

Party: C
Name: J Pollock
Exhibit: JP3
Date: 19 July 2024
Number: 3
Claim No: KB-2024-002336

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

B E T W E E N:-

GATWICK AIRPORT LIMITED

Claimant

-and-

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

Defendant

THIRD WITNESS STATEMENT OF JULIAN POLLOCK

I, **JULIAN POLLOCK**, of Herbert Smith Freehills LLP, Exchange House, Primrose Street, London EC2A 2EG **WILL SAY** as follows:

1. I am a partner in the firm of Herbert Smith Freehills LLP and I have conduct of this matter on behalf of the Claimants along with my partner Matthew Bonye.
2. This statement is made further to my first and second witness statements in these proceedings.

3. 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.
4. I refer to exhibits marked JHP3 in this statement. They have been produced to me and I verify that the documents in those exhibits are true copies of the documents.

Requests to the airport

5. I am instructed by my clients that, if anyone want to make a request of the airport to designate an area for protesting, they can make that request by email to: legal@gatwickairport.com.

Highways

6. In Plan 3 to my first witness statement, within the area shaded yellow, there are roads coloured red which are described as “not maintained at public expense”. Those roads are private estate roads which are maintained by the Claimant. As I explained in paragraph 12 of my first witness statement, there was nothing in the local authority search obtained in 2018 that indicated there were any public highways within London Gatwick Airport, which is the area shaded yellow.
7. At the north-east of Plan 3, there is a highway (the A23). The yellow outline of Plan 3 extends on to part of a roundabout where the highway is marked Brighton Road. It also does that at another point along the highway where it is marked Airport Way.
8. I am informed by the Claimant that those roads are public highways and are outside of the operational boundaries of the airport. No order is sought in respect of those roads. At **JP1**, there is a new plan showing the yellow outlined area and area shaded yellow which does not include any part of the A23. The areas that are technically part of the Claimant's title but which cross land that is public highway are coloured dark pink. The Claimant does not claim an injunction in respect of those areas. That plan was produced this morning by my colleague at HSF.

Plan 1

9. It has not been possible to create a plan with a single red line around the perimeter of the area for which the Claimant is seeking an injunction. I am informed by my colleagues who have produced the plans that they have obtained those plans from Orbital Witness.
10. My colleagues inform me that the options available from Orbital Witness are;
 - a. A red line around the boundary but also showing each individual title outlined in red, which is Plan 2.
 - b. A plan showing the entirety of the area that the Claimant is seeking the injunction over shaded in a colour.
11. Given the time available, it has not been possible to manually superimpose a red line around the perimeter of the site that the injunction is proposed to cover. The boundary / shading occasionally seems on the Orbital Witness plan (i.e. Plan 1) to bleed into highways. The Orbital Witness software makes the lines thicker as the plan is zoomed out so it has not been possible to create a “zoomed out” perspective on the map so that the full property is included while also using sufficiently thin boundary lines that do not hang over onto the highways. The Claimant is

not seeking an order in respect of any highways (noting the points I made in paragraph 12 of my first witness statement and in paragraph 8 above).

12. I exhibit at JP3 a Highways Search that my firm carried out in 2018 at London Gatwick Airport, which confirms that the roundabout at the A23 is public highway and it outside the Airport boundary. It also shows that there are no public highways within the parts of the Airport shown on Plan 1.

13. The following roadways, which abut the material points of access to the Property, are highways maintainable at public expense:

- A23 London Road;
- Airport Way;
- M23 Spur;
- Radford Road;
- Old Brighton Road;
- Charlwood Road;
- Lowfield Heath Road (Southern access point);
- Povey Cross Road;
- London Road;
- London Road Northbound; and
- Buckingham Gate

14. The above roads are maintained by West Sussex County Council and Surrey County Council save for the M23 and Airport Way which are the responsibility of the Highways England.

Warning notices

15. In my first witness statement, I explained that a method of bringing any documents or orders to the attention of the Defendants that the Claimant proposed was affixing warning notices in locations around the perimeter fence and at suitable entrances/exits. It was a typographical mistake to say “each of” before “the locations”.

16. For the purposes of clarity, it has not been possible for the Claimant to produce a plan of the site to be produced marked with an “X” in view of the need to make this application urgently.

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.

SIGNED: *T. Pollock*

Date: 19/07/2024