

On behalf of: the Appellant  
By: L N Higson  
No: 1  
Exhibit: LNH1  
Date: 14 December 2022

**Court of Appeal Ref: CA-2022-001066**  
**and linked case ref: CA-2022-001105**

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**KINGS BENCH DIVISION**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Appellant

- and -

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF,  
ENDANGERING, OR PREVENTING THE FREE FLOW OF TRAFFIC ON  
THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2  
AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND  
A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23  
AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Respondents

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**WITNESS STATEMENT OF  
LAURA NATASHA HIGSON**

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**I, LAURA NATASHA HIGSON**, of 1 St Pauls Place, Sheffield, S1 2JX **WILL SAY** as follows:

1. I am a solicitor of the Senior Courts of England and Wales and an Associate at DLA Piper UK LLP with shared day-to-day conduct of this matter under the supervision of my partners. I am authorised to make this Witness Statement on behalf of the Appellant ("NHL") in support of NHL's application for an order granting permission for NHL to file a supplementary bundle in excess of 350

pages and/or rely on an unagreed core bundle and an unagreed supplementary bundle pursuant to paragraphs 27(11) and 27(12) of Practice Direction 52C of the Civil Procedure Rules ("**PD 52C**").

### **Background**

2. On 27 May 2022, NHL made an application to the Court of Appeal for permission to appeal the orders of Mr. Justice Bennathan made on 9 May 2022 and 12 May 2022.
3. On 27 October 2022, NHL was granted permission to appeal.
4. On 1 November 2022, NHL received the 'Listing Window Notification Letter' from the Civil Appeals Office dated 31 October 2022, which assigned the case a hear-by-date of 2 October 2023. A copy of the Listing Window Notification Letter is exhibited at pages 1 to 6 of LNH1.
5. By a letter dated 24 November 2022, NHL made an application to the Court for the hearing of the matter to be expedited. That application was granted and on 12 December 2022 NHL received a 'Hearing Notification Letter' dated 9 December 2022 notifying NHL that the hearing of the matter had been listed on 16 February 2023. A copy of the Letter is exhibited at pages 7 to 11 of LNH1.
6. The Hearing Notification Letter directs NHL to file and serve the bundles for the appeal by 5 January 2023.

### **Basis for the Application**

7. Paragraph 8 of the Listing Window Notification Letter directed NHL to serve a proposed bundle index for the core bundle and any supplementary bundle on every Respondent by 14 November 2022, and directed that the Respondents should either agree the contents of the core and supplementary appeal bundles or notify NHL of any documents that they consider should be included in, or removed from the bundle(s) by 19 December 2022. The 14 November 2022 filing deadline was extended to 28 November 2022 by the Court upon receipt of an application made by NHL by email on 7 November 2022 to extend the deadline by 14 days.
8. Under cover of a letter dated 24 November 2022, NHL served the proposed appeal core bundle index, the proposed supplementary appeal bundle index and other documents upon the Respondents. An example of the covering letter is exhibited

at pages 12 to 14 of LNH1. The covering letter re-iterates the information set out at paragraph 8 of the Listing Window Notification Letter and requests that the Respondents either agree the contents of the core and supplementary appeal bundles or notify NHL of any documents that they consider should be included in, or removed from the bundle(s) by 19 December 2022. The covering letter further states that should NHL not hear from any of the Respondents by 19 December 2022, it will assume that they have no objections to the proposed bundle indexes.

9. The proposed supplementary bundle as currently drafted will be approximately 390 pages long. A copy of the index is exhibited at pages 15 to 16 of LNH1. As such, NHL requests permission to file a supplementary bundle which is in excess of 350 pages pursuant to paragraph 27(11) of PD 52C. It is necessary to put these documents before the Court for the following reasons:

9.1 In respect of documents numbered 1 to 8, these documents set out the background to the claim and are referred to in NHL's Appeal Skeleton Argument;

9.2 In respect of documents numbered 9 to 15, these documents are necessary for the Court to know what was before Mr. Justice Bennathan at the hearing on 4 and 5 May 2022, particularly in circumstances where the appeal raises issues as to the Judge's approach to the evidence;

9.3 In respect of documents numbered 16 to 20, these documents concern applications made by NHL in relation to the appeal (for permission and alternative service); and

9.4 In respect of the remaining documents, these have general relevance to the appeal.

10. As at the date of this witness statement, NHL has received no comments, acknowledgments or agreements to the bundle indexes in response to its letter of 24 November 2022 from any of the Respondents.

11. Whilst the 19 December 2022 deadline for the Respondents to comment on the content of the proposed appeal bundle indexes has not yet passed, NHL does not anticipate that it will receive any such comments either on or before the deadline given the limited engagement by the Respondents throughout the proceedings and to date. NHL has extensive experience of the Respondents' conduct throughout

the course of the claims from their inception in September 2021. The Respondents have largely ignored correspondence from NHL, even when that correspondence concerned contempt of court proceedings being brought against them. On the occasions when the Respondents have engaged with NHL, it has generally been to give NHL information about the climate emergency and other information about their cause, rather than about the proceedings themselves.

12. In order for NHL to comply with the Court's direction to file and serve the core and supplementary appeal bundles by 5 January 2023, NHL will need to have printed the bundles and sent them by courier to the Court and to those Respondents who have requested service of documents by post by no later than 4 January 2023. NHL is aware that the Court closes for the winter break on 21 December 2022 and it is concerned that if it waits until after 19 December 2022 to file the Application, the Court may not have adequate time to consider and determine it, such that NHL will be able to make amendments to the bundles (if required) and file and serve the bundles by 5 January 2023.
13. NHL will write to the Court by email after 4 pm on 19 December 2022 to confirm whether any or not response has been received from any Respondent as at that date, and should any comments have been received from the Respondents, NHL will provide copies of such correspondence to the Court for its consideration when determining this Application.
14. Accordingly, NHL seeks the permission of the Court to file an unagreed core appeal bundle and an unagreed supplementary appeal bundle pursuant to paragraph 27(12) of PD 52C and requests that the application is determined urgently and in any event, by no later than 21 December 2022. In the alternative, if the Application cannot be determined by 21 December 2022, NHL respectfully requests an extension to the deadline to file and serve the appeal bundles by 7 days to 12 January 2023 to allow sufficient time for the Court to consider the application and for NHL to address preparation and service of the bundles.
15. I can confirm that NHL will take immediate steps to send a copy of this Application to the Respondents once it has been filed with the Court in accordance with the the methods of service set out in the order of Whipple LJ dated 8 November 2022.

**Statement of Truth**

I believe that 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.

Dated: 14 December 2022



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**LAURA NATASHA HIGSON**

On behalf of: the Appellant  
By: Laura Natasha Higson  
No: 1  
Exhibit: LNH1

Date: 14 December 2022

**Court of Appeal Ref: CA-2022-001066**  
**and linked case ref: CA-2022-001105**

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**QUEENS BENCH DIVISION**

BETWEEN:

**NATIONAL HIGHWAYS LIMITED**

Appellant

- and -

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF,  
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ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND  
M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414  
AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11,  
M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF  
PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Respondents

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**EXHIBIT OF  
LAURA NATASHA HIGSON**

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This is the exhibit marked LNH1 referred to in the witness statement of Laura Natasha Higson dated this 14th day of December 2022.



Signed .....



**CIVIL APPEALS OFFICE**

Room E307, Royal Courts of Justice

Strand, London WC2A 2LL

DX 44456 STRAND

**Telephone**

**Fax** 020 7947 6736

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DLA Piper UK LLP  
1 St Paul's Place  
Sheffield S1 2JX

DATE: 31-10-2022

YOUR REF: PXB/366530/239

OUR REF: CA-2022-001066

Linked Case References: CA-2022-001105

**THIS LETTER IS THE “LISTING WINDOW NOTIFICATION LETTER”**

**THIS LETTER CONTAINS IMPORTANT DIRECTIONS FOR THE PREPARATION OF THE APPEAL AND MUST BE READ CAREFULLY BY BOTH THE APPELLANT(S) AND RESPONDENT(S)**

Dear Sir/Madam,

Re: National Highways Limited v Persons Unknown & Ors

The appellant's notice in respect of the order of Mr Justice Bennathan dated 09-05-2022, for which permission to appeal was granted by the Court of Appeal on 27-10-2022 will now proceed as an appeal.

**What you must do next:**

- 1. Where permission to appeal was granted by the Court of Appeal at an oral hearing, the transcript of judgment must be ordered from the transcribers within 14 days and confirmation that the judgment has been ordered must be sent to this Office.**
- 2. The appellant must complete the enclosed party details form and return it to this office within 4 days (see para 2);**
- 3. Respondent's Notice (if relied upon) must be filed (see para 3);**
- 4. The appellant must serve a proposed bundle index on every respondent (see para 8);**
- 5. The appellant must file and serve on every respondent the Appeal Questionnaire (see para 6);**
- 6. The respondent must agree the contents of the appeal bundle or serve a revised bundle index (see para 8);**
- 7. The appellant must file and serve an appeal skeleton argument (but see para 9 for guidance);**

## **8. The respondent must file a skeleton argument (see paras 3 or 4).**

**1. Sending Documents to the Civil Appeals Office (other than bundles):** Documents must be filed using the E-filing service in accordance with paragraph 2.2J of Practice Direction 51O. Guidance on using the E-Filing service can be found at <https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals>.

**2. Party Details Form:** The enclosed Party Details form must be completed and returned to this Office within 4 days of receipt showing details of any changes or new information. You are reminded that you are required to inform the Court immediately of any change in address or in representation by advocate or alteration in the address, telephone number or reference of solicitors on record.

**3. Respondent's Notice:** A respondent's notice (Form N162) must be filed if:

- the respondent seeks to vary the lower court order, in which case permission to cross appeal is required; or
- the respondent wishes to argue that the lower court order should be upheld for different or additional reasons to those given by the lower court. Permission to cross appeal in such circumstances is not required.

There is very limited time in which to file a respondent's notice. CPR 52.13(4)-(6) sets out the time limits for filing and serving a respondent's notice. In the event that the respondent's notice is not filed within the relevant time limit, an application for an extension of time must be made in the respondent's notice itself and full reasons given.

If the respondent's skeleton argument is not included within or filed with the respondent's notice, it should be filed and served within 14 days of filing the notice. It should be labelled the "respondent's appeal skeleton argument". Please see paragraph 9 below regarding compliance with CPR PD 52A and 52C in relation to skeleton arguments.

**4. Respondent's Notice is not relied upon:** If the respondent wishes the Court of Appeal to uphold the lower court order for the same reasons relied upon by the lower court, a respondent's notice is not required.

A respondent who does not file a Respondent's Notice will not be able to rely on any additional arguments at the appeal hearing which were not raised in the lower court, unless the Court gives permission.

Even when a Respondent's Notice is not filed, a represented respondent must provide a skeleton argument for the Court in all cases where he proposes to address arguments to the Court. Respondents acting in person are not required to, but are strongly encouraged to prepare a skeleton argument which responds to any appellant's skeleton argument. Where a respondent does not file a Respondent's Notice, a skeleton argument should be filed and served on every other party to the appeal by 05 Dec 2022. It should be labelled the "respondent's appeal skeleton argument". Please see paragraph 9 below regarding compliance with CPR PD 52A and 52C in relation to skeleton arguments.

**5. Review of the Case:** Promptly after the grant of permission to appeal and before the appeal skeleton arguments are due to be filed, the parties must review the case with a view to resolution or refinement of the issues to be determined at the appeal hearing. A further review with the same purpose should be conducted by the parties after the appeal skeleton arguments have been served and by 19 Dec 2022. See CPR PD 52C, paragraph 27(6) and (10).

**6. Appeal Questionnaire:** The Appeal Questionnaire must be completed and returned to this Office



by 14 Nov 2022. Part 1 is to be completed, signed by you and endorsed with the relevant fee of £1292; Part 2 is to be completed by your advocate, a photocopy sent to the advocate(s) for the respondent(s), and the original returned to this Office by this deadline. Your advocate must be told to advise the Court immediately of any alteration needed to the time estimate in the future. If a Lord Justice has given a time estimate for the hearing of the appeal and your advocate disagrees with it, he must explain why in Part 2 of the Questionnaire. If the respondent disagrees with the time estimate provided by the appellant, the respondent must file at the Civil Appeals Office and serve on every other party his own time estimate no later than 7 days after the service of the appellant's Appeal Questionnaire.

**7. Documents to be added to the Core Bundle:** You should add the following documents to the core bundle relied upon at the permission to appeal stage. The documents should be lodged in the Civil Appeals Office with a revised index. The documents are:

- a copy of any orders made in the Court of Appeal;
- where the order was made at an oral hearing, the transcript of any judgment which was given;
- the respondent's notice (if any);
- the appellant's replacement skeleton argument;
- the respondent's replacement skeleton argument.

**8. Agreeing Appeal Bundle:** In accordance with CPR PD 52C paragraph 21, the appellant must serve a proposed bundle index for the core bundle and any supplementary bundle on every respondent by 14 Nov 2022. The index/indices should separately and precisely identify, by description and date (if applicable), every document to be included in the bundle(s).

By 19 Dec 2022 the respondent(s) must either agree the contents of the core appeal bundle and any supplementary appeal bundle or notify the appellant of the documents that the respondent considers should be included in, or removed from, the appeal bundle by sending a revised index to the appellant. If no agreement is reached in relation to the inclusion of a particular document, then it must be placed in an unagreed documents bundle prepared by the party who proposed its inclusion. The bundle must be indexed and paginated and must be clearly labelled as an unagreed documents bundle.

Please ensure that paper copy bundles show the name of the case (which can be abbreviated), the name of the bundle and the volume number (where relevant) on the spine in at least 14 point font. If there are multiple volumes please also show the tabs or pages numbers in each volume on the spine.

**Supplementary Bundle:** If any agreed supplementary bundle is over 350 pages an application for permission to rely on it must be made to the court (see CPR PD 52C paragraph 27(11)). An application for permission to rely on a supplementary bundle in excess of 350 pages should be made as soon as the contents of the supplementary bundle are agreed and not when the bundles are subsequently being filed and served 6 weeks prior to the appeal hearing. Such an application should be accompanied by the proposed agreed index for the supplementary bundle. It is not necessary to file the entire supplementary bundle in support of the application unless you are directed to do so by the court after the application is filed.

**9. Appellant's appeal skeleton argument:** In accordance with CPR PD 52C paragraph 21, the appellant must file and serve on every other party an appeal skeleton argument by 14 Nov 2022. An appellant who wishes to rely at the appeal on the skeleton argument filed in support of the application for permission to appeal, need not re-file the skeleton argument at this stage but must

confirm by 14 Nov 2022 to every other party to the appeal and the Civil Appeals Office that the appellant intends to rely on the permission to appeal skeleton argument at the appeal. It must be served on every other party to the appeal by the above date if it has not been served already.

Your attention is drawn to CPR PD 52C paragraph 31(1) which provides that a skeleton argument must not normally exceed 25 pages (excluding front and back sheets) and be printed on A4 paper in not less than 12 point font and 1.5 line spacing. It should be labelled as the “appellant’s appeal skeleton argument”. Further requirements as to the content of skeleton arguments can be found at CPR PD 52A paragraph 5. Please note that any skeleton argument which fails to comply with CPR 52C paragraph 31.1 will be returned by the Civil Appeals Office. If re-filed out of time it must be accompanied by a formal application under part 23 seeking permission to rely on it.

Documents must be filed electronically via the E-filing service.

**10. Filing and Serving the Appeal Bundle:** Six weeks before the appeal hearing and subject to any direction of the court, the appellant must file the appropriate number of core bundles and any supplementary bundles with the court and serve a copy on all other parties to the appeal. **Pursuant to paragraph 14.4 Practice Direction 51O the Court orders that electronic bundles be filed via the E-Filing Service in addition to paper format bundles.** Bundles filed electronically must be formatted as one PDF document with bookmarks as appropriate for each document and with section headings within the document, unless its size exceeds 50 megabytes, in which case it can be divided into up to 10 documents of that size, each bearing bookmarks as appropriate (see paragraphs 10.3 and 14.1 Practice Direction 51O). If the filing of electronic bundles causes difficulty you should write to the court and further directions will be given. Further notification regarding the filing and serving of appeal bundles will be given when the appeal is listed.

**11. Default:** If you do not comply with the requirements set out in this letter without good reason, the case is likely to be dismissed with costs.

**12. Extensions of Time:** For extension of time to file a respondent’s notice, see paragraph 3 above. If you are unable to comply with any other time limit and there are good reasons for requesting an extension of time, you should write, before the time limit has expired, to the Civil Appeals Office setting out the reasons and the length of the extension sought. Your request for an extension of time should be copied to the other parties to the appeal (see CPR 39.8(4)). You will then be informed whether or not an extension has been granted.

If an extension of time is granted, you must inform all other parties to the appeal of the extension obtained and the new time limit.

**13. Listing:** In order to ensure, so far as possible, that cases are heard in their proper place in the list, each appeal is given a target date known as its hear-by date. The hear-by date assigned to this case is 02-10-2023. We aim to list this appeal before 3 Lords Justices by 02-10-2023. Where the application for permission to appeal has been significantly delayed, the listing window may have passed. If this is the case, the appeal will be listed as soon as possible taking into account the constraints of the list and term dates. Where a hear-by date falls in or near the Long Vacation it may be abridged or extended of the Court’s own initiative, and no application for that purpose need be made. These dates are subject to any alternative directions given by the Court.

**14. Video Conferencing:** The court offers video-conferencing facilities and encourages parties to use them where appropriate. Video-conferencing provides greater access for those living or practising out of London and for those with disabilities. Details are available on the website at [www.justice.gov.uk/courts/video-conferences](http://www.justice.gov.uk/courts/video-conferences). Those without access to the internet should contact the Civil Appeals Listing Office at Room E306, Royal Courts of Justice, telephone 020 7947 6195/6917.

**15. Access to Practice Direction:** Further information about procedures for appealing in the Court of Appeal (Civil Division) can be found in Practice Direction 52C which supplements Part 52 of the Civil Procedure Rules. The Practice Direction can be found at "[www.justice.gov.uk/courts/procedure-rules/civil/rules/pd\\_part52](http://www.justice.gov.uk/courts/procedure-rules/civil/rules/pd_part52)". It is also available for inspection at the Civil Appeals Office Registry counter in Room E307 of the Royal Courts of Justice.

**16. Disposal of Bundles:** Paper format bundles lodged with the Court will not be returned to the parties but will be destroyed in the confidential waste disposal system at the conclusion of the proceedings and without further notification.

All parties filing bundles with the Court must retain a copy of the bundle:

- a) for their own use in the proceedings; and
- b) as an essential back up should the court bundle(s) be accidentally misplaced, damaged or destroyed; and
- c) for the purposes of any onward appeal.

The parties should ensure that bundles filed with the Court do not contain original material such as original documents, photographs, recording media etc. If it is necessary to use original material, *copies* should still be included in the court bundles and the originals should be brought to the hearing. Parties must ensure they retrieve any original material handed up to the judge before leaving court. Any original material placed in the court bundle will be destroyed with the court bundle at the conclusion of proceedings (see paragraphs 27(14) and (15) of Practice Direction 52C). Electronic bundles will be retained for a period of two months following judgment after which they may be deleted (see paragraph 14.5 Practice Direction 51O).

**17. Court of Appeal Mediation Scheme:** The Court of Appeal is keen to encourage settlement of appeals and is able to provide access to means of alternative dispute resolution (ADR). You should read and consider the enclosed Form 56A and discuss the matter with your client.

If, by 30 Nov 2022, we have received written confirmation on behalf of all parties to the appeal that they agree to enter the Court of Appeal Mediation Scheme then mediation can proceed. Otherwise, after the expiry of that time limit, the appeal must be proceeded with in accordance with the timetable set out above.

Yours faithfully,

Manpreet Singh  
(Case Progression Manager - Section A2)  
[civilappeals.cmsa@justice.gov.uk](mailto:civilappeals.cmsa@justice.gov.uk)

Enc: Forms 235 237A 237B 56A 56C

In accordance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 that came into effect from 25th May 2018 if you would like to know more about how HMCTS handles your personal data please visit our website at [www.gov.uk/hmcts](http://www.gov.uk/hmcts). If you require a hard copy of the privacy notice please contact the court.

**With effect from 1<sup>st</sup> February 2018 the Case Progression Section will only answer the phones between the hours of 10am – 12pm and 2pm – 4pm.**



## CIVIL APPEALS OFFICE

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DLA Piper UK LLP  
1 St Paul's Place  
Sheffield S1 2JX

DATE: 09-12-2022

YOUR REF: PXB/366530/239

OUR REF: CA-2022-001066

Linked Case References: CA-2022-001105

Dear Sir/Madam,

Re: National Highways Limited v Persons Unknown & Ors

I am writing to notify you that the hearing of this appeal under the reference CA-2022-001066 will take place at the Royal Courts of Justice on 16-02-2023. You will receive no further notice of that hearing date. The hearing will take place in a courtroom open to the public.

If you require any special provision to attend a court hearing please contact this office as soon as possible so that arrangements can be made.

**If you have access to the Internet you must check the Daily Cause List on our website ([www.justice.gov.uk](http://www.justice.gov.uk)) after 2.30pm on the working day before the hearing date to confirm the courtroom number and the time at which you should attend.**

If you do not have Internet access you should telephone this office after 2.30pm on the working day before for details of the hearing.

### **Bundles**

3 sets of paper format bundles must be filed at the court by 05-01-2023. Where the court is already in possession of a set of bundles relied upon at the permission stage which has been appropriately amended for the appeal, one less set of bundles is required. All bundles must contain both the appellant's and respondent's replacement skeleton arguments. A copy of the bundle must also be served on all other parties to the appeal by 05-01-2023.

Please ensure that paper copy bundles show the name of the case (which can be abbreviated), the name of the bundle and the volume number (where relevant) on the spine in at least 14 point font. If there are multiple volumes please also show the tabs or pages numbers in each volume on the spine.

All parties filing bundles with the Court must retain a copy of the bundle:

- (a) for their own use in the proceedings; and
- (b) as an essential back up should the court bundle(s) be accidentally misplaced, damaged or destroyed; and
- (c) for the purposes of any onward appeal.

The parties should ensure that paper format bundles filed with the Court do not contain original material such as original documents, photographs, recording media etc. If it is necessary to use

original material, copies should still be included in the court bundles and the originals should be brought to the hearing. Parties must ensure they retrieve any original material handed up to the judge before leaving court. Any original material placed in the court bundle will be destroyed with the court bundle at the conclusion of proceedings (see paragraph 27(14) and (15) of CPR PD 52C).

If the Court already has a paper format bundle(s) which was used at the permission to appeal stage, the appellant or his representatives must ensure that the bundle(s) the court already has is appropriately amended for the appeal hearing and is identical to all other appeal bundles.

**Please also confirm whether you are able to provide any hard copy bundles in mini bundle form (in A5 format).**

In addition to paper format bundles you have been ordered pursuant to paragraph 14.4 Practice Direction 51O to file electronic bundles via the E-Filing Service. Guidance on using the E-Filing service can be found at <https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals>. Bundles filed electronically must be formatted as one PDF document with bookmarks as appropriate for each document and with section headings within the document, unless its size exceeds 50 megabytes, in which case it can be divided into up to 10 documents of that size, each bearing bookmarks as appropriate (see paragraphs 10.3 and 14.1 Practice Direction 51O). All electronic bundles must have the same format (files, tabs, description, index and pagination) as the paper format bundles and must be updated as and when paper format bundles are updated. Electronic bundles must be filed by the same date that paper format bundles are due to be filed.

**Please note all queries about bundles should be directed to your Case Progression Manager on 020 7947 6139 not the Listing Office.**

### **Sending Documents to the Court of Appeal (other than bundles)**

Documents must be filed using the E-Filing service in accordance with paragraph 2.2J of Practice Direction 51O. Guidance on using the E-Filing service can be found at <https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals>.

### **Bundles of Authorities**

Bundles of authorities should be lodged by no later than 09-02-2023 in accordance with CPR PD 52C paragraph 29. Advocates must ensure that a certificate is included in any bundle of authorities lodged in accordance with CPR PD 52C paragraph 29(5). Where possible bundles of authorities should be submitted via the E-Filing service in electronic format. Electronic authorities bundles should correspond to the paper format bundle.

### **Documents to be provided at the Appeal hearing**

You must bring two additional copies of your appeal skeleton argument, including any supplementary skeleton argument, to the appeal hearing in accordance with CPR PD 52C, paragraph 33. The additional copies should be given to the usher or other court official present in court before the commencement of the hearing. The usher or other court official will provide one copy to the accredited law reporters and the other copy to the accredited media reporters.

### **Courtroom Requirements**

The parties should inform the List Office as soon as possible if a large courtroom is likely to be required for the appeal due to, for example, the volume of documentation, the number of legal representatives or public/press interest.

### **Disposal of Bundles**

Paper format bundles lodged with the court will not be returned to the parties but will be destroyed

at the conclusion of the proceedings in accordance with CPR PD 52C paragraph 27(15). Electronic bundles will be retained for a period of two months following judgment after which they may be deleted (see paragraph 14.5 Practice Direction 51O).

Yours faithfully,

Alam Zaidi  
Listing Office  
civilappeals.listing@justice.gov.uk

In accordance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 that came into effect from 25th May 2018 if you would like to know more about how HMCTS handles your personal data please visit our website at [www.gov.uk/hmcts](http://www.gov.uk/hmcts). If you require a hard copy of the privacy notice please contact the court.

**With effect from 1<sup>st</sup> February 2018 the Case Progression Section will only answer the phones between the hours of 10am – 12pm and 2pm – 4pm.**

# Information for people visiting the Royal Courts of Justice

The Royal Courts of Justice (RCJ) has services and facilities available to support you when you visit us.

We know that people with disabilities will sometimes need our help to use or access our services and we will provide reasonable adjustments to help with this.

Many areas of the RCJ are Grade 1 listed and this means there are restrictions to the changes we can make. The RCJ is spread over 8-acres and some of the areas you will need to visit could be up to a 5 to 10-minute walk apart.

We can provide services such as:

- A car park space for blue badge holders. This will need to be pre-booked (contact the Listing Office dealing with your case) \*
- Wheelchairs, although these are limited. If you use a wheelchair and have your own please bring this with you. You will need a carer or helper to support you when using a wheelchair as our staff aren't trained or insured to do this \*\*
- The Personal Support Unit (PSU). They can help with giving directions around the building but can't help with personal care or pushing wheelchairs. Please telephone the PSU on 020 7947 7701 before your visit if you need their assistance.
- Accessible counters at most reception areas.
- Leaflets showing accessible routes in the building and information about facilities/ services we can provide.
- Arranging pre-hearing visits to the court to see the court room and to talk about any specific needs.
- Breaks in court proceedings. These can be arranged with the judge before your hearing begins.
- Providing help with reading and writing court forms. Some court documents can be provided in large print or braille <https://www.gov.uk/government/collections/court-and-tribunal-forms>.
- Interpreters, but you'll need to contact your case manager to arrange this.
- Ramps and stair lifts to areas of the building that were previously inaccessible.
- Prayer, quiet and contemplation rooms. These are available in the East Block and Queen's building.
- Hearing enhancement systems at public counters and in certain courts
- Portable hearing loops available on request.
- Accessible toilets and baby changing facilities.
- Refreshments in the main building in Café 26 (back of the main hall) and by trolley service in the Queen's Building.

## More information

\*If you need a parking space (Blue Badge holders only) please contact the Listing Office, by e-mail or letter at least 24 hours before your hearing.

You'll need to include:

- your case number
- car registration
- make, model and colour
- your Blue Badge number
- issuing authority.



We will give this information to our Security Teams and it will be included in the daily parking list.

**If you have any specific needs you need to talk to us about, please contact the Disability Contact Officer** – Mr Chowdhury on 0207 947 6915 or Mrs Walker on 020 7949 7943

\*\*Wheelchair access into the RCJ is available at West Green (9am - 4.30pm), Quadrangle (9am - 4.30pm) and Bell Yard North (9.30am - 4.30pm). External intercoms linked to RCJ Security are found at these entrances and at the main entrance.

### **Information for Listing Officers**

The upper levels of the courts in West Green shouldn't be used if any of the court users have mobility problems; as they can only be accessed using a small lift and there are no safe exit areas on these floors.



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Attention: Adrian Temple Brown



Your reference

Our reference

LNH/LNH/366530/239  
UKM/122668202.1

By Email Only: 

24 November 2022

Dear Sir/Madam

**COURT OF APPEAL REFERENCES: CA-2022-001066 AND CA-2022-001105**

**APPELLANT: NATIONAL HIGHWAYS LIMITED**

**RESPONDENTS: (1) PERSONS UNKNOWN AND (2) MR ALEXANDER RODGER AND 132 OTHERS**

As you are aware, we are instructed by National Highways Limited ("NHL").

We write further to our letter of 11 November 2022, with which we enclosed the Order of Lady Justice Whipple dated 8 November 2022 granting permission for NHL to serve documents pertinent to these proceedings upon you by placing the documents on the NHL Injunctions webpage at <https://nationalhighways.co.uk/injunctions-appeal> in addition to email service where you have provided your email address, or by postal service only where you have contacted us to request that the documents be served on you by post.

The Listing Window Notification Letter dated 31 October 2022 (a copy of which is available at <https://nationalhighways.co.uk/injunctions-appeal>) sets out at paragraphs 6, 8 and 9 the following steps that NHL must comply with by 14 November 2022:

1. File and serve a copy of the Appeal Questionnaire upon every other party;
2. Serve proposed indexes for the Core Appeal Bundle and any Supplementary Appeal Bundle upon every other party; and
3. File and serve upon every other party the Appellant's Appeal Skeleton Argument.

Please note that on 7 November 2022, NHL made an application to the Court of Appeal by email to extend the deadline for complying with the above steps by two weeks, such that NHL be permitted to serve the above listed documents upon you by 4 pm on Monday 28 November 2022. That application was granted by the Court of Appeal by email on 8 November 2022 and we enclose a copy of that email exchange for your information.

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A list of offices and regulatory information can be found at [dlapiper.com](http://dlapiper.com).

UK switchboard  
+44 (0) 20 7349 0296

We enclose by way of service upon you:

1. Appeal Questionnaire;
2. Proposed Core Bundle Index;
3. Proposed Supplementary Bundle Index; and
4. NHL's Skeleton Argument for the Appeal.

### **Next Steps**

If you disagree with the time estimate for the hearing of the appeal, you must file at the Civil Appeals Office and serve on every other party your own time estimate no later than 7 days after the date of service of the Appeal Questionnaire (see paragraph 6 of the Listing Window Notification Letter).

By 19 December 2022, you must either agree the contents of the Core Appeal Bundle and the Supplementary Appeal Bundle or notify NHL of the documents that you consider should be included in, or removed from, the Bundle(s) by sending a revised index to NHL (see paragraph 8 of the Listing Window Notification Letter). In this regard we would draw your attention in particular to Paragraph 27(8) and Paragraph 27(9)(c) of Practice Direction 52C of the Civil Procedure Rules (see: <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part52/practice-direction-52c-appeals-to-the-court-of-appeal#27.1>) which give guidance on the documents that may be included in the Bundles.

Please note that the Supplementary Appeal Bundle as per the current proposed index will exceed 350 pages and accordingly, NHL will be making an application to the Court for permission to rely on a Supplementary Appeal Bundle in excess of 350 pages. That application is to be made once the contents of the Supplementary Appeal Bundle have been agreed. If we do not hear from you by 19 December 2022, we will assume that you have no objections to the proposed Bundle Indexes, and we will file the application shortly thereafter.

### **Expedition of the Hear-by-Date**

As set out at paragraph 13 of the Listing Window Notification Letter, this case has been assigned a hear-by-date of 2 October 2023 and the Court of Appeal will aim to list the Appeal hearing by this date.

By a letter dated 24 November 2022, NHL has made an application to the Court for expedition of the hear-by-date and has requested that the Appeal be heard by 24 February 2023. We enclose the expedition request letter by way of service upon you. The brief grounds on which expedition has been sought are set out in the letter.

Further details of any expedited hear-by-date will be provided to you when this becomes available.

### **Documents Available to View on NHL Injunctions Website**

The following documents pertinent to these proceedings are available to view on the NHL Injunctions website at <https://nationalhighways.co.uk/injunctions-appeal>:

1. Permission Order dated 27 October 2022;
2. Listing Window Notification Letter dated 31 October 2022;
3. Application Notice dated 3 November 2022;
4. Witness Statement of Laura Higson dated 3 November 2022 with Exhibit LNH1;
5. The Order of Lady Justice Whipple dated 8 November 2022;
6. Party Details Form;
7. Schedule: Party Details;
8. Letter to Respondents dated 24 November 2022 serving NHL's Skeleton Argument, Appeal Questionnaire and proposed Bundle Indexes;

9. Email exchange between DLA Piper and the Civil Appeals Office regarding an extension to the filing deadline;
10. NHL's Skeleton Argument for the Appeal;
11. Appeal Questionnaire;
12. Proposed Core Bundle Index;
13. Proposed Supplementary Bundle Index; and
14. Letter to the Civil Appeals Office dated 24 November 2022 requesting expedition of the hear-by-date.

If you require advice on the contents of this letter or its enclosures, we recommend that you contact a solicitor or a citizens advice bureau as soon as possible.

Yours faithfully



**DLA Piper UK LLP**

Enc.

**NATIONAL HIGHWAYS LIMITED**

- and -

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF,  
ENDANGERING OR PREVENTING THE FREE FLOW OF TRAFFIC ON  
THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2  
AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414  
AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11,  
M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF  
PROTESTING**

**(2) MR. ALEXANDER RODGER AND 132 OTHERS**

**SUPPLEMENTARY BUNDLE INDEX**

<b>TAB</b>	<b>DOCUMENT</b>	<b>PAGES</b>
<b>Interim Injunctions</b>		
1.	Order of Mr. Justice Lavender dated 21 September 2021	
2.	Order of Mr. Justice Cavanagh dated 24 September 2021	
3.	Order of Mr. Justice Holgate dated 2 October 2021	
<b>Supporting Witness Statement for M25 Injunction</b>		
4.	Witness Statement of Anthony Nwanodi (without Exhibits) dated 30 September 2021	
<b>Claim Forms and Particulars of Claim</b>		
5.	Claim Form dated 21 September 2021	
6.	Claim Form dated 24 September 2021	
7.	Claim Form dated 2 October 2021	
8.	Consolidated Particulars of Claim dated 22 October 2021	
<b>Application for Summary Judgment</b>		
9.	Sealed Application Notice	
10.	Draft Order	
11.	Witness Statement of Nicola Bell (without Exhibit) dated 22 March 2022	
12.	First Witness Statement of Laura Higson (without Exhibit) dated 24 March 2022	
13.	Second Witness Statement of Laura Higson (without Exhibit) dated 25 April 2022	
14.	Claimant's Skeleton Argument	
15.	Skeleton Argument of Jessica Branch and Caspar Hughes	

<b>Application for Permission to Appeal</b>		
16.	Appellant's Notice	
17.	Form N460	
18.	Skeleton argument for application for permission to appeal	
<b>Application for Permission to Serve Documents by Alternative Means</b>		
19.	Sealed Application Notice	
20.	Witness Statement of Laura Higson (without Exhibit) dated 3 November 2022	
<b>Correspondence</b>		
21.	Listing Window Notification Letter dated 31 October 2022	
22.	Letter to Civil Appeals Office requesting the expedition of the Appeal Hearing date	
<b>Schedule of Named Defendants</b>		
23.	Schedule of Named Defendants	