

**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) HANGER LANE GYRATORY INCLUSIVE OF ALL ADJOINING ENTRY AND EXIT SLIPS; 2) VAUXHALL BRIDGE INCLUDING VAUXHALL GYRATORY AND ALL ENTRY AND EXIT ROADS; 3) HAMMERSMITH GYRATORY INCLUSIVE OF ALL ADJOINING ENTRY AND EXIT ROADS; 4) BLACKWALL TUNNEL AND BOTH APPROACHES; 5) TOWER BRIDGE AND BOTH APPROACHES; 6) LONDON BRIDGE AND BOTH APPROACHES; 7) PARK LANE, INCLUSIVE OF MARBLE ARCH AND HYDE PARK CORNER; 8) ELEPHANT AND CASTLE INCLUSIVE OF ALL ENTRY AND EXIT ROADS; 9) VICTORIA ONE WAY SYSTEM; 10) A501/INNER RING ROAD FROM EDGWARE ROAD TO OLD STREET; 11) STAPLES CORNER; 12) CHISWICK ROUNDABOUT; 13) REDBRIDGE ROUNDABOUT; 14) KIDBROOKE INTERCHANGE, FOR THE PURPOSES OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 122 OTHERS**

Defendant

**PARTICULARS OF CLAIM**

1. The Claimant:
  - a. is a statutory corporation created by the Greater London Authority Act 1999;
  - b. is highway authority for the Transport for London Road Network (“**GLA roads**”) pursuant to s.1(2A) Highways Act 1980;
  - c. as highway authority also has the GLA roads vested in it by virtue of s.263 Highways Act 1980;
  - d. 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 certain parts of the Strategic Road Network (“**SRN**”) (and on access roads to it) in London and across the southeast of England 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. The GLA roads to which 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 8 October 2021, the Claimant obtained an urgent without notice interim injunction granted by May J preventing the unlawful use of the Roads by the Defendants. This was extended on notice by Lavender J at the return date on 19 October 2021.

### **The IB Protests**

7. 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.
8. 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:
  - a. on 4 October 2021 protestors blocked:
    - i. the Blackwall Tunnel;

- ii. Wandsworth Bridge;
    - iii. Arnos Grove;
    - iv. Hanger Lane;
  - b. on 8 October 2021 protesters blocked the junction of the A1 and A501 at the Old Street roundabout;
  - c. 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*” the Roads and this was extended by Lavender J on 19 October 2021
9. 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.
10. 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**

11. 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.
12. 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**

12. 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.

13. The IB Protests involve trespass 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:

- a. on 4 October 2021 protesters blocked the carriageway at:
  - i. the Blackwall Tunnel;
  - ii. Wandsworth Bridge;
  - iii. Arnos Grove;
  - iv. Hanger Lane
- b. on 8 October 2021 protesters blocked the carriageway at the junction of the A1 and A501 at the Old Street roundabout.

14. In particular:

- a. 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;
- b. 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;
- c. 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.

15. Further, the Defendants' conduct:

- a. 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;
- b. 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;
- c. 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;

16. 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.

17. Subject to a temporary suspension of protest activity starting on 14 October 2021 and due to end on either 25 or 26 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.

18. 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:

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

- (b) Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads for the purpose of protesting.
  - (c) 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.
  - (d) Affixing themselves (“locking on”) to the Roads or to any other person or object on the Roads.
  - (e) Erecting any structure on the Roads.
  - (f) Tunnelling in the vicinity of the Roads.
  - (g) Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.
  - (h) 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 Officer, or High Court Enforcement Officer.
  - (i) Causing, assisting or encouraging any other person to do any act prohibited by sub-paragraphs (a) to (h) above.
  - (j) Continuing any act prohibited by paragraphs (a) to (h) above.
- (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 and a trespass in that it exceeds the lawful right of the public to use the highway and interferes unreasonably with the use of the highway by other members of the public entitled to use it.
- (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**

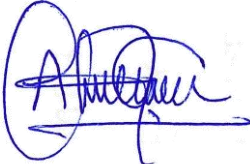
**CHARLES FORREST**

**Francis Taylor Building  
Temple, EC4Y 7BY**

Dated this 21<sup>st</sup> day of October 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 Solicitor TfL

Dated: 21 October 2021

### Claimant's address for service

Transport for London Legal  
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Our ref: Rule 6 Abbey

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