citizen’s safe, which is why I believe that civil resistance is needed. Don’t be a bystander, get involved in the nonviolent fight for our future.”

Just Stop Oil supporters are being charged and imprisoned for telling the truth about the government’s genocidal pursuit of new oil and gas. We have made a conscious choice to resist the destruction of humanity and we are prepared to accept the consequences. It’s time to step up and take action. Join a zoom call – every Tuesday at 7pm. <https://juststopoil.org/zoom/>

ENDS

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.

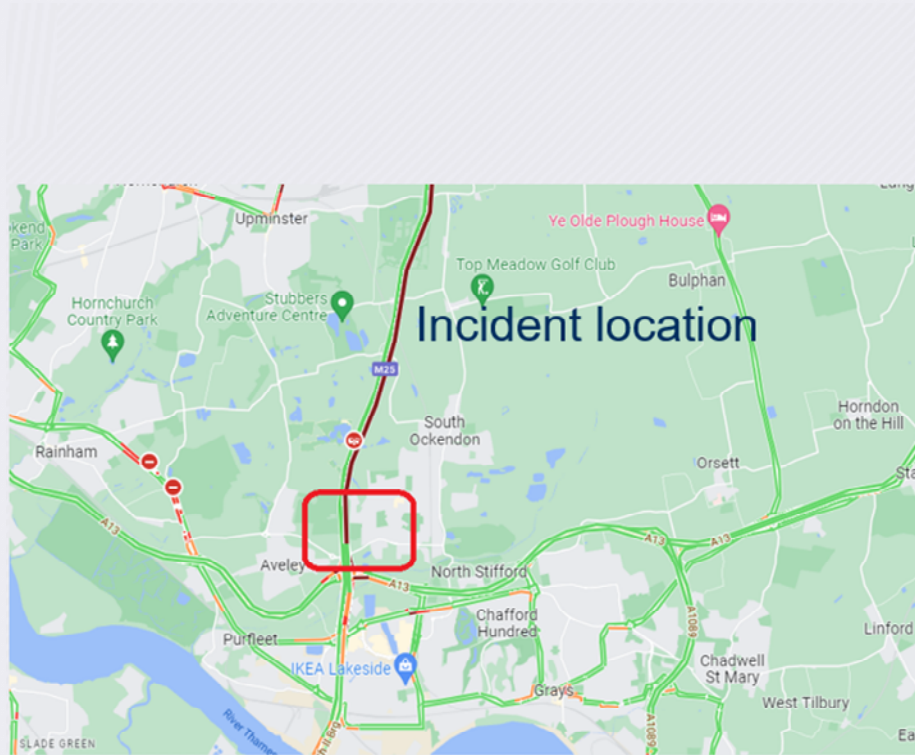
****Information source – Regional Operation Centre Controlworks Log 1391**

Incident Impact

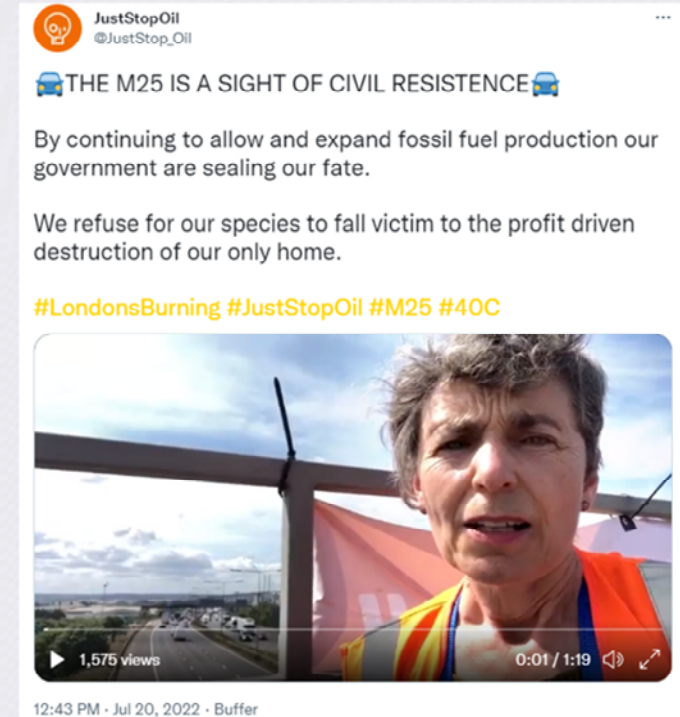
Start time of delays on SRN (NTIS)	11:59			
End time of delays on SRN (NTIS)	18:57			
Total time delays persist on SRN (mins)	418			
Peak delays on SRN (minutes)	90			
Breakdown of impact	Road	Delay extent	Queue (miles)	Peak delays (mins)
Location 1	M25	J27 – J31 Clockwise carriageway	14	90
Location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

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

Area impacted



Incident visible on these CCTV images

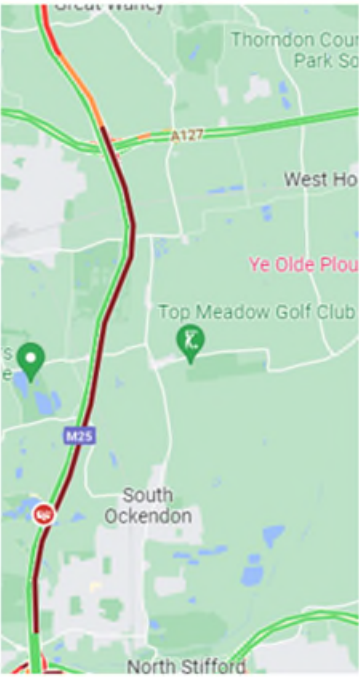


****sourced through Google maps, CCTV Images & Social media (where available)**

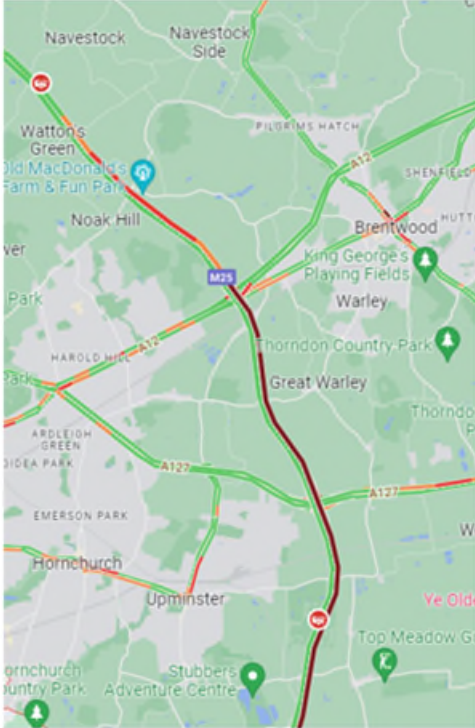
Area impacted

Heat Map Data:

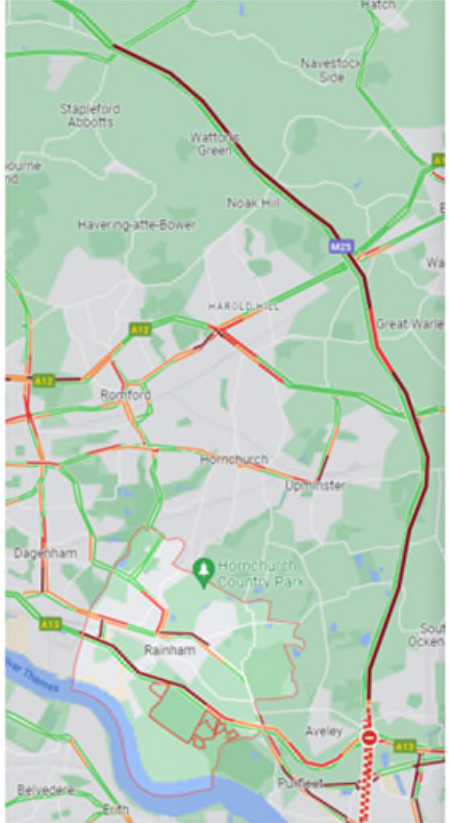
12:34



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 Transport Appraisal Guidance (TAG) 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

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

****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.**

DLA PIPER

ATTENDANCE NOTE

CLIENT : National Highways Limited

MATTER : Civil Contempt Hearing – 7 October 2022 at 10:30

ATTENDING : Mr. Justice Cotter (**JC**)

Michael Fry (**MF**) (**Counsel for the Claimant**)

John Briant (**JB**) (**Counsel for the Defendant**)

██████████ (**National Highways**)

Louise Lancaster (**Defendant**)

Petra Billing, Laura Higson (**Solicitors for the Claimant**)

██████████ (**Witness**)

DATE : 7 October 2022 at 10:30

REF & FILE NO : LNH/LNH/439241/6/UKM/121685516.1

Start: 10:31

MF: My name is MF, I act for the Claimant. JB acts for Ms. Lancaster. In terms of the documents, before the Court is the hearing bundle, authorities bundle, two skeleton arguments and a statement of costs.

JC: Yes I have those. I have not looked at costs.

MF: and you should also have my email to the Court of yesterday..

JC: I am grateful.

MF: D accepts she is in breach of the Order and that means that paragraph 22 of the statement of case is admitted. The matters between us are where it comes to mitigation, the level of harm and costs. It is a matter for the Court as to how we should proceed. If JC is satisfied that the criminal standard of proof has been met on the affidavit evidence...

JC: Whilst I am familiar with the hearing bundle and the relevant authorities and I have significant experience of the law of contempt, I am not familiar with costs and I have not considered the costs at all. The only matter really is how that is to be dealt with, whether that should be at the conclusion of JB's submissions or not.

MF: That would be the usual way that the Court would deal with sanction.

JC: I would normally deal with that before I gave judgment on penalty. The question is whether we deal with that now.

MF: JB and I have discussed matters but the Claimant has not heard any defence or commentary from the Defendant.

JC: Let's deal with it then. [*Addressing JB*] – As I understand it there are no issues as to service of the Order or the application or breach of the Order?

JB: Correct.

JC: Can you help me with some matters – what is position with the criminal matter?

JB: The Defendant has been brought before Basildon Crown Court in respect of the offence of public nuisance which originated from her arrest on 20 July.

JC: She was arrested and remanded for 9 days?

JB: Yes, having been remanded, a bail application was made on her behalf prior to the PTPH.

JC: Why are the proceedings in Crown Court?

JB: Due to the complexity of case, the number of witnesses, and the nature of the legal arguments the matter was sent to the Crown Court.

JC: Regarding the section 78 (Police, Crime, Sentencing and Courts Act 2022) summary jurisdiction – is there any guidance I am not familiar with? Is there any sentencing guidance applicable to section 78?

JB: In terms of the common law offence there are authorities in respect of man who obstructed the Oxford boat race and who received a term of 6 months imprisonment. There are no guidelines in respect of the new offence. When she was released it was on a condition not to participate in protests. The criminal trial is listed for October 2023. Should she breach the bail condition she would then be liable to be remanded in custody until trial so it is in effect a suspended sentence hanging over her head.

JC: I am not sure that I would categorise it that way. In relation to the parallel civil and criminal proceedings, it is very often faster in civil than criminal proceedings to obtain a judgment, particularly in relation to very numerous anti-social committals. It is usually a matter for the CPS to consider whether they continue with the charge after the civil proceedings have been dealt with. If there is a case where the civil court imposed a custodial penalty, the criminal proceedings would not then punish that defendant twice for the same misconduct unless the sentencing parameters mean that that rule should be subject to deviation. It may not be sufficient where the civil court can only impose a custodial sentence of 2 years; the criminal court may then continue that sentence. I am interested in the civil and criminal penalties in this case. I should deal with the matters before me on the principles that are applicable unless for some reason there would be either prejudice to the defendant by doing so, or the sentence is so discrepant, but having heard what you have just told me I don't think it necessarily is. In which case, unless you want to make submissions to the contrary, I will simply proceed. It can then be taken into account by those dealing with the criminal prosecution.

[*JB takes instructions*]

JB: My only concern is that there does appear to be a drive from the CPS for the criminal cases to be prosecuted. In respect of the penalties, my submission is that this court's sentencing powers does match those of the criminal court.

JC: In that case there would be a strong argument not to have two court cases for the same matter. In the section 18 context it would be unusual for a civil court to proceed, but here I am not sure that there is a particularly greater sentence in either court. Certainly you can't be sentenced twice for the same conduct.

JB: That was one of the concerns I had.

JC: It is a matter for the second Court. The practice that I have adopted in the last 12 years or so has been to proceed unless there was: (a) prejudice to the defendant (if the breach were contested for example); or (b) the sentence was significantly discrepant (s. 18 as an example). If not, it is for the other Court to take a view on it. If it were roughly the same sentencing range, then the second Court would be reapplying to the same conduct the same sentence. It is only if it is a different incident of contempt. I don't see it in this case. I can't influence the criminal proceedings in any way but it would be extremely surprising if a custodial sentence were imposed both in respect of the civil and the criminal proceedings. One thing that crossed my mind in relation to a benefit to the Defendant: if I were to impose a custodial sentence, I would be minded to give her credit for the time spent on remand for the criminal charge. If the criminal charge did not proceed on public interest grounds then she would get no credit. I would be minded to give her credit in the civil context and notify the second Court of this. It is automatic the credit in the second Court by statute but it would be wrong here to not give her credit. Whether it is in public interest to proceed or right in principle to proceed, I will record in my judgment that I do not believe the sentencing powers are discrepant. You don't need to persuade me on giving credit. If you want me to rise for 5 minutes so you can explain this in detail then I would be happy to do so. Another reason why civil Courts will adjourn are if the sentencing powers of the criminal Courts are wider than the civil Courts so that particular sentences are available that wouldn't be – I don't see that as the case here. Take 10 minutes.

[Court rise at 10:51]

[Resume at 11:06]

JB: I am grateful for the time. We are content for the Court to proceed today.

JC: I have reaffirmed my position. I have looked at the authorities as considered by the Court of Appeal in the fracking cases, to the old law – sentences of 15 months in the criminal Courts were quashed and community sentences given instead. The sentencing positions would arguably be mirrored and must be taken into account in the criminal prosecutions. Unless anything else, mitigation...

JB: The Defendant is 57 years old and until the last two years has been a primary school teacher and then a maths teacher in a secondary school. During the last 10 years of her career as a teacher she taught children with special needs, particularly those with autism. She has three children aged 17, 23 and 25. Throughout her career and during her time in Cambridgeshire she took part in community work. In effect, doing work to encourage and facilitate community cohesion. Arranging parties for those with different and diverse backgrounds and supporting those of lesser need. Throughout most of her working life she has been involved in supporting children, raising her own children or doing community work. In 2020 she became aware of Extinction Rebellion. It became clear to her the risk, danger and harm of climate change to her local community and to the world around her. Having been exposed to that narrative, she conducted her own research. She is a mathematician who is accustomed to conducting proper scientific thought. She became fearful for her children, society, and the planet as a whole and having educated her self in those matters, she became involved in protests with IB and JSO. There were a number of protests which happened in respect of and in breach of the Injunctions and there has been a period of time where there has been a gap with no further breaches of the Injunction.

- JC: Between November 2021 and this incident on 20 July 2022.
- JB: Yes, so the court will know there has been some change, some dialogue. It is clear that what triggered events in July this year was announcement by the Met Office that for the first time the UK would have temperatures of more than 40 degrees. That had been raised and was expected some weeks prior to her actions. She is somebody who is principled and considered. It was in response to that announcement and to the government's suggestion that there were no difficulties caused by this, that they were trying to minimise responsibility and minimise the effects of this increase in temperature. In those circumstances she made the decision to participate. She accepts she did so knowing it would be in breach of the Order but feeling as a result of her principles and the manner of government engagement that she had no choice. In conducting her protest, she tells me it was considered – she was trying to think through what might happen, trying to work out how to maximise what one person could do, the amount of people who could see one person's protest whilst at the same time not cause harm and to be non-violent in that protest, to not put others at risk. The officer's statement sets out her experience of coming to the site of the protest: she couldn't see that there was a person on the gantry or the banner on that side of the gantry and she could only see the sign when she parked her car and turned around. The banner was attached to the railings of the gantry, visible in effect to the cars on the other side of the road and this was done deliberately to minimise impact to those on the carriageway.
- JB: I am not sure I follow that.
- JB: She wasn't wanting to expose herself to the drivers coming towards her as it would be distracting for those drivers. The banner was facing the cars on the other carriageway. When going onto the gantry, it was one designed for people to be on it. Whilst taking the banner up to the gantry it was firmly attached to her and there was no way that it could have come free. She didn't unclip it from her person until it had been firmly clipped to the gantry itself to minimise and prevent there being a risk of it dropping from the gantry. In the officer's evidence, the Defendant is wearing a climbing harness and she was clipped to the gantry – that was to ensure that she was safe and there was no risk that she would fall from that gantry. That was why she was clipped to it – so neither she nor anything else would fall.
- JC: The fear the officers had was that she would use that harness to swing beneath the gantry. You are saying the intention was not that.
- JB: That is why the banner was not flapping below the gantry and there was nothing hanging that could have impeded or been a severe distraction to drivers. What she says is that she didn't have any food with her and it was her intention to stay up on the gantry probably until the evening when she would have come down.
- JC: She would have appreciated that the motorway would have been shut? She couldn't think that the highways authority and the police would allow a live carriageway beneath a protester with uncertain motives? She could do a range of things – they would have absolutely no choice but to close the carriageway.
- JB: She was expecting there to be a dialogue, a conversation.
- JC: She was wearing earplugs.
- JB: I am not sure how the police could have seen that she was wearing earplugs.
- JC: She was clearly going to protest and not assist anyone in attendance at the scene.
- JB: I understand what the police may or may not have to do, not knowing her intentions.

JC: It would have been reckless and a breach of the police and the Highways Authority's duty of care to allow a live carriageway beneath a protestor. In terms of the dialogue, when there was a dialogue and an attempt at dialogue, she seems utterly non-compliant, forcing 18 officers to be involved in a huge exercise to bring her down from the gantry. She didn't offer to come down? When she got down to the hard shoulder, she was asked to walk and she refused. I get the point that it was not a reckless protest but a considered one.

[JB takes instructions]

JB: There was some conversation where she was given a choice of whether she would walk down from the gantry or be winched down. She said that she would walk down but that when she got to the bottom she would be non-compliant in accordance with her protest. The officers subsequently went down the ladder and a decision was then made that she would be winched down to ensure no further harm or difficulties. In respect of the stopping of the motorway, it had to be considered that that might happen.

JC: I have to be realistic – this was a protest.

JB: It was an opportunity for the protest banner to be seen in traffic.

JC: There was also an option for her to put the banner up and come down again. Of course, the difficulty with that is that the Highways Authority would remove the banner so her thinking would be that she needs to stay with the banner. Essentially the point is that it was not reckless and there was a degree of consideration.

JB: In respect of these types of offences, this is the Defendant's first breach of the injunction, she has admitted her breach and therefore she may receive credit in respect of that admission. The authorities would suggest in respect of a first breach of these types of orders that it is a sentence that, although passing the custodial threshold, the Court is capable of and it is appropriate in the circumstance to suspend the sentence.

JC: What we have here is a challenge to the authorities. When the Court is considering suspension, it must consider the dialogue. The dialogue is "I will not do it again". The dialogue is where people come to Court, say they have done it and say that they will not do it again – where are we in relation to that?

[JB takes instructions]

JB: In respect of that dialogue, if I may, we have heard that in those circumstances at that time as a result of this first 40 degrees, a momentous watershed in the climate of the UK, she felt she had little choice.

JC: I hear that loud and clear. You are here in front of me and I must apply the rule of law – the balancing exercise between peaceful protest and that which impinges on the rights of others. An exercise which was undertaken by Lavender J when granting the M25 Injunction and has been undertaken in subsequent orders since. Motivation is relevant to sanction insofar that the Court can be satisfied that the order will be complied with – it is the Court's primary aim – the Court's order must be complied with.

JB: When the bail application was made in the Crown Court, the bail conditions were put forward by the defence, one of which being not to participate in any protest. That is an indication of a willingness to proceed and participate in dialogue with the Court. I can understand the Court's difficulty and the issue with the authorities.

JC: Forget the bail conditions for a second – my role is to ensure the rule of law and that orders of Court are complied with. Hypothetically, if the view is taken that it is not in public interest to continue with the criminal proceedings and bail withers on the vine and no bail conditions are in force, we are then back to compliance with this order. I am seeking an express unequivocal statement that this order will be complied with.

[JB takes instructions]

JB: I have an unequivocal expression that she will comply with the order.

JC: Ok. Any observations on costs now is the position so let me have a look at that. The total sum sought by the Claimant is a little shy of £43,000. [Addressing MF] Your position is that you are entitled to costs I presume?

MF: My role is to take you to the authorities (and I would direct you to the *Cuciurean* Court of Appeal costs judgment) and CPR 44 applies. The costs in respect of the first three contempt hearings were of the same scale albeit slightly more due to there being more defendants and the costs ordered by the Court was roughly 50% in each of those applications.

JC: This is a superbly prepared application, I have no doubt the work was undertaken and it was undertaken to a high standard. The Defendant will say that so much time should not have been taken on the application. As to what would have been proportionate, the standard of the application is almost too high a standard, however the standard to which the application has been prepared has made my life much easier.

JB: In respect of costs in the first three contempt applications, each defendant's costs amounted to between £2,500 and £5,000.

JC: Yes, but you split the total cost of the application between them. The Claimant has to prepare an application – if that application is in respect of three people the costs will be split. You say it is disproportionate?

JB: There is the question about the Claimant knowing that the criminal matters were in place, so this application didn't need to be undertaken.

JC: Isn't the Claimant bound to prepare the application? Refer back to the ordinary rule of two Courts – it is a matter for the second Court to determine whether or not to proceed.

JB: The Claimant is a government body – the CPS are undertaking the same work, there is a considerable replication of the same work in this matter. Is it reasonable and proportionate to outsource this, when they have members of the CPS who could have conducted this litigation?

JC: But the costs in the Crown Court would be of a very significant magnitude.

JB: But had it been in the Crown Court, the consideration of costs would be very different.

JC: Why different?

JB: It is unusual in my submission for costs over £2,000 or £3,000 to be asked of for a trial before the Crown Court.

JC: That would depend on what the trial is. Imagine health and safety trials – those costs are eye-watering in the Crown Court.

- JB: The principles usually apply in respect of the Defendant's means in the Crown Court and that is often what makes the huge difference in those cases.
- JC: Means are not really relevant to me here. In terms of enforcement, they apply. In terms of CPR 44, I may consider means in the context of sanctions but I do not have to. A very significant costs order may be something taken into account in the exercise of deciding if a sentence be suspended or not. That is an element I may consider, otherwise means in civil proceedings are irrelevant.
- JB: In *Cuciurean*, there was a reference to the LASPO limitations where one has entitlement to civil legal aid. It is clear in civil cases that the means are taken into account where LASPO applies. In *Cuciurean*, the judge indicated if LASPO were to apply that it would be taken into consideration and a reduction made in respect of that.
- JC: Can you help me with where that is in the bundle?
- JB: At page 67 of the bundle at paragraph 62.
- JC: I am not sure on a principled basis how that would apply. Isn't the proposition in CPR 44 that the costs are subject to statutory assessment and the factors to be taken into account but nowhere are means considered. [*inaudible due to supporters of the Defendant arriving at Court*]. The difficulty is that I don't have any details of Ms. Lancaster's financial means – even if I were satisfied, what information do I have?
- JB: She is in effect supported by friends and family. She is separated from her husband but he allows her to reside at that address for the time being.
- JC: What about equity in the house? If you have a marriage and three children, either person does not lose the family home with the acquired equity.
- JB: She was eligible for Legal Aid in the Magistrates which has a usual limit of £12,500. She also has Legal Aid in the Crown.
- JC: Does that take into account things like equity? What will happen is that if a civil case is won by A against B and a costs order is made and B does not have means to pay, then the party seeking the money will chase it through the property. They won't give up because there is equity in the property. That is what civil costs are about.
- JB: In terms of a reason to differentiate it from the usual civil position, this isn't a case that the Defendant can short circuit by an agreement or an acceptance at an earlier stage.
- JC: But in relation to that, and if I wanted to protect my position about this, I would have given an indication of my position. The solicitors for the Claimant and MF have been chasing for confirmation of her position. No attempt was made by the Defendant to engage with them.
- JB: The delayed response by the Defendant may be because of the legal aid application and any delay in the last week is my fault due to ill health.
- JC: It is relevant to have the opportunity to obtain legal advice from legal representation but you can still say that you admit what you did and that does have relevance.
- JB: It may be the case that legal propositions should be considered – Articles 10 and 11 may have an impact in respect of any admission of the breach.
- JC: I don't see that Mr. Briant.

JB: As the person in receipt of legal aid and obtaining legal advice, instead of immediately saying that she admits the breach, having received legal aid and taken legal advice that admission was made as soon as was possible. In respect of the costs in *Cuciurean*, the costs were in respect of 14 breaches with a Defendant who was conducting breach after breach after breach. Such an application requires more work and more consideration. I accept that I am somewhat naïve in respect of costs matters in civil cases.

JC: Not naïve, but it is a very different jurisdiction. The submissions you would make in the Crown Court simply do not apply here. It may apply when we come to the question of enforcement.

JB: I have a consideration – in terms of the reasonableness and proportionality, the government has decided in their implementation of legal aid and it has made an assessment of what is reasonable and proportionate in respect of costs if one is in receipt of legal aid. An equality of arms. For legal costs which are available through legal aid, the fees available are £386.10 for the hearing today including consultation, conference and preparation. Litigator's fees to conduct the work are £65 per hour and counsel fees over and above the hearing fee are £30 per hour. That is the reasonable and proportionate level of costs that the government feels is proportionate for someone to defend these matters. I accept that those are not fees that my learned friend or DLA Piper would ordinarily agree to conduct work for. In respect of the chilling effect of high costs in these kinds of cases – do they in effect go into punishment and suppress protest cases? Multiple thousands of pounds of costs for protestors with limited means.

JC: [*Giving judgment*]

This is an application issued by NHL pursuant to CPR 81.8 that the Defendant knowingly and deliberately breached the Bennathan J Order on 20 July 2022 and that the Defendant is accordingly in contempt of Court.

The Defendant is a named defendant with numbered designation 55. The application concerns a single protest on 20 July 2022. The Defendant has today accepted that she was validly served with the Order, that she had knowingly breached the Order and therefore is in contempt of court and finally that she has been validly served with the application. The remaining issue is the sanction to be imposed.

There is little dispute about NHL being the licenced owner and holder of the land on M25.

IB is a protest group designed to disrupt the day to day activity of other citizens to progress their aims. JSO is another protest group. IB and JSO are now a coalition of groups to demand that the government withholds all licences for new oil. The Defendant has been a committed member of both groups.

The background to the Order of 9 May – protests by IB began on 13 Sept 2021 and involved the obstruction of highways. The M25 has become a focus for protest – described by JSO as a site of civil resistance. IB continued protests on various dates in September involving the obstruction of the motorway in various forms causing substantial delays. On 21 September, the M25 order was granted by Lavender J against persons unknown. IB's reaction to the order was described by Lady Justice Sharp in *Heyatawin* in paragraphs 15 to 18 – it was made clear by IB that it intended to continue with its protests. Indeed, copies of the order were publicly burnt. The Defendant was added to the M25 Order by May J on 1 October 2021. Further protests occurred on the M25 on 8 and 27 October. There has been no direct action on the M25 until the date of the protest which is subject to this application. The Claimant applied for summary judgment and the three claims were consolidated by Bennathan J on 9 May. That Order prevented blocking preventing free flow of traffic on the roads, no entering on foot etc. The roads which are subject to the injunction are defined in paragraph 4 – including gantries. The Order is not complicated and is supported by a clear penal notice.

When dealing with the protest on 8 October 2021 in the case of *Heyatawin*, Sharp J stated: in a democratic society all are equal under the law and all are subject to the law. It is integral to the rule of law that Court Orders are obeyed and that a mechanism exists to enforce orders against those who breach them. That mechanism is given by the law of contempt. She adds, in a democratic society, protests are to be expected and *up to a point*, tolerated. Ordinary members of the public have the right to use the highway – this is to be determined not according to the say so of protestors but by the law. In this case, that balance of the right to protest and the rights of the road user was struck and the Order was made. The rule of law demands that every citizen obeys Court Orders. If IB and JSO can disobey a Court Order, so can anyone else.

There have been three earlier applications for contempt that have laid out the principles so that this matter can be dealt with by me as a High Court Judge. *Heyatawin* – 9 Defendants sentenced to imprisonment of 3 to 6 months. *Buse* – 9 Defendants sentenced between 30 days and 2 months with 7 sentences suspended. *Springorum* – 16 Defendants found in contempt and sentences ranged from 24 to 60 days with 11 sentences suspended.

It is not necessary to deal with the law of contempt in detail – the burden of proof is on the Claimant and the criminal standard of proof applies. Importantly, although Articles 10 and 11 are engaged, this is not relevant as to whether protestors acted in breach of the Order. When imposing the Order, the Judge would have taken into account those rights and the need to balance them with the rights of others.

The application is supported by the affidavits of Laura Higson, Sean Martell and Gillian Brettell together with body worn footage. The material facts are not in dispute. The breach occurred on a gantry over the M25 by J31 by the Dartford Crossing. [*sets out facts of case*].

She had a harness – there was an obvious risk. The police and the Highways Authority were in no position to judge the likely actions of the Defendant. The police closed the motorway and the Defendant had to be removed from gantry by being lowered down on a stretcher. There is some dispute about how she was removed – she was broadly non-compliant as can be seen when she refused to get up and walk to the car and had to be carried. The exercise required the work of specialist officers working at height. The Defendant caused additional difficulty by remaining on the gantry and not being compliant even though she had already put a banner up – she must have known the motorway would have been closed. 18 officers were present at very considerable cost and in the diversion of their duties – the resources of police are finite. The traffic was free flowing by around 7 pm. At its peak, there were queues of up to 14 miles. During the protest a video was published of the Defendant giving a speech about her actions. She was arrested and charged under section 78 of the Police, Crime, Sentencing and Courts Act 2022.

The sanctions of civil and criminal are distinct – this hearing has come up before the criminal matter has concluded. The criminal case has been sent to the Crown Court. It is generally inappropriate to adjourn civil hearings to await criminal proceedings. There is no risk of prejudice in the contempt application to proceedings. It is correct that due regard should be had to the fact that ordinarily no one should be punished for the same matter twice and that the powers of the Court are limited to imprisonment of two years and due regard should be had to the criminal offence. I am satisfied that the sentence would not be unduly discrepant. I am satisfied that the civil proceedings should continue.

The Claimant's submissions are straightforward – the Defendant has wilfully breached the Order – breaches of paragraphs 10.1, 10.2 and 10.3 of the Order. The allegations have been admitted by the Defendant. I am sure that on 20 July 2022, the Defendant deliberately breached the Order of Bennathan J.

As to sanction, the legal principles are well established. The first purpose of the Court in imposing sanction is to punish breach, secondly an approach of proportionality should be adopted – culpability and harm caused – specific sentencing guideline and reduction for guilty plea. If the contempt is so serious that a custodial sentence must be imposed, the sentence must be as short as is proportionate and consideration should be given to whether it be suspended. These were deliberate acts and the motorway was highly likely to be closed and the object of the protest was to cause as much disruption as possible. The economic loss that would have been caused as a result would have been very significant including to police diverting resources.

The Defendant has been arrested multiple times for various offences in the course of IB and JSO protest. The evidence before me is that these arrests occurred in September and October and after the Order of Lavender J was made. These matters are relevant to the Defendant's commitment to the cause, her state of mind and the likelihood of her breaching the Order. As I say, it was a deliberate action by the Defendant to cause as much disruption as possible for publicity of her cause. I do not doubt the sincerity of the Defendant's beliefs but it is not for her to determine the degree of disruption others must face. Everybody must comply with the Order.

I turn to harm – the congestion lasted for several hours, with a peak queue of 14 miles, and an estimated 15,500 hours total delay. The effect on those caught in traffic jam would have been significant. Risk to emergency workers, emergency vehicles, workers including carers with vital roles and certainly drivers and passengers late for meetings and appointments. Harm was intended and was significant. The Defendant has admitted and I agree she is due full credit for that admission. JB has given some indication of the Defendant's life before her involvement in IB/JSO – she was pillar of community and an upstanding person who contributed as a teacher and mother. She had an unblemished character. The position is that she considered her protest sufficiently important that she would breach the order.

Culpability was high, it was deliberate and the harm caused significant. JB submits it was not a reckless but considered protest and I accept that. She took some steps by way of placement of the banner not to cause immediate distraction to those passing under the gantry. It is clear there would be a general risk of an incident and the harm that I have referred to. I accept there was no direct incursion on the carriageway. There was however prolonged disruption and the disruption went on for much longer than other IB protests that were directly on the carriageway. It was non-violent and contentious.

When considering an order for imprisonment – I take a starting point of 4 months measured in calendar months (121 days) which in recognition of the Defendant's admission I will discount by one third which is 80 days. I further discount in recognition of current prison conditions although it has now been some time since the peak of the pandemic and further reduce to 60 days. Strictly speaking, there is no requirement to take account of the period already spent in custody – 9 days on remand. I have to recognise that she would be given automatic credit with any criminal sentence. I shall give her credit – the eventual result being a total 42 days and therefore 6 weeks in prison. I turn to suspension – it is a significant factor that Articles 10 and 11 are engaged. The contentious motives are relevant – they will not be conventional law breakers but motivated by a desire to improve matters. It is the duty of responsible citizens to obey the law even when it is contrary to a protestor's own moral convictions.

Before me, JB has made 2 submissions, firstly that the effect of the current bail conditions is that the Defendant is not to participate in any protest and she has complied with that and it is her intention to continue complying with that. Secondly, on her behalf JB made an unequivocal statement that she will comply with the Order. My view is that the sentence should be suspended, but it is by a very narrow margin that I have taken this view. Had I not have received the unequivocal statement I would not have taken this path. The custodial sentence will be suspended for 2 years, the condition being compliance with the order. There can be no doubt

that any further breach of the Order will result in the immediate activation of this sentence plus a further sentence. The Defendant must consider the approach of the Court today to be merciful. The view I have taken is that she is upstanding member of community and extremely intelligent and she has recognised how close she has come to being imprisoned.

As for the route of appeal, the appeal is not to the Supreme Court (it would be if it were the Divisional Court) - the route from the High Court is to the Court of Appeal and no permission is required.

Costs – the Claimant seeks costs of £44,492.38. I would say that the application has been prepared and conducted in a highly professional fashion, no stone has been unturned and it has highly assisted the Court. JB submits that this is not proportionate. He also refers to the Defendant's means and to references in *Cuadrilla* at first instance if the Defendant was before the Crown Court and LASPO were to apply. This is a contempt application – CPR 44 applies. LASPO does not apply. Thirdly, legal aid is not means tested for a committal hearing. In terms of a further submission, JB submitted that in respect of the costs award there is a chilling effect and that in effect this was conduct to be considered for the purpose of CPR 44 – I reject that submission. This was an Order properly made and it was not appealed or in any way challenged. It was to be followed. This application was entirely necessary because of a deliberate and flagrant breach by the Defendant. The Claimant cannot be in any way criticised for its conduct. Whilst I have taken into account the criminal proceedings – it is difficult for the Claimant in civil proceedings to engage with criminal prosecution which run their own course. The second Court will have regard to the decision of the first, but there cannot be any criticism of the Claimant's application during the course of the criminal proceedings. MF has very helpfully drawn my attention to the percentage awarded by the Court in the other applications. I will order the sum of £22,000 as 50% of the costs sought. Means may become relevant in the second stage which is enforcement. So, for the reasons I have set out, the penalty is 42 days suspended for 2 years and £22,000 costs.

MF: Has JC drafted an order?

JC: No, Claimant to draft please. Thanks to all.

Court Rise: 12:45

Service of Injunction Order – Script for Process Server or Police

THIS MUST BE VIDEOED BY AN OBSERVER. THE SCRIPT SHOULD BE READ OUT TO THE PROTESTORS VIA A MEGAPHONE OR ANY DIRECT COMMUNICATIONS LINK THE POLICE HAVE WITH THE PROTESTORS.

1. It is [*state time*] on [*Monday 17 October 2022*] at The Queen Elizabeth II Bridge;
2. My name is [*state name and role*];
3. This road and bridge is subject to a High Court Injunction forbidding you from blocking, or endangering, or preventing the free flow of traffic on the roads covered by the Injunction for the purposes of protesting by any means, including:
 - by your presence on the Roads; or
 - by affixing yourself to the Roads or any object or person; or
 - otherwise causing, assisting, facilitating or encouraging any of these matters.
4. The Injunction also forbids you from:
 - causing damage to the surface of or to any apparatus on or around the Roads covered by the Injunction, including by painting, damaging by fire, or affixing any structure thereto.
 - entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.
5. The Injunction is subject to a Penal Notice stating that if you disobey the Injunction or instruct or encourage others to breach the Injunction you may be held in contempt of court and may be imprisoned, fined or have your assets seized.
6. A copy of the court order imposing the Injunction is being served on you now.
7. Due to your present location at height on the bridge I am unable to hand the court order personally to you. Instead it has been placed [*state location of where the Injunction order has been placed*].
8. A further copy of the Injunction Order can be found on the National Highways website at: <https://nationalhighways.co.uk/about-us/high-court-injunctions-for-motorways-and-major-a-roads/> [*please read out the website address very slowly*]
9. Do you understand? Can you acknowledge that you have heard this warning?
10. [*state for the video recording whether any response has been given, by whom, and what was said*].

Just Stop Oil activists spray orange paint over Home Office, MI5, News UK and Bank of England buildings

Just Stop Oil said its supporters sprayed paint from fire extinguishers on four buildings which were chosen to represent the pillars that support and maintain the power of the fossil fuel economy.



1:14

Climate activists have sprayed orange paint on buildings in central London, demanding that the government halts all new oil and gas licences and consents.

Just Stop Oil said its supporters sprayed paint from fire extinguishers on the Home Office, the MI5 building, the Bank of England and The News Building, the headquarters of News UK at London Bridge, on Monday morning.

The group said the buildings were chosen to represent the pillars that support and maintain the power of the fossil fuel economy.

Scotland Yard said protesters threw paint in a number of locations, naming Marsham Street, Millbank, London Bridge and Threadneedle Street.

"Officers responded quickly to all incidents and a number of people have now been arrested on suspicion of criminal damage," the force tweeted.

City of London Police said four people were arrested outside the Bank of England.

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."

The campaign group accused the government of ignoring "sensible" policies like renewable energy and insulating homes, saying this would "cut our energy bills and our carbon emissions".

The statement continued: "We're done with begging. We are acting to stop new oil and gas because it is the right thing to do."



Image: Just Stop Oil at the the headquarters of News UK in London

"As citizens, as parents we have every right under British law to protect ourselves and those we love."

It comes amid a month-long campaign of direct action from Just Stop Oil, which has closed the Dartford Crossing, [smeared chocolate cake over a waxwork of King Charles](#), and thrown various things, including mash potato and soup, over famous pieces of art in recent weeks.

The protests have at times sparked angry responses from the public.

On Sunday, drivers dragged protesters out of the way and a woman shouted that they were stopping her sick child from passing as activists blocked two roads in east London.

The disruption has prompted police to issue a warning telling people not to take the law into their own hands and "directly intervene" to move protesters.

Over 650 Just Stop Oil activists have been arrested since 1 October, accounting for more than 7,900 officer shifts, Metropolitan Police Assistant Commissioner Matt Twisty has said.



Day 32: Just Stop Oil target Downing Street to demand no new oil and gas

Press / November 1, 2022

Just Stop Oil supporters have attempted to scale the gates of Downing Street and blocked Whitehall to demand that the government halts all new oil and gas licences and consents. [1]

At 11:20am today, a group of Just Stop Oil supporters swarmed towards the entrance to Downing street on Whitehall and attempted to scale the gates. A further group sat down in the road with banners to block Whitehall. Some have glued themselves to the tarmac. 22 people are involved in the actions today.

A Just Stop Oil spokesperson said:

“Rishi Sunak is about to U-turn on attending COP27. We demand that he also U-turn on new oil and gas. This genocidal policy will kill millions of people, while failing to address the worst cost of living crisis this country has ever seen.

“Its time for a serious windfall tax on big oil, without the get-out-of-jail-free tax credits that will encourage more oil and gas that we cannot afford. Vulnerable people will be freezing to death in their homes

winter, unable to afford a can of soup, while his government refuses to tax the rich and the big energy companies that are profiting from our misery.

“We owe it to our young people to stop fossil fuels, we owe it to our workers to create a just transition to a zero carbon economy, we owe it to our old people to enable them to live with dignity. We are not prepared to stand by and watch while everything we love is destroyed.”

The action today follows the announcement by BP of a bumper profit of £7bn for the last quarter alone, while it expects to pay only £700m in windfall tax on its North Sea operations for the whole year. It also announced that rather than reinvesting its profits in the transition to renewable energy as it claims or in reducing costs for customers, it is prioritising transfers to wealthy shareholders by spending \$8.5bn so far this year on share buy backs. [2].

Today’s action follows four weeks of continuous civil resistance by supporters of Just Stop Oil during which the police have made 678 arrests. Since the campaign began on April 1st, Just Stop Oil supporters have been arrested nearly 2,000 times, with 6 supporters currently in prison.[3]

This is not a one day event, expect us every day and anywhere. 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.

Stand with our supporters in prison, with the 1,700 murdered across the global south, for protecting all our lives. We will not die silently, it will be ordinary people, like you, your friends, colleagues and neighbours who do what our government cannot. It will take all of us. [4]

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

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

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] <https://www.theguardian.com/business/2022/nov/01/bp-pay-windfall-tax-profits-oil>

[3] There are now 6 Just Stop Oil supporters in prison on remand or serving sentences for taking action to demand that the government halts new oil and gas licences. They are Joshua Smith, Louis McKechnie, Simon Milner-Edwards, Michelle Charlesworth, Morgan Trowland and Marcus Decker. Elliott Cuciurean is also in prison for taking action against HS2

[4] A [recent report from Global Witness](#) says that more than 1,700 people have died while trying to prevent mining, oil drilling or logging on their lands.

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Related Posts

Laura Higson

Subject: FW: JSO to blockade motorway gantries 7th to 10th November

From: [REDACTED]
Sent: 19 October 2022 15:06
To: [REDACTED]
Subject: RE: JSO to blockade motorway gantries 7th to 10th November

Hello Sir,

FoW as requested for NH:

23/29607/22

Just Stop Oil (JSO) are planning on disrupting the motorway network in the MIDLANDS and LONDON area on the following dates – 07/11/2022 + 08/11/2022 + 09/11/2022 + 10/11/2022. JSO are planning on scaling motorway gantries.

Regards,

[REDACTED] 
[REDACTED]
[REDACTED]



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Just Stop Oil Pause Disruption

Press / November 1, 2022

Watch here: <https://youtu.be/TNhyt2fzeB4>

This week's UN Report states that "*Staying under 1.5C is no longer credible.*"

Going over 1.5C locks in the loss of the coral reefs, the loss of 25% of the world's fish stocks, the destruction of hundreds of millions of livelihoods and millions of innocent lives.

Going over 1.5C means island nations going underwater. This constitutes an act of illegal war.

This is just the beginning.

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 this country at this time.

If, as we sadly expect, we receive no response from ministers to our demand by the end of Friday 4th November, we will escalate our legal disruption against this treasonous government. Our action wi

proportionate to the task of stopping the crime against humanity which is new oil and gas.

The facts are crystal clear – drilling for more oil and gas is taking us over 1.5C. There is no greater crime

You do not get to murder people just because you can.

For 32 days we have been peacefully blocking roads to demand that our government take action to protect our country, humanity and life on earth. Do they really want us to continue in civil resistance, or will they come and talk to us, and promise us a livable future without oil?

Just Stop Oil

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

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

Notes to Editors

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Laura Higson

From: intelligence <intelligence@nationalhighways.co.uk>
Sent: 02 November 2022 11:06
To: [REDACTED]
Cc: protesthub; [REDACTED]
Subject: FW: Form of Words - Just Stop Oil protest

Importance: High

PSB.

Best regards

[REDACTED], Threat Intelligence Lead, National Highways Intelligence Hub



Mobile: + [REDACTED]
Web: <https://nationalhighways.co.uk/>

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Consider the environment. Please don't print this e-mail unless you really

From: [REDACTED]
Sent: 02 November 2022 10:54
To: intelligence <intelligence@nationalhighways.co.uk>
Subject: Form of Words - Just Stop Oil protest
Importance: High

Hello [REDACTED]

Please see below an agreed Form of Words regarding new intelligence of *Just Stop Oil* (JSO) protest affecting the Strategic Road Network (SRN):

[START TEXT]

Just Stop Oil are planning to continue causing significant disruption until at least the end of 2022. A major plan is being prepared with the intention of blocking the M25 on a daily basis with between 50-75 protesters.

URN IN4522031003 1AP 30/10/2022

[END TEXT]

Please do come back to me if you need anything further on this.

Kind regards,



Please note that I am currently working remotely
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