**IN THE HIGH COURT OF JUSTICE** **Claim No. Claim no. QB-2021-004122**

**QUEEN’S BENCH DIVISION**

**B E T W E E N**

**TRANSPORT FOR LONDON**

Claimant

-and-

**(1) Persons unknown CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE 1) LAMBETH BRIDGE AND BOTH ADJOINING ROUNDABOUTS; 2) hogarth roundabout inclusive of all adjoining entry and exit roads; 3) marble arch inclusive of all entry and exit roads; 4) rotherhithe tunnel and both approaches; 5) beckton roundabout; 6) gants hill roundabout; 7) brixton; 8) a406 (known as the north circular) between and inclusive of all intersections with the a40 hanger lane to the a13 alfred’s way inclusive of all intersections; 9) a1 between and inclusive of all intersections with the a406 at great north way to elstree way, boreham wood; 10) a10 great cambridge road between and inclusive of all intersections with the a406 north circular road to the gla road boundary at m25 junction 25; 11) a12 approach to blackwall tunnel inclusive of all intersections to gla boundary at m25 j28; 12) a127 between and inclusive of all intersections with the a12 at gallows corner to the gla road boundary at m25 j29; 13) a13/A1203/A1261 between limehouse link (inclusive) and m25 junction 30 inclusive of all intersections with the blackwall tunnel to the gla road boundary; 14) a102 approach to blackwall tunnel inclusive of all intersections that provide entry and egress to the tunnel south and north sides; 15) a3 between and inclusive of all intersections at the wandsworth gyratory to the hook road junction where it meets the a309; 16) a40 between and inclusive of all intersections within the inner ring road at a5 edgware road / harrow road to the gla boundary; 17) a2 old bexley lane to blackwall tunnel inclusive of all intersections; 18) a4 hyde park corner inclusive of all intersections to kew bridge; 19) A302 WESTMINSTER BRIDGE BETWEEN BRIDGE STREET / VICTORIA EMBANKMENT AND WESTMINSTER BRIDGE ROAD / LAMBETH PALACE ROAD; 20) A201 BLACKFRIARS BRIDGE BETWEEN NEW BRIDGE STREET AND BLACKFRIARS ROAD AND SOUTHWARK STREET/STAMFORD STREET, for the purpose of protesting**

**(2) MR ALEXANDER RODGER AND OTHER DEFENDANTS LISTED IN THE SCHEDULE TO THE CLAIM FORM**

Defendants

**PARTICULARS OF CLAIM**

1. The Claimant:
   1. is a statutory corporation created by the Greater London Authority Act 1999;
   2. is highway authority for the Transport for London Road Network (**“GLA roads”**) pursuant to s.1(2A) Highways Act 1980;
   3. as highway authority also has the GLA roads vested in it by virtue of s.263 Highways Act 1980;
   4. is traffic authority for GLA roads pursuant to s.121A(1A) Road Traffic Regulation Act 1984.
2. The Claimant is entitled as highway authority of GLA roads, or alternatively as their owner, to take steps to prevent trespass and nuisance (both public and private) to the use of, and access to, the GLA roads.
3. Those Defendants who to date have been identified and joined individually as Defendants to these proceedings are set out in Annex 1 to these Particulars. Where necessary the Defendants whose names appear in Annex 1 are referred to as “the Named Defendants”, whilst reference to “the Defendants” includes both the Named Defendants and those persons unknown who have not yet been individually identified.
4. The Defendants have, under the banner of “Insulate Britain” (“**IB**”), taken part in a series of protests since 4 October 2021 on certain GLA roads and, not the subject of this claim but relevant to it, since 13 September 2021 on various parts of the Strategic Road Network (**“SRN”**) (and on access roads to it) which are under the ownership and control of National Highways Limited. The protest action to date on GLA roads has involved the obstruction of carriageways on the highways thereby interfering with the free flow of motor traffic and use of the GLA roads by members of the public.
5. This is the second claim the Claimant is bringing against the Defendants for their protest action on GLA roads (its first is Claim No. QB-2021-003841). The GLA roads to which this claim and these Particulars relate and to which the Order referred to below applies, are set out in Annex 2 to these particulars (“**the Roads**”). The Roads are not residential premises.
6. On 4 November 2021, the Claimant obtained an urgent without notice interim injunction granted by Jay J preventing the unlawful use of the Roads by the Defendants. This was maintained, as varied, on notice by Lavender J at the return date on 12 November 2021. This is in addition to the interim injunction in respect of other GLA roads granted in the Claimant’s Claim No. QB-2021-003841 by May J on 8 October 2021, as extended on notice by Lavender J at the return date on 19 October 2021.

**The IB Protests**

1. The IB Protests involve protestors obstructing the Roads with their physical presence, normally either by sitting down on or gluing themselves to the carriageway surface and similar activities.
2. In addition to those protests on the SRN ongoing since 13 September 2021, IB Protests on GLA roads have been ongoing since 4 October 2021:
   1. on 4 October 2021 protesters blocked:
      1. the Blackwall Tunnel;
      2. Wandsworth Bridge;
      3. Arnos Grove;
      4. Hanger Lane;
   2. on 8 October 2021 protesters blocked the junction of the A1 and A501 at the Old Street roundabout;
   3. later on 8 October 2021 May J granted an interim injunction in respect of Named Defendants and persons unknown *“causing the blocking, endangering, slowing down, obstructing or otherwise preventing the free flow of traffic onto or along”* specified GLA roads and this was extended on notice by Lavender J on 19 October 2021;
   4. on 25 October 2021 protesters blocked the carriageway at the north end of Southwark Bridge and on Bishopsgate (and also on Limehouse Causeway which although in London is not a GLA road);
   5. on 27 October 2021 protesters blocked the carriageway on the A40 near Gypsey Corner in North Acton;
   6. on 4 November 2021 protesters blocked two roads around Parliament Square in Westminster by blocking the carriageway at the east of that square at the junction of Bridge Street with Westminster Bridge and also at the Peers’ entrance to the House of Commons. These protests blocked and/or seriously adversely affected motor traffic on Westminster Bridge, Bridge Street and the Victoria Embankment (and also certain important roads which although in London are not GLA roads: Abingdon Street, Northumberland Avenue, Waterloo Bridge, and Whitehall towards Trafalgar Square);
   7. later on 4 November Jay J granted an interim injunction in respect of Named Defendants and persons unknown *“causing the blocking, endangering, slowing down, obstructing or otherwise preventing the free flow of traffic onto or along”* the Roads and this was maintained, as varied, by Lavender J on notice on 12 November 2021.
3. Since 13 September 2021, IB has made public written and oral statements admitting the obstruction caused by the protests by its supporters to GLA roads and the SRN and stating an intention to continue the protest campaign, which intention it has given effect to by continued disruption to GLA roads and the SRN. These protests have continued notwithstanding the arrest of IB protesters, the imposition of police bail conditions on some of those who have been arrested, the grant of interim injunctions against them, and the presence of police deployed pre-emptively on location to stop protests.
4. The Defendants have all participated in the protest action on GLA roads (including some of the Roads) and/or the SRN and threaten to continue to participate in similar unlawful protest action to GLA roads and not necessarily confined to the Roads.

**The Defendants**

1. To the extent that it has been possible to identify named defendants participating in the IB protests on GLA roads (including the Roads) and/or in respect of whom there is a real and imminent risk of them so doing, they have been named in these proceedings as Named Defendants. Specifically, the Named Defendants to date are those who have been arrested in IB protests on the SRN (and/or access roads to it) and/or on GLA roads.
2. The Claimant also claims against persons unknown by reference to conduct that is unlawful. That conduct has been defined using non-technical language and is clear in its scope and application. In respect of those Defendants who have not yet been identified, the Claimant will continue during these proceedings to identify and name them as soon as reasonably practicable and to continue to seek relief against that category.

**Trespass and nuisance**

1. As stated in paragraph 1, the Claimant is the freehold owner and highways authority for GLA roads, including the Roads, in which the highway is vested pursuant s.263 Highways Act 1980.
2. The IB Protests involve trespass and nuisance to certain GLA roads, including some of the Roads, through the obstruction of the free flow of motor traffic along them and through extensive disruption to the use of them by other road users on the following occasions:
   1. on 4 October 2021 protesters blocked the carriageway at:
      1. the Blackwall Tunnel;
      2. Wandsworth Bridge;
      3. Arnos Grove;
      4. Hanger Lane
   2. on 8 October 2021 protesters blocked the carriageway at the junction of the A1 and A501 at the Old Street roundabout;
   3. on 25 October 2021 protesters blocked the carriageway at the north end of Southwark Bridge and on Bishopsgate;
   4. on 27 October 2021 protesters blocked the carriageway on the A40 near Gypsey Corner in North Acton;
   5. on 4 November 2021 protesters blocked two roads around Parliament Square in Westminster by blocking the carriageway at the east of that square at the junction of Bridge Street with Westminster Bridge and also at the Peers’ entrance to the House of Commons. These protests had the effect of blocking and/or seriously adversely affected motor traffic on Westminster Bridge, Bridge Street and the Victoria Embankment;
3. In particular:
   1. the Defendants’ actions create an immediate threat to life, putting at risk the lives of those protesting and normal road users, as well as those reliant on the movement of emergency services vehicles;
   2. the protests have caused widespread and serious disruption to other users of GLA roads who are unable to exercise their ordinary rights to use the highway. They have caused considerable public expense and economic damage as well as anxiety, inconvenience and distress to other road users;
   3. the obstruction and nuisance caused to road users by the IB protests are, as well as being disruptive and costly, intentional. The IB Protests form part of a co-ordinated campaign directed at intentionally creating disruption throughout the road network, including but not limited to GLA roads including the Roads, for the purposes of effecting a specific political outcome.
4. Further, the Defendants’ conduct:
   1. exceeds the rights of the public to use the public highway and by intentionally and directly causing immediate obstruction and disruption to the highway without justification are trespassing on GLA roads;
   2. endangers the life, health, property, comfort or convenience of the public and/or obstructs the public in the exercise or enjoyment of rights common to all Her Majesty’s subjects, and the Claimant has suffered particular damage over and above the general inconvenience and injury suffered by the public, such that a public nuisance has been created;
   3. has caused and threatens, unless restrained, to cause an unreasonable interference with the Claimant’s reasonable use of GLA roads, amounting to a private nuisance by obstructing the use of GLA roads including the Roads;
5. By reason of the matters set out herein, there is a real and imminent risk of trespass and public and/or private nuisance continuing to be committed across the GLA road network especially, or at least including, the Roads.
6. Subject to a temporary suspension of protest activity from 14 October 2021 to 25 October 2021, the Defendants have openly stated an intention to continue to cause obstruction to highways through further protest action similar to that described herein unless restrained by this Honourable Court.
7. Further, by reason of the unlawful behaviour set out herein, the Claimant has suffered loss and damage.

**AND THE CLAIMANT CLAIMS:**

(1)  An Order that the Defendants, and each of them, are forbidden from:

* 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.
  2. Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads for the purpose of protesting.
  3. Causing, assisting or encouraging any other person to do any act prohibited by sub-paragraphs a-b above.
  4. Refusing to leave the area within 30m of the centre of the Roads when asked to do so by a police constable, TfL Road Traffic Enforcement Officers or High Court Enforcement Officer.
  5. Continuing any act prohibited by sub-paragraphs a-d above.
  6. The activities prohibited by sub-paragraphs a-b above include, but are not limited to, the following when done for the purpose of protesting and with the deliberate effect of blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads:
     1. Affixing themselves (“locking on”) to any other person or object on the Roads or to the surface of the Roads
     2. Erecting any structure on the Roads.
     3. Tunnelling in the vicinity of the Roads.
     4. Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.
     5. Causing damage to the surface of or to any apparatus on or around the Roads or any structure supporting the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

(2)  Declaratory relief that the use of GLA roads, including the Roads, by the Defendants for the purposes of protest which causes an obstruction of the public highway is unlawful, a trespass, and a nuisance in that it exceeds the lawful right of the public to use the highway and interferes unreasonably with and obstructs the use of the highway by other members of the public entitled to use it and endangers the public’s life, health, property, comfort and convenience

(3) Damages to be assessed

(4) Interest under s.35A Senior Courts Act 1981 on the amount found to be due to the Claimant at such rate and for such period as the court thinks fit

(5)  Further or other relief; and

(6)  Costs

**ANDREW FRASER-URQUHART QC**

**CHARLES FORREST**

**Francis Taylor Building**

**Temple, EC4Y 7BY**

Dated this 16 day of November 2021

**STATEMENT OF TRUTH**

The Claimant believes that the facts stated in this Particulars of Claim are true. The claimant understands 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.’

Signed:



Full name: Abbey Ameen

Position held: Principal Corporate Solicitor at and to TfL

Dated: 16 November 2021

Claimant’s address for service

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