

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

**Claim No. QB-2022-001317**

**In the matter of an application for an injunction made pursuant to the Local Government Act 1972, s222 and the Highways Act 1980, s130(5)**

**B E T W E E N :**

**(1) THURROCK COUNCIL**

**(2) ESSEX COUNTY COUNCIL**

**Claimants**

**-and-**

**(1) MADELINE ADAMS**

**(2)-(222) OTHER NAMED DEFENDANTS AS LISTED AT SCHEDULE 1 TO THE CLAIM FORM**

**(223) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH THE FREE FLOW OF TRAFFIC ON TO, OFF OR ALONG THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM**

**(224) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES OR AFFIXING ANY ITEM TO ANY VEHICLE TRAVELLING ON TO, OFF, ALONG OR WHICH IS ACCESSING OR EXITING THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM**

**(225) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH VEHICULAR ACCESS TO, INTO OR OFF ANY PETROL STATION OR ITS FORECOURT WITHIN THE ADMINISTRATIVE AREA OF THURROCK (AS MARKED ON THE MAP AT ANNEXE 2 TO THE CLAIM FORM)**

**(226) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH VEHICULAR ACCESS TO OR FROM ANY PETROL STATION OR ITS FORECOURT WITHIN THE ADMINISTRATIVE AREA OF ESSEX (AS MARKED ON THE MAP AT ANNEXE 3 TO THE CLAIM FORM)**

**(227) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, BLOCKING, PREVENTING OR OTHERWISE INTERFERING WITH THE OFFLOADING BY DELIVERY TANKERS OF FUEL SUPPLIES AND/OR THE REFUELLING OF VEHICLES AT ANY PETROL STATION WITHIN THE ADMINISTRATIVE AREA OF THURROCK (AS MARKED ON THE MAP AT ANNEXE 2 TO THE CLAIM FORM)**

**(228) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, BLOCKING, PREVENTING OR OTHERWISE INTERFERING WITH THE OFFLOADING BY DELIVERY TANKERS OF FUEL SUPPLIES AND/OR THE REFUELLING OF VEHICLES AT ANY PETROL STATION WITHIN THE ADMINISTRATIVE AREA OF ESSEX (AS MARKED ON THE MAP AT ANNEXE 3 TO THE CLAIM FORM)**

**(229) PERSONS UNKNOWN WHO ARE TRESPASSING ON, UNDER OR ADJACENT TO THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM BY UNDERTAKING EXCAVATIONS, DIGGING, DRILLING AND/OR TUNNELLING WITHOUT THE PERMISSION OF THE RELEVANT HIGHWAY AUTHORITY**

**Defendants**

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**EXHIBIT AA3/12**

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Date: 27 March 2024

Dear Sir / Madam

**Thurrock Council and Essex Council v Madeline Adams and others and Persons Unknown**  
**Claim No. QB-2002-001317**

We continue to write on behalf of our client Martin Marston-Paterson.

We refer to the order of Mrs Justice Foster DBE dated 20 December 2023, which provides that the parties should make all additional applications required to enable the trial to take place by today, 27 March 2024.

While our client does not intend to make any such application he may still wish to participate in the substantive hearing in due course.

However we trust that your client will have carefully considered whether the injunction should be maintained at all, in light of its ongoing duty to apply to discharge an injunction brought against persons unknown if there is a material change of circumstances (*Ineos v Persons Unknown* [2022] EWHC 684 (Ch)). For our part, it is not apparent that there is any compelling need sufficient to satisfy the requirements set out by the Supreme Court *Wolverhampton v London Gypsies and Travellers* [2023] UKSC 47 (§167(i)).

In particular:

- The injunction has been in place for 23 months, since 27 April 2022. We have seen no evidence as to why it is still required, still less as a novel exercise of an equitable discretionary power (*Wolverhampton* §167). The latest evidence available on the injunction URL<sup>1</sup> is the statement of Adam Rulewski dated 23 January 2023. That statement indicates that the latest protests took place in August 2022 (§30). The Supreme Court in *Wolverhampton* considered it unlikely to be justifiable for a persons

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<sup>1</sup> <https://www.thurrock.gov.uk/protest-injunction>

unknown injunction extending over the whole of a borough to be in place for more than a year (§225).

- The Public Order Act 2023 creates specific criminal offences and harsher penalties relating to tunnelling, locking on, obstructing major transport works and interfering with key national infrastructure. We do not see how this injunction can remain necessary in circumstances where Parliament has legislated to outlaw the particular conduct enjoined by the injunction since it was granted (*Wolverhampton* §21).
- Your client (Thurrock Council) is widely reported to be in a financially precarious position. Should your client maintain the injunction despite its apparent inability to compensate those who have suffered loss from being denied their right to protest, that may militate against its current excusal from a cross-undertaking.
- The injunction has a wide geographical ambit. It covers significant swathes of the public highway on which acts that may be incidental to protest, such as “*otherwise interfering with the flow of traffic*” are prohibited. This may have the effect of restricting legitimate protest at any site of symbolic importance to the activity being protested against. Injunctions with extensive geographical reach were a particular concern to the Supreme Court in *Wolverhampton* (§§73, 225).

In light of these considerations we would invite you to apply to discharge the injunction as it is no longer justified as a novel exercise of an equitable discretionary power.

Yours faithfully

A handwritten signature in black ink that reads "Bindmans". The script is cursive and somewhat stylized, with the 'B' being particularly large and the 's' ending in a long, sweeping tail.

**Bindmans**