

Party: C
Name: N Harvey
Exhibit: NH1
Date: 17 July 2024
Number: 1
Claim No: [...]

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

B E T W E E N:-

(1) GATWICK AIRPORT LIMITED

Claimant

-and-

PERSONS UNKNOWN WHO, IN CONNECTION WITH THE JUST STOP OIL OR OTHER ENVIRONMENTAL CAMPAIGN, ENTER OCCUPY OR REMAIN (WITHOUT THE CLAIMANT'S CONSENT) UPON THAT AREA OF LAND KNOWN AS LONDON GATWICK AIRPORT (AS SHOWN FOR IDENTIFICATION OUTLINED IN YELLOW AND SHADED YELLOW AND BLUE ON THE PLAN 1 ATTACHED TO THE CLAIM FORM

Defendants

WITNESS STATEMENT OF NEIL HARVEY

I, NEIL HARVEY of Gatwick Airport Limited, 5th Floor, Destinations Place, Gatwick Airport West Sussex RH6 0NP **WILL SAY** as follows:

1. I am Head of Stable Operations at Gatwick Airport Limited. I joined the airport in October 2006 and have held a number of senior leadership roles across security, airside and terminal operations. I became Head of Stable Operations in June 2020 to support the business through the Covid pandemic. My principal role is to ensure the safe and smooth delivery of a very intense airport operation. I am responsible to the operational risk management,

business continuity planning and crisis response. I also look after the Police Service Agreement at the Airport which oversees all public disorder management, on-airport criminality as well as counter-terrorism and co-ordinate with Sussex and Surrey Police to maintain law and order in line with the Airport Byelaws and relevant legislation.

2. As I explain further below, Just Stop Oil, which is an environmental campaign group, has threatened to disrupt operations at airports in England during the summer of 2024. The actions threatened by the Defendants, and the incidents that have already occurred in Munich and London airports (including London Gatwick Airport) this summer, have the goal of disrupting airport operations internationally and in England this year. The Claimant therefore seeks injunctive relief against the Defendants in relation to threatened unlawful direct action at London Gatwick Airport.
3. I make this witness statement in support of the Claimants' application for an injunction to prevent protesters from trespassing and/or cause a public or private nuisance at London Gatwick Airport. I am authorised by the Claimants to give this witness statement on its behalf.
4. I have read the Particulars of Claim and a final draft of the witness statement of Julian Pollock for the Claimant. I adopt the definitions in the Particulars of Claim.
5. Where the facts referred to in this witness statement are within my own knowledge, they are true. Where the facts are not within my own knowledge, I believe them to be true and I have provided the source of my information.
6. I refer to exhibit marked **NH1** in this statement, which is 93 pages. They have been produced to me and I verify that the documents in those exhibits are true copies of the documents. References in this witness statement to the page numbers in **NH1** are marked "**[NHx]**".

Background on London Gatwick Airport

7. London Gatwick Airport is the second largest airport in the UK (after London Heathrow) and the eleventh largest in Europe. In 2023, it handled over 41 million passengers, which is expected to rise to 44 million in 2024 and 47 million in 2025. On a typical day, Gatwick will handle up to 150,000 passengers and process over 900 air traffic movements. The revenue from the airport in 2023 was £1.015 billion.
8. Members of the general public have permission to enter the airport for the purposes of air travel or directly related purposes (such as dropping off and picking up those who are travelling). Non-travelling individuals also have permission to enter the Airport for the use of landside facilities, for example shops and restaurants. Whilst nobody has permission to enter the airport for the purpose of carrying out a protest or demonstration, and indeed such

action is expressly prohibited by byelaw 3(17) of the London Gatwick Airport Byelaws 1996 (the "**Byelaws**") [NH2-NH17], peaceful and non-disruptive protests are generally accommodated. Byelaw 3(18) prohibits the display of flags, banners or emblems likely to cause a breach of the peace on any part of the airport and byelaw 3(19) prohibits the intentional causing of an obstruction or interfering with the proper use of the airport or a person acting in the execution of his duties in relation to the operation of the airport.

9. Any person visiting London Gatwick Airport (including employees and members of the public) is subject to the Byelaws. Section 64 of the Airports Act 1986 provides that any person contravening any byelaws made under section 63 commits a criminal offence in doing so and is liable on summary conviction to a maximum fine of £2,500.

Statutory Obligations

10. The Claimant is the person which has the management of London Gatwick Airport, for the purposes of being an "airport operator" under the Airports Act 1986.
11. Airports in the UK are subject to a significant amount of regulation, the following of which are relevant:
 - 11.1 Because it is engaged in commercial operations, has paved runways of 800 metres and more are open to the public, London Gatwick Airport is required to be certificated by the Civil Aviation Authority ("the CAA") by Article 2 and 34(1) of the Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 ("the 2018 Regulations"). This was assimilated into English law from 31 December 2020 by virtue of the European Union (Withdrawal) Act 2018.
 - 11.2 Article 33, Annex VII of the 2018 Regulations provides the requirements for an airport and the operation of it. By Annex VII, the aerodrome operator is responsible for, among other things, ensuring the safe operation of aircraft at the aerodrome (paragraph 2.1(a)); taking appropriate measures to mitigate the risks of non-compliance with the responsibility to ensure the safe operation of aircraft (paragraph 2.1(b)); ensuring that the movements of vehicles and person in the movement area and other operational areas are coordinated in order to avoid collisions and damage to aircraft (paragraph 2.1(d)); ensuring that adequate aerodrome rescue and firefighting services are provided and that they respond to an incident or accident with due urgency (paragraph 2.1(j)); ensuring that any person permitted unescorted access to the movement area or other operational areas is adequately trained and qualified for such access (paragraph 2.1(l)); safeguarding the airspace around the aerodrome movement area from obstacles so as to permit the intended aircraft operations without creating an unacceptable risk by development of obstacles around the airport (paragraph 3.1.1); removing objects posing an unacceptable

risk or taking appropriate mitigating action to protect aircraft using the aerodrome (paragraph 3.1.2); and monitoring hazards related to human activities and land use and mitigating the risk caused by them as appropriate, including developments or change in land use in the aerodrome area (paragraph 3.2).

- 11.3 In order to be certificated, the airport must comply with the features set out in the Commission Regulation (EU) No 139/2014 (the "**2014 Regulations**"). London Gatwick Airport holds certificates from the CAA.
- 11.4 By article 1(3) and (4) of the 2014 Regulations, London Gatwick Airport is required to comply with Annex III and IV. Those mean that:
- 11.4.1 the Claimant is responsible for the safe operation and maintenance of the aerodrome in accordance with Regulation (EC) No 216/2008 and its Implementing Rules; the terms of its certificate; the content of the aerodrome manual; and any other manuals for the aerodrome equipment available at the aerodrome, as applicable: Annex III, ADR.OR.C.005, paragraph 1(a);
 - 11.4.2 it is also responsible for ensuring the provision of air navigation services appropriate to the level of traffic and operating conditions at the airport and the design and maintenance of flight procedures: Annex III, ADR.OR.C.005, paragraph 1(b);
 - 11.4.3 if an unsafe condition develops at the aerodrome, the aerodrome operator is required, under the 2014 Regulations, to, without undue delay, take all necessary measures to ensure that those parts of the aerodrome found to endanger safety are not used by aircraft: Annex III, ADR.OR.C.005, paragraph 1(c);
 - 11.4.4 it must have procedures to prevent fires from occurring: Annex III, ADR.OR.C.040, paragraph 1(a);
 - 11.4.5 it must provide the services under Subpart B of in Annex IV directly or indirectly which include: emergency planning; rescue and firefighting services; assessing runway conditions; verification that those storing and dispensing of fuel to aircraft have procedures to ensure that aircraft are provided with uncontaminated fuel and of the correct specification;
 - 11.4.6 under ADR.OPS.B.075(a), one of the services the Claimant is required to provide is monitoring the airport and its surroundings:
 - 11.4.7 obstacle limitation and protection surfaces as established in accordance with the certification basis, and other surfaces and areas associated with the aerodrome,

in order to take, within its competence, appropriate action to mitigate the risks associated with the penetration of those surfaces and areas;

- 11.4.8 marking and lighting of obstacles in order to be able to take action within its competence, as appropriate; and
 - 11.4.9 hazards related to human activities and land use in order to take action within its competence, as appropriate;
 - 11.4.10 ADR.OPS.B.075(b) requires the Claimant to have procedures in place for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome;
 - 11.4.11 additionally, under subpart C of the Aerodromes Regulations, the Claimant is required to maintain the surfaces of all movement areas with the objective of avoiding or eliminating any loose object/debris that might cause damage to aircraft or impair the operation of aircraft systems: ADR.OPS.C.010(b)(1).
- 11.5 under section 30(1) of the Airports Act 1986, the Secretary of State may give to any airport operator or to airport operators generally such directions of a general character as appear to the Secretary of State to be necessary or expedient in the interests of national security or of relations with a country or territory outside the United Kingdom. A direction cannot be disclosed if the Secretary of State has notified the operator that it must not disclose the direction but must be complied with;
- 11.6 there must be an airport security plan in force in relation to an airport at all times, which sets out the security measures which various persons are to take including the police, the National Crime Agency, the manager of the airport, any aircraft operators, any person occupying land in the airport and any people permitted to access the airport for business: section 24AE(1) and (4) of the Airport Security Act 1982;
- 11.7 equally, there is a power under the Airport Security Act 1982 for the Secretary of State to give a direction to the manager of an airport to use his best endeavours to secure that searches, of the airport, aircraft and any people or property which may be in the airport, as

are specified in the direction are carried out by constables or by other persons of a description specified in the direction: section 13(1).

12. Airport operators may make byelaws pursuant to s 63 of the Airports Act 1986. The byelaws may include (but are not limited) to the following byelaws:
 - 12.1 for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
 - 12.2 for controlling the operation of aircraft within, or directly above, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport;
 - 12.3 for preventing obstruction within the airport;
 - 12.4 for prohibiting or restricting access to any part of the airport;
 - 12.5 for preserving order within the airport and preventing damage to property within it;
 - 12.6 for requiring any person, if so requested by a constable or airport official, to leave the airport or any particular part of it, or to state his name and address and the purpose of his being within the airport; and
 - 12.7 for restricting the area which is to be taken as constituting the airport for the purposes of the byelaws.

Byelaws

13. Pursuant to section 63 of the Airports Act 1986, the Claimant made the Gatwick Airport – London Byelaws 1996 **[NH2-NH17]**. These apply within "Gatwick Airport – London" and "*the Airport*" is defined, by 1(1), as "*the aerodrome known as Gatwick Airport – London*". The plan marked "Plan 1" attached to the Particulars of Claim shows edged yellow the boundary to the operational limits of what is known as Gatwick Airport – London. Byelaw 3(17) provides:

HB-57 - HB-72

No person shall organise or take part in any demonstration, procession or public assembly likely to obstruct or interfere with the proper use of the Airport or obstruct or interfere with the comfort and convenience or safety of passengers or persons using the Airport.

14. Byelaw 3(18) provides:

No person shall display any flags, banners or emblems likely to cause a breach of the peace on any part of the Airport.

15. Byelaw 3(19) provides:

No person shall intentionally obstruct or interfere with the proper use of the Airport or with any person acting in the execution of his duty in relation to the operation of the Airport.

16. Byelaw 4(11) provides:

No person shall enter or leave the Airport otherwise than through a gate or entrance or exit for the time being provided by the Airport Company for that purpose.

17. Either Gatwick officials (employees) or Sussex and Surrey Airport Police force support the byelaw enforcement. There are daily joint briefs with airport duty teams and control authorities to agree operational delivery on the day. Any breach of public order laws or airport byelaws are addressed by the operational teams and police. The Claimant can also utilise "Request to Quit" (RTQs) instructions, which are valid for 24 hours, for minor infringements. More serious misbehaviour can be met with a "prohibition notice" that effectively prohibits the individual from returning to the airport (apart from if they possess a valid travel ticket, i.e. are a bona fide passenger).

18. Gatwick Airport Limited is not a prosecuting authority, and has never brought a private prosecution so far as I am aware, for the purposes of enforcing the byelaws. Prosecutions and handled by the police and Crown Prosecution Service.

Background on Just Stop Oil ("JSO")

19. Just Stop Oil describes itself on its website as a "*nonviolent civil resistance group demanding the UK Government stop licencing all new oil, gas and coal projects*". The group's stated plan to take action involves three aspects: Truth, Community and Action. Under action they state that:

This is how civil resistance works: applying nonviolent pressure until we force change to happen. It's how the Freedom Riders forced an end to segregated buses in 1961. It's how disabled people won accessible transport in the nineties. It's how we'll win and force this criminal government to act on the unfolding climate disaster by stopping new oil and gas. No-one's going to save us, we need to come together to do that for ourselves.

20. Homepage of website exhibit <https://juststopoil.org/> [NH18].

HB-73

21. The group are well known for their large acts of civil disobedience and often make national headlines. This includes very recently at Parliament Square, Stonehenge and the World Snooker Championship [NH22-30].

HB-77 - HB-85

<https://news.sky.com/video/just-stop-oil-activists-paint-parliament-square-orange-in-latest-protest-13176147>

<https://www.theguardian.com/uk-news/article/2024/jun/19/stonehenge-sprayed-orange-powder-paint-just-stop-oil-activists>

<https://www.bbc.co.uk/news/articles/c1we0pzw8pwo>

22. Members of the group were also found guilty over conspiracy to disrupt the M25 **[NH31-32]**.

HB-86 - HB-87

<https://morningstaronline.co.uk/article/just-stop-oil-activists-found-guilty-over-m25-disruption-plans>

JSO threat against airports

23. The first paragraph on the home page of the group's website states that in order to achieve their goals, "*We need bold, un-ignorable action that confronts the fossil fuel elites. We refuse to comply with a system which is killing millions around the world, and that's why we have declared airports a site of nonviolent civil resistance*". **[NH18]**

HB-73

24. On 9 March 2024, at a meeting in Birmingham, supporters of the campaigning movement called "Just Stop Oil" discussed a new campaign to undertake direct action at airports across the UK in the summer of 2024 **[NH33]**.

HB-88

<https://www.dailymail.co.uk/news/article-13177841/Eco-mob-plot-ruin-summer-holidays-disrupt-flights.html>

25. At this meeting, a co-founder of Just Stop Oil was reported to have advocated:

25.1 Cutting through fences and gluing themselves to runway tarmac;

25.2 Cycling in circles on runways;

25.3 Climbing on to planes to prevent them from taking off;

25.4 Staging sit-ins at terminals 'day after day' to stop passengers getting inside airports.

26. An Evening Standard article from 21 April 2024 referred to another meeting (also attended by an undercover journalist) and which included the following text **[NH42]**:

HB-97

"...

Just Stop Oil's Phoebe Plummer reportedly warned of 'disruption on a scale that has never been seen before' at a meeting attended by an undercover journalist. The group has been critical of the airline industry over its carbon footprint.

She said: 'The most exciting part of this plan is that [it's] going to be part of an international effort. Flights operate on such a tight schedule to control air traffic that with action being caused in cities all around the world we're talking about radical, unignorable disruption.'

She added: 'It's time to wake up and get real – no summer holiday is more important than food security, housing and the lives of your loved ones. Flying is also a symbol of the gross wealth inequality that's plaguing our society and if we want to create change we need to adopt a more radical demand.'

Just Stop Oil is planning an alliance with Europe-based A22 Network to cause disruption at major international airports."

27. Just Stop Oil has announced the following on its website:

SO WHAT'S THE PLAN?

*Our Government doesn't give a f*** about its responsibilities. The country is in ruins. You know it, I know, they know it. That means it's up to us to come together and be the change we need.*

We need bold, un-ignorable action that confronts the fossil fuel elites. We refuse to comply with a system which is killing millions around the world, and that's why we have declared airports a site of nonviolent civil resistance.

We can't do this alone, we have a plan for this Summer, are you willing help make this happen?

28. It says, further:

This summer, Just Stop Oil will be taking action at airports.

As the grass becomes scorched, hosepipe bans kick in and the heat of the climate crisis enters peoples' minds, our resistance will put the spotlight on the heaviest users of fossil fuels and call everyone into action with us.

We'll work in teams of between 10-14 people willing to risk arrest from all over the UK. We need to be a minimum of 200 people to make this happen, but we'll be prepared to scale in size as our numbers increase. Exact dates and more details are coming.

Our plan can send shockwaves around the world and finish oil and gas. But we need each other to make it happen. Are you ready to join the team?

29. Just Stop Oil has also organised a fundraising page on the website <https://chuffed.org/project/just-stop-oil-resisting-against-new-oil-and-gas> **[NH48]**, which says the following:

HB-103

Cat's out the bag. Just Stop Oil will take action at airports

The secret is out — and our new actions are going to be big. We're going so big that we can't even tell you the full plan, but know this — Just Stop Oil will be taking our most radical action yet this summer. We'll be taking action at sites of key importance to the fossil fuel industry: super-polluting airports.

...

30. At 16 July 2024, £24,300 had been raised on this website.
31. I am aware from evidence filed in support of injunctions sought by Manchester airport, Stansted airport and East Midlands airport (case number KB-2024-02132) that, on 6 June 2024, Just Stop Oil sent an email to subscribers in the following terms:

*"This is **the most exciting email I've ever sent.***

*As many of you already know, this summer **Just Stop Oil is taking action at airports.***

That's exciting right? Well, there's more.

[We won't be taking action alone.](#)

*Resistance groups across several countries in Europe have agreed to work together. That means **this summer's actions will be internationally coordinated.***

PICTURE OF AIRPORT ACTIONS SYMBOLISING INTERNATIONAL COMMUNITY

<https://us02web.zoom.us/join/zoom/register/tZloduqpgTMtE9dqMMhlaymvEZgO45jqJ19A>

People across Europe will be taking the fight to airports, the heart of the fossil economy.

*This summer's actions across multiple countries **will go down in history.***

Want to meet the people making this happen?

Every Thursday for the next four weeks starting on the 13th of JUNE, 6.30pm

You don't want to miss this.

*See you there,
Just Stop Oil"*

32. On 27 June 2024, the Metropolitan Police publicised the arrests of 27 Just Stop Oil supporters planning to disrupt airports across England, including some that the police believed to be "key organisers" for Just Stop Oil [NH52].

HB-107

<https://www.bbc.co.uk/news/articles/ce98dqn19plo>

33. Again, I am aware from the evidence filed in support of the injunctions referred to in paragraph 32 above that, on 29 June 2024, JSO sent an email to subscribers in the following terms:-

"Since Tuesday, 31 supporters of Just Stop Oil have now been arrested for possessing the strong convictions that governments and corporations do not have the right to prioritise oil profits over the safety and wellbeing of our loved-ones, communities and the many millions already suffering the effects of runaway climate breakdown.

In a sane society, it would be those who are setting the stage for an end to ordered society that would be having their doors barged down and dragged into the back of a police van to be interrogated about the catastrophic criminal damages they are imposing on every living thing and on every future generation. Instead, it is ordinary people- mothers, grandparents and young people who are having their futures stolen from them, that the police come for.

***The incoherent pattern of arrests we have seen over the last 24 hours suggests a rattled system.** They know that as climate breakdown intensifies, civil unrest will increase and one day there will not be enough police to cope with the millions stepping into action, as the full betrayal of the political establishment becomes clearer.*

***We will not be intimidated by the death throes of a broken system.** Nothing the state can throw at us is worse than the realities that will be imposed on all of us if the breakdown of our climate carries on unabated. We WILL be stepping into action in the summer because when the lives of your family are at risk, there is no other choice than to protect them..."*

34. I understand from the media links below that at least 27 members of JSO have been arrested under the Public Order Act on suspicion of conspiring to disrupt airports this summer. Chief Superintendent Ian Howells is quoted (from 28 June 2024) as saying that "*We know Just Stop Oil are planning to disrupt airports across the country this summer which is why we have taken swift and robust action now*" [NH54-61].

HB-109 - HB-116

<https://news.met.police.uk/news/arrests-made-as-just-stop-oil-plan-summer-disruption-485788>

<https://www.theguardian.com/uk-news/article/2024/jun/28/just-stop-oil-activists-arrested-suspicion-planning-disrupt-airports>

<https://juststopoil.org/2024/06/28/we-refuse-to-die-for-fossil-fuels-just-stop-oil-response-to-police-raids-resulting-in-at-least-13-arrests/>

35. Given the stated intent of the group, and the arrests that have been made on suspicion of conspiracy to disrupt airports, the threat that Just Stop Oil, Extinction Rebellion and other environmental protesters have to airports is real and urgent.

Previous protest incidents at UK and International Airports

36. In May 2024, Munich Airport was closed for two hours after six climate protesters (from climate protest group Last Generation) glued themselves to the runway **[NH62]**. This caused around 60 flight cancellations and 11 flight diversions.

HB-117

<https://news.sky.com/story/munich-airport-forced-to-close-for-two-hours-after-climate-protesters-glue-themselves-to-runway-13138243>

37. On 2 June 2024, Extinction Rebellion environmental activists blocked access to Farnborough Airport **[NH65]**.

HB-120

<https://extinctionrebellion.uk/2024/06/02/climate-activists-blockade-farnborough-private-jet-airports-three-main-gates/>

38. On 20 June 2024, two Just Stop Oil activists were arrested at London Stansted Airport after they used an angle grinder to cut a hole in the perimeter fence and used a fire extinguisher to spray two aircraft with orange paint. Seventy-five flights were disrupted during a 38 minute delay, which affected thousands of passengers. The activists appear to have filmed themselves and the footage is available on X:

https://x.com/JustStop_Oil/status/1803656272777998529

39. Both activists were arrested and are currently on remand awaiting trial for criminal damage, aggravated trespass and interference with the use or operation of national infrastructure **[NH69]**.

HB-124

<https://www.bbc.co.uk/news/articles/ck55kedn98jo>

40. An article about the incident in the *Mail Online* quoted a source who said "...the stunt at Stansted was only a prelude to disrupt even more airports over the coming months." **[NH71]**

HB-126

<https://www.dailymail.co.uk/news/article-13556023/just-stop-oil-disrupt-airports-sustained-period-action-stansted-stonehenge.html>

41. On 25 June 2024, four Just Stop Oil protesters were arrested at London Gatwick Airport railway station as they arrived. The individuals were found with suitcases containing a large number of bandages. The working assumption from the police is that they either intended

to block toilets causing flooding damage or once airside to throw bandages into aircraft engines or somehow disrupt the runway itself.

42. Four of the people whose arrests were publicised by the Metropolitan Police on 27 June 2024 were those at London Gatwick Airport referred to in the previous paragraph **[NH69]**.

HB-124

<https://www.bbc.co.uk/news/articles/ce98dqn19plo>

43. On 15 July 2024, I received an email from the Metropolitan Police, which stated that Just Stop Oil protests were likely at various locations nationwide on Saturday 27 July 2024 **[NH92]**. The email stated that the police considered that potential protests at London City Airport had been deterred by the existence of an injunction at that airport (*"I have been informed that the protest was originally due to take place at London City Airport, but the obtaining of an injunction at that location has led to the change of a protest location, to a site with no injunction. It appears that the protesters may have a reduced attitude for risk if the site has an injunction"*).

HB-147

44. On 16 July 2024, Just Stop Oil wrote an open letter to the Prime Minister Sir Kier Starmer **[NH77]**:

HB-132

<https://juststopoil.org/2024/07/16/just-stop-oil-letter-to-prime-minister-starmer/#:~:text=We%20last%20wrote%20to%20you,by%202030%20as%20well%20as>

Just Stop Oil Letter to Prime Minister Starmer

Dear Prime Minister,

We write to congratulate you on becoming Prime Minister and to acknowledge that one of the first steps of your new government has been to reaffirm your commitment to end new UK oil and gas licensing. This is an essential first step towards what is required to end the UK's contribution to the climate crisis. However, we all know that it is not enough.

We also need to rapidly phase out our existing oil and gas projects and to end the use of fossil fuels across our economy. This is not only the view of Just Stop Oil; the call for a rapid phase out of fossil fuels is backed by climate science, by global equity considerations, by international law and by global public opinion.

We last wrote to you in your role as leader of the Labour Party on 24 June to demand that, should you become our next Prime Minister, you immediately commit the UK government to working with other nations to establish a legally binding treaty to stop extracting and burning oil, gas and coal by 2030 as well as supporting and financing other countries to make a fair and just transition.

We indicated that unless such assurances were provided by 12 July, we would be forced to take action to protect our communities by engaging in a campaign of noncooperation against fossil fuel use, at airports across the country.

We are writing now to let you know that since no such assurances have been received we remain in civil resistance and are preparing to take action, but that, as ever, we remain open to dialogue.

The era of fossil fuels is over. It's time to stop waging war on humanity.

Yours sincerely,

Just Stop Oil.

Risks caused by disruption of Gatwick Airport

45. The Claimant is responsible for the safety and security of all who use London Gatwick Airport and the operation of scheduled flights. Following the attempted action on 25 June 2024, the stated intentions of Just Stop Oil and other such groups and the intelligence received from the police on 15 July 2024 that further protests are likely and imminent, the Claimant wishes to take all necessary steps to avoid the risks of harm or damage caused by future and threatened protests.
46. Protest activity at London Gatwick Airport is likely to have significant and serious consequences:
 - 46.1 If any protesters were to access or affix themselves to, or throw objects on, the runways or taxiways of the airfield, any moving aircraft would have to be halted until the areas were clear and aircraft could not safely arrive or depart until all unauthorised persons and any object (such as the bandages found in the suitcases of the four protesters who were arrested at London Gatwick on 25 June) were removed.
 - 46.2 Immediate flights would therefore be delayed, and incoming flights diverted, which can have a large effect on later arrival/departure slots and have a knock on impact on surrounding airports. It can also have an effect on aircrew, who are restricted in the hours they can work, meaning that aircraft cannot be staffed or may be in the wrong location if

aircraft have to be diverted. Passengers and cargo would then be subject to delays and/or cancellations.

- 46.3 There are also serious health and safety implications of unauthorised persons accessing the airside areas of the Airport to carry out any forms of protest:
- 46.3.1 Aircraft jet engines are extremely hazardous; if people get too close to them, they can be sucked in and catastrophically injured or killed.
 - 46.3.2 Highly flammable aviation fuel is stored and transported on the airport aprons and presents a risk of fire or contamination.
 - 46.3.3 Moving aircraft pose a danger to anyone on the ground.
 - 46.3.4 There are numerous moving vehicles on the taxiways and aprons, which are not conventional road vehicles, and their drivers would not expect unauthorised persons on the airport.
 - 46.3.5 Armed security services patrol the airports to counter potential terrorist activity. Any activity outside the usual operation of the airport could be viewed by security as a potential threat and/or would distract them from their duties, heightening any terrorist risk. There is also, always, the possibility that any protest does turn violent or is used as a cover for terrorist activity.
 - 46.3.6 Emergency services and our own rescue and fire-fighting team may have to put themselves at risk in order to remove and / or rescue protestors who climb on top of buildings and/or aircraft. During a protest at London City Airport in October 2019, direct action organised by Extinction Rebellion involved individuals climbing on top of the glass roof of the Main Terminal building; and individual climbing on (and gluing himself to) the top of an aircraft. The risks associated with falling from height include catastrophic injury and death **[NH80]**.
- <https://news.sky.com/story/flight-returns-to-london-city-airport-terminal-as-climate-change-protester-is-arrested-on-board-11832001#:~:text=Hundreds%20of%20people%20attempted%20to,to%20net%2Dzero%20by%202050>.
47. There is also a financial impact. One lost day of disruptive operations could cost between £3 million and £3.5 million. In addition, any damage to aircraft, by material being ingested into the aircraft (for example) could be very costly. While this was investigated, the aircraft would be grounded until it could either be fixed or another aircraft made available.

HB-135

The need for an Injunction

48. The Claimant is therefore concerned that there is a real risk that London Gatwick Airport will be targeted by direct action from climate protest groups this summer. London Gatwick is a critical piece of national infrastructure and any such action would generate serious disruption.
49. I am aware that similar injunctions have recently been granted against persons unknown at Manchester Airport, Stansted Airport, East Midlands Airport, London City Airport and London Heathrow Airport.
50. Gatwick Airport Limited has no wish to stifle protesters' rights to freedom of speech or freedom of assembly. For many years, it has worked with a number of protest groups who wish to conduct lawful and peaceful protests. Together with the airport policing teams, Gatwick Airport Limited has co-ordinated with those groups and allowed them on to the airport in pre-agreed locations, for pre-agreed times and activities. These have included groups such as XR, The Red Rebels and Cagne. The most recent protest was in the arrivals area of the South Terminal in May 2024. Gatwick Airport has not received any communication / contact from any protestors wishing to protest (and which it might not be able to accommodate, in any event, depending on the request) and it appears that the current direct action that is planned relies on an element of surprise. Other than the information provided by the Metropolitan Police, we do not know when or where the next incident may be.
51. The Claimant considers that unless an injunction is granted, there is a serious risk of disruption at London Gatwick Airport this summer. It is unlikely that a direct action group such as Just Stop Oil will make a public announcement of an intended protest in advance.
52. Damages would not be an adequate remedy given:
- 52.1.1 The health and safety risk to the Claimant's passengers, the emergency services and the protesters themselves.
 - 52.1.2 The disruption to passengers from cancelled, delayed and diverted flights.
 - 52.1.3 The risk of financial loss that is unlikely to be recoverable from the Defendants, who are essentially individuals who could not meet damages of that magnitude, and in any event are of unknown identities.
53. The Claimant has considered whether there are any alternative ways of dealing with direct action at London Gatwick Airport. The Claimant has never prosecuted a breach of the Byelaws. It does not appear that the prospect of prosecution deters JSO given the arrests I have mentioned. I am also conscious that any prosecutions would have to occur after the

protest had occurred at the airport by which time the serious harm I have identified may have occurred.

STATEMENT OF TRUTH

I believe 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.

DocuSigned by:
Neil Harvey
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SIGNED:

NEIL HARVEY

18-Jul-2024 | 07:13:18 BST

Date:.....