

TRIAL BUNDLE FOR THE ANNUAL REVIEW HEARING

10 JULY 2024

CLAIM NO. QB-2022-001098

**(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED**

CLAIMANTS

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')**
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')**
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')**
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')**
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')**
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')**
- ~~(G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')~~**
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')**

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

**(4) PAUL BARNES
(5) DIANA HEKT**

DEFENDANTS

27 June 2024



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To whom it may concern

Claim number: QB-2022-001098

This notice is given in connection with Operating Sites injunctions that the Claimants have sought and which were granted by Mr Justice Linden on 18 July 2023 (as amended on 21 July 2023 and 16 October 2023) (the **Linden Order**) and by Mrs Justice Ellenbogen on 29 January 2024 against various defendants connected to the Extinction Rebellion or Just Stop Oil campaigns with claim number QB-2022-001098 (the **Ellenbogen Order**).

We refer to the notice of 11 April 2024, in which we confirmed that the Claimants have fixed this year's annual review hearing for Wednesday, 10 July 2024, with a time estimate of half a day.

Pursuant to paragraph 9 of the Ellenbogen Order, the Claimants are required to file and serve a trial bundle seven (7) days before the annual review hearing (the **Trial Bundle**). By way of service, we enclose the Trial Bundle.

A copy of the Trial Bundle may be obtained from Norton Rose Fulbright LLP at the address stated above or by emailing ExxonMobil.Service@nortonrosefulbright.com. This notice can also be viewed at <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>.

Yours faithfully

Norton Rose Fulbright LLP

Norton Rose Fulbright LLP

Enc.

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(2) EXXONMOBIL CHEMICAL LIMITED

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(4) PAUL BARNES
(5) DIANA HEKT

Defendants

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Claim Form

You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

In the High Court of Justice
Queen's Bench Division

Fee Account no.

PBA 0087211

Help with Fees –
Ref no. (if applicable)

H W F - -

For court use only

Claim no.

Issue date

Claimants names and addresses including postcode

(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED
both of Ermyn House, Ermyn Way, Leatherhead, Surrey KT22 8UX

Defendants names and addresses including postcode

(1) Persons Unknown as further described in the attached ~~rider~~ further amended rider

(2) The named Defendants listed in the attached further amended rider

Brief details of claim

Claim for injunctions as further described in the Particulars of Claim

Value



QB-2022-001098

You must indicate your preferred County Court Hearing Centre for hearings here (see notes for guidance)

Defendant's
name and
address for
service including
postcode

£

Amount claimed

Court fee

Legal representative's costs

Total amount

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998?

☒ Yes ☐ No

Particulars of Claim

See attached

Statement of Truth

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.

☐ I believe that the facts stated in this particulars of claim are true.

☒ **The Claimant** believes that the facts stated in this particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature



☐ Claimant

☐ Litigation friend (where judgment creditor is a child or a patient)

☒ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

4

Month

April

Year

2022

Full name

Stuart Sherbrooke Wortley

Name of claimant's legal representative's firm

Eversheds Sutherland (International) LLP

If signing on behalf of firm or company give position or office held

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

One Wood Street

Second line of address

Town or city

London

County (optional)

Postcode

E	C	2	V	7	W	S
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If applicable

Phone number

020 7919 4500

Fax phone number

DX number

Your Ref.

SSW.066758.010081

Email

stuartwortley@eversheds-sutherland.com

FURTHER AMENDED PURSUANT TO CPR PART 17.1.1**FURTHER AMENDED RIDER TO CLAIM FORM QB-2022-001098**

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- (4) PAUL BARNES** [REDACTED]
- (5) DIANE HEKT** [REDACTED]

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
B E T W E E N:

Claim No QB-2022

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- (4) PAUL BARNES**
(5) DIANA HEKT

RE-RE-AMENDED PARTICULARS OF CLAIM

The Sites

1.1 The land and property to which this Claim relates (“the Sites”) are as follows:

1.1 *The Fawley Petrochemical Complex*

1.1.1 This site is at Marsh Lane, Southampton SO45 1TH (“the Fawley Petrochemical Complex”).

1.1.2 The Fawley Petrochemical Complex comprises an oil refinery (“the Fawley Oil Refinery”), a chemical plant (“the Chemical Plant”) and a jetty (“the Fawley Jetty”).

1.1.3 The Fawley Oil Refinery is the largest oil refinery in the UK and provides 20% of UK refinery capacity.

1.1.4 The Chemical Plant has a capacity of 800,000 tonnes per year, is highly integrated with the operations of the Fawley Oil Refinery and produces key components for a multitude of finished products manufactured in the UK or elsewhere in Europe.

1.1.5 The Fawley Oil Refinery and the Chemical Plant comprise part of the freehold land registered under title number HP5287836.

1.1.6 The Chemical Plant is also the subject of the unregistered leasehold interest created by a Lease dated 28 August 1975 for a term of 99 years from 1 January 1971.

1.1.7 The Fawley Jetty is the subject of a registered leasehold title under title number HP528740 comprising 4 Leases each expiring on 5 July 2049 and dated 14 March 29151, 17 January 2961, 16 April 1956 and 2 December 1968.

1.1.8 The First Claimant's freehold land is shown edged red, the First Claimant's leasehold interest in the Fawley Jetty is shown edged green and the Second Claimant's leasehold land is shown edged purple on the plan attached to these Amended Particulars of Claim marked "Fawley Plan". The Sites and this claim do not relate to those areas edged blue in the Fawley Plan.

1.2 *The Hythe Terminal*

1.2.1 This site is at New Road, Hardley S045 3NR ("the Hythe Terminal").

1.2.2 The Hythe Terminal is located close to the Fawley Petrochemical Complex and is an oil terminal which primarily serves the south and west of England.

1.2.3 The Hythe Terminal comprises a part of the freehold land registered under title number HP5287836.

1.2.4 The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Hythe Plan".

1.3 *The Avonmouth Terminal*

1.3.1 This site is at St Andrew's Road, Bristol BS11 9BN ("the Avonmouth Terminal").

1.3.2 The Avonmouth Terminal is an oil terminal which primarily serves the southwest of England.

1.3.3 The Avonmouth Terminal comprises the leasehold interest registered under title number BL105954 created by a Lease dated 22 January 2008 for a term of 15 years from 2 January 2007, which is currently the subject of a statutory continuation tenancy under Part II of the Landlord and Tenant Act 1954.

- 1.3.4 The First Claimant's leasehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Avonmouth Plan".

1.4 *The Birmingham Terminal*

- 1.4.1 This site is at Wood Lane, Birmingham B24 8DN ("the Birmingham Terminal").
- 1.4.2 This Birmingham Terminal is an oil terminal which primarily serves the Midlands.
- 1.4.3 The Birmingham Terminal is the subject of two registered freehold titles, namely WK118802 and WK66930 and unregistered freehold land.
- 1.4.4 The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Birmingham Plan".

1.5 *The Purfleet Terminal*

- 1.5.1 This site is at London Road, Purfleet, RM19 1RS ("the Purfleet Terminal").
- 1.5.2 The Purfleet Terminal comprises a terminal and also a jetty "the Purfleet Jetty".
- 1.5.3 The Purfleet terminal is an oil terminal which primarily serves London and southeast England.
- 1.5.4 That part of the Purfleet Terminal which comprises just the terminal is the subject of two registered freehold titles, namely EX869151 and EX869958, although part of EX869958 has now been sold to Purfleet Real Estate Limited (albeit the sale has not yet been registered).
- 1.5.5 The title to the Purfleet Jetty is unregistered but the First Claimant has occupied this jetty for around 100 years.

- 1.5.6 The First Claimant's freehold land (omitting that part of EX869958 which has been sold) is shown edged red and the First Claimant's unregistered interest in the Purfleet Jetty is shown edged brown on the plan attached to these Amended Particulars of Claim marked "Purfleet Plan".

1.6 *The West London Terminal*

- 1.6.1 This site is at Bedfont Road, Stanwell, Middlesex TW19 7LZ ("the West London Terminal").
- 1.6.2 The West London Terminal serves a wide range of customers in southern and central England and supplies aviation fuel to Heathrow Airport.
- 1.6.3 The West London Terminal is the subject of five freehold registered title, namely MX232530, MX442259, MX440505, MX219704 and SY346160.
- 1.6.4 The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "West London Plan".

1.7 *The Hartland Park Logistics Hub*

- 1.7.1 This site is at Ively Road, Farnborough ("the Hartland Park Logistics Hub").
- 1.7.2 This site comprises a temporary logistics hub which comprises project offices, welfare facilities and car parking for staff and contractors together with storage of construction plant materials, machinery and equipment in connection with the construction of a replacement fuel pipeline between the Petrochemical Complex and the West London Terminal.

- 1.7.3 The Hartland Park Logistics Hub is the subject of an unregistered leasehold interest created by a Lease dated 2 September 2021 made between SHE Manger Limited and SHE Nominee Limited and the First Claimant for a term commencing on 6 September 2021 and 30 September 2024.
- 1.7.4 The First Claimant's leasehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Hartland Park Plan".

1.8 *The Alton Compound*

- 1.8.1 This site is at the A31, Holybourne ("the Alton Compound").
- 1.8.2 This site is a pumping station and another compound used in connection with the construction of the pipeline referred to in Paragraph 1.7.2 above.
- 1.8.3 The Alton Compound is the subject of a freehold title, namely SH30798.
- 1.8.4 The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Alton Compound Plan".

The Interests of the Claimants in the Sites

- 2. The interests of the Claimants in respect of each of these Sites are as follows:

2.1 *The Fawley Petrochemical Complex*

- 2.1.1 The First Claimant is the freehold owner of the Fawley Oil Refinery and the Chemical Plant, being the registered freehold proprietor in respect of Title No HP5287836.
- 2.1.2 The Second Claimant is the lessee of the Chemical Plant under the Lease dated 28 August 1975 referred to in Paragraph 1.6.1 above.

2.1.3 The First Claimant is the registered lessee of the Fawley Jetty, being the registered proprietor in respect of Title Number HP528740.

2.2 *The Hythe Terminal*

2.2.1 The First Claimant is the freehold owner of the Hythe Terminal, being the registered freehold proprietor in respect of Title No HP5287836.

2.3 *The Avonmouth Terminal*

2.3.1 The First Claimant is the registered lessee of the Avonmouth Terminal, as the registered leasehold proprietor in respect of Title No BL105954.

2.4 *The Birmingham Terminal*

2.4.1 The First Claimant is the freehold owner of the Birmingham Terminal, being the registered proprietor in respect of Title Numbers WK118802 and WK66930 and the unregistered title referred to in Paragraph 1.4.3 above.

2.5 *The Purfleet Terminal*

2.5.1 The First Claimant is the freehold owner of the Purfleet Terminal, being the registered freehold proprietor in respect of Title Numbers EX869151 and EX869958, save for that part of EX869958 which has now been sold.

2.6 *The West London Terminal*

2.6.1 The First Claimant is the freehold owner of the West London Terminal, being the registered freehold proprietor in respect of title numbers MX232530, MX442259, MX440505, MX219704 and SY346160.

2.7 *Hartland Park Logistics Hub*

- 2.7.1 The First Claimant is the lessee of the Hartland Park Logistics Hub, being the lessee under the Lease referred to in Paragraph 1.7.3 above.

2.8 *The Alton Compound*

- 2.8.1 The First Claimant is the freehold owner of the Alton Compound, being the registered freehold proprietor in respect of title number SH30798.

3. The First Claimant is also the owner or lessee (as the case may be) of such of the airspace over these sites as is necessary for the use of these sites. The Second Claimant is the lessee over such of the airspace over the Fawley Chemical Plant as is necessary for the use of that site.

The Campaigns

4. There are three campaigns in respect of which there has now been direct action affecting some of the Sites and from whom further direct action is apprehended:
- 4.1 ‘Extinction Rebellion’ is an established protest campaign, which promotes the use of civil disobedience with a view to influencing government policy.
- 4.2 ‘Just Stop Oil’ is newer protest campaign, the target of which is to end the use of fossil fuels in the UK.
- 4.3 The ‘Just Stop Oil’ campaign also incorporates ‘Youth Climate Swarm’, which is specifically for ‘Just Stop Oil’ activists under the age of 30, the target again being to end the use of fossil fuels in the UK.

The Acts of Nuisance and Trespass

5. On 1 to 3 April 2022 the following acts of trespass and/or nuisance occurred in relation to the following Sites:
 - 5.1 On 1 April 2022, at around 4am approximately 20 protestors blocked the entrance to the Birmingham Terminal, blocking vehicular access and preventing customers from collecting fuel in vehicle tankers. One protestor glued himself to the path outside the Birmingham Terminal.
 - 5.2 On 1 April 2022, at around 4am approximately 20 protestors blocked the entrance to the West London Terminal by attaching barriers to the vehicular entrance gates and customers were prevented from collecting fuel in vehicle tankers. Protestors also erected tripods immediately outside the access gate, thereby blocking it. One of the protestors cut a hole in the access fence and scaled one of the fuel storage tanks.
 - 5.3 On 1 April 2022, at around 5am, 7 protestors blocked the access to the Hythe Terminal and customers were unable to gain access.
 - 5.4 On 1 April 2022, at around 6.30am, 20 protestors blocked the access road to the Purfleet Terminal and prevented customers from accessing. 6 protestors climbed on to a truck making a delivery to the site.
 - 5.5 On 2 April 2022, at around 9:30am, approximately 20 protestors blocked the entrance and exist to the Purfleet Terminal. A number of protestors locked themselves onto the access gates.
 - 5.6 On 3 April 2022, at around 5am, approximately 20 protestors blocked the access to the Birmingham Terminal. Some protestors also climbed onto a Sainsbury's fuel truck. Another protestor cut through the security fence, and scaled one of the fuel storage tanks in order to display a banner.
 - 5.7 On 4 April 2022, at around 4.30 am, approximately 20 protestors blocked the access to the West London Terminal.

6. Both 'Extinction Rebellion' and 'Just Stop Oil' have claimed involvement in the protest activities of 1 and 2 April 2022 and there is a threat of further acts of trespass and/or nuisance in connection with these campaigns. In particular:

- 6.1 In relation to the ‘Just Stop Oil’ campaign, the website for this campaign has stated that in *“March and April 2022, 100s of people all round the country will be taking action to force the Government to take action against the fossil fuel industry”* and reference is made to the following phases of activity:

“March onwards

Phase 1 In March 2022 teams will block the oil networks to demand that the government Just Stop Oil. They will block oil refineries, storage units, and adjacent motorways.

Phase 2A Teams will block petrol stations in the South-East. Many people will do sit-ins, sitting on the ground in the forecourt. Others will do tanker-surfing and spray paint filling points.

Phase 2B High stakes resistance against oil”

- 6.2 In relation to ‘Extinction Rebellion’, their website has referred to the “Next UK Rebellion” and indicated that in April 2022 they proposed *“one aligned action plan, rather than having a scattergun approach across several different targets, in order to have the most impact”*.

The Fourth and Fifth Defendants

- 7.1 The Fourth and Fifth Defendants trespassed on the First Claimant’s land at the Birmingham Terminal as part of the campaign of disruption on 3 April 2022. They were each convicted of aggravated trespass at Wolverhampton Magistrates’ Court on 16 February 2023.

The Relief Sought

- 8.1 The Claimants apprehend that, unless restrained by the Court, there will be further acts of trespass and/or nuisance of the type referred to above.
- 8.2 Accordingly, by reason of the facts and matters set out above, the First Claimant seeks:

8.2.1 an order that the First, **Fourth and Fifth** Defendants must not without the consent of the First Claimant:

- (a) enter or remain upon any part of the Sites;
- (b) damage any part of any of the Sites;
- (c) affix themselves or any person or object to any part of any of the Sites;
- (d) erect any structures on any part of any of the Sites.

8.2.2 an order that the Third, **Fourth and Fifth** Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where “Sites” for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

8.3 Further, by reason of the facts and matters set out above, the Second Claimant claims an order that the Second, **Fourth and Fifth** Defendants must not without the consent of the Second Claimant:

- 7.3.1 enter or remain upon any part of the Chemical Plant;
- 7.3.2 damage any part of the Chemical Plant;
- 7.3.3 affix themselves or any person or object at the Chemical Plant;
- 7.3.4 erect any structures on any part of the Chemical Plant.

AND THE FIRST CLAIMANT CLAIMS

(1) An order that until 4 April 2024 the First, **Fourth and Fifth** Defendants must not:

1.1 enter or remain upon any part of the First Claimant’s properties (“the Sites”) without the consent of the First Claimant at:

- (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached ‘Fawley Plan’).

- (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached ‘Hythe Plan’).
- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached ‘Avonmouth Plan’).
- (4) Birmingham Terminal, Wood Lane, Birmingham B24 8DN (as shown for identification edged red on the attached ‘Birmingham Plan’).
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached ‘Purfleet Plan’).
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached ‘West London Plan’).
- (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached ‘Hartland Park Plan’).
- (8) Alton Compound, Pumping Station, A31, Holybourne (as shown for identification edged red on the attached ‘Alton Compound Plan’)

- 1.2 damage any part of any of the Sites;
- 1.3 affix themselves or any person or object to any part of any of the Sites;
- 1.4 erect any structures on any part of any of the Sites.

- (2) An order that until 4 April 2024 the Third, **Fourth and Fifth** Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where “Sites” for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

AND THE SECOND CLAIMANT CLAIMS

- (2) An order that until 4 April 2024 the Second, **Fourth and Fifth** Defendants must not without the consent of the Second Claimant:

- 2.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');
- 2.2 damage any part of the Chemical Plant;
- 2.3 affix themselves or any person or object at the Chemical Plant;
- 2.4 erect any structures on any part of the Chemical Plant.

~~KATHARINE HOLLAND QC~~

~~TIMOTHY MORSHEAD KC~~

~~YAASER VANDERMAN~~

STATEMENT OF TRUTH

The Claimant believes that the facts stated in these particulars of claim are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

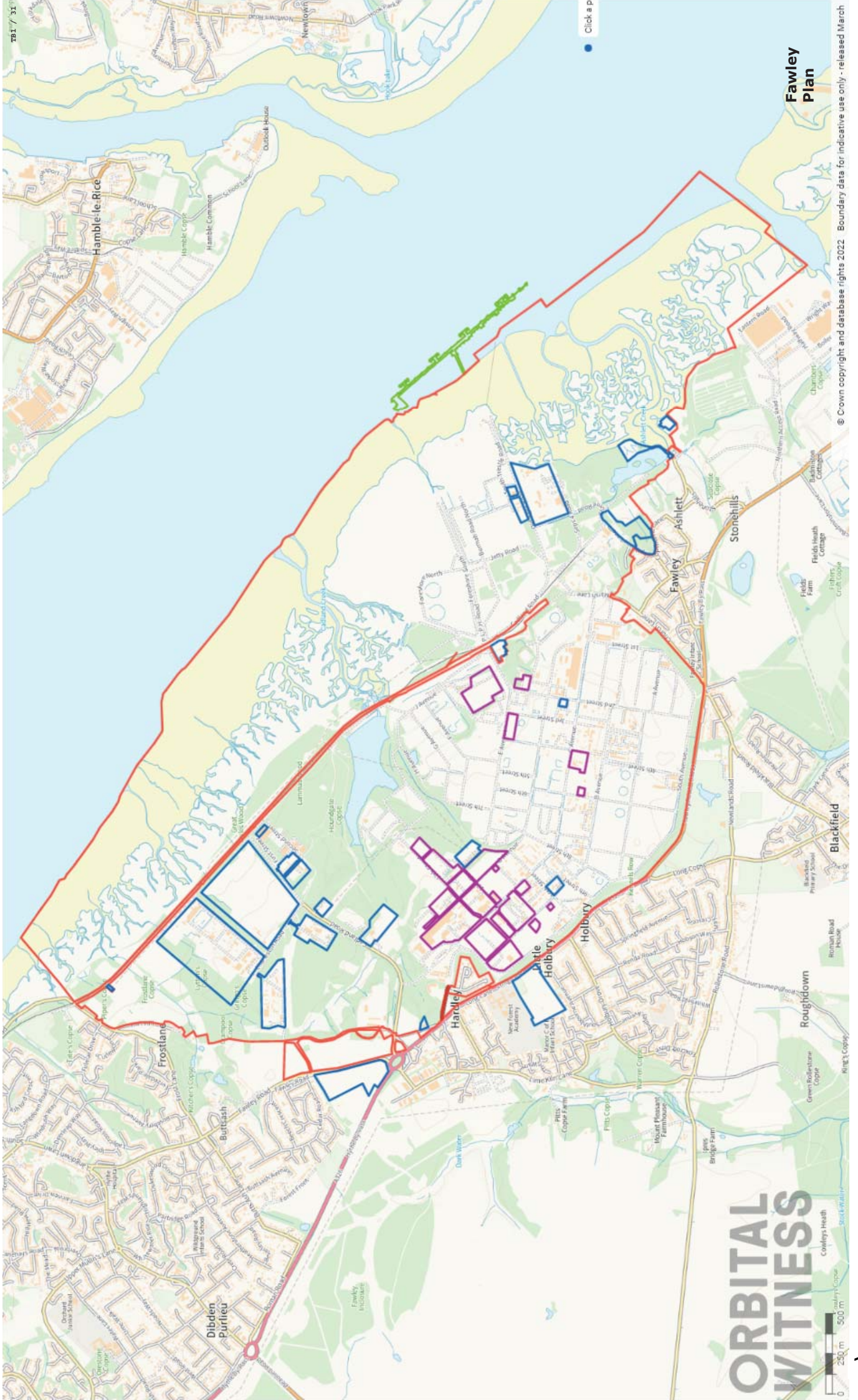
I am duly authorised by the Claimant to sign this statement.

Stuart Sherbrooke Wortley

Partner

Eversheds Sutherland (International) LLP

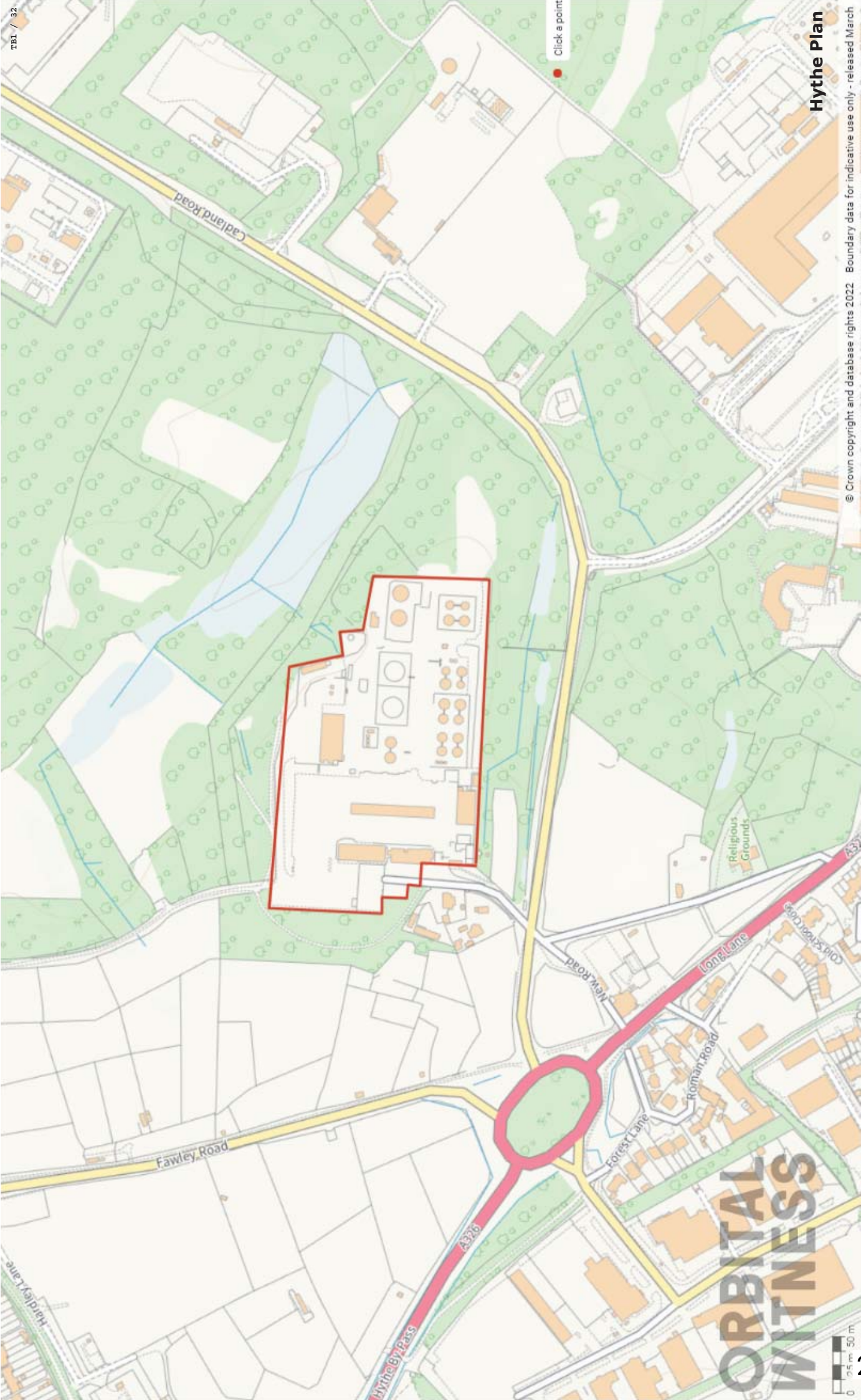
Claimant's solicitor



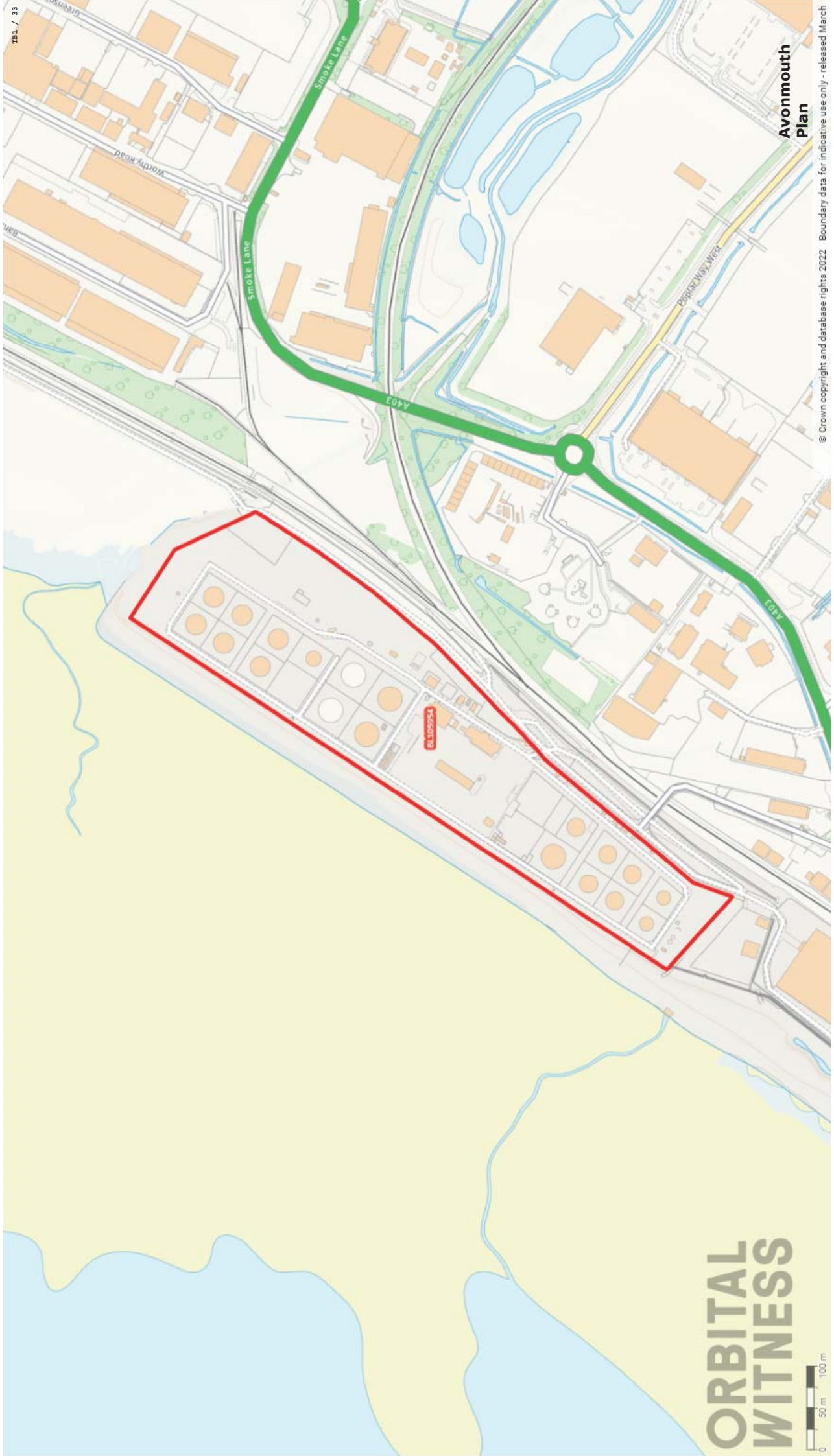
**ORBITAL
WITNESS**

**Fawley
Plan**

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ORBITAL
WITNESS

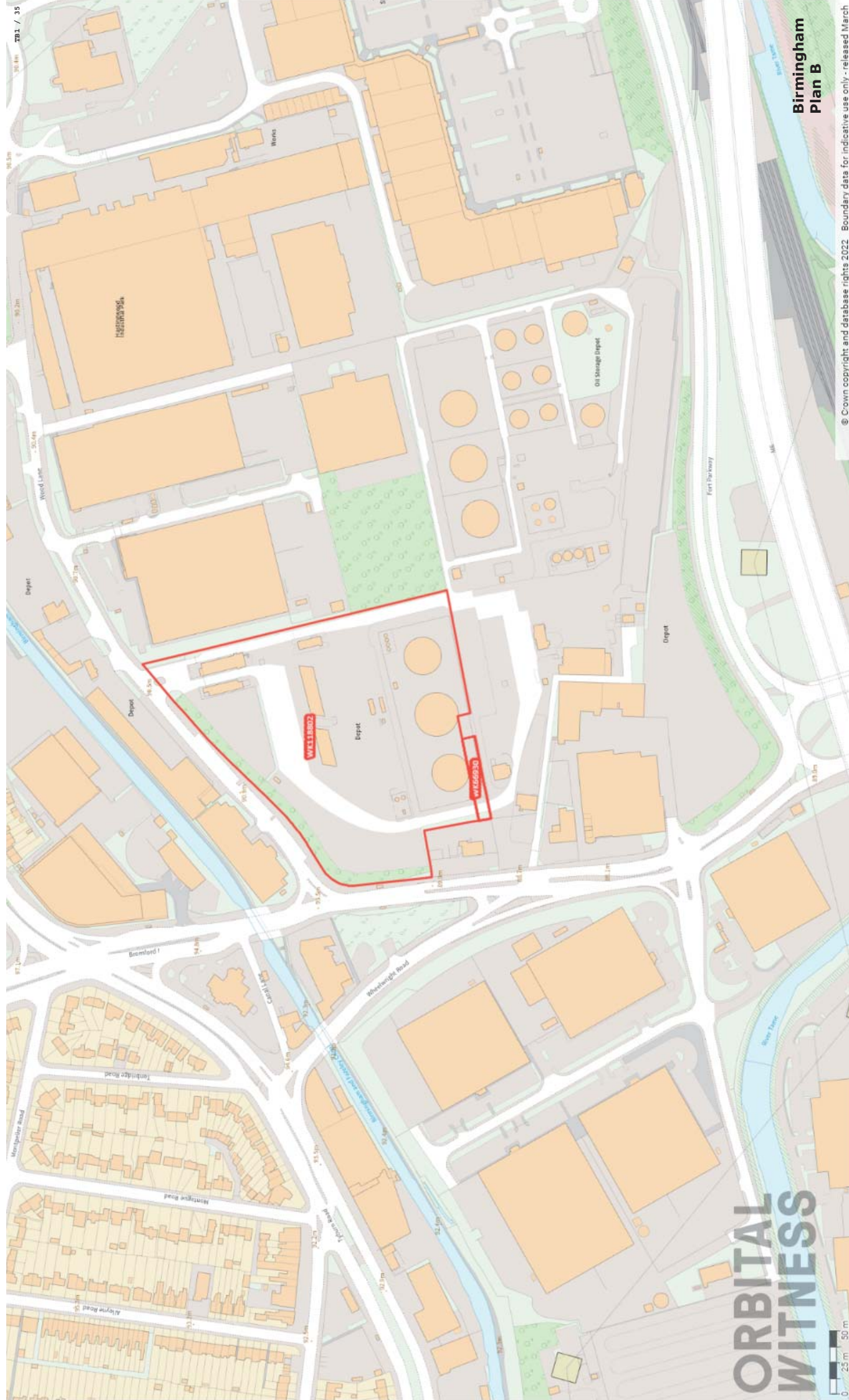


Avonmouth Plan

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Birmingham Plan





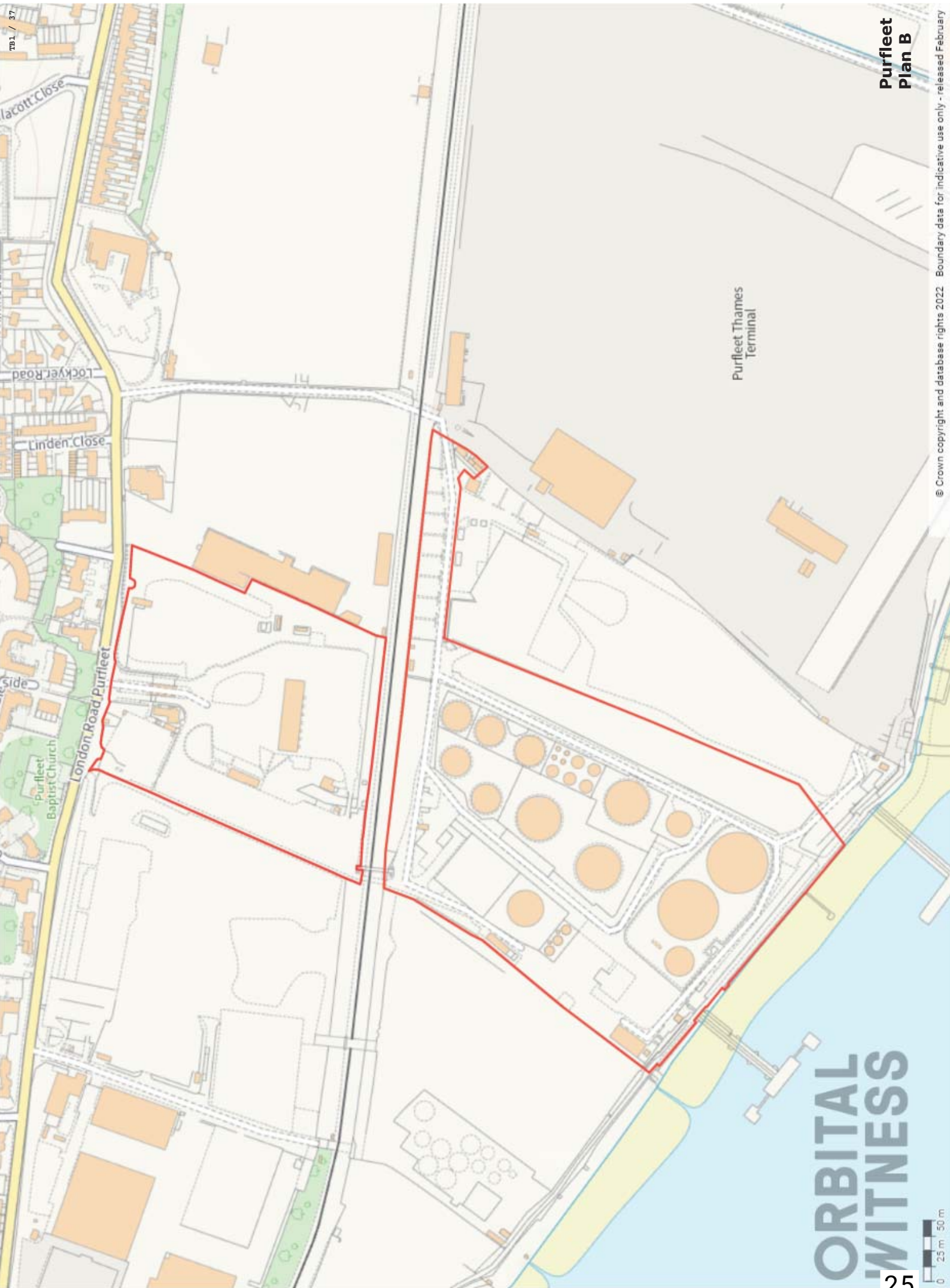


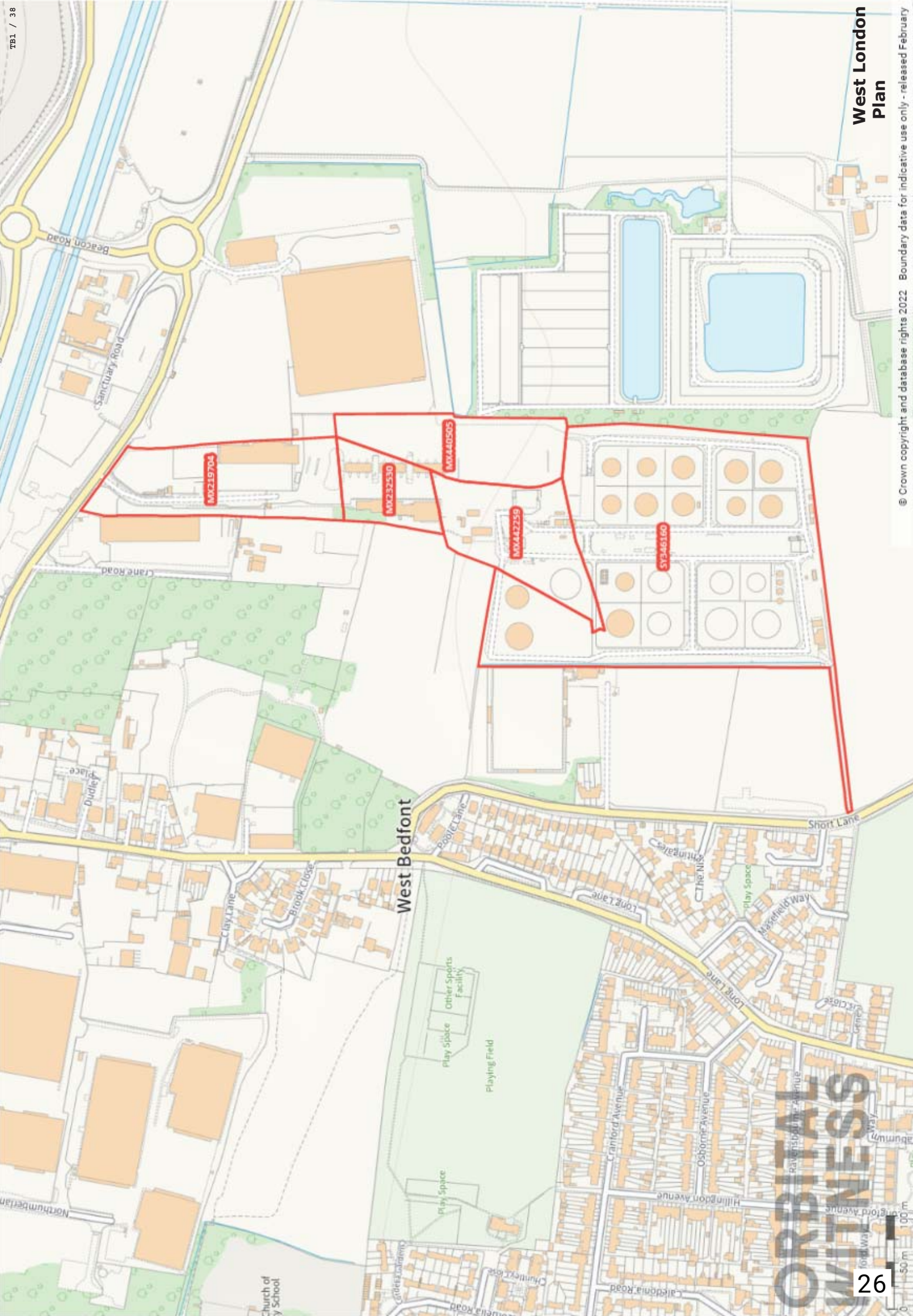
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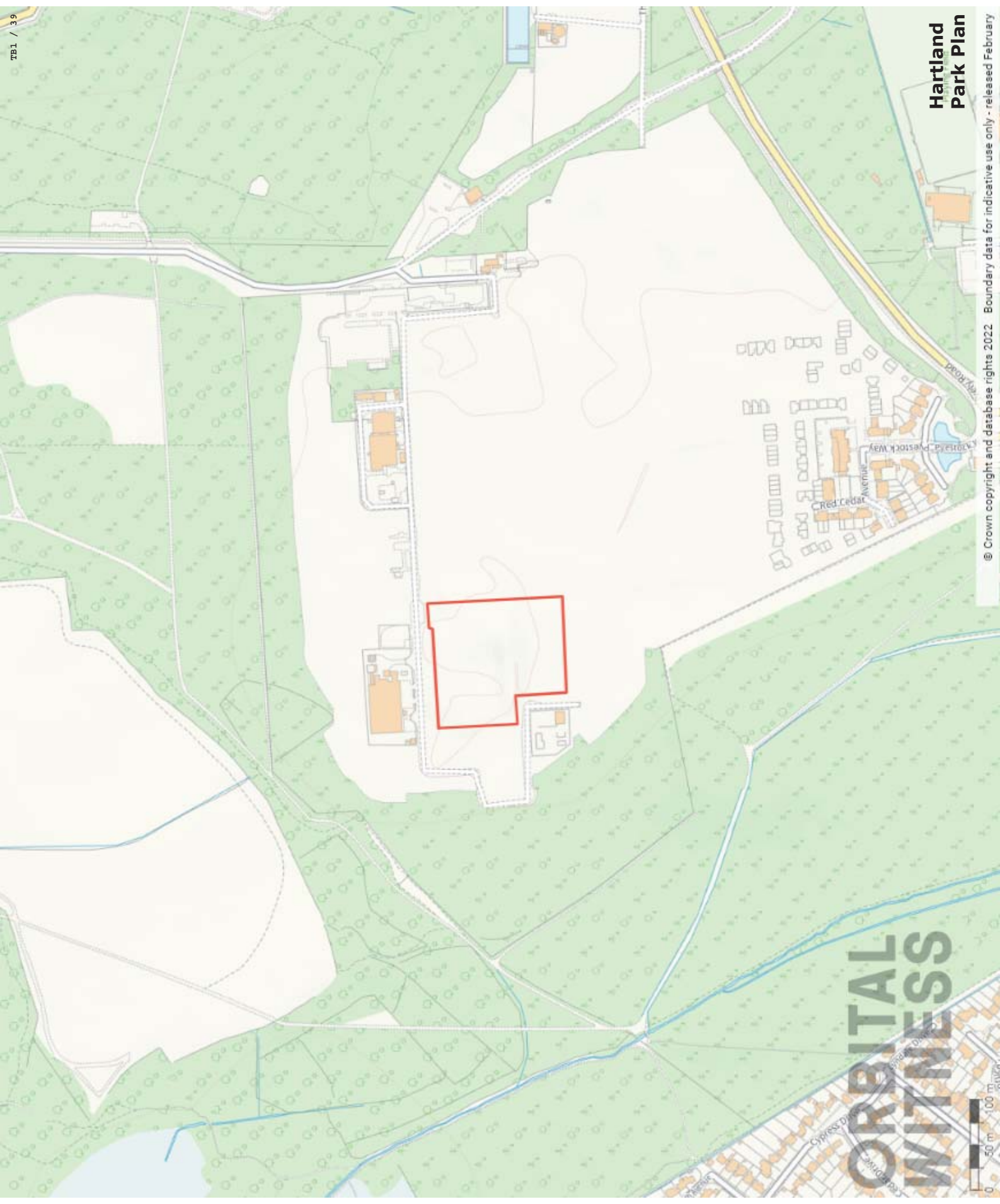
Purfleet
Plan

ORBITAL
WITNESS

0 25m 50m







Hartland Park Plan

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**ORBITAL
WITNESS**

0 50m 100m



Alton Compound Plan

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IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

CLAIM NO. QB-2022-001098

BEFORE THE HONOURABLE MRS JUSTICE ELLENBOGEN DBE
6 April 2022



B E T W E E N: (1) ESSO PETROLEUM COMPANY, LIMITED
 (2) EXXONMOBIL CHEMICAL LIMITED

Claimants

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')**
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')**
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')**
- (D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')**
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')**
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')**
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')**
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')**

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

Defendants

ORDER

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANT

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You have the right to apply to the court to vary or discharge this order (which is explained below).

RECITALS

UPON the hearing of the Claimants' Application dated 4 April 2022

AND UPON HEARING Leading Counsel and Junior Counsel for the Claimants

AND UPON READING the Witness Statements of Stuart Sherbrooke Wortley dated 4 April 2022, Anthony Milne dated 3 April 2022, and the First and Second Witness Statements of Nawaaz Allybokus dated 5 April 2022

AND UPON the Claimants giving and the Court accepting the undertakings to the Court set out in Schedule 2 to this Order

AND UPON the Claimants confirming that this Order is not intended to prohibit any lawful protest outside any of the sites referred to in this Order which does not obstruct any of the vehicular entrances or exits or restrict or prevent or endanger the use of such entrances or exits

IT IS ORDERED THAT:

THE INJUNCTIONS

1. Until trial or further order the First Defendants must not:
 - 1.1 enter or remain upon any part of the First Claimant's properties ("the Sites"), without the consent of the First Claimant, at:
 - (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan').
 - (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').

- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
- (4) Birmingham Terminal, Tyburn Road, Birmingham B24 8HJ (as shown for identification edged red on the attached 'Birmingham Plan').
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
- (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
- (8) Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached 'Alton Compound Plan');

1.2 damage any part of any of the Sites;

1.3 affix themselves or any person or object to any part of any of the Sites;

1.4 erect any structures on any part of any of the Sites.

2. Until trial or further order the Second Defendants must not, without the consent of the Second Claimant:

2.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');

2.2 damage any part of the Chemical Plant;

- 2.3 affix themselves or any person or object at the Chemical Plant;
 - 2.4 erect any structures on any part of the Chemical Plant.
3. Until trial or further order the Third Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where “Sites” for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

VARIATION OR DISCHARGE OF THIS ORDER

- 4. The Defendants may apply to vary or discharge this Order at any time upon giving not less than 4 hours’ notice to the Claimant’s solicitors, Eversheds Sutherland (International) LLP, by emailing exxonmobil.service@eversheds-sutherland.com;
- 5. Any person applying to vary or discharge this Order must provide their full name and address, an address for service and must also apply to be joined as a named defendant to the proceedings at the same time.
- 6. The Claimants have liberty to apply to extend or vary this Order or to seek further directions.

THE RETURN DATE

- 7. The return date hearing will be fixed for Wednesday 27 April 2022 (“the Return Date”), with a time estimate of one day.

INTERPRETATION OF THIS ORDER

- 8. A Defendant who is ordered not to do something must not do it him/herself/themselves or in any other way. He/she/they must not do it

through another acting on his/her/their behalf or on his/her/their instructions or with his/her/their encouragement.

SERVICE OF THIS ORDER

9. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order and the Court documents comprising the Claim Form, the Particulars of Claim, Response Pack, the Application Notice dated 4 April 2022, the Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022, the Witness Statement of Anthony Milne dated 3 April 2022, the First Witness Statement of Nawaaz Allybokus dated 5 April 2022 and the Second Witness Statement of Nawaaz Allybokus dated 5 April 2022, an Application Notice in respect of the return date hearing and any further evidence to be relied upon on the Return Date (“the Court documents”) shall be effected as follows:

9.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Order and the Court documents may be obtained from the Claimants’ solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 4500) email: exxonmobil.service@eversheds-sutherland.com and (b) that copies of the Order and the Court documents may be viewed at the website referred to in Paragraph 9.2 of this Order;

9.2 posting the Order and the Court documents on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

9.3 fixing a minimum of four warning notices, in the form attached at Appendix A to this Order, at conspicuous locations around the perimeters of the Sites, explaining:

- (a) the existence and nature of this Order
- (b) the existence of the proceedings
- (c) the potential consequences of breaching the Order

- (d) the address at which copies of the proceedings can be obtained
- (e) details of the website at which the injunction can be viewed.

Each such warning notice must be a minimum of 1.5m x 1m in size.

9.4 sending an email to each of the following email addresses with the information that copies of the Order and the Court documents may be viewed at the website referred to in Paragraph 9.2 of this Order:

- (a) xr-legal@riseup.net
- (b) juststopoil@protonmail.co.uk

- 10. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 9 above have been completed, such date to be verified by the completion of a certificate of service.
- 11. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 9 of this Order shall stand as good service of the Order and the Court documents.
- 12. The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraph 9.1 of this Order.
- 13. Pursuant to CPR 6.15(4), the period for service of any acknowledgement of service, admission or defence shall be 56 days.

COSTS

- 14. Costs reserved.

COMMUNICATIONS WITH THE COURT

- 15. All communications to the Court about this Order should be sent to:
 - Queen's Bench Division, Room E07,
 - Royal Courts of Justice, Strand WC2A 2LL

- The office are open between 10.00am and 4.30pm Monday to Friday (except Bank Holidays)
- The telephone number is 020 7936 8957
- The email address is qbjudgeslistingoffice@justice.gov.uk

SCHEDULE 1

The Judge read the following Witness Statements before making this Order:

- (1) First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022 together with the exhibits marked “SSW1” - “SSW9”.
- (2) First Witness Statement of Anthony Milne dated 3 April 2022 together with the exhibits marked “AM1” – “AM15”.
- (3) First Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA1”.
- (4) Second Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA2”.

SCHEDULE 2

Undertakings given to the Court by the Claimants and each of them

- (1) To issue and serve an Application Notice for the Return Date hearing, on Wednesday, 27 April 2022.
- (2) To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain which the Court considers ought to be paid.

SCHEDULE 3

Plans

1. Fawley Plan
2. Hythe Plan
3. Avonmouth Plan
4. Birmingham Plan
5. Purfleet Plan
6. West London Plan
7. Hartland Park Plan
8. Alton Compound Plan

**APPENDIX A TO THE ORDER OF ELLENBOGEN J, DATED 6 APRIL 2022:
WARNING NOTICE**

ESSO PETROLEUM COMPANY, LIMITED
EXXONMOBIL CHEMICAL LIMITED

IMPORTANT NOTICE

High Court of Justice – Claim No QB-2022-001098

On 6 April 2022, an injunction was ordered by the High Court of Justice in the proceedings referred to above concerning all of the Sites listed below:-

- The Oil Refinery and Jetty at the Petrochemical Plant, Marsh Lane, Fawley, Southampton SO45 1TH;
- Hythe Oil Terminal, New Road, Harley SO45 3NR;
- Avonmouth Oil Terminal, St Andrews Road, Bristol BS11 9BN;
- Birmingham Oil Terminal, Tyburn Road, Birmingham B24 8HJ;
- Purfleet Oil Terminal, London Road, Purfleet, Essex RM19 1RS;
- West London Oil Terminal, Bedford Road, Stanwell, Middlesex TW19 7LZ;
- Hartland Park Logistics Hub, Ively Road, Farnborough; and
- Alton Compound, Pumping Station, A31, Holybourne.

The Order prohibits entering or remaining upon, damaging, affixing any person or object to, erecting structures on and/or obstructing vehicular access to and from the above sites and the chemical plant at the address of the first site.

The persons affected by the Order are Persons Unknown acting in connection with the Extinction Rebellion campaign and/or the Just Stop Oil campaign.

Anyone in breach of the injunction may be in contempt of court and may be imprisoned, fined or have their assets seized. Any person who knows of the court's order and does anything which permits the Defendants or any of them

to breach the terms of the Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

THIS MEANS THAT YOU MUST NOT GO BEYOND THIS NOTICE AND ENTER THIS SITE WITHOUT PERMISSION.

THIS ALSO MEANS THAT YOU MUST NOT OBSTRUCT ANY VEHICULAR ENTRANCE OR EXIT.

IF YOU DO, YOU MAY BE SENT TO PRISON OR HAVE YOUR ASSETS SEIZED.

Copies of the court order and other documents in the proceedings may be viewed at www.exxonmobil.co.uk/Company/Overview/UK-operations.

Copies may also be obtained from exxonmobil.service@eversheds-sutherland.com.



Neutral Citation Number: [2022] EWHC 966 (QB)

Case No: QB-2021-001098

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London
WC2A 2LL

Date: 06/04/2022

Before:

THE HONOURABLE MRS. JUSTICE ELLENBOGEN DBE

Between:

- (1) ESSO PETEROEUM COMPANY, LIMITED
 (2) EXXONMOBIL CHEMICAL LIMITED

Claimants

- and -

(1) PERSONS UNKNOWN WHO, IN
 CONNECTION WITH THE 'EXTINCTION
 REBELLION' CAMPAIGN OR THE 'JUST STOP
 OIL' CAMPAIGN, ENTER OR REMAIN
 (WITHOUT THE CONSENT OF THE FIRST
 CLAIMANT) UPON ANY OF THE FOLLOWING
 SITES ("THE SITES")

(A) THE OIL REFINERY AND JETTY AT THE
 PETROCHEMICAL PLANT, MARSH LANE,
 SOUTHAMPTON SO45 1TH (AS SHOWN EDGED
 RED AND GREEN ON THE ATTACHED
 'FAWLEY PLAN')

(B) HYTHE OIL TERMINAL, NEW ROAD,
 HARDLEY SO45 3NR (AS SHOWN EDGED RED
 ON THE ATTACHED 'HYTHE PLAN')

(C) AVONMOUTH OIL TERMINAL, ST
 ANDREWS ROAD, BRISTOL BS11 9BN (AS
 SHOWN EDGED RED ON THE ATTACHED
 'AVONMOUTH PLAN')

(D) BIRMINGHAM OIL TERMINAL, TYBURN
 ROAD, BIRMINGHAM B24 8HJ (AS SHOWN
 EDGED RED AND BROWN ON THE ATTACHED
 'BIRMINGHAM PLAN')

(E) PURFLEET OIL TERMINAL, LONDON ROAD,

**PURFLEET, ESSEX RM19 1RS (AS SHOWN
EDGED RED AND BROWN ON THE ATACHED
'PURFLEET PLAN')**

**(F) WEST LONDON OIL TERMINAL, BEDFONT
ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS
SHOWN EDGED RED ON THE ATTACHED
'WEST LONDON PLAN')**

**(G) HARTLAND PARK LOGISTICS HUB, IVELY
ROAD, FARNBOROUGH (AS SHOWN EDGED
RED ON THE ATTACHED 'HARTLAND PARK
PLAN')**

**(H) ALTON COMPOUND, PUMPING STATION,
A31, HOLLYBOURNE (AS SHOWN EDGED RED
ON THE ATTACHED 'ALTON COMPOUND
PLAN')**

**(2) PERSONS UNKNOWN WHO, IN
CONNECTION WITH THE 'EXTINCTION
REBELLION' CAMPAIGN OR THE 'JUST STOP
OIL' CAMPAIGN, ENTER OR REMAIN
(WITHOUT THE CONSENT OF THE FIRST
CLAIMANT OR THE SECOND CLAIMANT)
UPON THE CHEMICAL PLANT, MARSH LANE,
SOUTHAMPTON SO45 1TH (AS SHOWN EDGED
PURPLE ON THE ATTACHED 'FAWLEY PLAN')
PERSONS UNKNOWN WHO, IN CONNECTION
WITH THE 'EXTINCTION REBELLION'
CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, OBSTRUCT ANY OF THE
VEHICULAR ENTRANCES OR EXITS TO ANY
OF THE SITES**

Defendants

**MS. KATHARINE HOLLAND QC and MR. YAASER VANDERMAN (instructed by
Eversheds Sutherland (International) LLP) appeared on behalf of the Claimants.**

APPROVED JUDGMENT

If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

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Telephone No: 020 7067 2900. DX 410 LDE
Email: info@martenwalshcherer.com
Web: www.martenwalshcherer.com

MRS. JUSTICE ELLENBOGEN :

1. This judgment follows an application for interim injunctive relief made before me as interim applications judge yesterday. The time estimate was unrealistic and it took most of the day to hear, such that I necessarily reserved judgment until this morning.
2. The application is made by the claimants, Esso Petroleum Company Limited and ExxonMobil Chemical Limited, against three categories of persons unknown, respectively:
 - i) 'the first defendants', being those who, in connection with the 'Extinction Rebellion' campaign or the 'Just Stop Oil' campaign, enter or remain, without the consent of the first claimant, upon any of eight specified sites, respectively at: Fawley; Hythe; Avonmouth; Birmingham; Purfleet; West London; Hartland Park; and Alton compound, each of which shown edged on a plan (collectively, "the Sites");
 - ii) 'the second defendants', being those who, in connection with the 'Extinction Rebellion' campaign or the 'Just Stop Oil' campaign, enter or remain, without the consent of the first claimant, or the second claimant, upon the Fawley chemical plant (as shown edged purple on the "Fawley Plan"); and
 - iii) 'the third defendants', being those who, in connection with the 'Extinction Rebellion' campaign or the 'Just Stop Oil' campaign, obstruct any of the vehicular entrances or exits to any of the Sites.
3. The application is made to restrain acts of trespass and/or nuisance. Until trial or further order, the claimants seek to restrain:
 - i) the first defendants from: (a) entering or remaining upon any part of the Sites, without the consent of the first claimant; (b) damaging any part of the Sites; (c) affixing themselves, or any person or object, to any part of the Sites; and (d) erecting any structures on any part of any of the Sites;
 - ii) the second defendants, in like terms, in connection with the Fawley Chemical Plant; and
 - iii) the third defendants from obstructing any of the vehicular entrances or exits to any of the Sites (excluding the area edged in brown on the Purfleet Plan), so as to restrict or prevent or endanger the use of such entrances or exits for the claimants, their contractors, servants, agents, employees or licensees.
4. The application is supported by the witness statements and exhibits of:
 - i) Mr. Anthony Milne, employed as the first claimant's Global Security Advisor, dated 3 April 2022;
 - ii) Mr. Stuart Wortley, a partner in the firm of solicitors retained by the claimants, dated 4 April 2022; and

- iii) Mr. Nawaaz Allybokus, a solicitor in the same firm, who has provided two witness statements - one of which in the course of the hearing - each dated 5 April 2022 (respectively, “Allybokus 1” and “Allybokus 2”).

For the most part, Mr. Wortley's witness statement sets out the claimants' respective property interests in one or more of the relevant sites. Clarification of certain interests is provided by Mr. Allybokus, in his two witness statements. The circumstances giving rise to this application and the asserted justification for the orders sought are set out in Mr. Milne's statement, and at paragraph 7 of Allybokus 1.

- 5. Whilst the application was made without notice, during the afternoon of 4 April 2022 Mr. Allybokus sent two e-mails to three e-mail addresses, two of which obtained from the website of Extinction Rebellion ("ER") and the third from that of Just Stop Oil ("JSO"). The first such e-mail alerted all recipients to the fact that proceedings had been issued and to the claimants' intention to seek urgent injunctive relief. The second informed the recipients of the hearing details, notified them that the hearing bundle would shortly be available at a specified URL, and invited them to identify the individuals who (1) had been involved in certain direct action since 1 April 2022; (2) intended to take part in any future protests; or (3) remained at any of the sites involved in the activities in question. Delivery confirmation was received in each case, together with an automated reply to the first e-mail which had been sent to one of the ER e-mail addresses, acknowledging receipt and stating that the e-mail would be read, *"usually within 24 hours"*. No substantive response was received, and no-one appeared at the hearing on behalf of any respondent, or either organisation.

The claimants' interests in the Sites

- 6. The Fawley Petrochemical Complex comprises an oil refinery, a chemical plant and a jetty. The first of the Sites is defined to mean the oil refinery and the jetty. The first claimant is the freehold owner of the refinery and of the chemical plant, and the registered lessee of the jetty. The second claimant is the lessee of the chemical plant; the only site in which it has a proprietary interest. Fawley is the largest oil refinery in the UK, providing twenty per cent of the UK's refinery capacity. The chemical plant has an annual capacity of 800,000 tonnes, is highly integrated with the operations of the refinery and produces key components for a large number of finished products manufactured in the UK, or elsewhere in Europe.
- 7. The first claimant is also the freehold owner of the oil Terminals at Hythe (primarily serving the South and West of England); that part of Birmingham which is material to this application (primarily serving the Midlands); Purfleet (primarily serving London and the South East of England); and West London (serving a range of customers in Southern and Central England and supplying aviation fuel to Heathrow Airport). It is the registered lessee of the Avonmouth Terminal (primarily serving the South West of England). Title to the Purfleet jetty is unregistered, although the first claimant has occupied the jetty for approximately 100 years.
- 8. The first claimant has an unregistered leasehold interest in Hartland Park, a temporary logistics hub, comprising project offices, welfare facilities and car parking for staff and contractors, together with storage for construction plant materials, machinery and equipment in connection with the construction of a replacement fuel pipeline between the Fawley Petrochemical Complex and the West London oil terminal. It is the freehold

owner of the Alton compound, comprising a pumping station and another compound used in connection with the replacement fuel pipeline.

The circumstances giving rise to this application

9. It is the claimants' case that there are three campaigns in furtherance of which there has been direct protest action affecting some of the Sites, as well as further apprehended direct protest action:
 - i) ER is an established protest campaign which promotes the use of civil disobedience with a view to influencing government policy;
 - ii) JSO is a newer protest campaign, the target of which is to end the use of fossil fuels in the UK; incorporating
 - iii) "Youth Climate Swarm" ("YCS"), which is specifically for JSO activists under the age of 30, and has the same target.
10. In relation to each such campaign, the claimants' evidence is that there have been indications of potential threats of trespass and acts of nuisance:
 - i) In relation to the JSO campaign:
 - a) the JSO website included the following information:

"In March and April 2022, hundreds of people all around the country will be taking action to force the government to take action against the fossil fuel industry. Hundreds of meetings are happening and the whole thing is taking off",

referring to the following phases of activity:

"March onwards

Phase 1 In March 2022 teams will block the oil networks to demand that the government Just Stop Oil. They will block oil refineries, storage units, and adjacent motorways.

Phase 2A Teams will block petrol stations in the South-East. Many people will do sit-ins, sitting on the ground in the forecourt. Others will do tanker-surfing and spray paint filling points.

Phase 2B High stakes resistance against oil."
 - b) the first page of the website encouraged individuals to sign up and pledge formally *"to take part in action which will lead to my arrest at least once*

in late March". By 3 March 2022, according to a "live counter" on the website, 744 individuals had signed up. That counter was removed on 8 March 2022, such that the current number of signatories is unknown;

- c) in a JSO presentation in Falmouth, given by Dr. Larch Maxey (a.k.a. Ian Maxey) in January 2022, Dr. Maxey explained that JSO would: be training activists in civil resistance during February 2022; be encouraging disruption to the oil economy; and engage in disruptive activity in March 2022, before handing over to ER, which, it was indicated, would continue the disruption in April 2022 (Milne, paragraph 9.22);
 - d) as reported in mainstream media, on 14th February 2022 Mr. Louis McJechnie and Ms. Hannah Hunt, as representatives of JSO, delivered an "ultimatum", in person, to the UK government, stating that, unless it ceased the licensing of oil projects by 14 March 2022, protests would commence shortly thereafter (Milne, paragraph 9.23);
 - ii) ER's website referred to the "Next UK Rebellion" and indicated that, in April 2022, it proposed *"one aligned action plan, rather than having a scattergun approach across several different targets, in order to have the most impact...Later focused action will take place at a single fossil fuel target -- more info to come soon!"* (Milne, paragraph 9.25);
 - iii) On 8 March 2022, ER delivered a letter to the Prime Minister demanding that the UK Government *"end the fossil fuel economy before April..."*. The letter continued, *"...Either you do what the entire scientific community and International Energy Agency is telling us we need to do to save humanity, and stop all new fossil fuel investments immediately, or we are going to do what you refuse to do. We are going to stop the UK oil flow, and bring the country with us."* (Milne, paragraphs 9.27 and 9.28);
 - iv) On 9 March 2022, as reported in the Press, ER issued a press release reinforcing its message concerning its plans to block major UK oil refineries in April 2022 (Milne, paragraphs 9.29 and 9.30).
11. Further, between 1 and 4 April 2022, four of the Sites (West London, Hythe, Purfleet and Birmingham) were subject to direct action, as part of a wider campaign, disrupting various oil terminals in the UK. Both ER and JSO claimed involvement in that action, on social media, and logos and banners were displayed during some of the incidents in question. The detail is set out at paragraph 8 of Mr. Milne's witness statement, paragraph 7 of Allybokus 1 and paragraph 41 of Mr. Wortley's witness statement:

1st April 2022

- i) At around 4:00 a.m, approximately 20 individuals blocked the entrance to the Birmingham Site, blocking vehicular access and preventing the first claimant's customers from collecting fuel from the site in tankers. A tanker was stopped at the site entrance and two individuals climbed onto it. Others sat in front of it. One individual glued himself to the path outside the terminal. Police attended and around six arrests were made. The protest was dispersed and the site

reopened to the first claimant's customers at approximately 5.30 p.m. Those carrying out direct action wore orange jackets, some of which bearing the JSO logo;

- ii) At around the same time, approximately 24 individuals blocked the entrance to the West London Terminal, by attaching barrels to the vehicular entrance gates in order to weigh them down and prevent them from lifting. The first claimant's customers were prevented from collecting fuel. Various individuals erected tripods immediately outside the access gate, further blocking access. At approximately 6.45 a.m, four individuals cut a hole in the access fence and scaled one of the fuel storage tanks. They and approximately another eight individuals were arrested a few hours later. As a result, by around 3:00 p.m, those responsible for the direct action had left the site which was reopened to the first claimant's customers. As a consequence of the activity, the first claimant initiated its emergency site procedures, including the temporary shutdown of the pumping of aviation and ground fuels from Fawley to the West London Terminal;
- iii) At around 5:00 a.m, seven individuals blocked the access to the Hythe Terminal, using the ER "pink boat", preventing the first claimant's customers from accessing the site. Police attended. The boat was removed at around 11.45 a.m. and those responsible were moved away. The site reopened an hour later;
- iv) At around 6:30 a.m, 20 individuals blocked the access road to the Purfleet Terminal and prevented the first claimant's customers from accessing the site. Six individuals climbed onto a truck delivering additives to the site. Police attended. By 3:00 p.m, some individuals remained on the truck, but others in attendance at the site had been arrested, or had dissipated. The site opened to customers at approximately 5:00 p.m;

2 April 2022

- v) At around 09:45 a.m, approximately 20 individuals blocked the entrance to and exit from the Purfleet Terminal. Some locked themselves to the access gates and others sat in the access road. Police attended, made a number of arrests and removed the protestors. The site opened to customers at approximately 5:30 p.m;
- vi) Additional protests were conducted at other terminals in the UK, not owned by the first claimant, with the Press reporting that around 80 arrests had been made;

3 April 2022

- vii) At around 5:00 a.m, approximately 20 protestors blocked access to the Birmingham Terminal, by sitting in the road. Some also climbed on to a Sainsbury's fuel truck. One protestor cut through the security fence to the terminal, scaled one of the fuel storage tanks (situated on the part of the site which comprises unregistered land) and displayed a JSO banner. In consequence, the first claimant initiated its emergency site procedures, including the temporary shutdown of the pumping of ground fuel from Fawley

to the terminal. Police attended and made a number of arrests. The site was reopened to customers at around 4:00 p.m;

- viii) On the same day, protests occurred at other terminals, owned by third parties;

4 April 2022

- ix) At around 4.30 a.m, approximately 20 protestors arrived at the West London Terminal, using a structure to obstruct access to and egress from the site.
12. In the course of her submissions on behalf of the claimants, Ms. Holland QC informed me of her instructions that, on the evening of 4 April, a number of individuals were arrested en route to the Purfleet site.
 13. In addition to the immediate impact, as already described, of the activities in question, the claimants say that the following broader consequences flow:
 - i) Operations at the various sites can involve the production and storage of highly flammable and otherwise hazardous substances. The Fawley Petrochemical Complex and each of the oil terminals is regulated under the *Control of Major Accident Hazards Regulations 2015*, by the Health and Safety Executive. Access to those sites is very strictly controlled. Whereas the relevant employees of the claimants are appropriately trained and, where appropriate, provided with protective clothing and equipment, the protestors do not understand the hazards, are untrained and are unlikely to have the appropriate protective clothing or equipment, giving rise to associated risks of personal injury and to health and safety;
 - ii) The claimants have contractual obligations to customers, which have to be fulfilled in order to “keep the country moving”, including through road, rail and air travel. There is a risk of disruption to the claimants' operations, with its subsequent impact upon the UK's downstream fuel resilience.
 14. From the incidents and information summarised above, together with earlier incidents running from 28 August 2020, the claimants conclude that direct action will continue to be carried out at their sites. Those incidents are detailed at paragraphs 9.1 to 9.19 of Mr. Milne's witness statement and variously involved similar action, varying in gravity, affecting Esso's UK head office (August 2020); Hythe Terminal (August 2021); the Fawley Petrochemical Complex (October 2021); the Alton compound, at which extensive damage was caused (December 2021); Queen Elizabeth Park, in Surrey, a construction site relating to the Southampton to London Pipeline Project (two occasions in February 2022, the first of which timed to coincide with the first day of ground clearing works) and apparent (though denied) surveillance by a single individual at Hartland Park (February 2022, with three to four similar incidents on an earlier date). The incidents in August 2020, October 2021, December 2021, and at Queen Elizabeth Park, in February 2022, each involved banners, posters or similar bearing the ER logo. In the Press and social media, ER associated the organisation with action to resist the pipeline project.
 15. Mr. Milne states that the claimants recognise the fundamental importance of basic rights protected by the Human Rights Act 1988 (“the HRA”), including those to

freedom of speech and freedom of assembly; they do not seek to stifle criticism or debate. Nevertheless, the exercise of those rights does not necessitate trespassing on the claimants' land, prevention of the conduct of normal operations, and/or engaging in any unlawful activity. The material in Mr. Milne's witness statement is said to demonstrate that those organising the JSO and ER direct action are intending to replicate the 2000 fuel protests (during which the haulage industry set out to bring the country to a standstill) and threatening specifically to blockade all refineries and storage units. The urgent need for injunctive relief is said to be born of the significant consequences which further direct action would entail. In addition to the risk of personal injury, the nature of the risks to the claimants' operations and to downstream fuel resilience is asserted to be substantial. In particular:

- i) If the first claimant were unable to access, operate fully or transport fuels from the Fawley refinery and the terminals, the implications for the UK economy could extend to:
 - a) disruption to the production, transportation and storage of refined transport fuels (including road, heating, rail and aviation fuel);
 - b) an inability to supply wholesale customers, including national supermarkets, major aviation companies at London's Heathrow and Gatwick airports; Esso-branded retail filling stations; other oil companies, and rail companies;
 - c) supply disruption and the risk of local outages at retail filling stations;
- ii) If the first claimant were unable to access the Hartland Park logistics hub, or the Alton compound, the Southampton to London Pipeline construction programme could be delayed; and

the second claimant would be unable to manufacture and transport products from the Fawley chemical plant, which itself might have an impact upon refinery operations, given the integrated nature of the petrochemical complex.

16. Mr. Milne asserts that, in light of the coordinated campaign of direct action which took place between 1 and 3 April 2022 (to which Ms. Holland would, no doubt, add the events of 4 April 2022, post-dating that statement), and having regard to what JSO and ER themselves have said about their intentions in March and April 2022, each of the claimants' sites in respect of which an injunction is being sought is an obvious target, from which it is said to follow that:

- i) absent an injunction, there is a genuine risk of activists trespassing on the claimants' land, or otherwise impeding access to it, for which there is no effective deterrent. It is considered to be telling that no charges have been brought against any of the individuals involved in the incidents which took place in August, October and December 2021 (despite the first incident having involved obstruction of the highway and the other two incidents having involved criminal damage); and
- ii) the grant of an injunction to restrain trespass on the claimants' land or otherwise impeding access to it would provide an effective deterrent for activists who

might otherwise be contemplating carrying out direct action (given that breach of the order would carry the risk of imprisonment for contempt of court).

17. Damages would not be an adequate remedy, it is said, because of the significant consequences of the direct action and because the claimants have no reason to believe that the defendants would be in a financial position to pay any damages which could be identified. Since the orders sought are only to prevent unlawful activity, there is no question, states Mr. Milne, of any of the defendants suffering any actionable loss or needing to be compensated in damages, albeit that a cross-undertaking in damages is offered.

The applicable legal principles

18. The legal principles applicable to the claimants' application are as follows:

Applications against persons unknown

- i) This being an application against persons unknown, I must have regard to the principles set out by Longmore LJ in *Boyd v Ineos Upstream* [2019] EWCA Civ 515 ("Ineos"), as developed in *Canada Goose Retail Limited v Persons Unknown* [2020] EWCA Civ 303 and in *Barking and Dagenham London Borough Council v Persons Unknown* [2021] EWCA Civ 13. In short, for present purposes:

- a) There must be a sufficiently real and imminent risk of a tort being committed to justify precautionary relief. As to that:

- 1) in *Network Rail Infrastructure Limited v Williams* [2018] 3 WLR 1105, Sir Terence Etherton MR held:

"It is usually said that there must be proof of imminent physical harm for a quia timet injunction to be granted: *Fletcher v Bailey* [1885] 28 Ch D 688 at 698; *Birmingham Development Co Ltd v Tyler*; [2008] EWCA Civ 859; [2008] BLR 445 at [45]; *Islington LBC v Elliott* [2012] EWCA Civ 57; [2012] 1 WLR 1275 at [29]. It is possible, however that that is too prescriptive and that what matters is the probability and likely gravity of damage rather than simply its imminence: *Hooper v Rogers* [1973] 1 Ch 43 at [30]; *Islington LBC v Elliott* at [31], quoting Chadwick LJ in *Lord v Symonds* [1998] EWCA Civ 511 at [33]-[34] and [36]; D Nolan 'Preventative Damages' (2016) 132, LQR, 68-95."

- 2) In *Hooper v Rogers* [1975] Ch 43, at page 50B, Russell LJ said that the word 'imminent' "is used in the sense that the circumstances must be such that the remedy sought is not premature";

- b) It must be impossible to name the persons who are likely to commit the tort unless restrained;
- c) It must be possible to give effective notice of the injunction and for the method of such notice to be set out in the order;
- d) The terms of the injunction must correspond to the threatened tort and not be so wide that they prohibit lawful conduct;
- e) The terms of the injunction must be sufficiently clear and precise to enable persons potentially affected to know what they must not do; and
- f) The injunction should have clear geographical and temporal limits.

Substantive legal principles

- ii) As to the substantive application, the starting point is the well-known test in *American Cyanamid v Ethicon Limited* [1975] AC 396 HL:
 - a) whether there is a serious issue to be tried;
 - b) if so, whether damages would be an adequate remedy for the claimant, and whether the defendant would be in a financial position to pay them;
 - c) if not, whether the defendant would be adequately compensated under the claimant's cross-undertaking as to damages, in the event of his succeeding at trial;
 - d) where there is doubt as to the adequacy of damages, the balance of convenience in all the circumstances. If matters are easily balanced, it may be wise to take such measures as are calculated to preserve the status quo.
- iii) In this case, when addressing the first and fourth such issues, I am required to have regard to the defendants' Articles 10 and 11 ECHR rights (respectively to freedom of expression and to peaceful assembly/freedom of association with others). Articles 10 and 11 ECHR confer qualified rights whereby (albeit differently expressed) restrictions may be imposed such as are prescribed by law and are necessary in democratic society, amongst other reasons in the interests of public safety; for the prevention of disorder or crime; for the protection of health; or for the protection of the rights of others. Where such rights are at stake, a claimant should establish not merely that there is a serious issue to be tried, but that, at trial, the relief claimed would be likely to be granted;
- iv) Albeit in the context of a criminal charge of obstruction of the highway, contrary to section 137 of the Highways Act 1980, in *DPP v Ziegler* [2019] EWHC 71 (Admin) the court set out the sub-set of questions to be posed when considering whether the relevant interference with a person's Articles 10 and 11 ECHR rights in pursuit of a legitimate aim is "necessary in a democratic society" to achieve that aim:

- a) Is the aim sufficiently important to justify interference with a fundamental right?
 - b) Is there a rational connection between the means chosen and the aim in view?
 - c) Are there less restrictive alternative means available to achieve that aim?
 - d) Is there a fair balance between the rights of the individual and the general interests of the community, including the rights of others?
- v) I am also required to have regard to section 12 of the HRA, which applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of Article 10 ECHR. That section provides:
- “(1) This section applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of the Convention right to freedom of expression.*
 - (2) If the person against whom the application for relief is made (“the respondent”) is neither present nor represented, no such relief is to be granted unless the court is satisfied-*
 - (a) that the applicant has taken all practicable steps to notify the respondent; or*
 - (b) that there are compelling reasons why the respondent should not be notified.*
 - (3) No such relief is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.*
 - (4) The court must have particular regard to the importance of the Convention right to freedom of expression and, where the proceedings relate to material which the respondent claims, or which appears to the court, to be journalistic, literary, or artistic material (or to conduct connected with such material) to*
 - (a) the extent to which-*
 - (i) the material has, or is about to, become available to the public, or*
 - (ii) it is, or would be, in the public interest for the material to be published;*
 - (b) any relevant privacy code.”*
- vi) In *Ineos* [48], notwithstanding its reference to ‘publication’, section 12(3) of the HRA was applied to a case concerning trespasses, private nuisance, public nuisance and causing loss by unlawful means. Whilst reserving their right to

argue the point (if necessary) in the future, at first instance the claimants in this case proceed on the basis that section 12(3) applies. In *Cream Holdings Limited v Banerjee* [2004] UKHL 44 [22-23], Lord Nicholls stated that the "general approach" to the interpretation of "likely" in section 12(3), meaning "more likely than not", would need to be modified in circumstances which include those in which *"the adverse consequences of disclosure are particularly grave"*, in order to be *"Convention-compliant"*. In such cases, *"a lesser degree of likelihood will suffice as a prerequisite"*.

vii) The following cases have considered injunctions against persons unknown in circumstances involving protests and potential trespasses and obstructions of access to operational sites:

a) In *City of London v Samede* [2012] PTSR 1624, the Court of Appeal refused permission to appeal from a possession order made against a group of protestors and an injunction requiring their removal from St. Paul's Churchyard. Giving the judgment of the court, Lord Neuberger held [49]:

"...The essential point...is that, while the protestors' Article 10 and 11 rights are undoubtedly engaged, it is very difficult to see how they could ever prevail against the will of the land owner when they are continuously and exclusively occupying public land, breaching not just the owner's property rights and circumstantial provisions, but significantly interfering with the public and Convention rights of others, and causing other problems (connected with health, nuisance and the like), particularly in circumstances where the occupation has already continued for months and is likely to continue indefinitely."

b) In *DPP v Cuciurean* [2022] EWHC 736 (Admin), the Divisional Court held [45] and [76]-[77] that:

"We conclude that there is no basis in the Strasbourg jurisprudence to support the respondent's proposition that the freedom of expression linked to the freedom of assembly and association includes a right to protest on privately owned land or upon publicly owned land from which the public are generally excluded. The Strasbourg Court has not made any statement to that effect. Instead, it has consistently said that Articles 10 and 11 do not 'bestow any freedom of forum' in the specific context of interference with property rights (see Appleby at [47] and [52]). There is no right of entry to private property or to any publicly owned property. The furthest that the Strasbourg Court has been prepared to go is that where a bar and access to property has the effect of preventing any effective exercise of rights under articles 10 and 11, or of destroying the essence of those rights, then it would

not exclude the possibility of a State being obliged to protect them by regulating property rights.

...

Thirdly, a protest which is carried out for the purposes of disrupting or obstructing the lawful activities of other parties does not lie at the core of articles 10 and 11, even if carried out on a highway or other publicly accessible land. Furthermore, it is established that serious disruption may amount to reprehensible conduct, so that articles 10 and 11 are not violated...

Fourthly, articles 10 and 11 do not bestow any "freedom of forum" to justify trespass on private land or publicly owned land which is not accessible by the public..."

- c) In *Ineos*, in which the claimant companies undertook fracking and obtained interim injunctions restraining unlawful protesting activities, such as trespass and nuisance, against persons unknown, at first instance ([2017] EWHC 2945), Morgan J held [105]:

In the present case, if a final injunction were sought on the basis of the evidence presented on this interim application, the court is (to put it no higher) likely to grant an injunction to restrain the protestors from trespassing on the land of the claimants. The land is private land and the rights of the claimants in relation to it are to be given proper weight and protections under Articles 10(2) and 11(2). The claimants' rights are prescribed by law, namely the law of trespass, and that law is clear and predictable. The protection of private rights of ownership is necessary in a democratic society and the grant of an injunction to restrain trespass is proportionate having regard to the fact that the protestors are free to express their opinions and to assemble elsewhere. There would also be concerns as to safety in the case of trespass on the claimants' land at a time when the land was an operational site for shale gas exploration.

I take the same view as to the claim in private nuisance to prevent a substantial interference with the private rights of way enjoyed in relation to Sites 3 and 4. I would not distinguish for present purposes between the claim in trespass to protect the possession of private land and the claim in private nuisance to protect the enjoyment of a private right of way over private land."

- d) In *Secretary of State for Transport v Persons Unknown* [2018] EWHC 1404 (Ch) [58], relating to protests against HS2, Barling J stated:

"In my view, the claimants have clearly surmounted the American Cyanamid hurdle in all respects, both as to the seriously arguable case and as to the inadequacy of any relief in damages. With respect to the higher hurdle that applies in the present case, I also consider, in the light of the material before me, that it is likely at trial that the claimants would succeed in obtaining the kind of protective orders that they seek, both in relation to the application for trespassory injunction and the application for an injunction in respect of activities in or about the entrance compounds, north and south. I make these findings having carried out the balancing exercise which is appropriate given that Articles 10 and 11 are engaged here. The defendants are undoubtedly exercising their freedoms of expression and assembly in protesting as they have done (and will in all likelihood continue to do) about the activities carried out on this site. However, in my view the balance very clearly weighs in favour of granting relief because the defendants' right to protest and to express their protest both by assembling and by vociferating the views that they hold can be exercised without trespassing on the land and without obstructing the right of the claimants to come in and out of the land from and on to the public highway. What the defendants seek to do by carrying out these activities goes beyond the exercise of the undoubted freedoms of expression and assembly. What they wish to do, as well as protesting, is to slow down or stop or otherwise impede the work being carried out. Whilst a legitimate protest might encompass an element of pressure, so that how we protest and how far we are allowed to go in protesting about something with which we do not agree may involve a difficult balance and assessment, here the defendants have clearly strayed beyond what those qualified rights under the Convention entitle them to do. I consider that in all the circumstances the balance of convenience favours the grant of relief and that it is just and convenient for me to do so."

- e) A similar approach was adopted by David Holland QC (sitting as a Deputy Judge of the High Court) when the injunction was renewed ([2019] EWHC 1437 (Ch) [127]) and by Falk J, in *UK Oil and Gas v Persons Unknown* [2021] EWHC 599, in which the claimants had applied for variation and continuation of an interim injunction granted in 2018, in relation to a protest concerning the oil and gas industry, and the injunction granted prevented the persons unknown from entering or remaining upon one of the claimants' sites; climbing onto vehicles or trailers coming out of the site; and obstructing a particular entrance, thereby preventing the claimant, its contractors, agents and servants from entering. Falk J said [54]:

"Having regard to the revised scope of the injunction, which is very narrowly focused on people actually trespassing on the site, people climbing onto vehicles seeking access to or coming from the site, and obstructing the entrance to the site in a way that prevents people or vehicles coming into and out of the site, I am satisfied that, in the narrowed manner, there is a fair balance being struck between the rights of individuals and the rights of the Claimants to go about their lawful business."

The principles applied: discussion and conclusions

The underlying causes of action

19. The causes of action underpinning the interim relief sought are trespass and/or private nuisance:

- i) Trespass to land consists of any unjustifiable intrusion by one person upon land in the possession of another. The slightest crossing of the boundary is sufficient. Trespass is a direct infringement of another's right, actionable without proof of damage (*Clerk & Lindsell on Torts*, 23rd Ed, paragraphs 18-01 and 18-08 – 18-09). It is actionable at the suit of a person in possession of land, who may claim damages and/or an injunction (18-10). Possession means generally the occupation or physical control of land, proof of ownership is, *prima facie*, proof of possession (18-13 and 18-15).
- ii) The essence of nuisance is a condition or activity which unduly interferes with the use or enjoyment of land (*Clerk & Lindsell on Torts*, 23rd Edition, paragraph 19-01). As explained in *Cuadrilla Bowland Ltd and ors v Persons Unknown* [2020] EWCA Civ 9 [13]:

"...An owner of land adjoining a public highway has a right of access to the highway and a person who interferes with this right commits the tort of private nuisance. In addition, it is a public nuisance to obstruct or hinder free passage along a public highway and an owner of land specifically affected by such a nuisance can sue in respect of it, if the obstruction of the highway causes them inconvenience, delay or other damage which is substantial and appreciably greater in degree than any suffered by the general public..."

It is generally actionable only on proof of special damage (19-02) and Ms. Holland was prepared to proceed, for the purposes of this application, on the basis that such a requirement would obtain in this case. Persons having no proprietary interest have no cause of action, though *de facto* possession can be sufficient (19-63).

- iii) The claim in nuisance is necessary only to underpin the relief sought against the third category of persons unknown (where the obstruction in question is on land

in which neither claimant has a proprietary interest, but which blocks entrances situated on land to which the first claimant has title). The relief sought against the other two categories of persons unknown relates to those who would be trespassing on the land in question. In so far as the injunction sought extends to land at Purfleet to which the first claimant does not have registered title, that claimant relies upon its superior interest, in relative terms, gained by possession and control of the land in question over many years and to date.

20. Ms. Holland meticulously took me through the title documents and plans which established the freehold and leasehold interests to all of the Sites. Whilst the Birmingham and Purfleet oil terminals include additional parcels of land, as matters developed in the course of the hearing certain possessory land at Birmingham was excluded from that Site, as defined and shown on an attached plan. If and to the extent that the excluded land assumes a relevance in due course, it will need to be the subject of a separate application, as Ms. Holland expressly recognised. The unregistered land at Purfleet (the jetty) has been excluded from the definition of, and relief sought against, the third defendants. It remains part of the Purfleet Site, as defined, for the purposes of the definition of and relief sought against the first defendants. As previously noted, and as is supported by the evidence of Mr. Wortley, the first claimant has occupied the jetty at Purfleet, which has exclusively served the terminal, for approximately one hundred years.
21. In connection with the relief as now limited, I am satisfied that the claimants have established the proprietary rights necessary to ground a claim in trespass and, if and in so far as necessary, in nuisance.
22. In relation to each cause of action, there is, self-evidently and at least, a serious issue to be tried. There is no apparent legal right of any defendant to enter onto, or impede access to and from, the private land in question, still less to cause criminal damage or danger to health and safety. The key issue is likely to be whether the qualified Article 10 and 11 ECHR rights of those engaging in the activity which it is sought to prohibit outweigh the rights which the claimants seek to exercise. The dicta cited above from *Cuciurean* are apt here. Articles 10 and 11 do not bestow any freedom of forum in the context of interference with property rights. A protest which is carried out for the purposes of disrupting or obstructing the lawful activities of other parties does not lie at the core of those articles, even if carried out on a highway or other publicly accessible land. It is established that serious disruption may amount to reprehensible conduct so that Articles 10 and 11 are not violated. Addressing the *Ziegler* questions, it is likely that:
 - i) The claimants' aim - to enable the smooth operation of their lawful commercial activities, on and from land in which they have a proprietary interest - is sufficiently important to justify interference with a fundamental right;
 - ii) Given the methods employed and encouraged, and the intentions expressed, by ER and JSO, there is a rational connection between the means chosen (injunctive relief) and the aim in view;
 - iii) For the same reasons, there would appear to be no less restrictive alternative means available to achieve that aim;

- iv) There is a fair balance between the relevant rights and interests, principally because the interference, such as it is, does not preclude the exercise of the protestors' Article 10 and 11 rights, having regard to the dicta in *Cuciurean*. At worst, it precludes their exercise in a specific location, in which there is no necessity for the protest to take place; legitimate protest may take many other forms and should not involve unlawful activity.
23. For the same reasons, I am satisfied that, for the purposes of section 12(3) of the HRA, the claimants are likely to establish that the activity which it is sought to prohibit should be restrained. In that regard, I do not consider that the factual matrix of this application requires a deviation from the standard meaning of the word "likely".
24. In all the circumstances, I am satisfied that the claimants have established that there is a serious issue to be tried and that, at trial, the relief claimed is likely to be granted.

Damages and adequate remedy?

25. Given the health and safety risks; the unquantifiable but substantial financial risks arising from operational disruption; and the fact that there can be no legitimate expectation that the defendants will be able to pay any quantifiable damages, I am satisfied that damages would not be an adequate remedy for the claimants. Whilst it is difficult to envisage that any defendant, were he or she to succeed at trial, could establish any loss arising from the interim relief sought, I am satisfied, having regard to the cross-undertaking in damages given by the claimants (supported by the evidence of Mr. Milne, at paragraph 13 of his witness statement), that such a defendant could and would be adequately compensated.

The balance of convenience

26. In my judgment, the balance of convenience weighs clearly in favour of granting the relief sought; a defendant's right to protest, including by assembling, can be exercised without trespassing on, or obstructing, private property, or causing criminal damage or risk to health and safety. I gratefully adopt the analysis of Barling J, in *Secretary of State for Transport v Persons Unknown* [58], which is equally apposite here and I repeat, for ease of reference:

"...What the Defendants seek to do by carrying out these activities goes beyond the exercise of the undoubted freedoms of expression and assembly, what they wish to do, as well as protesting, is to slow down, or stop, or otherwise impede the work being carried out. Whilst a legitimate protest might encompass an element of pressure, so that how we protest and how far we are allowed to go in protesting about something with which we do not agree may involve a difficult balance and assessment, here the Defendants have clearly strayed beyond what those qualified rights under the Convention entitle them to do. I consider that in all the circumstances the balance of convenience favours the grant of relief, and that it is just and convenient for me to do so."

27. That is subject to the additional considerations applicable where relief is sought against persons unknown, to which I now turn.

The nature of the injunction sought

28. Whilst the claimants' application relies upon past interferences with their rights in relation to certain sites, of which the relief sought is intended to prevent repetition, much of the relief claimed is based upon their asserted reasonable apprehension of future unlawful acts against which it is intended to protect and all of it is against persons unknown, i.e. is claimed on a precautionary (or, in the Latin of the use of which disapproval has been expressed, *quia timet*) basis. It is, therefore, appropriate to approach the matter on that basis and I did not understand the claimants to suggest otherwise. That requires consideration of whether there is a real risk of an unlawful act being committed from which the contemplated harm is imminent, in the sense that the remedy sought is not premature. I am satisfied that the evidence demonstrates that to be the case. As Ms. Holland candidly recognised, the phased timetable for the direct action contemplated on the JSO website appears to have slipped somewhat. It is also to be noted that not all of the recent activities of which evidence has been given necessarily establish a connection with the campaigns being run by JSO and/or ER, or that the two organisations and those supportive of their aims necessarily act in concert. To date, not all of the Sites have been affected by the direct action taken. The earlier activities of which evidence has been given are now of some age. But that is to adopt an excessively granular, artificial approach to the evidence, considered as a whole. So considered, I am satisfied that the risk of infringement of the claimants' rights, absent injunction, is real. Those aligning themselves with one or both campaigns have shown themselves willing to engage in direct action in furtherance of their aims. ER's stated plans include focused economic disruption at an unspecified single fossil fuel target and to block major UK oil refineries this month.
29. There is no reason to think that the key sites proportionately identified by the claimants will be treated any differently, going forward, from those sites which have been the subject of past direct action. The risk of harm is sufficiently imminent to justify intervention by the court; activity has escalated since the beginning of this month, with all the associated risks to health and safety and the claimants' operational activities, set out in their evidence. In those circumstances, in particular, there is no legal basis upon which the claimants should be obliged to suffer harm at each of the Sites before the court will grant relief in relation to it.
30. The claimants do not know the names of any individual likely to commit the torts in question, unless restrained, albeit that they are in possession of photographs, in certain cases. I accept Ms. Holland's submission that the evidence available thus far does not establish the requisite causal nexus between the known activities of Dr. Maxey, Mr. McJechnie or Ms. Hunt and the direct action which has taken place to date, or which it is sought to restrain. I accept that, at this stage, it is impossible to name individuals. Should that position change, the claimants will be obliged to apply to join named defendants to proceedings, as appropriate, as they, through Ms. Holland, expressly acknowledge.
31. The claimants have proposed methods by which to give effective notice of the injunction, set out in their draft order, and I am satisfied that, subject to certain minor

amendments to which I shall come, the nature and number of those methods will constitute effective notice in all the circumstances. In broad terms, those entail:

- i) fixing copies of the order; the claim form and particulars of claim; the response pack; the application notice and supporting witness statements; and an application notice and any further evidence in respect of the return date in clear, transparent sealed envelopes, at a minimum number of locations around the perimeter of each of the Sites, together with a notice to the effect that copies of the order and other court documents may be obtained from the claimants' solicitors and viewed on a specified website;
 - ii) posting the documents mentioned at paragraph 31(i) above on the specified website;
 - iii) fixing copies of prominent warning notices around the perimeters of the Sites, explaining the existence and nature of the order and of proceedings; the potential consequences of breaching the order; the address at which copies of the proceedings may be obtained; and details of the website on which the injunction can be viewed; and
 - iv) Sending an e-mail to two specified e-mail addresses (respectively for ER and JSO), notifying the recipients of the information which may be viewed on the above website.
32. I have previously set out the terms of the injunction sought, which correspond to the threatened torts, are suitably narrowly framed to avoid the prohibition of lawful conduct and have clear geographical limits. They are also in terms sufficiently clear and precise to enable those persons who are potentially affected to understand that which they must not do. The temporal limit is clear and a return date can be set for an *inter partes* hearing within a suitable, relatively short period.
33. I am satisfied that appropriate injunctive relief would provide an effective deterrent for activists who might otherwise be contemplating carrying out direct action (having regard to the penal notice identifying the risk of imprisonment for contempt of court). In any event, I do not consider that the risk of breach should prevent me from granting appropriate relief - per Lord Rodger of Earlsferry, in *Secretary of State for the Environment v Meier & ors* [2009] 1 WLR 2780:

"Nevertheless, as Lord Bingham of Cornhill observed in South Buckinghamshire DC v Porter [2003] 2 AC 558 at paragraph 32, in connection with a possible injunction against gypsies living in caravans in breach of planning controls:

'When granting an injunction the court does not contemplate that it will be disobeyed. Apprehension that a party may disobey an order should not deter the court from making an order otherwise appropriate: there is not one law for the law-abiding and another for the lawless and 'truculent'.'"

Section 12(2) of the HRA

34. This being an application in which section 12(2) of the HRA is engaged, I have considered, as I must, whether its requirements are satisfied. Ms. Holland relied upon each limb of section 12(2), in the alternative. She contended that a concern that formal notice of the application would result in the escalation of direct action, with all of its apprehended consequences, constituted a compelling reason why the defendants should not have been notified. In any event, she contended, the informal notice given satisfied limb (a), in which "*all practicable*" did not equate with "every possible": given the voluminous nature of the documentation in question, the urgency of the application and the nature of the relevant sites, the steps in fact taken had sufficed. I accept the merit in those submissions and consider that the claimants satisfy the requirements of limb (b), alternatively limb (a) of section 12(2).

Relief

35. Accordingly, I am satisfied that, with minor amendments to paragraph 9.3, it is just and convenient to grant the relief sought (as set out in the revised draft order sent to the court for my attention by e-mail, at 16.18 yesterday) and to set a return date of Wednesday, 27th April 2022, that is three weeks from today. On that date, the matter will be listed with a one-day time estimate. Paragraph 7 of the order will so provide and the same date will be recorded at paragraph 1 of Schedule 2 to the order. Paragraph 9.3, as amended, will provide:

"fixing a minimum of four copies of large warning notices, at conspicuous locations around the perimeters of each of the Sites, explaining:

- (a) the existence and nature of this order
- (b) the existence of the proceedings
- (c) the potential consequences of breaching the order
- (d) the address at which copies of the proceedings can be obtained
- (e) details of the website at which the injunction can be viewed.

Each such warning notice must be a minimum of 1.5 metres x 1 metre in size."

Before approving the order made, I shall need to be sent, electronically, a revised order reflective of the above, to which all plans to which the order refers are attached, in their final form.

Ancillary orders

36. The claimants have sought ancillary orders for alternative service of the claim form and other court documents, for the purposes of CPR 6.15; 6.27; and 81.4(2)(c) and (d). The methods proposed correspond with those which are proposed in order to give effective notice of the injunction. In all the circumstances, in my judgment, the requirements of all such rules of procedure are satisfied. The nature and location of the activities to which proceedings relate and the fact that the defendants are persons unknown renders

it appropriate, as a matter of principle, to make such an order and the requirements of CPR 6.15(3), also applicable to CPR 6.27, are satisfied. For the purposes of any subsequent contempt application under CPR Part 81, against persons unknown (but not against any defendant named, or who ought to have been named), by my order of today's date I have dispensed with the need for personal service of that order.

Postscript

37. Following judgment, Ms Holland read out a revised form of notice which is intended to comply with paragraph 9.3 of the order, a copy of which will be submitted for my approval with the final draft order. I consider it prudent that paragraph 9.3 be further amended to provide, *'fixing a minimum of four ~~copies of large~~ warning notices, in the form attached at Appendix A to this order, at conspicuous locations around the perimeters of each of the Sites, explaining: ...'* Ms Holland also noted that, given the quantity of documentation which they need contain, the word 'envelopes', in paragraph 9.1 of the order, might not be apt to describe the transparent receptacles in which it will be placed. In those circumstances, and to avoid any issue arising in due course, the word 'containers' should be used instead.
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IN THE HIGH COURT OF JUSTICE

CLAIM NO. QB-2022-001098

QUEEN'S BENCH DIVISION

Mr Justice Bennathan

27 April 2022

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED

(2) EXXONMOBIL CHEMICAL LIMITED

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

Defendants

ORDER

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANT

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You have the right to apply to the court to vary or discharge this order (which is explained below).

RECITALS

FOLLOWING the Order of Ellenbogen J dated 6 April 2022

UPON the hearing of the Claimants' Applications dated 6 April 2022 and 22 April 2022

AND UPON hearing Leading Counsel and Junior Counsel for the Claimants

AND UPON reading the evidence recorded on the Court file as having been read

AND UPON the Claimants giving and the Court accepting the undertakings to the Court set out in Schedule 2 to this Order

AND UPON the Metropolitan Police, Hampshire Constabulary, West Midlands Police, Avonmouth & Somerset Constabulary, Essex Police having been sent the Application dated 22 April 2022 seeking third party disclosure on 22 April 2022 by email and those police authorities taking no objection to that application

AND UPON the Claimants confirming that this Order is not intended to prohibit any lawful protest outside any of the sites referred to in this Order.

IT IS ORDERED THAT:

THE INJUNCTIONS

1. Until 27 April 2023 or further order in the meantime, the First Defendants must not:
 - 1.1 enter or remain upon any part of the First Claimant's properties ("the Sites") without the consent of the First Claimant at:
 - (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan').
 - (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').
 - (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
 - (4) Birmingham Terminal, Wood Lane, Birmingham B24 8DN (as shown for identification edged red on the attached 'Birmingham Plan').
 - (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
 - (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
 - (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
 - (8) Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached 'Alton Compound Plan');
 - 1.2 damage any part of any of the Sites;

- 1.3 affix themselves or any person or object to any part of any of the Sites;
 - 1.4 erect any structures on any part of any of the Sites.
2. Until 27 April 2023 or further order in the meantime, the Second Defendants must not without the consent of the First Claimant or Second Claimant:
 - 2.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');
 - 2.2 damage any part of the Chemical Plant;
 - 2.3 affix themselves or any person or object at the Chemical Plant;
 - 2.4 erect any structures on any part of the Chemical Plant.
3. Until 27 April 2023 or further order in the meantime, the Third Defendants must not enter onto the Claimants' property and obstruct any of the vehicular entrances or exits to any of the Sites (where "Sites" for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

VARIATION OR DISCHARGE OF THIS ORDER

4. The Defendants may apply to vary or discharge this Order at any time upon giving not less than 3 clear days' notice to the Claimant's solicitors, Eversheds Sutherland (International) LLP, by emailing exxonmobil.service@eversheds-sutherland.com. Any evidence to be relied upon in support of such an application must be communicated in writing to the Claimants' solicitors at least 2 clear days before the hearing.
5. Any person applying to vary or discharge this Order must provide their full name and address, an address for service and must also apply to be joined as a named defendant to the proceedings at the same time.

6. The Claimants have liberty to apply to extend or vary this Order or to seek further directions.

INTERPRETATION OF THIS ORDER

7. A Defendant who is ordered not to do something must not do it him/herself/themselves or in any other way. He/she/they must not do it through another acting on his/her/their behalf or on his/her/their instructions or with his/her/their encouragement.

SERVICE OF THIS ORDER

8. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order shall be effected as follows:

- 8.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that a copy of the Order may be obtained from the Claimants' solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 4500) email: exxonmobil.service@eversheds-sutherland.com and (b) that a copy of the Order may be viewed at the website referred to in Paragraph 8.2 of this Order;

- 8.2 posting the Order on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

- 8.3 fixing a minimum of four large warning notices in the forms annexed to this Order in conspicuous places around the perimeters of the Sites. Such notices must be a minimum of A2 size.

- 8.4 sending an email to each of the following email addresses with the information that a copy of the Order may be viewed at the website referred to in Paragraph 8.2 of this Order:

- (a) xr-legal@riseup.net
- (b) enquiries@extinctionrebellion.uk
- (c) juststopoilpress@protonmail.com

9. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 8 above have been completed, such date to be verified by the completion of a certificate of service.
10. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 8 of this Order shall stand as good service of the Order.

SERVICE OF OTHER DOCUMENTS

11. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of any other applications and evidence in support by the Claimants (“the Further Documents”), shall be effected as follows:
 - 11.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Further Documents may be obtained from the Claimants’ solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969) email:exxonmobil.service@eversheds-sutherland.com and (b) that copies of the Further Documents may be viewed at the website referred to in Paragraph 11.2 of this Order;
 - 11.2 posting the Further Documents on the following website:
<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and
 - 11.3 sending an email to each of the following email addresses with the information that copies of the Further Documents may be viewed at the website referred to in Paragraph 11.2 of this Order:
 - (a) xr-legal@riseup.net
 - (b) enquiries@extinctionrebellion.uk
 - (c) juststopoilpress@protonmail.com

12. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), the Further Documents shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 11 above have been completed, such date to be verified by the completion of a certificate of service.
13. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 11 of this Order shall stand as good service of the Further Documents.

DISCLOSURE

14. Pursuant to CPR 31.17, the Chief Constables of the Constabularies and police authorities listed in Schedule 4 to this Order shall as soon as reasonably practicable upon request by the Claimants give disclosure by provision of copy of documents in the following classes to the Claimants:
 - 14.1 documents identifying the names and addresses of any person who has been arrested or is arrested by one of their officers in the course of, or as a result of, the protests which are the subject of these proceedings at the Sites in relation to conduct which may constitute a breach of the injunctions granted in these proceedings;
 - 14.2 arrest notes and other photographic material relating to possible breaches of the injunctions granted in these proceedings.
15. The duty of disclosure imposed by paragraph 14 of this Order shall be a continuing one, and shall continue until 1 June 2022 or further order in the meantime.
16. Without the permission of the Court, the Claimants shall make no use of any document disclosed by virtue of paragraph 14 of this Order, other than one or more of the following uses:
 - 16.1 applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;
 - 16.2 investigating, formulating and pleading and prosecuting any claim within these proceedings arising out of any alleged disruptive protest at any of the Sites which are (or become) the subject of these proceedings;

- 16.3 use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any order made within these proceedings.
17. Until further order, the address and address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.
18. Pursuant to CPR 6.15(2), 6.27 and Practice Direction 6A, paragraph 9.2, the sending of the application dated 22 April 2022 by email to the email addresses set out at paragraph 18 above on 22 April 2022 shall stand as good service.
19. Pursuant to CPR 6.15(2), 6.27 and Practice Direction 6A, paragraph 9.2, the sending of the application dated 22 April 2022 by email to xr-legal@riseup.net, enquiries@extinctionrebellion.uk and juststopoilpress@protonmail.com on 22 April 2022 shall stand as good service.
20. The Claimants shall serve this order by email only on the following email addresses, which shall stand as good service, pursuant to CPR 6.15(2) and 6.27:
- Julia.bartholomew@met.police.uk
 - Civil.litigation@hampshire.pnn.police.uk
 - Victoria.james@avonandsomerset.police.uk
 - Adam.hunt@essex.police.uk
 - Ls_joint_services@westmidlands.police.uk

PERMISSION TO AMEND

21. Pursuant to CPR 17.3 and 19.2, permission is granted to amend the description of the First Defendant (as reflected in the title to this Order) in the Amended Claim Form, paragraph 1.4.1 of the Amended Particulars of Claim and the relief claimed in the Amended Particulars of Claim by the addition of the words underlined in red in: (a) the amended rider to the Amended Claim Form in the form attached; and (b) paragraph 1.4.1 of the Amended Particulars of Claim and paragraph (1)1.1(4) of the relief claimed in the Amended Particulars of Claim in the form attached.

22. Service of the Re-Amended Claim Form and Re-Amended Particulars of Claim as permitted by paragraph 21 above is dispensed with.

COSTS

23. Costs reserved.

THE COURT

24. The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraph 11.1 of this Order.
25. All communications to the Court about this Order should be sent to:
- Queen's Bench Division, Royal Courts of Justice, Strand WC2A 2LL
 - The office are open between 10.00am and 4.30pm Monday to Friday (except Bank Holidays)
 - The telephone number is 020 7947 6000
 - The email address is qbjudgeslistingoffice@justice.gov.uk

SERVICE OF THE ORDER

26. This Order shall be served by the Claimants on the Defendants.

SCHEDULE 1

The Judge read the following Witness Statements before making this Order:

- (1) First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022 together with the exhibits marked “SSW1” - “SSW9”.
- (2) First Witness Statement of Anthony Milne dated 3 April 2022 together with the exhibits marked “AM1” – “AM15”.
- (3) First Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA1”.
- (4) Second Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA2”.
- (5) Third Witness Statement of Nawaaz Allybokus dated 22 April 2022 together with the exhibit marked “NA3”.
- (6) Fourth Witness Statement of Nawaaz Allybokus dated 22 April 2022 together with the exhibit marked “NA4”.

SCHEDULE 2

Undertakings given to the Court by the Claimants and each of them

- (1) The First Claimant undertakes to pay any damages caused by paragraphs 1, 2 or 3 of this Order which the Defendants (or any other party served with or notified of this Order) have sustained and which the Court considers ought to be paid.
- (2) The Second Claimant undertakes to pay any damages caused by paragraphs 2 or 3 of this Order which the Second or Third Defendants (or any other party served with or notified of this Order) have sustained and which the Court considers ought to be paid.

SCHEDULE 3

Plans

1. Fawley Plan
2. Hythe Plan
3. Avonmouth Plan
4. Birmingham Plan
5. Purfleet Plan
6. West London Plan
7. Hartland Park Plan
8. Alton Compound Plan

Schedule 4

Site	Constabulary
Fawley and Hythe	Hampshire Constabulary
Avonmouth Terminal	Avonmouth and Somerset Constabulary
Birmingham Terminal	West Midlands Police
Purfleet Terminal	Essex Police
West London Terminal	Metropolitan Police
Hartland Park Terminal	Hampshire Constabulary
Alton Compound	Hampshire Constabulary

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BEFORE: Mrs Justice Collins Rice
On 27 March 2023

CLAIM NO. QB-2022-001098

B E T W E E N: (1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

-and-

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE
FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE
SITES")**

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION ON THE ATTACHED GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE
FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE
CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS
SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED
'FAWLEY PLAN')**

**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND
OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY
OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT
INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)**

**(4) PAUL BARNES
(5) DIANA HEKT**

Defendants

ORDER

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANT

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You have the right to apply to the court to vary or discharge this Order (which is explained below).

RECITALS

FOLLOWING the Orders of Ellenbogen J dated 6 April 2022 and Bennathan J dated 27 April 2022

UPON the hearing of the Claimants' Applications dated 27 February 2023, 20 March 2023 and 21 March 2023

AND UPON hearing Leading Counsel and Junior Counsel for the Claimants and Alan Woods representing himself

AND UPON reading the evidence recorded in Schedule 2 to this Order

AND UPON the Claimants giving and the Court accepting the undertakings to the Court set out in Schedule 3 to this Order

AND UPON the Claimants having received assurances from Paul Fawkesley, Oliver Clegg, Alan Woods and Michael Brown that they do not intend to breach any injunction covering the Sites (as defined below)

IT IS ORDERED THAT:

ADDITION OF NAMED DEFENDANTS

1. The Claimants have permission to join as additional defendants to this claim each of the individuals named in Schedule 1 and to amend the Claim Form and Particulars of Claim accordingly.
2. The publication by the Claimants of this Order and Claim Form shall not include (in the published version) the addresses of these additional defendants.
3. In view of the assurances given by them mentioned above, Paul Fawkesley, Oliver Clegg, Alan Woods and Michael Brown are not to be subject to the injunctions set out in paragraphs 5, 6, or 7 below, without further order.
4. The Claimants have liberty to extend paragraph 3 above so as to include also the Fourth and Fifth Defendants, in the event that the like assurances are forthcoming from those individuals.

THE INJUNCTIONS

5. Until trial or further order in the meantime, the First, Fourth and Fifth Defendants must not:
 - 5.1 enter or remain upon any part of the First Claimant's properties ("the Sites") without the consent of the First Claimant at:
 - (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan').
 - (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').

- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
- (4) Birmingham Terminal, Wood Lane, Birmingham B24 8DN (as shown for identification edged red on the attached 'Birmingham Plan').
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
- (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
- (8) Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached 'Alton Compound Plan');

5.2 damage any part of any of the Sites;

5.3 affix themselves or any person or object to any part of any of the Sites;

5.4 erect any structures on any part of any of the Sites.

6. Until trial or further order in the meantime, the Second, Fourth and Fifth Defendants must not without the consent of the First Claimant or Second Claimant:

6.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');

6.2 damage any part of the Chemical Plant;

6.3 affix themselves or any person or object at the Chemical Plant;

6.4 erect any structures on any part of the Chemical Plant.

7. Until trial or further order in the meantime, the Third, Fourth and Fifth Defendants must not enter onto the Claimants' property and obstruct any of the vehicular entrances or exits to any of the Sites (where "Sites" for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

VARIATION OR DISCHARGE OF THIS ORDER

8. The Defendants may apply to vary or discharge this Order at any time upon giving not less than 3 clear days' notice to the Claimant's solicitors, Eversheds Sutherland (International) LLP, by emailing exxonmobil.service@eversheds-sutherland.com. Any evidence to be relied upon in support of such an application must be communicated in writing to the Claimants' solicitors at least 2 clear days before the hearing.
9. Any person applying to vary or discharge this Order must provide their full name and address, an address for service.
10. The Claimants have liberty to apply to extend or vary this Order or to seek further directions.

INTERPRETATION OF THIS ORDER

11. A Defendant who is ordered not to do something must not do it him/herself/themselves or in any other way. He/she/they must not do it through another acting on his/her/their behalf or on his/her/their instructions or with his/her/their encouragement.

SERVICE OF THIS ORDER

12. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order shall be effected on the First, Second and Third Defendants as follows:
 - 12.1. fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that a copy of the Order may be obtained from the Claimants' solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 4500) email: exxonmobil.service@eversheds-sutherland.com and (b) that a copy of the Order may be viewed at the website referred to in Paragraph 12.2 of this Order;
 - 12.2. posting the Order on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and
 - 12.3. fixing a minimum of four large warning notices in the forms annexed to this Order in conspicuous places around the perimeters of the Sites. Such notices must be a minimum of A2 size.

- 12.4. sending an email to each of the following email addresses with the information that a copy of the Order may be viewed at the website referred to in Paragraph 12.2 of this Order:
- (a) xr-legal@riseup.net
 - (b) enquiries@extinctionrebellion.uk
 - (c) juststopoilpress@protonmail.com
13. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), this Order shall be deemed to be served on the First, Second and Third Defendants on the latest date on which all of the methods of service referred to in Paragraph 12 above have been completed.
14. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 12 of this Order shall stand as good service of the Order on the First, Second and Third Defendants.

SERVICE OF OTHER DOCUMENTS

15. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of any other applications and evidence in support by the Claimants (“the Further Documents”), shall be effected on the First, Second and Third Defendants as follows:
- 15.1. fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Further Documents may be obtained from the Claimants’ solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969) email: exxonmobil.service@eversheds-sutherland.com and (b) that copies of the Further Documents may be viewed at the website referred to in Paragraph 12.2 of this Order;
 - 15.2. posting the Further Documents on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and
 - 15.3. sending an email to each of the following email addresses with the information that copies of the Further Documents may be viewed at the website referred to in Paragraph 12.2 of this Order:
 - (a) xr-legal@riseup.net
 - (b) enquiries@extinctionrebellion.uk

(c) juststopoilpress@protonmail.com

16. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), the Further Documents shall be deemed to be served on the First, Second and Third Defendants on the latest date on which all of the methods of service referred to in Paragraph 15 above have been completed.
17. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 15 of this Order shall stand as good service of the Further Documents on the First, Second and Third Defendants.

DIRECTIONS FOR TRIAL

18. Any Defence to this claim from the Fourth or Fifth Defendant is to be filed and served by 4pm on 24 April 2023.
19. The Claimants have permission to file and serve further evidence, if so advised, by 4pm on 8 May 2022.
20. The Defendants shall file and serve any evidence on which they wish to rely by 4pm on 22 May 2022.
21. Disclosure of documents is dispensed with.
22. Costs management is dispensed with.
23. The claim be listed for trial on the first available date after 12 June 2023 with a time estimate of 1 day (plus reading time).
24. The Claimants shall file and serve a trial bundle not less than 7 days before the trial.
25. Skeleton arguments on behalf of any represented party shall be lodged and exchanged, with bundle of authorities, not less than 3 days before the trial.
26. The Claimants and any Defendant who has filed an acknowledgment of service shall have permission to apply for further or other case management directions.

COSTS

27. Costs reserved.

THE COURT

28. The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraph 12.1 of this Order.
29. All communications to the Court about this Order should be sent to:
- King's Bench Division, Royal Courts of Justice, Strand WC2A 2LL
 - The office are open between 10.00am and 4.30pm Monday to Friday (except Bank Holidays)
 - The telephone number is 020 7947 6000
 - The email address is kbjudgeslistingoffice@justice.gov.uk

SERVICE OF THE ORDER

30. This Order shall be served by the Claimants on the Defendants.

SCHEDULE 1

(4) Paul Barnes of 41 Hillside View, New Mills, High Peak SK22 3DF

(5) Diana Hekt, of 12 Victoria Road, Meltham, Holmfirth, West Yorkshire HD9 5NL

SCHEDULE 2

The Judge read the following Witness Statements before making this Order:

- (1) First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022 together with the exhibits marked “SSW1” - “SSW9”.
- (2) First Witness Statement of Anthony Milne dated 3 April 2022 together with the exhibits marked “AM1” – “AM15”.
- (3) First Witness Statement of Martin Pullman dated 27 February 2023 together with exhibits marked “MP1” and “MP2”.
- (4) Third Witness Statement of Nawaaz Allybokus dated 22 April 2022 together with the exhibit marked “NA3”.
- (5) Fifth Witness Statement of Nawaaz Allybokus dated 20 March 2023 together with the exhibit marked “NA5”.

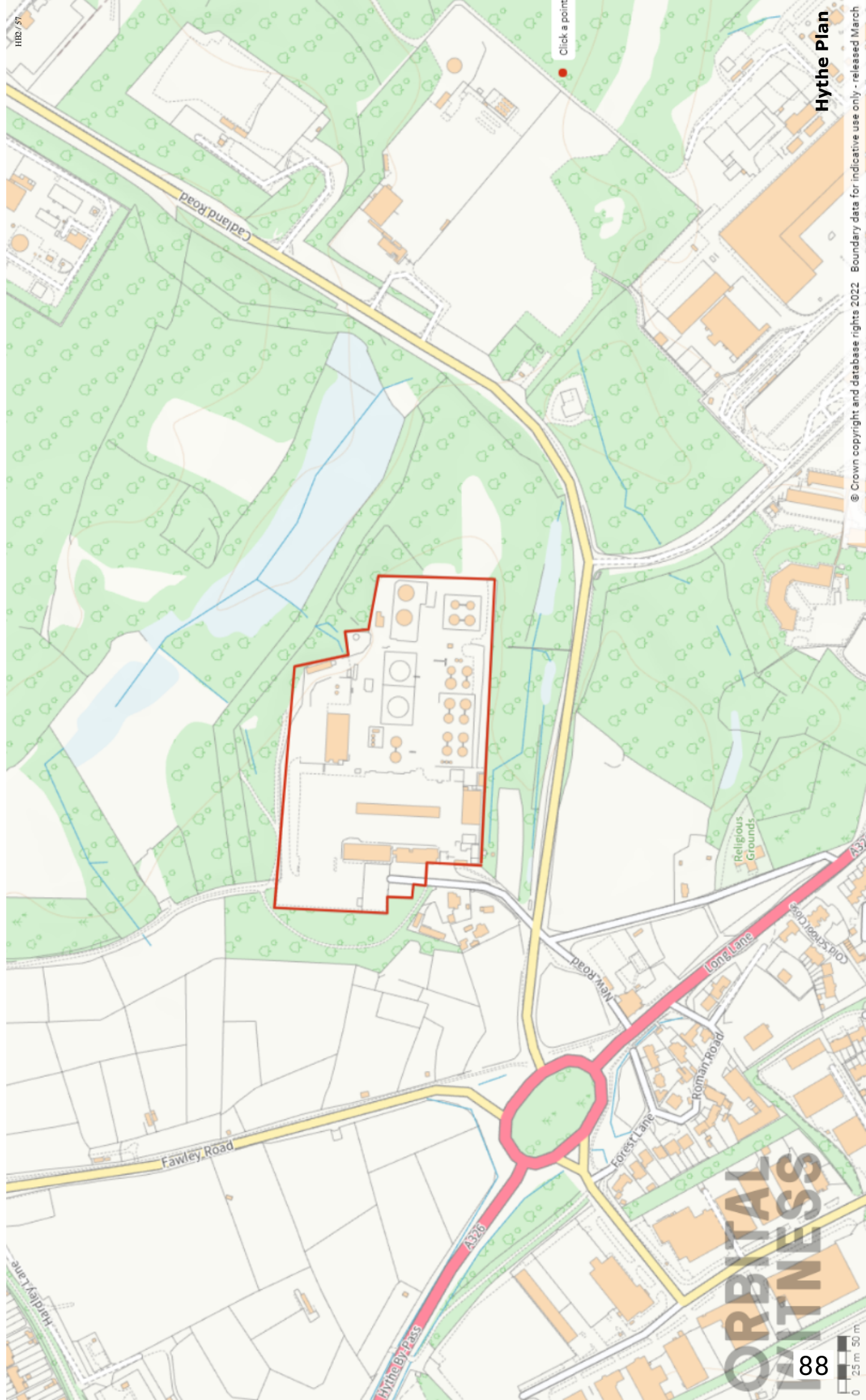
SCHEDULE 3

Undertakings given to the Court by the Claimants and each of them

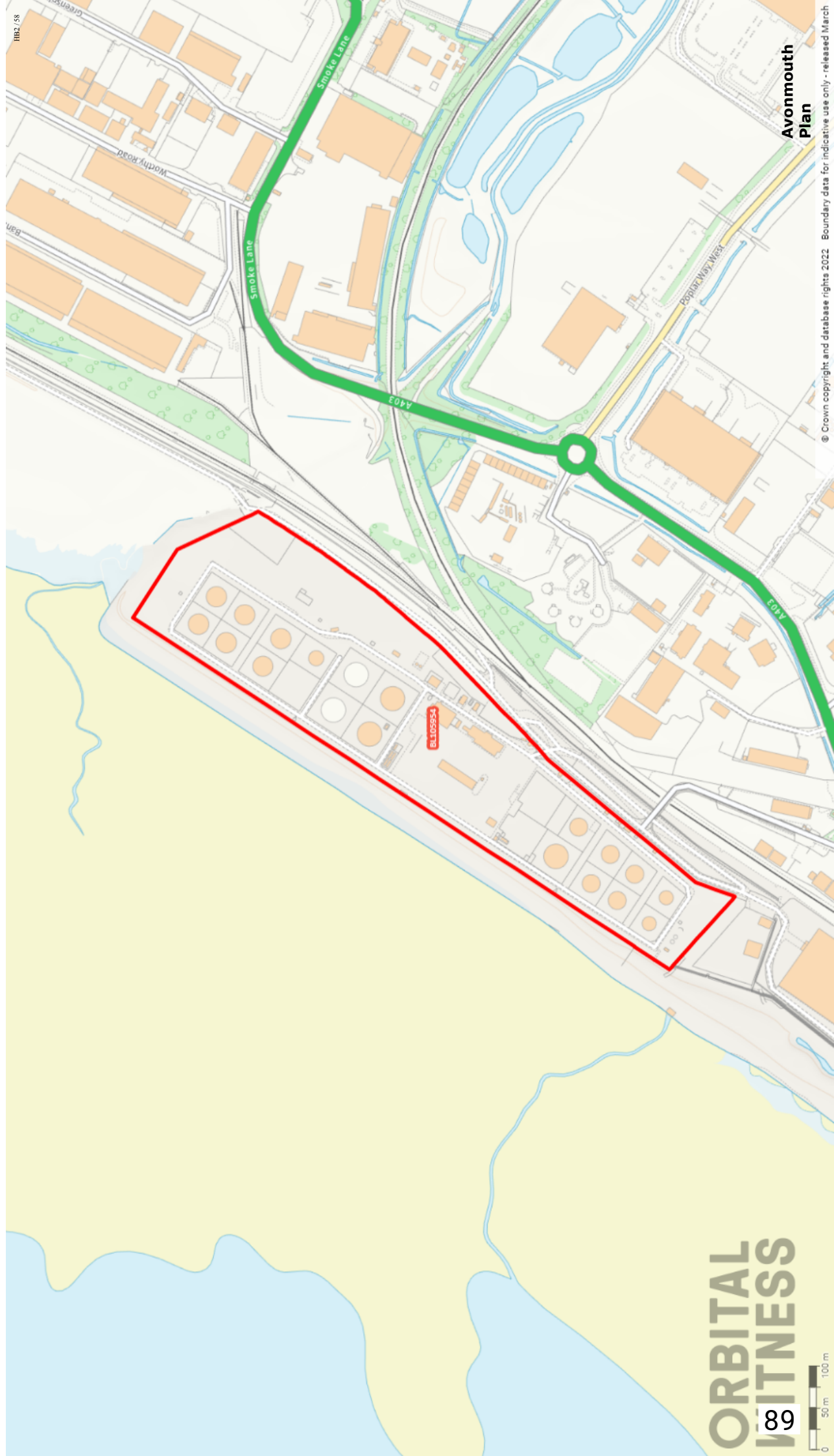
- (1) The First Claimant undertakes to pay any damages caused by paragraphs 5, 6 or 7 of this Order which the Defendants (or any other party served with or notified of this Order) have sustained and which the Court considers ought to be paid.
- (2) The Second Claimant undertakes to pay any damages caused by paragraphs 6 or 7 of this Order which the Defendants (or any other party served with or notified of this Order) have sustained and which the Court considers ought to be paid.

SCHEDULE 4 - Plans

1. Fawley Plan
2. Hythe Plan
3. Avonmouth Plan
4. Birmingham Plan
5. Purfleet Plan
6. West London Plan
7. Hartland Park Plan
8. Alton Compound Plan



Click a point







11B2.60

Close

Lockyer Rd

Linden Close

Purfleet Baptist Church

London Road Purfleet

EXB6595DS

Purfleet Thames Terminal

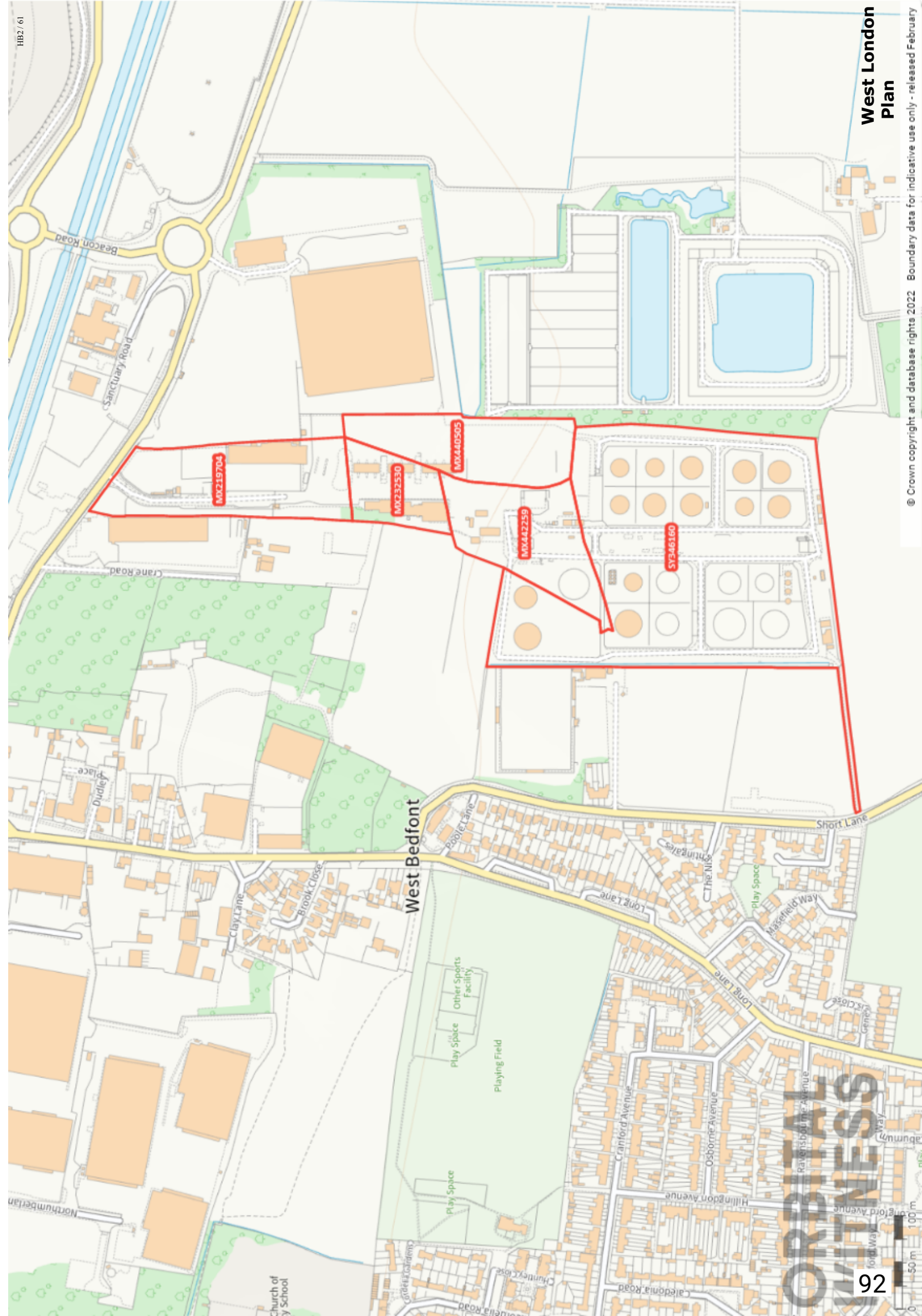
Harris Academy Riverside

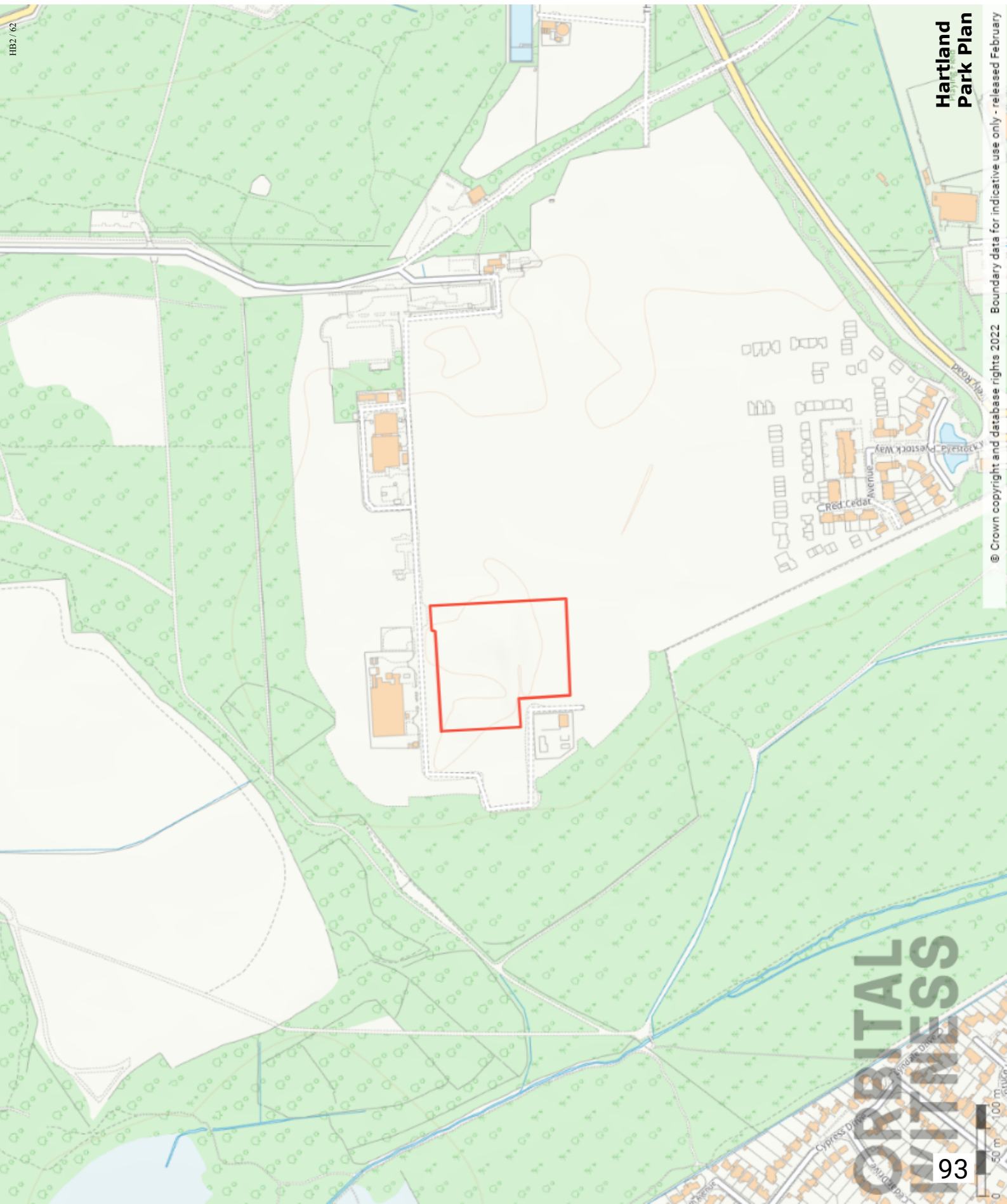
Purfleet Plan

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ORBITAL
WITNESS







Hartland Park Plan

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ORBITAL
OUTLINES



**ESSO PETROLEUM COMPANY, LIMITED (First Claimant)
EXXONMOBIL CHEMICAL LIMITED (Second Claimant)**

**Important Notice
High Court of Justice – Claim No QB-2022-001098**

On 27 March 2023, an injunction was made by the High Court of Justice in the proceedings referred to above concerning this Site

The Order prohibits entering or remaining, damaging, affixing any person or object, erecting structures and / or obstructing vehicular access.

The persons affected by the Order are Persons Unknown acting in connection with the Extinction Rebellion campaign and / or the Just Stop Oil campaign (and other Defendants who are named in the proceedings).

Anyone in breach of the injunction will be in contempt of court and may be imprisoned, fined or have their assets seized. Any person who knows of this Order and does anything which permits the Defendant or any of them to breach the terms of the Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

**This means that you must not go beyond this notice and enter this site without permission.
This also means that you must not obstruct any vehicular entrance or exit.
If you do, you may be sent to prison or have your assets seized.**

Copies of the Court documents may be viewed at www.exxonmobil.co.uk/Company/Overview/UK-operations

Copies may also be obtained from exxonmobil.service@eversheds-sutherland.com

The injunction applies to the following Sites:-

- The Oil Refinery and Jetty at the Petrochemical Plant, Marsh Lane, Fawley, Southampton SO45 1TH
- Hythe Oil Terminal, New Road, Harley SO45 3NR
- Avonmouth Oil Terminal, St Andrews Road, Bristol BS11 9BN
- Birmingham Oil Terminal, Tyburn Road, Birmingham B24 8HJ
- Purfleet Oil Terminal, London Road, Purfleet, Essex RM19 1RS
- West London Oil Terminal, Bedford Road, Stanwell, Middlesex TW19 7LZ
- Hartland Park Logistics Hub, Ively Road, Farnborough
- Alton Compound, Pumping Station, A31, Holybourne

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
The Honourable Mr Justice Linden
On 10 July 2023
B E T W E E N:

CLAIM NO. QB-2022-001098

(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

-and-



(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

(4) PAUL BARNES
(5) DIANA HEKT

Defendants

ORDER

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANT

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You have the right to apply to the court to vary or discharge this Order (which is explained below).

RECITALS

UPON the trial on 10 July 2023 of the Claimants' claim for a final injunction

AND UPON hearing Timothy Morshead KC and Yaaser Vanderman for the Claimants

AND UPON the Court indicating that it would hand down judgment shortly

IT IS ORDERED THAT:

1. The Order of Collins Rice J, dated 27 March 2023 (sealed on 30 March 2023), is to continue to have effect until further order.
2. Pursuant to CPR r.6.27, service of this Order shall be effected on the Defendants using the steps set out at paragraph 12.2 and 12.4 of the Order of Collins Rice J, dated 30 March 2023.
3. Pursuant to 6.15(4)(b) and CPR r.6.27, such service shall be deemed effective on the latest date on which all of the said steps shall have been completed or, if sooner, the date of actual notice of the Order.

Mr Justice Linden

Dated 10 July 2023

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO. QB-2022-001098

Before the Honourable Mrs Justice Heather Williams DBE
On 16th October 2023



B E T W E E N:

**(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED**

Claimants

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE ‘EXTINCTION REBELLION’ CAMPAIGN OR THE ‘JUST STOP OIL’ CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS’ PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE “SITES” FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

(4) PAUL BARNES

(5) DIANA HEKT

Defendants

ORDER

RECITALS

FOLLOWING the order of Linden J dated 18 July 2023 (as amended on 21 July 2023) (the “**Order**”)

UPON the application of the Claimants dated 13 October 2023

AND UPON reading the first Witness Statement of Holly Stebbing dated 13 October 2023

AND UPON the notice of change of solicitors dated 2 October 2023 and effected by Norton Rose Fulbright LLP on the Defendants (the “**Notice**”)

AND UPON the Court considering this application without notice to the Defendants pursuant to CPR 6.27 and 6.15(3)(b).

IT IS ORDERED THAT:

1. Service of the Notice on the First, Second and Third Defendants in the same manner as prescribed at paragraph 17 of the Order shall stand as good service and accordingly, pursuant to CPR 6.15 and 6.27, retrospective permission is granted to the Claimants to serve the Notice on the First, Second and Third Defendants in such alternative manner. Pursuant to CPR 6.15(3) and 6.27, the Notice shall be deemed to be served on the First, Second and Third Defendants on the latest date on which all of the methods of service referred to in paragraph 17 of the Order were completed.
2. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), permission is granted to the Claimants to serve this order, its associated documents and any further documents in this claim by way of alternative method, such method as prescribed at paragraph 17 of the Order. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), the order shall be deemed to be

served on the First, Second and Third Defendants on the latest date on which all of the methods of service referred to in paragraph 17 of the Order were completed.

3. The Order shall be varied at follows:

At paragraph 6:

6. *The Defendants may apply to vary or discharge this Order at any time upon giving not less than 3 clear days' notice to the Claimant's solicitors, Norton Rose Fulbright LLP, by emailing ExxonMobil.Service@nortonrosefulbright.com. Any evidence to be relied upon in support of such an application must be communicated in writing to the Claimants' solicitors at least 2 clear days before the hearing.*

At paragraph 14:

14. *Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order shall be effected on the First, Second and Third Defendants as follows:*

14.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that a copy of the Order may be obtained from the Claimants' solicitors, Norton Rose Fulbright LLP, 3 More London Riverside, London SE1 2AQ (Ref: Holly Stebbing, tel: 020 7283 6000) email: ExxonMobil.Service@nortonrosefulbright.com; and (b) that a copy of the Order may be viewed at the website referred to in Paragraph 14.2 of this Order;

14.2 posting the Order on the following website:
<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>;

14.3 fixing a minimum of four large warning notices in the forms annexed to this Order in conspicuous places around the perimeters of the Sites. Such notices must be a minimum of A2 size; and

14.4 sending an email to each of the following email addresses: (i) with the information that a copy of the Order may be viewed at the website referred to in Paragraph 14.2 of this Order; and/or (ii) enclosing a copy of this Order (whether by Mimecast link or otherwise):

(a) xr-legal@riseup.net

(b) enquiries@extinctionrebellion.uk

(c) juststopoilpress@protonmail.com

At paragraph 17:

17. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of any other documents in these proceedings by the Claimants (the “Further Documents”) shall be effected on the First, Second and Third Defendants as follows:

17.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Further Documents may be obtained from the Claimants’ solicitors, Norton Rose Fulbright LLP, 3 More London Riverside, London SE1 2AQ (Ref: Holly Stebbing, tel: 020 7283 6000) email: ExxonMobil.Service@nortonrosefulbright.com; and (b) that copies of the Further Documents may be viewed at the website referred to in Paragraph 17.2 of this Order;

17.2 posting the Further Documents on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

17.3 sending an email to each of the following email addresses: (i) with the information that copies of the Further Documents may be viewed at the website referred to in Paragraph 17.2 of this Order; and/or (ii) enclosing copies of the Further Documents (whether by Mimecast link or otherwise):

(a) xr-legal@riseup.net

(b) enquiries@extinctionrebellion.uk

(c) juststopoilpress@protonmail.com

4. Pursuant to CPR 23.10, the First, Second and Third Defendants shall have the right to apply to have this order set aside or varied in accordance with the amended paragraph 6 of the Order. Any such application must be made within 7 days of this order.

5. There shall be no order as to costs.

16th October 2023



Neutral Citation Number: [2023] EWHC 1837 (KB)

Case No: QB-2022-001098

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 18/07/2023

Before :

THE HONOURABLE MR JUSTICE LINDEN

Between :

(1) ESSO PETROLEUM COMPANY, LIMITED

Claimant

(2) EXXONMOBIL CHEMICAL LIMITED

- and -

**(1) PERSONS UNKNOWN WHO, IN
CONNECTION WITH THE 'EXTINCTION
REBELLION' CAMPAIGN OR THE 'JUST
STOP OIL' CAMPAIGN, ENTER OR REMAIN
(WITHOUT THE CONSENT OF THE FIRST
CLAIMANT) UPON ANY OF THE
FOLLOWING SITES ("THE SITES")**

Defendants

- (A) THE OIL REFINERY AND JETTY AT THE
PETROCHEMICAL PLANT, MARSH LANE,
SOUTHAMPTON SO45 1TH (AS SHOWN FOR
IDENTIFICATION EDGED RED AND GREEN BUT
EXCLUDING THOSE AREAS EDGED BLUE ON THE
ATTACHED 'FAWLEY PLAN')**
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45
3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON
THE ATTACHED 'HYTHE PLAN')**
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD,
BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION
EDGED RED ON THE ATTACHED 'AVONMOUTH
PLAN')**
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE,
BIRMINGHAM B24 8DN (AS SHOWN FOR
IDENTIFICATION EDGED RED ON THE ATTACHED
'BIRMINGHAM PLAN')**
- (E) PURFLEET OIL TERMINAL, LONDON ROAD,
PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR
IDENTIFICATION EDGED RED AND BROWN ON THE
ATTACHED 'PURFLEET PLAN')**

- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD,
STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR
IDENTIFICATION EDGED RED ON THE ATTACHED
'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD,
FARNBOROUGH (AS SHOWN FOR IDENTIFICATION
EDGED RED ON THE ATTACHED 'HARTLAND PARK
PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31,
HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION
EDGED RED ON THE ATTACHED 'ALTON COMPOUND
PLAN')

(2) PERSONS UNKNOWN WHO, IN
CONNECTION WITH THE 'EXTINCTION
REBELLION' CAMPAIGN OR THE 'JUST
STOP OIL' CAMPAIGN, ENTER OR REMAIN
(WITHOUT THE CONSENT OF THE FIRST
CLAIMANT OR THE SECOND CLAIMANT)
UPON THE CHEMICAL PLANT, MARSH
LANE, SOUTHAMPTON SO45 1TH (AS
SHOWN FOR IDENTIFICATION EDGED
PURPLE ON THE ATTACHED 'FAWLEY
PLAN')

(3) PERSONS UNKNOWN WHO, IN
CONNECTION WITH THE 'EXTINCTION
REBELLION' CAMPAIGN OR THE 'JUST
STOP OIL' CAMPAIGN, ENTER ONTO ANY
OF THE CLAIMANTS' PROPERTY AND
OBSTRUCT ANY OF THE VEHICULAR
ENTRANCES OR EXITS TO ANY OF THE
SITES (WHERE "SITES" FOR THIS PURPOSE
DOES NOT INCLUDE THE AREA EDGED
BROWN ON THE PURFLEET PLAN)

(4) PAUL BARNES

(5) DIANA HEKT

Timothy Morshead KC and Yaaser Vanderman (instructed by **Eversheds Sutherland
(International) LLP**) for the **Claimant**

No appearance or representation by the **Defendants**

Hearing date: 10 July 2023

Approved Judgment

This judgment was handed down remotely at 2pm on 18 July 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MR JUSTICE LINDEN

Mr Justice Linden :

Introduction

1. This was the trial of the Claimants' claim for an injunction to restrain certain forms of trespass by Extinction Rebellion and Just Stop Oil protesters at specified sites around the country ("the Sites").

Procedural matters

2. An interim injunction was first granted in these proceedings by Ellenbogen J at a without notice hearing on 6 April 2022, and that injunction was extended by Bennathan J on the return date, which was 27 April 2022. That hearing was not attended by any of the Defendants, and they were not represented, but Counsel instructed by a person involved in the environmental movement attended and made submissions to the court with a particular focus on whether the Claimants had sufficient proprietary interests in the Sites which they sought to protect, to be entitled to bring a claim in trespass.
3. The injunction was then extended again by Collins Rice J at a hearing on 27 March 2023. However, she was unwilling to do so on an interim basis for a period of a year, as proposed by the Claimants, and she therefore gave directions for trial. Again, there was no attendance or representation on the Defendants' side. But four individuals who had been identified as actual or potential Defendants gave assurances that they did not intend to act inconsistently with the terms of the injunction. On that basis Collins Rice J directed that they were not subject to its terms.
4. Similarly, no Defendants attended the trial before me or were represented or submitted evidence. However, the Fourth and Fifth Defendants gave undertakings which were satisfactory to the Claimants, and these will be embodied in an Order which applies to their cases.
5. In the course of Mr Morshead KC's submissions, however, it became apparent that a person in the public gallery wished to address the court. She told me she was Ms Sarah Pemberton, that she was qualified as a barrister (though not practising) and that she was informally representing her friend, Mr Martin Marston-Paterson, because he would not have been able to attend the hearing until the afternoon. I allowed her to address the court and she drew to my attention the fact that there had been correspondence between Bindmans LLP, who were acting for Mr Marston-Paterson, and Eversheds Sutherland (International) LLP who were instructed by the Claimants. Bindmans had proposed that the hearing be adjourned pending the decision of the Supreme Court in the appeal from the decision in *London Borough of Barking & Dagenham & Others v Persons Unknown* [2022] EWCA Civ 13; [2023] QB 295 (now *Wolverhampton City Council & Others v London Gypsies and Travellers & Others* UKSC 2022/0046).
6. Ms Pemberton stressed that she was not making an application to adjourn the trial but she pointed out that if the Supreme Court were to overturn the decision of the Court of Appeal in the *Barking & Dagenham* case, any final injunction which I granted would likely be unlawful. She also told me that submissions had been made to the Supreme Court to the effect that the risk of an adverse order for costs was having a chilling effect on climate change protesters who might otherwise have contested this type of application for injunctive relief. She said that provision for a review of any injunction which I granted

would not adequately safeguard the position of the Defendants given that I would have made findings of fact which it would be problematic to reopen in circumstances in which, at least possibly, Defendants had been prevented from putting in evidence by the risk of an order for costs.

7. The correspondence was handed up to me by Mr Morshead. This showed that the matter had been raised by Bindmans on 30 June 2023. In a phone call and an email dated 3 July, Eversheds Sutherland said that their clients would be unwilling to consent to an adjournment, pointing out that Collins Rice J had directed that the trial take place. No threat of an application for costs in the event of an adjournment was made. On 7 July, Bindmans confirmed that they were not instructed to apply to adjourn or to intervene in the matter.
8. I decided not to adjourn the trial. It had been listed, by Order of Collins Rice J, since 5 May 2023. There had expressly not been any application to adjourn. Nor had I been shown any evidence that submissions or evidence would have been put before the court by any Defendant or interested party were it not for the fear of an adverse costs order, still less given an indication of what those submissions or that evidence might be. The appropriate course was, in my view, to decide the Claim on the law as it currently stands but to make provision in any Order for a review shortly after the judgment of the Supreme Court is handed down. This, in my judgment, fairly addressed any risk of injustice caused by proceeding with the trial.
9. As far as service and notice of the trial are concerned, I had regard to section 12(2) of the Human Rights Act 1998 which, so far as is relevant for present purposes, provides that in cases where the court is considering whether to grant any relief which might affect the exercise by the respondent of the right to freedom of expression under Article 10 of the European Convention on Human Rights (“ECHR”), and the respondent is not present or represented, such relief must be refused unless the court is satisfied “(a) *that the applicant has taken all practicable steps to notify the respondent*”. Each of the judges who has dealt with this matter has considered this question and, in the case of Bennathan J and Collins Rice J, whether the alternative directions for service in the preceding order had been complied with. Each has been satisfied that they had been and that, accordingly, all practicable steps had been taken for the purposes of section 12(2)(a).
10. As far as the trial is concerned, Collins Rice J directed that service of her Order and any further documents would be effected on the First to Third Defendants by fixing copies in clear transparent containers at a minimum of 2 locations on the perimeter of each of the Sites, together with notices which stated that they could be obtained from the Claimants’ solicitors and viewed at a specified company website. Service was also to be effected by posting the documents on that company website and by sending an email to specified email addresses for Extinction Rebellion and Just Stop Oil, notifying them of the availability of the documents on that website.
11. Mr Nawaz Allybokus, who is one of the solicitors acting for the Claimants in these proceedings, gave evidence, in his 6th witness statement dated 24 May 2023, that the Order of Collins Rice J and the Notice of Trial were served in accordance with the directions of the Court on 12 May 2023. In his 8th witness statement, dated 4 July 2023, he gives evidence that the directions as to service of the evidence relied on by the Claimants for

the purposes of the trial were complied with in the third week in June 2023 and therefore in good time before the trial.

12. I was therefore satisfied that sufficient notice of the hearing had been given to the Defendants. They had also been provided with access to the materials on which the Claimants rely, and all practical steps had been taken to notify them for the purposes of section 12(2)(a) of the 1998 Act. I decided to proceed notwithstanding the absence of any Defendant but, bearing this in mind, to probe the Claimants' case appropriately.
13. Mr Morshead answered questions from the court about the identity of the parties and the scope of the relief which he was seeking. He had put in a skeleton argument dated 4 July 2023, and he developed some of the points in that document orally. At the invitation of the court there was a particular focus on the question whether it was appropriate to impose a final injunction in the light of the evidence about the risk of acts of trespass by protesters at the sites in question and the likelihood of harm as a result in the event that the injunction was refused.
14. I also gave Ms Pemberton an opportunity to make any points in reply which she wished to make. She did not specifically challenge what Mr Morshead had submitted about the risk of trespass in the future, or the potential risks if this were to happen, but she drew attention to the distinction between the official positions of Extinction Rebellion and Just Stop Oil in relation to direct action, the former having said in January 2023 that it was stepping back from direct action. She also emphasised the risk that a lack of clarity in any Order which I might make could have a chilling effect on the rights to freedom of expression and association. I have taken these points into account in coming to my decision.
15. Ms Pemberton also raised a concern that Mr Marston-Paterson had not received the full trial bundle. She told me that she had checked and had received a message from him during the hearing which confirmed this point. Whereas Mr Morshead was referring to a 708-page bundle, the bundle which had been forwarded to Mr Marston-Paterson by Extinction Rebellion by email dated 16 June 2023 ran to 413 pages. Mr Morshead said, in response, that his instructions were that the full bundle had been sent to Extinction Rebellion. At her request, I gave permission for Mr Marston-Paterson to put in evidence on this matter if he wished, and permission to the Claimants to reply within 24 hours.
16. I then reserved judgment and extended the interim injunction pending the handing down of my decision.
17. On the day after the trial, I received statements made by Ms Pemberton and Mr Allybokus, both dated 11 July 2023. Her statement covered new matters, reprised what had happened at the trial and provided more detail on points which she made to me. No doubt inadvertently, some aspects of her account of what happened at the trial were not accurate but, in any event, I was not prepared to admit further evidence other than in relation to the question of service of the trial bundles. Ms Pemberton had an opportunity to put in any evidence on which she wished to rely before the trial and, other than the extent which I had indicated, it was not in the interests of justice for her to be permitted to do so after it had concluded.

18. There was then a 10th witness statement submitted by Mr Allybokus on 12 July 2023 but, with respect to him, this did not add anything material.
19. The evidence shows that Mr Allybokus sent the correct trial bundles to the three email addresses identified in the Order of Collins Rice J on 16 June 2023. They were enclosed via Mimecast. The email said that copies of the trial bundles would be uploaded shortly onto the company website. Ms Pemberton says in her statement that she manages the relevant email address for Extinction Rebellion and therefore read Mr Allybokus' email on 16 June 2023. She did not access the documents via Mimecast for reasons which she does not explain in her statement. Instead, she went on the company website and downloaded the bundles from there on 16 and 18 June. The final versions had not yet been uploaded at this point: that took place on 20 June 2023.
20. I do not consider that this issue means that the trial was unfair and Ms Pemberton does not suggest that it does. The concern which she raised with me about Mr Marston-Paterson not having the full bundle, and him messaging her during the trial to confirm this, is not referred to in her statement. What she says is that she read the trial bundles which she had downloaded and that the purpose of her attendance at the hearing was to observe and take a note. She does not suggest that she is a party. She then became concerned because her version of volume 2 to the trial bundle did not contain documents to which Mr Morshead referred in his oral submissions.
21. From the section of volume 2 of the trial bundle which Ms Pemberton says she did not see, Mr Morshead referred me to the undertakings which were given by the Fourth and Fifth Defendants and two press reports in which Just Stop Oil made statements about their intention to carry on protesting until they achieved their objectives. The material parts of these statements were read out by him in open court and they are referred to by me below. This point was also covered in the witness statements, and the press statements were two examples amongst many. I have not taken any other document in volume 2 into account in coming to my conclusion. Nothing in Ms Pemberton's statement therefore causes me to think that it would be in accordance with the overriding objective for me to revisit my decision to proceed with the trial.

Factual background

22. The detail of the factual background is set out in the witness statements relied on by the Claimants for the purposes of the trial, in particular the witness statements of Mr Anthony Milne (Global Security Adviser at the First Claimant) dated 3 April 2022; Mr Stuart Wortley (Partner at Eversheds Sutherland) dated 4 April 2022; Mr Allybokus dated 22 April 2022, 20 March 2023 and 13 June 2023; and Mr Martin Pullman (European Midstream Manager at the First Claimant) dated 27 February and 6 June 2023. The facts which led to the interim injunctions are also helpfully summarised by Ellenbogen J in her judgment of 6 April 2022, neutral citation number [2022] EWHC 966 (QB) and therefore need not be rehearsed by me in detail.
23. In outline, the Claimants are well known oil, petroleum and petrochemical companies. The injunction which they seek would restrain certain forms of trespass on their sites at the Fawley Petrochemical Complex in Southampton, the Hythe Terminal in Hardley, the Avonmouth Terminal near Bristol, the Birmingham Terminal, the Purfleet Terminal, the

West London Terminal, the Hartland Park Logistics Hub near Farnborough and the Alton compound at Holybourne.

24. Ellenbogen J carefully considered whether the Claimants had a sufficient proprietary rights in each of these sites to bring a claim in trespass and concluded that they did: see [21] of her judgment. At [6]-[8] she found that the Fawley Petrochemical Complex comprises an oil refinery, a chemical plant, and a jetty. The First Claimant is the freehold owner of the refinery and the chemical plant, and the registered lessee of the jetty. The Second Claimant is the lessee of the chemical plant. This is the explanation for a separate category of persons unknown: the Second Defendant in the proceedings.
25. Fawley is the largest oil refinery in the United Kingdom. It provides twenty per cent of the country's refinery capacity and is classed as Tier 1 Critical National Infrastructure. The chemical plant has an annual capacity of 800,000 tonnes, is highly integrated with the operations of the refinery, and produces key components for a large number of finished products here and elsewhere in Europe.
26. Ellenbogen J found that the First Claimant is also the freehold owner of the oil terminals at Hythe (primarily serving the South and West of England); that part of Birmingham which is material to the application (primarily serving the Midlands); Purfleet (primarily serving London and the South East of England); and West London (serving a range of customers in Southern and Central England and supplying aviation fuel to Heathrow Airport). It is also the registered lessee of the Avonmouth Terminal (primarily serving the South West of England). Title to the Purfleet jetty is unregistered, although the First Claimant has occupied the jetty for approximately 100 years. These Terminals are large and they play an important role in supplying the national economy.
27. The First Claimant has an unregistered leasehold interest in Hartland Park which is a temporary logistics hub comprising project offices, welfare facilities and car parking for staff and contractors, together with storage for construction plant materials, machinery and equipment in connection with the construction of a replacement fuel pipeline between the Fawley Petrochemical Complex and the West London oil terminal. It is also the freehold owner of the Alton compound, comprising a pumping station and another compound at Holybourne used in connection with the replacement fuel pipe line.
28. Submissions on this subject were addressed to Bennathan J on 27 April 2022 by Counsel for the interested person but he rejected them: see his judgment at [2022] EWHC 1477 (QB) [27]. He said that he was fully satisfied that the Claimants had the necessary proprietary interests. No evidence has been put before me to question the decisions of Ellenbogen and Bennathan JJ on this point and I therefore accept and adopt their findings.
29. Extinction Rebellion and Just Stop Oil are well known campaigns on the issue of climate change. The latter is focussed on the fossil fuel sector, and the former on climate change more generally.
30. The evidence before Ellenbogen and Bennathan JJ was that Just Stop Oil and Extinction Rebellion were organising action against the fossil fuel industry in March and April 2022. The intention was that groups or teams would block or disrupt oil networks including refineries, storage units and adjacent roads. Individuals were also being encouraged to sign up to direct action which would lead to their arrest.

31. Ellenbogen J summarised the evidence before her that, between 1 and 4 April 2022, four of the Sites - West London, Hythe, Purfleet and Birmingham - were subject to direct action as part the wider campaign which was disrupting various oil terminals in the United Kingdom. The evidence was that both Extinction Rebellion and Just Stop Oil were claiming involvement in that action on social media and through logos and banners which were displayed during some of the incidents.
32. On 1st April 2022, the operations of each of these four sites had been disrupted. At Birmingham approximately 20 people blocked the entrance in the small hours of the morning, preventing the collection of fuel from the site. A tanker was stopped at the entrance and two individuals climbed onto it. Others sat in front of it. One person glued himself to the path outside the Terminal. Police attended and around six arrests were made. The protest was dispersed and the site reopened at 5.30 p.m. that day.
33. At around the same time, approximately 24 people blocked the entrance to the West London Terminal by attaching barrels to the gates to the entrance used by vehicles so as to weigh them down and prevent them from lifting. Tripods were also erected immediately outside the access gate so as to block access. At approximately 6.45 a.m., four people cut a hole in the access fence and scaled one of the fuel storage tanks. The First Claimant was obliged to initiate its emergency site procedures, including the temporary shutdown of the pumping of aviation and ground fuels from Fawley to the West London Terminal. The four, and approximately eight others, were arrested a few hours later. As a result, by around 3:00 p.m., those responsible for the direct action had left the site and it was reopened.
34. At around 5:00 a.m. on the same day, seven people blocked the access to the Hythe Terminal, using the Extinction Rebellion “pink boat” and preventing access to the site. The police attended, the boat was removed at around 11.45 a.m. and the protesters were moved away. The site reopened an hour later.
35. Also on 1 April 2022, at around 6:30 a.m., 20 people blocked the access road to the Purfleet Terminal. Six people climbed onto a lorry which was delivering additives to the site. The police attended. By 3:00 p.m., some individuals remained on the lorry, but others in attendance had been arrested, or had dispersed. The site opened to customers at approximately 5:00 p.m.
36. On 2 April 2022, at around 09:45 a.m., approximately 20 people blocked access to and from the Purfleet Terminal. Some locked themselves to the access gates, and others sat in the access road. The police made a number of arrests and removed the protestors. The site opened to customers at approximately 5:30 p.m. There were other protests at other terminals across the country, albeit not terminals owned by the First Claimant and it was reported in the Press that around 80 arrests had been made.
37. At around 5:00 a.m., on 3 April 2022, approximately 20 protestors blocked access to the Birmingham Terminal by sitting in the road. Some also climbed on to a Sainsbury's fuel tanker. One protestor cut through the security fence around the Terminal, scaled one of the fuel storage tanks and displayed a Just Stop Oil banner. The First Claimant therefore initiated its emergency site procedures, including the temporary shutdown of the pumping

of ground fuel from Fawley to the Terminal. The police attended and made a number of arrests. The site was reopened to customers at around 4:00 p.m.

38. At around 4.30 a.m. on 4 April 2022, approximately 20 protestors arrived at the West London Terminal and used a structure to obstruct access to and egress from the Site. That evening, a number of individuals were arrested whilst they were on their way to the Purfleet site.
39. At [14] Ellenbogen J also noted a number of earlier incidents, going back to August 2020, which she accepted were evidence of the risk of the disruption continuing. These incidents were similar in nature to the incidents at the beginning of April 2022, although they varied in seriousness. At least four of the incidents had included displaying Extinction Rebellion banners or other insignia, and Extinction Rebellion had also associated itself with a number of these activities in the Press and on social media. In an incident in October 2021 protestors had broken into the Fawley Petrochemical Complex using bolt cutters and had climbed to the top of two storage tanks. In December 2021 they had used the same method to break into the site at Alton and had caused extensive damage to buildings, plant, and equipment there.
40. According to the evidence of Mr Allybokus there were further incidents around the time of the Order made by Ellenbogen J which included the following:
 - a. On 6 April 2022, a group blocked a roundabout on the main route from the M25 to the Purfleet Terminal by jumping onto a tanker and gluing themselves onto the road. Another group blocked a roundabout on the main route to the West London Terminal by jumping onto lorries.
 - b. On 8 April 2022, around 30 individuals blocked a main route from the M25 to the Purfleet Terminal.
 - c. On 13 April 2022, a group blocked an access road near the Purfleet Terminal, and 3 people climbed on top of a tanker.
41. Mr Wortley also gives evidence of more than 500 arrests in March/April 2022 at the Kingsbury Terminal operated by Valero Energy Limited in Staffordshire, and of injunctions being granted in that case.
42. However, the evidence is that the interim injunctions which were granted in the present case have been complied with.
43. In relation to the risk of trespass should the claim for a final injunction be refused, Mr Morshead also relied on the evidence of Mr Pullman that Just Stop Oil protestors have targeted the First Claimant's Southampton to London pipeline (which does not comprise one of the Sites). This included digging and occupying a pit so as to obstruct specialist construction equipment, and it led to injunctions being granted by Eyre J on 16 August 2022 and then HHJ Lickley KC on 21 October 2022. There was also a committal of one person to prison for breach of Eyre J's Order. Another admitted that he had breached that Order but the Court accepted his undertaking not to do so again.

44. Protesters have organised a number of events in order to carry out direct action against various targets, all with some connection to the energy industry. They have also targeted the offices of the Claimants' solicitors including by a sit-down protest in November 2022 which obstructed the entrance and by throwing purple paint over the glass structure of the building.
45. Although, in January 2023, Extinction Rebellion announced that it was changing its tactics and moving away from public disruption as a primary tactic, Just Stop Oil has made clear its intention to continue with this approach. Mr Morshead showed me public statements by Just Stop Oil along the lines that the public should "expect us every day and anywhere" and that its supporters "will be returning – today, tomorrow and the next day – and the next day after that – and every day until our demand is met: no new oil and gas in the UK". This includes asking people to "Sign up for arrestable direct action...".
46. Mr Morshead also relied on evidence that, more generally, there has been no let-up in the activities of climate change protesters. For example, there was disruption of the Grand National and the World Snooker Championship in April 2023, as well as a sit-down protest at the Global Headquarters of Shell following a weekend of protest in central London organised by Extinction Rebellion. Since 24 April 2023 there has been a campaign of "slow marching" in London and Just Stop Oil protesters were arrested in or around Whitehall and Parliament in May 2023. There was also disruption of the Chelsea Flower Show and other sporting events including the Ashes test match and Wimbledon. Mr Pullman also gave evidence about extensive litigation in the civil and criminal courts arising out of protest activities with a number of injunctions being granted and/or extended, and various prosecutions and convictions in the Magistrates Court for public order offences.
47. As for the harm which would result from the acts of trespass which are sought to be restrained, disruption of the Claimants' operations is in itself harmful to their interests. The evidence is that such disruption has potential financial consequences for them, but it also has consequence for the wider economy given the impact on the businesses of wholesale and retail suppliers of fuel, and the effect on access to fuel for purposes including road, rail and air transport as well as heating. Indeed, in March/April 2022 Just Stop Oil and Extinction Rebellion were open about the fact that they were seeking to emulate the 2000 protests by haulage drivers, which disrupted supplies of oil to the country with severe economic consequences.
48. There is also evidence of the risk of serious physical harm resulting from acts of trespass by protesters. This refers not merely to the damage to property which results from them cutting through security fences and vandalising the Sites, but also to the risk of very serious accidents. The Claimants' sites are used for the production and storage of highly flammable and otherwise hazardous substances. As is obvious, this is a highly dangerous activity and for this reason there are stringent security and health and safety measures in operation at the Sites. Access is strictly controlled, and all of the Claimants' employees and contractors are trained in relation to the hazards which they might encounter and, where appropriate, provided with protective clothing and equipment.
49. Mr Milne and Mr Pulman give written evidence on this subject. The Petrochemical Complex at Fawley and each of the oil Terminals are regulated by the Health & Safety Executive under the Control of Major Accident Hazards Regulations 2015 (COMAH).

All of the Sites have fully licensed security personnel, security barriers at the point of vehicular access, closed circuit television infrastructure linked to an Access Control system and fenced areas where active operations are undertaken. The operational area of the Petrochemical Complex at Fawley is protected by 2 fences, one of which is electrified.

50. All authorised visitors to the Sites are required to watch an induction safety video which highlights both the hazards and the emergency safety procedures. Most of the Sites include higher risk areas which require additional safety precautions. Within these areas, authorised personnel are required to wear fire retardant clothing and the appropriate personal protective equipment (hard hats, safety glasses, fire retardant gloves, safety shoes).
51. In some areas, devices which measure hydrocarbon vapour levels in the air must be carried. One of the potential hazards inside these facilities is a vapour cloud, which can result from an unplanned release of hydrocarbon or biofuels. Such a release can be extremely hazardous. Potential ignition risks such as smoking, using mobile phones or cameras and wearing clothes which accumulate static electricity (e.g. nylon) are strictly prohibited within the higher risk areas.
52. Protesters will not be trained in relation to the risks on these sites, nor familiar with which areas are the more dangerous ones, and nor are they likely to be wearing appropriate protective clothing. As I have noted, in previous incidents in 2021 and 2022 protesters have used bolt cutters to cut through both security fences at the Fawley Petrochemical Complex, the security fence at the First Claimant's compound in Alton and the security fences at the West London and Birmingham Terminals. During the protests in 2022 some protesters broke into higher risk areas and were carrying iPhones, cameras, cigarette lighters and/or nylon sleeping bags, thus exposing themselves and others to the risk of death or serious injury.
53. Apart from the risk of an explosion or a fire, there are obvious risks in protesters climbing onto fuel tanks 20 metres above the ground without the necessary safety equipment, and in climbing onto fuel tankers as they have been. Moreover, blocking access to the Sites prevents evacuation and access for emergency vehicles in the event of an incident.

Jurisdiction

54. In *London Borough of Barking and Dagenham & Others v Persons Unknown* (supra) the Court of Appeal confirmed that the jurisdiction to grant both interim and final injunctions in this context is provided by section 37 Senior Courts Act 1981. This states, so far as material:

“(1) The High Court may by order (whether interlocutory or final) grant an injunction...in all cases in which it appears to the court to be just and convenient to do so.

(2) Any such order may be made either unconditionally or on such terms and conditions as the court thinks just.”

55. The Court of Appeal held that there is, therefore, jurisdiction to grant a final injunction against persons unknown who are “newcomers” i.e., persons who have not committed or

threatened to commit any tortious act against the applicant for the injunction and therefore have not been served with the proceedings and made subject to the jurisdiction of the court before the order was made. Provided such a person has been served with the order they will become a party to the proceedings if they knowingly breach the terms of the injunction. Any risk of injustice which arises from this position is mitigated by the fact that such a person may apply to vary the injunction or set it aside, and by the fact that the duration of the injunction can be limited by the court, and it can be subject to periodic review. As I have noted, an appeal was heard by the Supreme Court in February this year and judgment is awaited. However, at the time of writing the law is as stated by the Court of Appeal.

The Claimants' cause of action

56. The cause of action relied on by the Claimants is now limited to trespass, and the relief which they seek is limited to restraining protesters from entering the Sites in order to carry out their activities. This point is important because of the effect which it has on the balancing of rights under the ECHR.

57. As a general proposition *“seriously disrupting the activities of others is not at the core of”* the right to freedom of assembly and this is relevant to the assessment of proportionality: see Lords Hamblen and Stephens in *DPP v Ziegler* [2021] UKSC 23; [2022] AC 408 at [67]. As Leggatt LJ (as he then was) put it in *Cuadrilla Bowland Ltd & Others v Persons Unknown* [2020] EWCA Civ 9; [2020] 4 WLR 29 at [94]:

“... the disruption caused was not a side-effect of protest held in a public place but was an intended aim of the protest...this is an important distinction. ...intentional disruption of activities of others is not “at the core” of the freedom protected by Article 11 of the Convention one reason for this [is] that the essence of the rights of peaceful assembly and freedom of expression is the opportunity to persuade others... ...persuasion is very different from attempting (through physical obstruction or similar conduct) to compel others to act in a way you desire....;”

58. But, in addition to this, in *DPP v Cuciurean* [2022] EWHC 736 (Admin); [2022] 3 WLR 446 at [45] the Divisional Court held that there is no basis in the caselaw of the European Court of Human Rights:

“to support the ... proposition that the freedom of expression linked to the freedom of assembly and association includes a right to protest on privately owned land or upon publicly owned land from which the public are generally excluded. The Strasbourg court has ... consistently said that Articles 10 and 11 do not “bestow any freedom of forum” in the specific context of interference with property rights ... There is no right of entry to private property or to any publicly owned property. The furthest that the Strasbourg court has been prepared to go is that where a bar on access to property has the effect of preventing any effective exercise of rights under Articles 10 and 11, or of destroying the essence of those rights, then it would not exclude the possibility of a state being obliged to protect them by regulating property rights.”

59. This means that in the present case the injunction sought by the Claimants does not engage Articles 10 and 11 ECHR or, if they are engaged, it would be compatible with these provisions for it to be granted because restraining trespass would obviously be

proportionate. Section 12(3) of the Human Rights Act 1998 is not engaged because it applies to interim injunctions.

60. The tort of trespass to land consists of any unjustified intrusion, whether by a person or an object, by one person upon land in the possession of another. It may also include intrusion into the airspace above land. There is no requirement that the intrusion be intentional or negligent provided it was voluntary. Trespass is actionable without proof of damage and by a person who is in possession i.e., who occupies or has physical control of the land. Proof of ownership is prima facie proof of possession but tenants and licensees will have rights of possession and be entitled to claim in trespass in order to secure those rights. In broad terms, entry onto another's land may be justified by proving a legal or equitable right to do so, or necessity to do so in order to preserve life or property. Justification therefore does not arise in the present case. (Clerk & Lindsell on Torts 23rd Edition, chapter 18).

Is relief just and convenient in principle?

61. In *Vastint Leeds BV v Persons Unknown* [2018] EWHC 2456 (Ch); [2019] 1 WLR 2 Marcus Smith J said this at [31(3)] in relation to final anticipatory injunctions:

“(3) When considering whether to grant a quia timet injunction, the court follows a two-stage test: (a) First, is there a strong probability that, unless restrained by injunction, the defendant will act in breach of the claimant's rights? (b) Secondly, if the defendant did an act in contravention of the claimant's rights, would the harm resulting be so grave and irreparable that, notwithstanding the grant of an immediate interlocutory injunction (at the time of actual infringement of the claimant's rights) to restrain further occurrence of the acts complained of, a remedy of damages would be inadequate?”

62. He then went on to give guidance as to what may be relevant to the application of this approach in a given case.

63. With respect, I confess to some doubts about whether the two questions which he identified are part of a “test” or a “two stage” test. To my mind they are questions which the Court should consider in applying the test under section 37 Senior Courts Act 1981, namely what is “just and convenient” but they are not threshold tests. I also note that, even taking into account *Vastint*, the editors of *Gee on Commercial Injunctions* (7th Edition) say at 2-045:

“There is no fixed or ‘absolute’ standard for measuring the degree of apprehension of a wrong which must be shown in order to justify quia timet relief. The graver the likely consequences, and the risk of wrongdoing the more the court will be reluctant to consider the application as ‘premature’. But there must be at least some real risk of an actionable wrong.”

64. Where the court is being asked to grant an injunction in circumstances where no tort has been committed or completed it will naturally need to be persuaded that the risks and consequences of not making such an order are sufficiently compelling to grant relief. Where, as in the present case, tortious conduct has taken place but the identity of the tortfeasors is unknown, and relief is sought on a final basis against future tortfeasors who

are not a parties and are identified only by description, again the court will be cautious. But it would be surprising if, for example, a court which considered that there was a significant risk of further tortious conduct, but not a strong probability of such conduct, was compelled to refuse the injunction no matter how serious the damage if that conduct then took place.

65. However, Marcus Smith J analysed the authorities carefully, successive cases have adopted his test and the matter was hardly argued before me. I therefore do not propose to depart from what he said. Nor do I need to. Bennathan J was satisfied that the *Vastint* test was satisfied in this case, and so am I in the light of the evidence before me: I am also satisfied that, having regard to the risks in the event that relief is refused, it is just and convenient to grant relief.
66. As noted above, this was the issue on which I pressed Mr Morshead bearing in mind that only some of the incidents in 2021/2022 involved trespass and only on some of the Sites. There has been compliance with the injunctions ordered by Ellenbogen and Bennathan JJ. Extinction Rebellion announced a change of tactics in January 2023 and a good deal of the evidence about protest activities since April 2022 is about activities of a different nature to those which led to the injunctions in this case. Where protesters have been identified in these proceedings, they have been prepared to give undertakings not to trespass on the Sites. All of these considerations could be argued to show something less than a strong probability of further trespassing on the Sites.
67. Having considered the evidence in the round, however, I was satisfied that the first limb of the *Vastint* test is satisfied. It would have been very easy for Extinction Rebellion or Just Stop Oil to give assurances or evidence to the court that there was no intention to return to their activities of 2021/2022, and no risk of trespass on the Sites or damage to property by protesters in the foreseeable future, but they did not do so. One is therefore left with the evidence relied on by the Claimants. This shows that they intend to continue to challenge the oil industry vigorously, including by causing disruption. As to the form that that disruption will take, it appears that the effect of the various injunctions which have been granted in this case and others has been to prevent or deter them from taking the steps prohibited by the orders of the court although, of course, not invariably so. If, therefore, an injunction is refused in the present case the overwhelming likelihood is that protests of the sort which were seen in 2021/2022 will resume, and that they will include acts of trespass of the sort to which I have referred.
68. As to the second limb of the *Vastint* test, I had little hesitation in holding that it is satisfied. Whatever the merits of the protesters' cause, and I make no comment on this, their activities in breaking into the Sites are highly disruptive and dangerous. These activities have significant financial and wider economic consequences which are unquantifiable in damages, and any award of damages would likely be unenforceable in any event. They also risk very serious damage to property and endanger the protesters and others.
69. I have considered Ms Pemberton's suggestion of a distinction between Extinction Rebellion and Just Stop Oil protesters but found this unconvincing in the absence of any assurance from Extinction Rebellion. As Mr Morshead pointed out, their strategy could change at any time. Given the risk posed by Just Stop Oil protesters, relief is appropriate and it would be naïve of the court to leave open the possibility of trespass on the Sites by protesters who said that they were acting under the Extinction Rebellion banner. If there

is no intention on the part of Extinction Rebellion protesters to trespass on the Sites, the injunction will not affect them anyway.

70. I have also considered whether relief should be limited to certain Sites and not others given that some had not been subjected to trespass but I agree with Ellenbogen J that the essence of anticipatory relief, where it is justified, is that the claimant need not wait until harm is suffered before claiming protection: see her judgment in these proceedings at [2022] EWHC 966 (KB) [29].

Canada Goose

71. Turning to the other considerations identified by the Court of Appeal in *Canada Goose UK Retail Limited v Persons Unknown* [2020] EWCA Civ 303; [2020] 1 WLR 2802 at [82], albeit in relation to interim injunctions:

- a. Those “persons unknown” (as defined) who can be identified have been and they have given assurances or undertakings. There were six of them. The four who gave assurances are therefore not named defendants. The Fourth and Fifth Defendants were joined to the proceedings by Order of Collins Rice J and have given separate undertakings and will be subject to a separate order ([82(1)] *Canada Goose*).
- b. The “persons unknown” are defined in the originating process and the Order by reference to their conduct which is alleged to be unlawful i.e. they are people who enter or remain on the Sites without the consent of the Claimants for the purposes of the Extinction Rebellion and the Just Stop Oil campaigns ([82(2) and (4)]). People who have not entered the Sites will not be parties to the proceedings or subject to the Order.
- c. I have addressed the question of anticipatory relief, above, in relation to final injunctions ([83(3)]);
- d. The acts prohibited by the injunction correspond to the threatened torts and do not include lawful conduct given that they are all acts which take place in the context of trespass i.e., on the Sites delineated in the plans attached to the Order ([82(5)]).
- e. The terms of the injunction are clear and precise so as to ensure that those affected know what they can and cannot do. ([82(6)]).
- f. The injunction has clear geographical and temporal limits. The geographical limits are indicated on the plans attached to the Order and the duration of the injunction will be five years subject to a review following the handing down of the judgement of the Supreme Court in the *Wolverhampton* case and annually in any event ([82(7)]). I note that a five year term with annual reviews was ordered, for example, by Eyre J in *Transport for London v Lee* [2023] EWHC 1201 (KB) at [57]. There is also provision for applications on notice to vary or discharge the Order.

Service of the Order

72. I approve the terms of the draft Order as to service. There is good reason to permit alternative methods of service (see CPR rules 6.15 and 6.27), namely that standard methods of service in accordance with CPR rule 6 are not practicable. The arrangements in the draft Order are those which have been approved by Ellenbogen, Bennathan and Collins Rice JJ.

Conclusion

73. For all of these reasons I am satisfied that it is just and convenient to grant the Order which I have made.

IN THE HIGH COURT OF JUSTICE

CLAIM NO. QB-2022-001098

KING'S BENCH DIVISION

The Honourable Mr Justice Linden
10th July 2023



QB-2022-001098

B E T W E E N:

- (1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

and

- (1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")
- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
 - (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
 - (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
 - (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
 - (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
 - (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
 - (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
 - (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')
- (2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

- (3) **PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)**
- (4) **PAUL BARNES**
- (5) **DIANA HEKT**

Defendants

ORDER

PENAL NOTICE

If you the within named Fourth and Fifth Defendants disobey the undertakings set out in this order or instruct (which includes training, coaching, teaching or educating) others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the Defendants to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.

IMPORTANT NOTICE TO THE FOURTH AND FIFTH DEFENDANTS

This order prohibits you from doing the acts set out in paragraphs 4, 5 and 6 below.

You should read it very carefully.

UPON the Fourth and Fifth Defendants having agreed to an order in the terms set out below

AND UPON the Fourth and Fifth Defendants giving undertakings to the Court as set out below; and

IT IS ORDERED THAT:

1. There be no order for costs.
2. Pursuant to CPR r.6.15, r.6.27 and r.81.4(2)(c)-(d), service of this Order and any subsequent court documents in these proceedings on the Fourth Defendant may be effected by alternative means by email to PBHPXR@protonmail.com and such service shall be deemed to be good and sufficient service on the Fourth Defendant. Any such document shall be deemed served on the date the email is sent.
3. Pursuant to CPR r.6.15, 6.27 and 81.4(2)(c)-(d), service of this Order and any subsequent court documents in these proceedings on the Fifth Defendant may be effected by alternative means by email to hekt@outlook.com and such service shall be deemed to be good and sufficient service on the Fifth Defendant. Any such document shall be deemed served on the date the email is sent.

UNDERTAKINGS TO THE COURT

The **Fourth and Fifth Defendants** undertake to the Court promising as follows:-

4. not to:-

- a. enter or remain on any part of the First Claimant's properties ("the Sites") without the consent of the First Claimant at:-
 - i. the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan');
 - ii. Hythe Terminal, New Road, Hardley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan');
 - iii. Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan');
 - iv. Birmingham Terminal, Wood Lane, Birmingham B24 8DN (as shown for identification edged red on the attached 'Birmingham Plan');
 - v. Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan');
 - vi. West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan');
 - vii. Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan');
 - viii. Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached 'Alton Compound Plan');
- b. damage any part of any of the Sites;
- c. affix themselves or any person or object to any part of any of the Sites;
- d. erect any structures on any part of any of the Sites.

5. not to:-

- a. enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');
- b. damage any part of the Chemical Plant;
- c. affix themselves or any person or object at the Chemical Plant;
- d. erect any structures on any part of the Chemical Plant.

6. not to enter onto the Claimants' property and obstruct any of the vehicular entrances or exits to any of the Sites (where "Sites" for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

AND TO BE BOUND BY THESE PROMISES UNTIL 30 June 2024

10 July 2023

STATEMENT

I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.

Paul Barnes
Fourth Defendant
June 2023

Diane Hekt
Fifth Defendant
June 2023

We consent to an order in these terms

Eversheds Sutherland (International) LLP

Solicitors for the Claimants

June 2023

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
The Honourable Mr Justice Freedman
On 14 December 2023

CLAIM NO. QB-2022-001098

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

-and-



(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

(4) PAUL BARNES

(5) DIANA HEKT

Defendants

ORDER

UPON the Court reading an application notice of the Claimants dated 13 December 2023 for

- (1) a review of the order of Mr Justice Linden dated 18 July 2023, as amended on 21 July 2023 and on 16 October 2023 (“the Order”), pursuant to paragraph 9 of the Order in the light of the decision of the Supreme Court decision in *Wolverhampton City Council and others v London Gypsies and Travellers and others* [2023] UKSC 47 (“the Application”)
- (2) a variation of the Order (a) to remove the Hartland Park Site from the Order, and (b) to amend the area of the Birmingham Terminal in the Order.

AND UPON the Court reading an accompanying letter to the Court of Norton Rose Fulbright (“NRF”) on behalf of the Claimants dated 13 December 2023 and an email sent to the Court of NRF dated 14 December 2023 in response to an email from the Court as regards directions for the disposal of the Application.

IT IS ORDERED THAT:

1. As soon as reasonably practicable and in any event by not later than Wednesday 20 December 2023, the Claimants do serve the Application and accompanying documents and this order on the Defendants in accordance with paragraph 17 of the Order.
2. By Monday 15 January 2024, any defendant and any other person affected by the Application (including but not limited to Mr Martin Marston-Patterson by Bindmans LLP on his behalf), may file and serve written representations and supporting documents in response to the application.

3. By Monday 22 January 2024, the Claimants do file any reply to any written representations filed in response to the Application.
4. After 24 January 2024, the papers will be referred to a Judge of the King's Bench Division to determine the application on the papers (or at a hearing if the Court determines that an oral hearing is required).
5. There be permission to apply to discharge or vary this order on application by the parties or any of them or any other person affected by this order on 48 hours' notice to the other parties.

Approved:

Mr Justice Freedman

14 December 2023

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO. QB-2022-001098

BEFORE: THE HONOURABLE MRS JUSTICE ELLENBOGEN DBE

On 29 January 2024

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED

(2) EXXONMOBIL CHEMICAL LIMITED

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE ‘EXTINCTION REBELLION’ CAMPAIGN OR THE ‘JUST STOP OIL’ CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES (“THE SITES”)

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED ‘FAWLEY PLAN’)
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED ‘HYTHE PLAN’)
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED ‘AVONMOUTH PLAN’)
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED ‘BIRMINGHAM PLAN’)
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED ‘PURFLEET PLAN’)
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED ‘WEST LONDON PLAN’)
- (G) ~~HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED ‘HARTLAND PARK PLAN’)~~
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED ‘ALTON COMPOUND PLAN’)

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE ‘EXTINCTION REBELLION’ CAMPAIGN OR THE ‘JUST STOP OIL’ CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED ‘FAWLEY PLAN’)

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE ‘EXTINCTION REBELLION’ CAMPAIGN OR THE ‘JUST STOP OIL’ CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS’ PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE “SITES” FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

(4) PAUL BARNES

(5) DIANA HEKT

Defendants

ORDER

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANT

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You have the right to apply to the court to vary or discharge this Order (which is explained below).

RECITALS

FOLLOWING the order of Linden J dated 18 July 2023 (as amended under the Slip Rule on 21 July 2023 and 16 October 2023) (the “**Linden Order**”)

AND FOLLOWING the judgment of the Supreme Court in *Wolverhampton CC v London Gypsies & Travellers* [2023] UKSC 47 being handed down on 29 November 2023

AND UPON the Claimants’ application, dated 13 December 2023:

- (1) pursuant to paragraph 9 of the Linden Order, for a review of that order in light of the above judgment of the Supreme Court; and
- (2) for a variation of the Linden Order (a) to remove the Hartland Park site from the scope of that order, and (b) to amend the area comprising the Birmingham Terminal, as shown in the ‘Birmingham Plan’ attached to that order.

AND FOLLOWING the order of Freedman J dated 14 December 2023, subsequent to which no written representations have been received in accordance with paragraphs 2 and 3 of that order

AND UPON reading the Second Witness Statement of Holly Stebbing dated 13 December 2023

AND UPON reading the Claimants' skeleton argument dated 12 December 2023

AND UPON the Court being satisfied that it is appropriate to consider the Claimants' application on the papers

AND UPON the Court further being satisfied that:

- (1) the judgment of the Supreme Court has marked no material change in the law in relation to injunctions of the nature granted by Linden J; and
- (2) the removal of the Hartland Park site from the scope of the Linden Order and the amendment of the Birmingham Plan are appropriate, for the reasons set out by the Claimants

IT IS ORDERED THAT:

NAMED DEFENDANTS

- 1 In view of the assurances given by them to Linden J and recited in the Linden Order, Paul Barnes and Diana Hekt, respectively the Fourth and Fifth Defendants, are not to be subject to the injunctions set out in paragraphs 2, 3 and 4 below, without further order.

THE INJUNCTIONS

- 2 Until 11 July 2028, or further order in the meantime, the First Defendant must not:
 - 2.1 enter or remain upon any part of the First Claimant's properties ("the Sites") without the consent of the First Claimant at:
 - (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and

green but excluding those areas edged blue on the attached ‘Fawley Plan’).

- (2) Hythe Terminal, New Road, Hardley, SO45 3NR (as shown for identification edged red on the attached ‘Hythe Plan’).
- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached ‘Avonmouth Plan’).
- (4) Birmingham Terminal, Wood Lane, Birmingham B24 8DN (as shown for identification edged red on the attached, revised ‘Birmingham Plan’).
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached ‘Purfleet Plan’).
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached ‘West London Plan’).
- (7) Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached ‘Alton Compound Plan’)

all such plans comprising Schedule 1 to this Order. For the avoidance of doubt, the Sites no longer include Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the ‘Hartland Park Plan’ attached to the Linden Order);

2.2 damage any part of any of the Sites;

2.3 affix themselves or any person or object to any part of any of the Sites;

2.4 erect any structures on any part of any of the Sites;

- 3 Until 11 July 2028, or further order in the meantime, the Second Defendant must not without the consent of the First Claimant or Second Claimant:

- 3.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');
 - 3.2 damage any part of the Chemical Plant;
 - 3.3 affix themselves or any person or object at the Chemical Plant;
 - 3.4 erect any structures on any part of the Chemical Plant;
- 4 Until 11 July 2028, or further order in the meantime, the Third Defendant must not enter onto the Claimants' property and obstruct any of the vehicular entrances or exits to any of the Sites (where "Sites" for this purpose does not include the area edged brown on the Purfleet Plan, or Hartland Park Logistics Hub) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

VARIATION OR DISCHARGE OF THIS ORDER

- 5 The Defendants may apply to vary or discharge this Order at any time upon giving not less than 3 clear days' notice to the Claimant's solicitors, Norton Rose Fulbright LLP, by emailing ExxonMobil.Service@nortonrosefulbright.com. Any evidence to be relied upon in support of such an application must be communicated in writing to the Claimants' solicitors at least 2 clear days before the hearing.
- 6 Any person applying to vary or discharge this Order must provide his or her full name and address, an address for service.
- 7 The Claimants have liberty to apply.

REVIEW HEARINGS

- 8 The injunctions made herein shall be reviewed on each anniversary of the Linden Order (that is, on 18 July each year, or so close thereto as is convenient having regard to the Court's list and the need for such review to take place on a working day) with a time estimate of 2.5hrs (plus reading time). The Claimants are permitted to file and serve any evidence in support 14 days before the review hearing.

- 9 The Claimants shall file and serve a trial bundle not less than 7 days before the review hearing.
- 10 Skeleton arguments on behalf of any represented party shall be lodged and exchanged, with bundle of authorities, not less than 3 days before the review hearing.

INTERPRETATION OF THIS ORDER

- 11 A Defendant who is ordered not to do something must not do it him/herself/themselves or in any other way. He/she/they must not do it through another acting on his/her/their behalf or on his/her/their instructions or with his/her/their encouragement.

SERVICE OF THIS ORDER

- 12 Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order shall be effected on the First, Second and Third Defendants as follows:

12.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that a copy of the Order may be obtained from the Claimants' solicitors, Norton Rose Fulbright LLP, 3 More London Riverside, London SE1 2AQ (Ref: Holly Stebbing, tel: 020 7283 6000) email: ExxonMobil.Service@nortonrosefulbright.com; and (b) that a copy of the Order may be viewed at the website referred to in Paragraph 12.2 of this Order;

12.2 posting the Order on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>;

12.3 fixing a minimum of four large warning notices in the forms annexed to this Order at Schedule 2 in conspicuous places around the perimeters of the Sites. Such notices must be a minimum of A2 size; and

12.4 sending an email to each of the following email addresses: (i) with the information that a copy of the Order may be viewed at the website referred to in Paragraph 12.2 of this Order; and/or (ii) enclosing a copy of this Order (whether by Mimecast link or otherwise):

(a) xr-legal@riseup.net

(b) enquiries@extinctionrebellion.uk

(c) juststopoilpress@protonmail.com

13 Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), this Order shall be deemed to be served on the First, Second and Third Defendants on the latest date on which all of the methods of service referred to in Paragraph 12 above have been completed.

14 Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 12 of this Order shall stand as good service of the Order on the First, Second and Third Defendants.

SERVICE OF OTHER DOCUMENTS

15 Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of any other documents in these proceedings by the Claimants (“the Further Documents”) shall be effected on the First, Second and Third Defendants as follows:

15.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Further Documents may be obtained from the Claimants’ solicitors, Norton Rose Fulbright LLP, 3 More London Riverside, London SE1 2AQ (Ref: Holly Stebbing, tel: 020 7283 6000) email: ExxonMobil.Service@nortonrosefulbright.com; and (b) that copies of the Further Documents may be viewed at the website referred to in Paragraph 15.2 of this Order;

15.2 posting the Further Documents on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

15.3 sending an email to each of the following email addresses: (i) with the information that copies of the Further Documents may be viewed at the website referred to in Paragraph 15.2 of this Order; and/or (ii) enclosing copies of the Further Documents (whether by Mimecast link or otherwise):

(a) xr-legal@riseup.net

(b) enquiries@extinctionrebellion.uk

(c) juststopoilpress@protonmail.com

- 15.4 Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), the Further Documents shall be deemed to be served on the First, Second and Third Defendants on the latest date on which all of the methods of service referred to in Paragraph 15 above have been completed.
- 15.5 Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 15 of this Order shall stand as good service of the Further Documents on the First, Second and Third Defendants.
- 15.6 Pursuant to CPR 81.4(2)(c) and (d), the Court dispenses with the requirement for personal service in relation to the Fifth Defendant.

COSTS

16 No order as to costs.

THE COURT

- 17 The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraphs 12.1 and 15.1 of this Order.
- 18 All communications to the Court about this Order should be sent to:
- King's Bench Division, Royal Courts of Justice, Strand WC2A 2LL
 - The office is open between 10.00am and 4.30pm Monday to Friday (except Bank Holidays)
 - The telephone number is 020 7947 6000
 - The email address is kbjudgeslistingoffice@justice.gov.uk

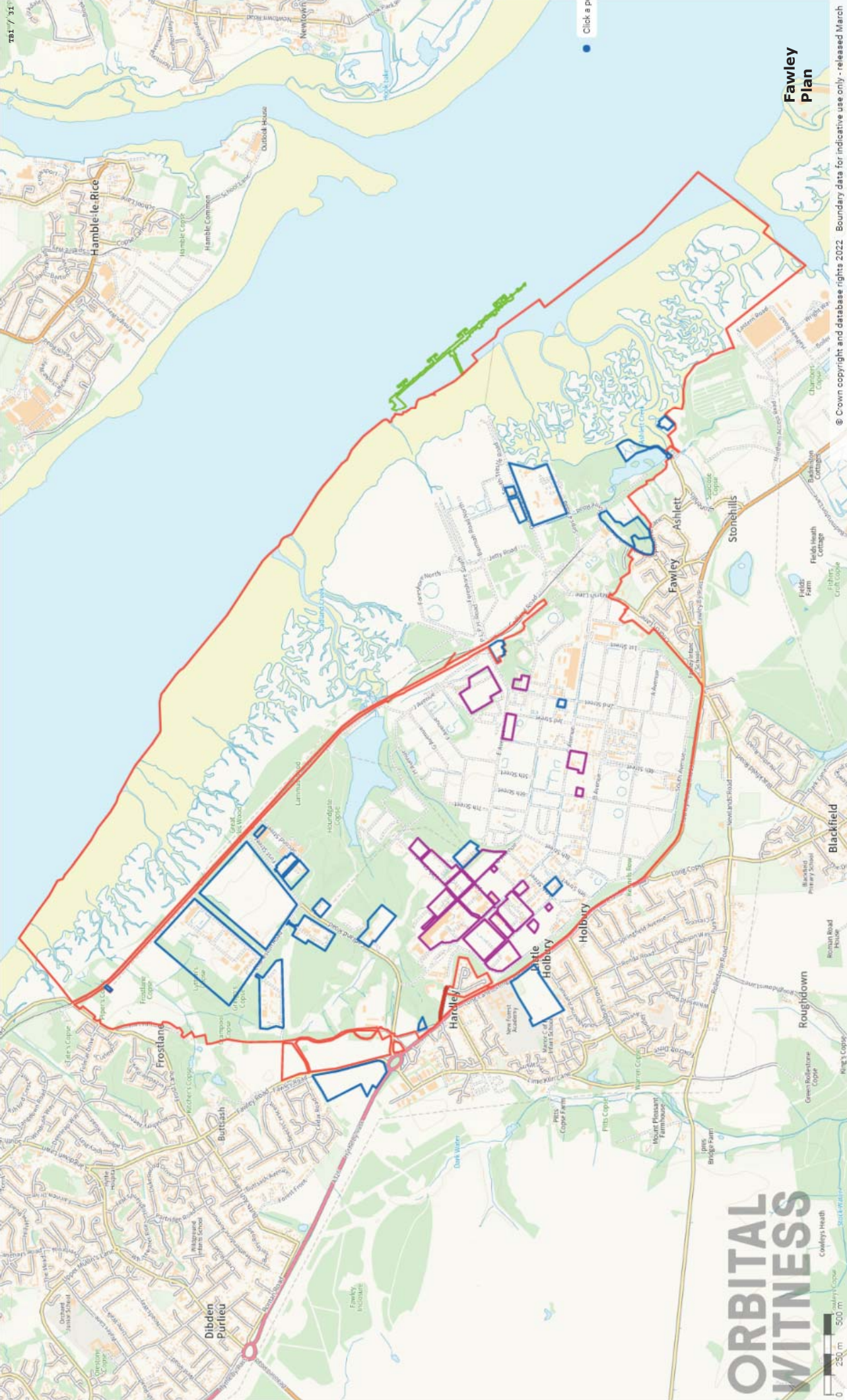
SERVICE OF THE ORDER

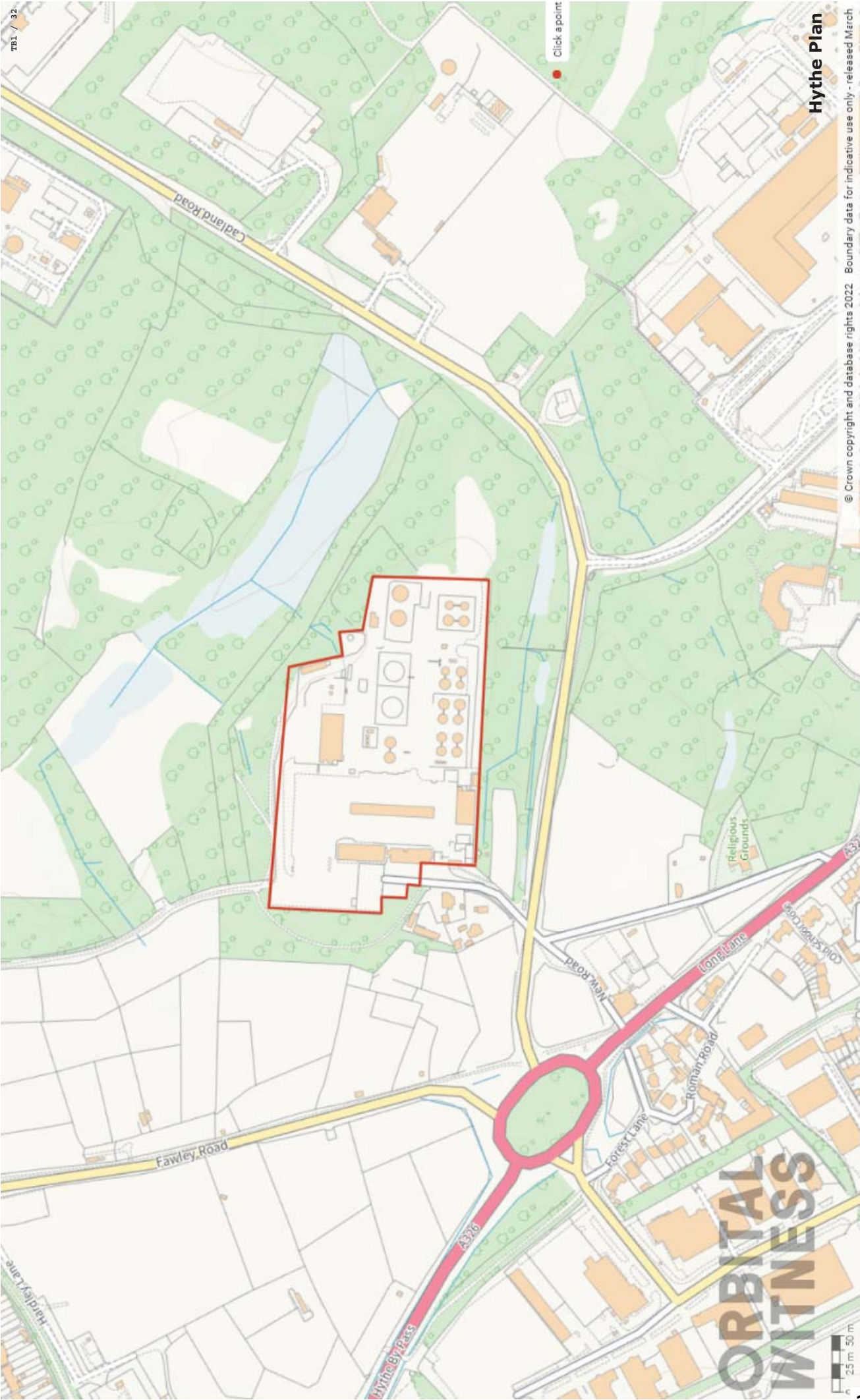
19 This Order shall be served by the Claimants on all Defendants.

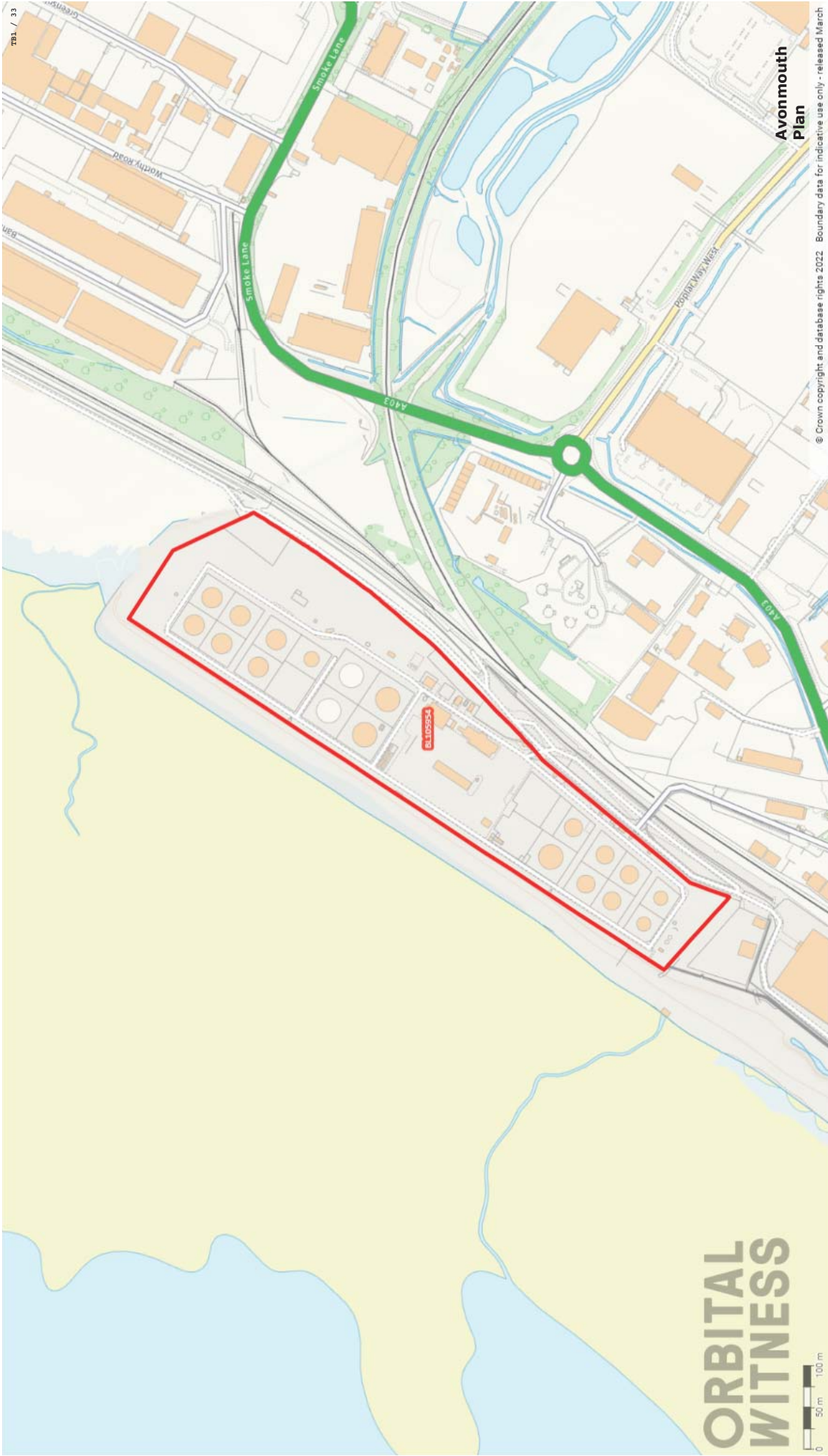
29 January 2024

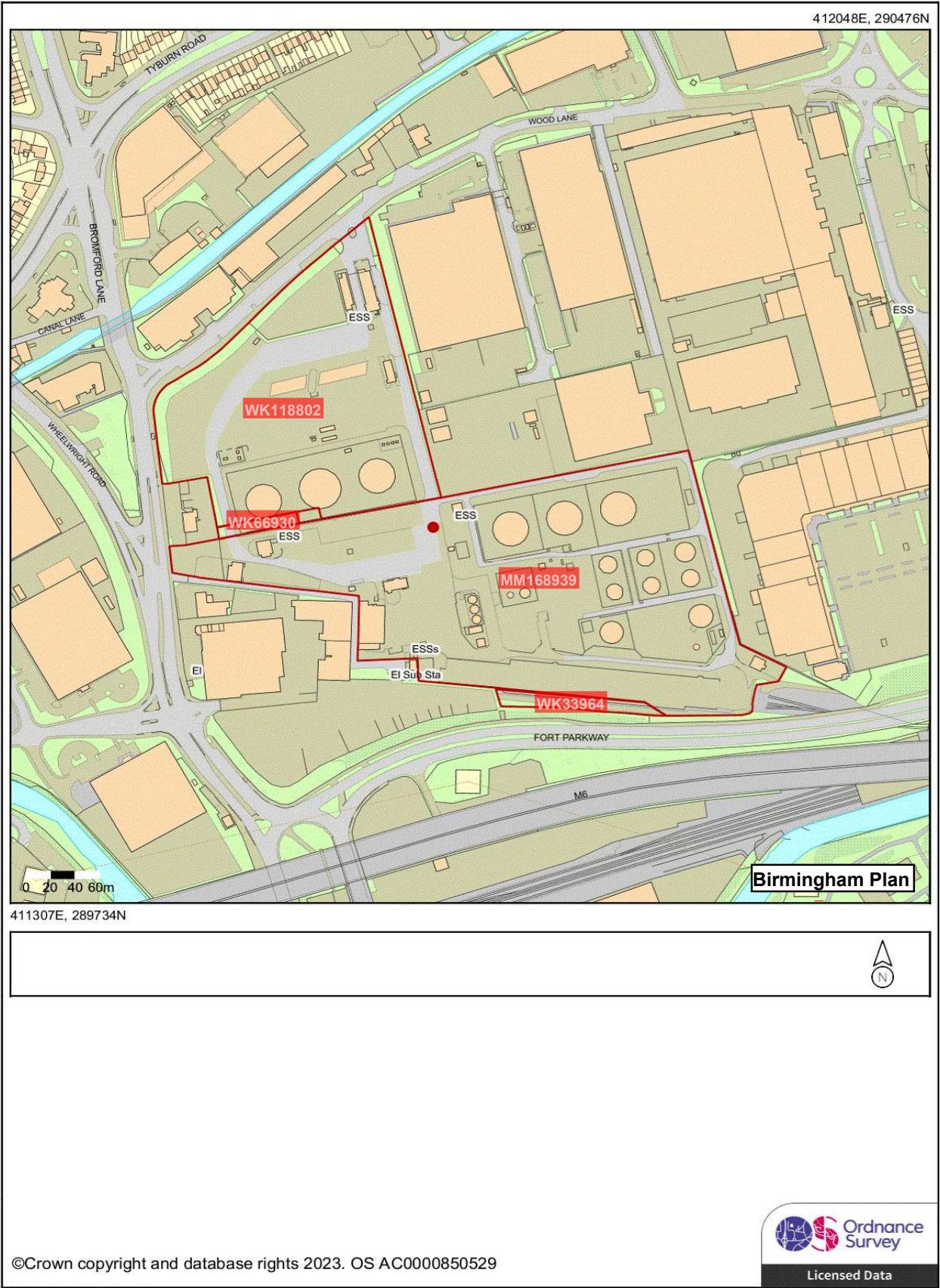
SCHEDULE 1 - Plans

1. Fawley Plan
2. Hythe Plan
3. Avonmouth Plan
4. Birmingham Plan
5. Purfleet Plan
6. West London Plan
7. Alton Compound Plan

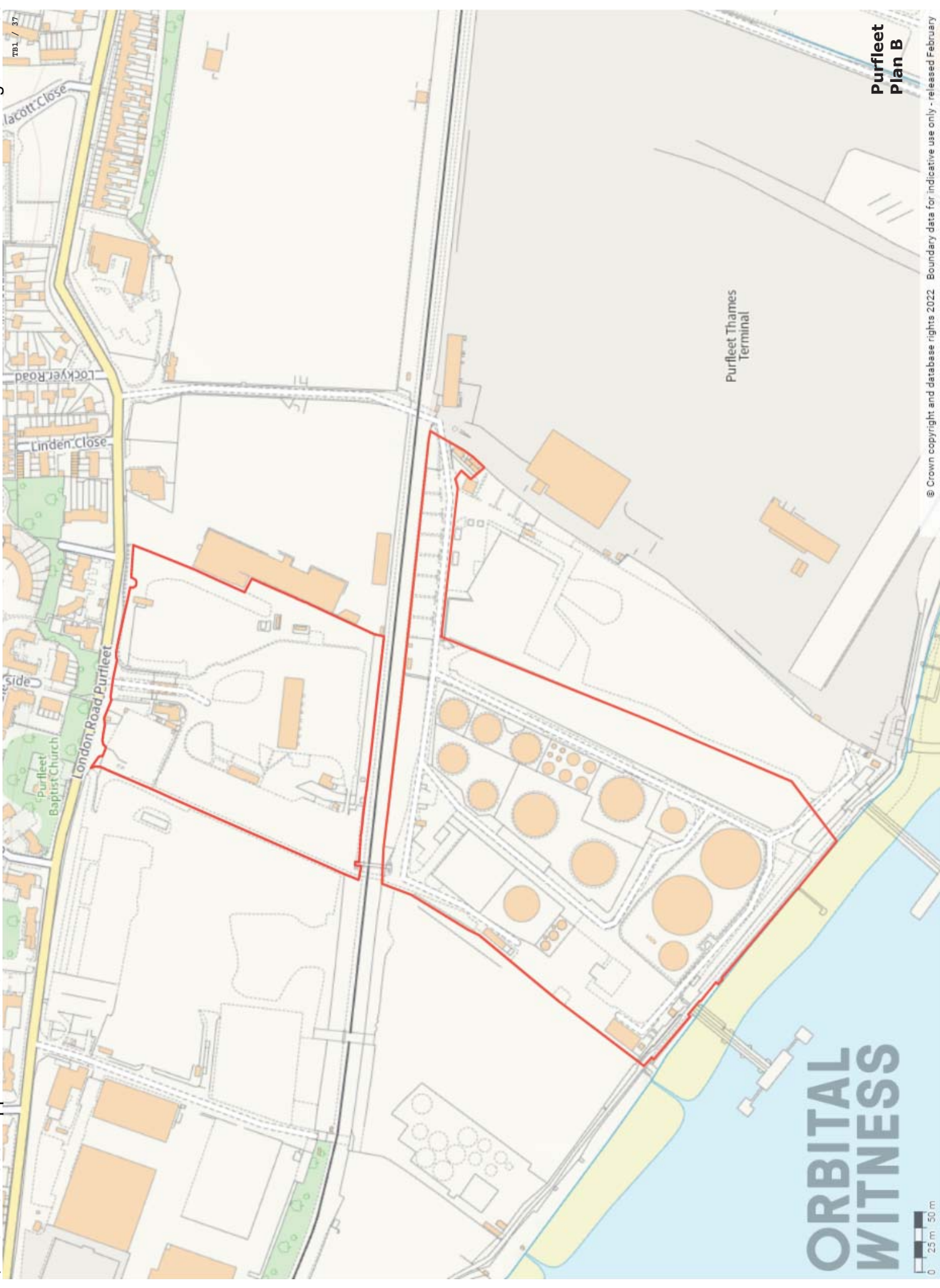






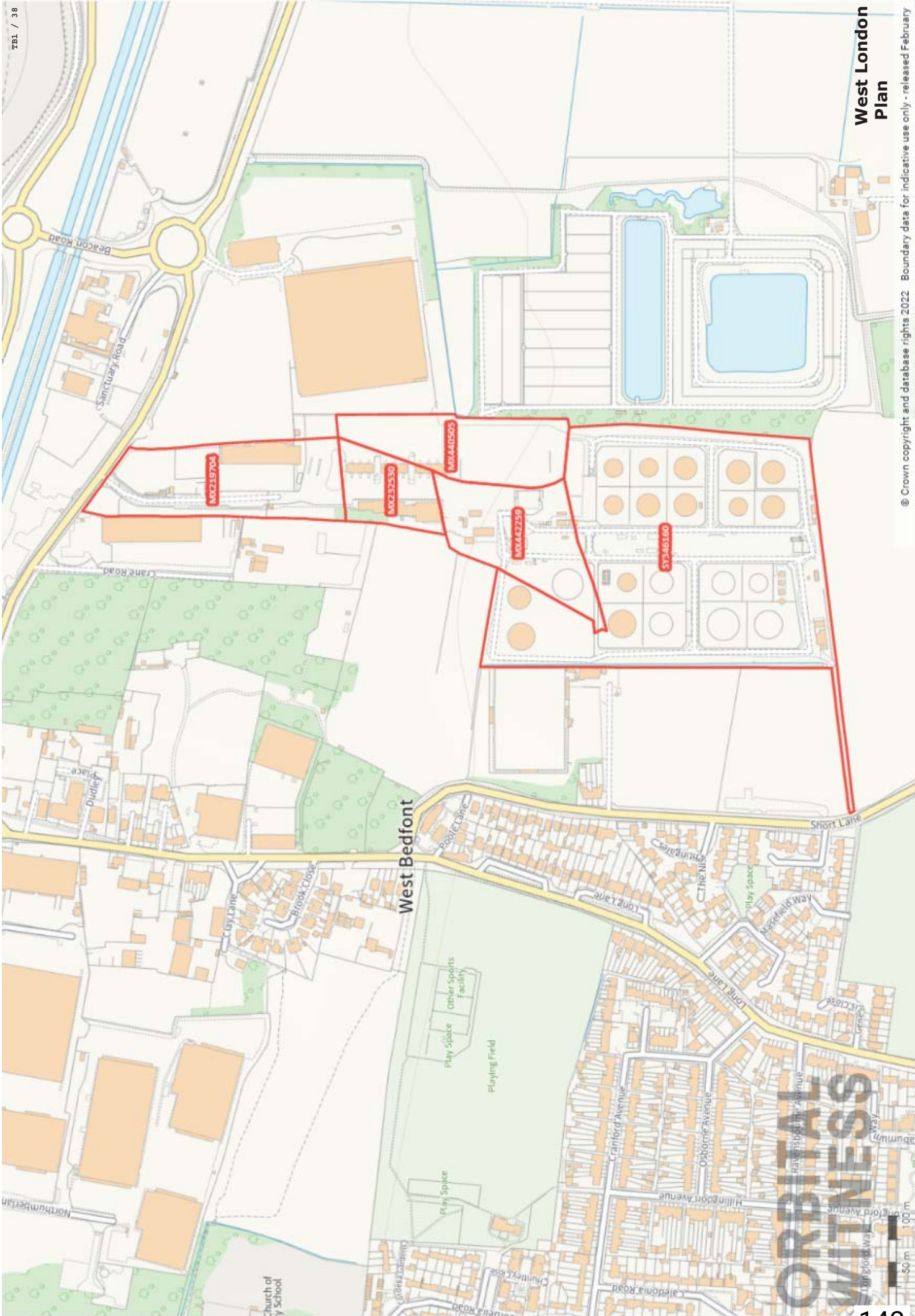






Purfleet
Plan B

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SCHEDULE 2 – Warning Notice

ESSO PETROLEUM COMPANY, LIMITED (First Claimant) EXXONMOBIL CHEMICAL LIMITED (Second Claimant)

Important Notice

High Court of Justice – Claim No QB-2022-001098

On 29 January 2024, an injunction was made by the High Court of Justice in the proceedings referred to above concerning this Site.

The Order prohibits entering or remaining, damaging, affixing any person or object, erecting structures and/or obstructing vehicular access.

The persons affected by the Order are Persons Unknown acting in connection with the Extinction Rebellion campaign and/or the Just Stop Oil campaign (and other Defendants who are named in the proceedings).

Anyone in breach of the injunction will be in contempt of court and may be imprisoned, fined or have their assets seized. Any person who knows of this Order and does anything which permits the Defendant or any of them to breach the terms of the Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

This means that you must not go beyond this notice and enter this site without permission. This also means that you must not obstruct any vehicular entrance or exit. If you do, you may be sent to prison or have your assets seized.

Copies of the Court documents may be viewed at www.exxonmobil.co.uk/Company/Overview/UK-operations.

Copies may also be obtained from ExxonMobil.Service@nortonrosefulbright.com.

The injunction applies to the following Sites:-

- The Oil Refinery and Jetty at the Petrochemical Plant, Marsh Lane, Fawley, Southampton SO45 1TH
- Hythe Oil Terminal, New Road, Hardley SO45 3NR
- Avonmouth Oil Terminal, St Andrews Road, Bristol BS11 9BN
- Birmingham Oil Terminal, Wood Lane, Birmingham B24 8DN
- Purfleet Oil Terminal, London Road, Purfleet, Essex RM19 1RS
- West London Oil Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ
- Alton Compound, Pumping Station, A31, Holybourne

Party: Claimants
Name: A Milne
Number: First
Exhibits: "AM1" – "AM11"
Date: 3.04.22

CLAIM NO QB-2022-

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

**(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED**

Claimants

- and -

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

(A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED RED ON THE ATTACHED 'FAWLEY PLAN')

(B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE ATTACHED 'HYTHE PLAN')

(C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')

(D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')

(E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN EDGED RED ON THE ATTACHED 'PURFLEET PLAN')

(F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')

(G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')

(H) ALTON COMPOUND (AS SHOWN EDGED RED ON THE ATTACHED "ALTON COMPOUND PLAN")

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES

Defendants

WITNESS STATEMENT**OF****ANTHONY MILNE**

I, **ANTHONY MILNE** of Ermyn House, Ermyn Way, Leatherhead, Surrey KT22 8UX WILL SAY as follows:-

1. I am employed by the First Claimant, Esso Petroleum Company, Limited ("**Esso**") as Global Security Advisor.
2. Where the facts contained in this witness statement are within my own knowledge, they are true; where the facts contained in this witness statement are not within my own knowledge I have provided the source of my information and those facts are true to the best of my knowledge and belief.
3. I have read a copy of the witness statement of Stuart Wortley which explains the Claimants' property interests in the Petrochemical Complex, the fuel terminals (at Avonmouth, Birmingham, Hythe, Purfleet and West London), the Hartland Park Logistics Hub and the Alton Compound and I adopt what he says therein.
4. I write this witness statement in support of the Claimants' claim for an injunction to restrain the direct action being committed by the Defendants, in particular following the co-ordinated campaign that took place on 1-3 April 2022.
5. In this witness statement, I explain:-
 - 5.1 the security measures at the Claimants' sites;
 - 5.2 some background to Extinction Rebellion ("**XR**"), Just Stop Oil and Youth Climate Swarm;
 - 5.3 the direct action that took place on 1 -3 April 2022;
 - 5.4 other indications that direct action will continue to occur at the Claimants' sites;
 - 5.5 The reasons for seeking an injunction;
 - 5.6 The urgency of the claim;

- 5.7 The balance of convenience;
- 5.8 Cross-undertaking in damages;
- 5.9 Persons Unknown; and,
- 5.10 Alternative service.

6. **The Claimants' Security Measures**

- 6.1 The Petrochemical Complex and each of the oil Terminals are regulated under Control of Major Accident Hazards Regulations 2015 (COMAH) by the Health and Safety Executive. As one would expect, access to each of these sites is strictly controlled.
- 6.2 The Fawley refinery itself is classed as tier 1 Critical National Infrastructure (providing around 20% of UK refinery capacity).
- 6.3 All of the oil Terminals referred to in paragraph 3 of Mr Wortley's Statement and the Petrochemical Complex benefit from:-
 - fully licensed security personnel;
 - security barriers at the point of vehicular access;
 - closed circuit television infrastructure linked to an Access Control system (with on-site monitoring suites); and
 - fenced areas where active operations are undertaken.
- 6.4 The operational area of the Petrochemical Complex is protected by 2 fences (one of which is electrified). The area within this security fence is around 1,174 acres.
- 6.5 Notwithstanding these security measures, and as demonstrated by the incidents described in more detail below, an individual determined to carry out direct action (or group of such individuals) can gain unlawful access to these sites. In these incidents, members of Extinction Rebellion ("XR") have used bolt cutters to cut through:-
 - 6.5.1 both security fences at the Petrochemical Complex;
 - 6.5.2 the security fence at the First Claimant's compound in Alton; and
 - 6.5.3 the security fences at the West London and Birmingham Terminals.

7. Extinction Rebellion, Just Stop Oil and Youth Climate Swarm

7.1 XR was formed in around 2018. XR is a campaign group which promotes the use of civil disobedience (including obstruction of the highway) with a view to influencing government policy in relation to climate change.

7.2 A copy of XR's 2002 strategy document (as published on XR's website on 27 February 2022) is attached to this statement marked **"AM1"**. I would draw attention to the following paragraphs:-

7.2.1 paragraph 3.5 refers to XR's strategy of challenging the courts and the legal system in England and Wales. It includes links to legal guidance on how to deal with arrest, prosecution and prison sentences and explains the support which XR will provide "rebels" facing prosecution in the criminal courts and contempt of court proceedings in the High Court and other legal resources. It also includes the following:-

"Trials scheduled for 2022 include those for actions that targeted the Department of Transport, the Treasury, the Home Office, the Brazilian Embassy, HSBC, Barclays, and Morgan Stanley. We will develop complementary actions, press and support strategies around these trials (with consent), which we will share with the movement once dates are confirmed.

...

***"Disobey in the Dock:** Contempt of court actions have a place in our Magistrates Court strategy, in the form of livestreams, glue ons and other creative actions. Disobey could also be a refusal to engage at all with the process by ignoring charge notices, failing to appear in court, and refusing to pay court costs or fines. Disobey actions extend the non-cooperation strategy used on the streets (e.g. going floppy); they escalate disruption in the courts; and they provide preparation in the way of short prison sentences for those considering more high-risk actions. We will create a team to provide rebels with action design, messaging, practical and prison support."*

7.2.2 paragraph 3.11 refers to XR's next campaign of mass resistance in April 2022 commencing with a rally in Hyde Park on 9 April 2022. The target for this campaign will be the UK Government and "polluters" and encourages the following action:-

"Overwhelm the state/police through mass resistance and attrition tactics."

7.3 In or around January 2022, a new campaign group called "Just Stop Oil" was formed alongside (for activists under the age of 30) "Youth Climate Swarm".

The target of these groups is to end the use of fossil fuels in the UK. Both groups are actively recruiting activists with a view to disrupting the oil industry in March 2022.

7.4 Copies of the pages on the website are attached to this statement marked **"AM2"**.

7.5 The first page of the Just Stop Oil website encourages individuals to provide their name and contact details and to sign up to the following pledge:-

"I formally pledge to take part in action which will lead to my arrest, at least once, in late March.

In preparation for this action I will join my regional group to which I am allocated, and take part in a 1-day Nonviolence training.

I understand the importance of this action in the context of the unimaginable horror that will occur if the climate and ecological crisis is not dealt with.

Only a dramatic life event, such as a loss of a close loved one or illness, will prevent me from taking part in this action."

8. **Direct Action on 1-3 April 2022**

8.1 On 1 April 2022, four of the First Claimant's Terminals (West London, Hythe, Purfleet and Birmingham) were subject to direct action as part of a wider campaign disrupting various oil terminals in the UK. A copy of various press articles outlining the extent of the activity in the UK is attached marked **"AM3"**. Both XR and Just Stop Oil claimed involvement in this direct action on social media and their logos / banners were displayed during the incident. The direct action at the impacted Terminals included the following:

Birmingham Terminal

8.2 At around 4:00am, approximately 20 individuals blocked the entrance to the site, blocking vehicular access to the site and preventing the First Claimant's customers from collecting fuel in vehicle tankers from the site. A tanker was stopped at the entrance to the site, two individuals climbed onto the truck and others sat in front of it. A photograph of the activity is attached to this statement marked **"AM4"**. One individual also glued themselves to the path outside the terminal. Police attended the site and, around 6 arrests were made. By approximately 5.30pm the Police had dispersed the protest and the site was re-opened to the First Claimant's customers. Those carrying out direct action wore orange jackets, some of which depicted the Just Stop Oil logo.

West London Terminal

8.3 At around 4:00am, approximately 24 individuals blocked the entrance to the site by attaching barrels to the vehicular entrance gates (to weigh the gates down and prevent them lifting). The First Claimant's customers were prevented from collecting fuel from the site. Various individuals also erected tripods immediately outside the First Claimant's access gate further blocking the access. At approximately 6:45am, 4 individuals cut a hold in the access fence to the site and scaled one of the fuel storage tanks. Those individuals were subsequently arrested (in addition to around 8 other individuals) a few hours later by the Police. By around 3pm, and as a result of the arrests made by the Police, those responsible for the direct action had left the site and it was re-opened to the First Claimant's customers. As a consequence of the trespass activity on the site, the First Claimant initiated its emergency site procedures, which included the temporary shut-down of the pumping of aviation and ground fuel from the Petrochemical Complex to the Terminal.

Hythe Terminal

8.4 At around 5:00am, 7 individuals blocked the access to the Hythe terminal using the Extinction Rebellion "pink boat". Photographs of the boat blocking the access to the Hythe terminal are exhibited at **"AM5"**. The First Claimant's customers were unable to access the site. Police attended the site and at around 11:45am the boat was removed and those responsible for the direct action moved away. The site re-opened to the First Claimant's customers at around 12:45pm.

Purfleet Terminal

8.5 At around 6:30am, 20 individuals blocked the access road to the Purfleet Terminal and prevented the First Claimant's customers from accessing the site. 6 individuals climbed onto a truck delivering additives in a "Samat" vehicle to the site, a photograph of which is exhibited at **"AM6"**. The Police attended the site. By 3pm, individuals remained on the truck, but others in attendance at the site had either been arrested or dissipated. The site opened to customers at around 5pm.

2 April 2022

8.6 At around 9.45am on 2 April 2022 approximately 20 protestors blocked the entrance and exit to the Purfleet Terminal by a number of protestors locking themselves onto the access gates and others sitting in the access road. The Police attended the site, removed the protestors and a number of arrests were made. The site opened to customers at around 5.30pm. In addition to the

protest at the First Claimant's site, additional protests were conducted at other terminals in the UK, with the press reporting that around 80 arrests were made by the Police.

3 April 2022

8.7 At around 5am on 3 April 2022 approximately 20 protestors blocked the access to the Birmingham Terminal by sitting in the road. Some of the protestors also climbed onto a Sainsbury's fuel truck. One protestor cut through the security fence to the terminal, scaled one of the fuel storage tanks and displayed a Just Stop Oil banner. Photographs of the of the protest are exhibited at **"AM6a."** As a consequence of the trespass activity on the site, the First Claimant initiated its emergency site procedures, which included the temporary shut-down of the pumping of ground fuel from the Petrochemical Complex to the Terminal. The Police attended the site, a number of arrests were made and the site re-opened to customers at around 4pm. Additional protests also occurred at other terminals owned by third parties on the same day.

8.8 The impact of the above activity has ceased operations and customer access at 4 of the First Claimant's Terminals and temporarily suspended the pipeline transportation of fuel from the Petrochemical Complex to West London Terminal for safety reasons on 1 April. On 2 April customer access was prevented to the Purfleet Terminal. On 3 April customer access was prevented to the Birmingham Terminal and the pipeline transportation of fuel from the Petrochemical Complex to Birmingham Terminal was temporarily suspended for safety reasons.

9. Other indications that direct action will continue to occur at the Claimants' sites

9.1 As well as the direct action that occurred on 1-3 April 2022, the Claimants have good reasons to believe that direct action will continue to be carried out by the Defendants at the Claimants' sites. This belief is based on the following incidents and information.

August 2020 – Ermyn House (Esso's UK Head Office)

9.2 On 28 August 2020, members of XR gathered at Ermyn House.

9.3 Approximately 15 individuals gathered outside the only access gates to the site and attached banners displaying the Extinction Rebellion logo to the gate and posted detail of their activity on social media.

9.4 After approximately 1 hour they left under threat of arrest from the Police.

August 2021 - Hythe Terminal

9.5 On 19 August 2021, XR organised direct action at the Hythe Terminal.

9.6 A group of around 10 individuals erected 2 tripods on New Road preventing access to and from the terminal (including for fuel trucks) for around 8 hours.

9.7 Although police attended, those carrying out the direct action dissipated before any arrests were made.

9.8 Photographs of this incident and some media coverage of it are attached to this statement marked "**AM7**".

October 2021 - Petrochemical Complex

9.9 On 28 October 2021, XR organised direct action at the Petrochemical Complex:-

9.9.1 at around 6:30am, a group of around 12 individuals gained access to this site by cutting through two layers of perimeter fencing (one of which was electrified) with bolt cutters and rubber matting;

9.9.2 at around the same time a second group of 3 individuals created a distraction by activating the alarms on the security fencing close to Gate 1;

9.9.3 some of the individuals from the first group climbed to the top of 2 petrol storage tanks and displayed XR banners. Images of this were uploaded to social media and via a live YouTube feed from a drone;

9.9.4 a third group of approximately 15 individuals blocked Gate 2 by standing in front of the gate and blocking the access with the "pink boat" belonging to XR mounted on a trailer. Again images were uploaded to social media;

9.9.5 at around 2:00pm, 6 of the individuals within the security fence left voluntarily;

9.9.6 at around 3:00pm, the other 6 individuals within the security fence left after the Police threatened to arrest them and those outside the front gate dissipated;

9.10 photographs of this incident and some media coverage of it are attached to this statement marked "**AM8**".

December 2021 - Alton Compound

9.10 Overnight on 19 December 2021, 4 members of XR cut through the fence at the First Claimant's compound in Alton where plant and equipment (required for the construction of the Southampton to London Pipeline) is stored.

9.11 These individuals caused extensive damage which included attempted destruction of the Perimeter Intrusion Detection security devices, smashing plant machinery windows, mirrors and lights on various vehicles. Those responsible left a poster on one of the vehicles which included the XR logo and stated:-

"WARNING
SABOTAGED !
DO NOT USE"

9.12 Photographs recording this damage are attached to this statement marked **"AM9"**.

February 2022 – Queen Elizabeth Park

9.13 On 2 February 2022, a group of individuals attended the Queen Elizabeth Park (QEP) in Surrey and staged a protest. This is one of the construction sites in relation to the Southampton to London Pipeline Project ("**SLP**"). This action was timed to coincide with the first day of ground clearing works. These individuals displayed XR banners and stood in the access to a car park area where the SLP contractor's vehicles were parked.

9.14 I am informed by Ian Game – in Esso's Security Team – that the SLP contractor suspended works for the day as they were concerned about the safety of their workers.

9.15 An XR spokesperson provided the following comment to the newspaper, Hampshire Live *"Let's stop the Southampton to London Pipeline. More action coming soon!"* XR also adopted the social media campaign slogan "**#ResistSLP #StopExxon**".

9.16 On 15 February 2022, a group of individuals attended QEP and staged another protest. They displayed XR banners and assembled close to the area where ground clearing works were underway. The police attended the scene. XR Fleet and XR South East UK posted the following comment on social media: *"this action is part of our #XRSouthEast ongoing campaign to #ResistSLP #StopExxon. More to follow."*

9.17 Photographs of these 2 incidents and some media coverage of them are attached to this statement marked **"AM10"**.

February 2022 – Hartland Park Logistics Hub

9.18 I am informed by Ian Game in Esso's security team that:-

9.18.4 on 22 February 2022 an individual visited the Hartland Park Logistics Hub in an Audi A6 car and appeared to be undertaking surveillance;

9.18.5 when challenged by the security team, the individual denied taking photographs and said that he could do whatever he liked;

9.18.6 when told that the police would be informed the individual left;

9.18.7 there had been 3 or 4 similar incidents prior to this one.

9.19 Photographs of the individual involved in the incident on 22 February 2022 are attached to this statement marked **"AM11"**.

Just Stop Oil – Planned Direct Action in March 2022

9.20 I understand from Tristan Lovering in Esso's security team that:-

9.20.1 the Just Stop Oil website originally included a live "counter" which recorded the number of individuals who had signed up to the pledge;

9.20.2 by 3 March 2022, this showed that that 744 individuals had signed up;

9.20.2 on or around 8 March 2022, the live "counter" was removed and so the current number of individuals who have signed up is unknown.

9.21 The Just Stop Oil website also includes the following information:-

"In March and April 2022, 100s of people all round the country will be taking action to force the Government to take action against the fossil fuel industry. Hundreds of meetings are happening and the whole thing is taking off"

and refers to the following phases of activity:-

"March onwards:

Phase 1: In March 2022 teams will block the oil networks to demand that the government Just Stop Oil. They will block oil refineries, storage units, and adjacent motorways.

Phase 2A: Teams will block petrol stations in the South-East. Many people will do sit-ins, sitting on the ground in the forecourt. Others will do tanker-surfing and spray paint filling points.

Phase 2B: High stakes resistance against oil."

9.22 The link below is to a recording of a presentation which Dr Maxey gave to a Just Stop Oil in Falmouth in January 2022:-

[Dr Larch Maxey | Civil Resistance in 2022 | Falmouth | Just Stop Oil - Bing video](#)

- 9.22.1 around 53 minutes into the recording, Dr Maxey explains that Just Stop Oil would be training activists in civil resistance during February 2022;
- 9.22.2 around 58 minutes into the recording, Dr Maxey explains that Just Stop Oil will be encouraging disruption to the oil economy – using as their example the protests conducted by the haulage industry (against high fuel prices) in September and November 2000;
- 9.22.3 around 57 minutes into the recording, Dr Maxey explains that Just Stop Oil will be engaging in disruptive activity in March 2022 before handing over to XR which will continue the disruption in April 2022. Specifically he says:-

"So we're creating this broad coalition and all we're asking for people to join that coalition is that they - and other organisations - is that they support the commitment to non-violence and training up into that, that they share the same demand of no new licences. That's all we're asking - it's very simple and we've got elements of this coalition, I've just mentioned the youth element. We've got Extinction Rebellion are also going to be causing disruption with a similar focus on the oil industry in April. We're going in late March; they're going in April We're working together. As far as I'm concerned this is all part of the same thing. We're all in this together."

9.23 I note from the mainstream media that on 14 February 2022, 2 representatives of Just Stop Oil (Louis McKechnie and Hannah Hunt) delivered an "ultimatum" in person to the UK Government stating that unless the UK Government ceases the licensing of oil projects by 14 March 2022, action would commence shortly thereafter.

9.24 Media reports relating to this incident are attached to this statement marked **"AM12"**.

XR – Planned Direct Action in April 2022

9.25 Dr Maxey's statement in the video referred to above that Just Stop Oil will commence its campaign of civil disobedience in March 2022 and that XR will take the campaign forward in April 2022 is consistent with the following page which appears on the XR website:-

"NEXT UK REBELLION

As our planet passes multiple tipping points and the UK sleepwalks into authoritarianism, what XR does this year affects everything.

With a simple unstoppable rebellion design we will make space for thousands of new people to join us in April and tip the scales once again towards radical change on the climate and ecological emergency.

JOIN THE REBELLION IN LONDON

10AM ON 9TH APRIL @ HYDE PARK

*In April, we call on everyone to **take action and demand an end to the fossil economy**, for the UK Government to immediately stop the harm that is happening right now and end fossil fuel investments. We will facilitate a mass flood of people to grind the capital to a halt, causing maximum material disruption and making meeting the immediate demand politically unavoidable.*

Our disruption will not stop until the fossil fuel economy comes to an end.

THE PLAN

As said in the XR UK 2022 strategy, we will streamline our action plan under a clear united message, inviting everyone to come together under one aligned action plan, rather than having a scattergun approach across several different targets, in order to have the most impact.

Focused Economic Disruption

Laser focused action will take place at a single fossil fuel target – more info to come soon! Standing in solidarity with all people around the world who are defending their lives, land, wildlife and cultures in the face of the crisis, we will cause maximum material disruption and tell the story of the fossil fuelled corruption at the heart of our democracy.

Mass Rebellion in London

*Longstanding rebels will step up into mentorship, guiding tactically smart, highly disruptive mass participation action designed to **disrupt, engage** and **recruit** new rebels in Central London, with built-in options for level of risk. We'll be easy to find, easy to join, disruptive and impossible to ignore. We will create the most roadblocks we ever have with a new action design.*

A simple, agile, participation design enacted through new and revitalised affinity groups will allow us to stand together in all our diversity as people of all backgrounds and ages; as doctors, nurses, grandparents, students, lawyers. We are the public and we refuse to be bystanders.

Food, Accommodation & Transport

XR UK will provide food, accommodation & transport subsidies for rebels joining us on the streets during Rebellion. However, donations for all are welcomed and will be needed.

Further information

Further information on talks and trainings will be coming soon, make sure you are following the Rebellion Broadcast telegram channel.

WHAT NOW?

Book time off work from April 9th to 17th and be ready to continue in civil resistance in London on at least the following three weekends:

- ***Sat/Sun 23rd-24th April***
- ***Sat/Sun 30th-1st May***
- ***Sat/Sun 7th-8th May"***

9.26 On 8 March 2022, XR delivered a letter to the Prime Minister demanding that the UK government "... end to the fossil fuel economy before April, ...".

9.27 The letter also includes the following:-

"This is why Extinction Rebellion is returning to the streets on 9 April 2022, with an immediate demand to end the fossil fuel economy. Either you do what the entire scientific community and International Energy Agency is telling us we need to do to save humanity, and stop all new fossil fuel investments immediately, or we are going to do what you refuse to do. We are going to stop the UK oil flow, and bring the country with us."

9.28 A copy of the XR letter dated 8 March 2022 is attached to this statement marked **"AM13"**.

9.29 On 9 March 2022, XR issued a press release in which they reinforced their message about plans to block major UK oil refineries in April 2022. An article appearing in the Daily Mail dated 9 March reported that:-

"[XR] looks set to heap yet more misery on the British public by today announcing plans to block major UK oil refineries and attempt to bring London to a standstill once again"

...

"From April 9, it will then flood the capital with activists and create the most roadblocks we ever have ..."

...

"[XR] first revealed its plan for protests this April in a press release last year, vowing to mobilise two million protestors to launch what it says will be "the largest act of civil resistance in UK history".

9.30 A copy of the Daily Mail article dated 9 March 2022 is attached to this statement marked **"AM14"**

10. The reasons for seeking an Injunction

10.1 The Claimants recognise the fundamental importance in this country of the basic rights protected by law by the Human Rights Act 1988 – including freedom of speech and freedom of assembly. The Defendants are free to express themselves in many different ways and by taking this action, the Claimants do not seek to stifle criticism or debate. However, in expressing their views it is not necessary for them to trespass on the Claimants' land, prevent normal operations from being conducted at the Claimants sites and / or engage in any unlawful activity.

10.2 After giving careful consideration to the matter, the Claimants have concluded that it is right to apply for an injunction for the following reasons:-

10.2.1 the Claimants' sites are used for the production and storage of highly flammable and otherwise hazardous substances. This is why access is so strictly controlled (and why the Petrochemical Complex has a double security fence). All of the Claimants' employees and contractors understand the hazards which they might encounter - they are trained and, where appropriate, provided with protective clothing and equipment. Those carrying out direct action on the other hand do not understand the hazards, are untrained and unlikely to have any protective clothing or equipment;

10.2.2 the Claimants wish to avoid any repeat of the direct action in August, October and December 2021 (at the Hythe Terminal, the Petrochemical Complex and the Alton compound respectively). Each of those incidents involved unlawful trespass on the First Claimant's property. The incidents in October and December 2021 also involved damage to property;

10.2.3 the First Claimant has important contractual obligations to customers which have to be fulfilled to keep the country moving – including road, rail and air travel;

10.3 the material provided in this witness statement demonstrates that those organising the Just Stop Oil and XR direct action are entirely open about the fact that they:-

10.3.1 intend to replicate the 2000 fuel protests (when the haulage industry set out to bring the country to a standstill);

10.3.2 are specifically threatening (as part of Phase 1 of their activities) to blockade oil refineries and storage units;

- 10.3.3 are recruiting activists who are prepared to commit criminal offences (on signing up, individuals must pledge to be willing to be arrested "*at least once*").

11 Urgency

11.2 The Claimants seek this injunction as a matter of urgency because of the significant consequences that further direct action would entail.

11.3 In particular, any attempt to trespass on the Claimants' sites or otherwise impede access to them with a view to disrupting the Petrochemical Complex or the oil Terminals would result in significant and unacceptable risks of serious:-

11.3.1 personal injury;

11.3.2 disruption to the Claimants' operations and subsequent impact on UK downstream fuel resilience.

11.4 The nature of those risks is substantial:

11.4.1 If the First Claimant is unable to access and fully operate or transport fuels from the refinery at Fawley and the Terminals the implications for the UK economy could be:-

11.4.1.1 Disruption to the production, transportation and storage of refined transport fuels (including road, heating, rail and aviation fuel).

11.4.1.2 Inability to supply wholesale customers which include national supermarkets, major aviation companies at Heathrow and Gatwick airport, Esso branded retail filling stations, other oil companies and rail companies.

11.4.1.3 Supply disruption and risk of local outages at retail filling stations.

11.5 The Second Claimant would be unable to manufacture and transport products from the chemical plant at Fawley, which may also have a consequential impact on refinery operations given the integrated nature of the Petrochemical Complex.

11.6 If the First Claimant is unable to access the Hartland Park Logistics Hub or the Alton Compound, the SLP construction programme could be delayed.

12 The Balance of Convenience

12.2 In light of the co-ordinated campaign of direct action that took place on 1-3 April 2022, and having regard to what Just Stop Oil and XR themselves have said about their intentions in March and April 2022, each of the Claimants' sites in respect of which an injunction is being sought is an obvious target. It follows, in my respectful submission that:-

12.2.1 without an injunction, there is a genuine risk of activists trespassing on the Claimants' land or otherwise impeding access to it for which there is no effective deterrent. It is telling that no charges have been brought against any of the individuals involved in the incidents which took place in August, October and December 2021 (despite the first incident involving obstruction of the highway and the other 2 incidents involving criminal damage); and

12.2.2 the grant of an injunction to restrain trespass on the Claimants' land or otherwise impede access to it would provide an effective deterrent for activists who might otherwise be contemplating carrying out direct action (given that breach of the Order would carry the risk of imprisonment for contempt of court).

12.3 Damages would not be an adequate remedy because of the significant consequences of the direct action, as set out in section 11 above. For example, it could lead to an inability to supply wholesale customers such as Heathrow and Gatwick airport. Damages would also not be an adequate remedy because the Claimants have no reason to believe that the Defendants would be in a financial position to pay these damages (even if they could be identified).

12.4 Conversely, since the Order which the Claimants seek is only to prevent unlawful activity, there is no question of any of the Defendants suffering any actionable loss or needing compensation in damages.

13 Cross-Undertaking in Damages

13.2 Although I cannot foresee any way in which anyone affected by the injunction could suffer loss or damage, I am authorised on behalf of the Claimants to provide the necessary cross-undertaking to pay any sum which the Court considers appropriate to compensate the Defendants for any loss if it is subsequently determined that the Claimants are not entitled to the Order which they seek.

13.3 I am informed by Stuart Wortley of the Claimants' solicitors that for the year ending 31 December 2020:-

13.3.1 the First Claimant's accounts filed at Companies House show a balance sheet value of £1.779 billion;

13.3.2 the Second Claimant's accounts filed at Companies House show a balance sheet value of £355 million.

14 Persons Unknown

14.2 The Claimants do not know the names of any individuals who intend to trespass on the sites which are the subject of these proceedings. For any injunction to be effective it would need to be granted against each of the classes of Defendant named in the proceedings.

15 Alternative service

15.2 An individual within any one of those classes would only become a defendant to the proceedings if they knowingly breached the injunction. However, to ensure that there is no argument that regular service of the proceedings has occurred I ask the court to order substituted service of the Order and the documents comprising the Claim Form, the Particulars of Claim, Response Pack, the Application Notice dated 3 April 2022, the Witness Statement of Stuart Sherbrooke Wortley dated 3 April 2022, the Witness Statement of Anthony Milne dated 3 April 2022, an Application Notice in respect of the return date hearing (the "**Court Documents**") in the terms set out in the draft Order, pursuant to CPR 6.15 and 6.27.

15.3 As the Claimants have not been able to identify any individuals, they are unable to serve the claim documents and injunction on them in the usual way.

15.4 As such, the Claimants propose to serve the Court Documents and Order as follows:

15.4.1 fixing copies in clear transparent sealed envelopes at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states that copies of the Order and the Court documents may be (a) obtained from the Claimants' solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London, EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969) email: exxonmobil.service@eversheds-sutherland.com and (b) viewed at the website referred to below;

- 15.4.2 uploading a complete copy of the Order and Court Documents to the following website:

<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>

- 15.4.3 fixing copies of large warning notices around the perimeter of each of the Claimants' sites explaining:-

- the existence and nature of the Order;
- the existence of the proceedings;
- the potential consequences of breaching the Order;
- the address at which copies of the proceedings can be obtained; and
- details of the website at which the injunction can be viewed.

- 15.4.4 sending an email to each of the following email addresses with the information that copies of the Order and the Court documents may be viewed at the website referred to in Paragraph 15.3.2 above:

(a) xr-legal@riseup.net

(b) juststopoil@protonmail.co.uk

- 15.5 I attach to this statement a suggested form of warning notice marked "**AM15**".

- 15.6 I believe that alternative service by these methods can reasonably be expected to bring the proceedings to the attention of the Defendants for the following reasons:


- 15.6.1 The warning notices will be prominently displayed such that the Defendants will be in close proximity to them in order to carry out the direct action. Any individual who attempts to carry out direct action in the manner prohibited by the injunction will, therefore, be very likely to see those notices and be alerted to where they can access the documents.

- 15.6.2 XR and Just Stop Oil should draw the attention of their membership to the injunction.

I believe that the facts stated in this Witness Statement and Exhibits 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.

I am duly authorised to make this statement on behalf of the Claimants.

DocuSigned by:

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Anthony Milne

3 April 2022

Certificate Of Completion

Envelope Id: 44F38EDABBDF40178B41B9C81EDA4D64

Status: Completed

Subject: Please DocuSign: Esso AM ws v9.docx

Source Envelope:

Document Pages: 19

Signatures: 1

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Certificate Pages: 3

Initials: 0

Marlene Jardim Agrela

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Address Redacted

Envelopeld Stamping: Enabled

marlene.agrela@exxonmobil.com

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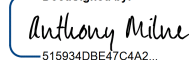
Signer Events

Anthony Milne

anthony.milne@exxonmobil.com

Security Level: Email, Account Authentication
(None)**Signature**

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Katrina Mulligan

katrina.mulligan@exxonmobil.com

Regional Coordinating Counsel

Esso Petroleum Company Limited

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Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

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Signing Complete	Security Checked	4/3/2022 3:15:36 PM
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Party: Claimants
Name: S Wortley
Number: First
Exhibits: "SSW1" – "SSW9"
Date: 04.04.22

CLAIM NO QB-2022-

IN THE HIGH COURT OF JUSTICE

001098

QUEEN'S BENCH DIVISION

B E T W E E N:

**(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED**

Claimants

- and -

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED RED AND GREEN ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, TYBURN ROAD, BIRMINGHAM B24 8HJ (AS SHOWN EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN EDGED RED AND GREEN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED RED ON THE ATTACHED "ALTON COMPOUND PLAN")

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES

Defendants

WITNESS STATEMENT
OF
STUART SHERBROOKE WORTLEY

I, STUART SHERBROOKE WORTLEY of One Wood Street, London EC2V 7WS WILL SAY as follows:-

1. I am a partner of Eversheds Sutherland (International) LLP and have conduct of these proceedings on behalf of the Claimants.
2. The facts contained in this witness statement are within my own knowledge and are true to the best of my knowledge information and belief. The information I have provided concerning the Claimants' property interests is based on:-
 - 2.1 my consideration of the registered titles at HM Land Registry;
 - 2.2 copies of leases provided to me by the First Claimant; and
 - 2.3 the attached documents entitled "*Esso Wholesale Fuels*" and "*ExxonMobil in the UK – Factsheet*" which are now produced to me marked "**SSW1**".
3. I make this witness statement in support of the Claimants' application for an injunction to restrain the Defendants from trespassing at the following properties:-
 - 3.1 the Esso oil refinery and chemical plant at Fawley on Southampton Water (the "Petrochemical Complex");
 - 3.2 the Esso fuel terminals at:-
 - (a) Avonmouth near Bristol;
 - (b) Birmingham;
 - (c) Hythe near Southampton;
 - (d) Purfleet, London;
 - (e) West London; and
 - 3.3 2 Esso facilities which serve the Southampton to London Pipeline which is currently under construction namely the Hartland Park Logistics Hub and the

Alton Compound both of which serve the Southampton to London Pipeline which is currently under construction.

4. In respect of each of the sites referred to in paragraph 3, my firm has produced a plan which shows the extent of the First Claimants' property ownership.

Petrochemical Complex and Hythe Terminal

- 5 The "Esso Wholesale Fuels" document at "**SSW1**" records that the oil refinery at Fawley:-
 - 5.1 is the largest in the UK processing around 270,000 barrels of crude oil every day;
 - 5.2 handles around 2,000 ship movements every year;
 - 5.3 processes around 22 million tonnes of crude oil and other products every year;
 - 5.4 can supply approximately 50 tonnes of liquid propane gas (LPG) per hour to customers through loading facilities at the site.
- 6 The "ExxonMobil in the UK factsheet" at "**SSW1**" records that:-
 - 6.1 the oil refinery at Fawley is the largest in the UK providing around 20% of the UK's refining capacity;
 - 6.2 the chemical plant:-
 - 9.2.1 is highly integrated with the refinery and produces around 670,000 tons of petrochemicals annually;
 - 9.2.2 produces high value solvents, plasticisers, synthetic rubber and feedstock for alcohols and esters – key components of a multitude of finished products manufactured in the UK or elsewhere in Europe.
- 7 The Esso Wholesale Fuels document records that Hythe Terminal is located close to the Petrochemical Complex. It has 12 storage tanks in service with a capacity of 12,000m³ and is operational 24 hours a day 7 days a week throughout the year.
- 8 The Petrochemical Complex and the Hythe Terminal are constructed on the same freehold title which is registered at HM Land Registry with title number HP528736.
- 9 The jetty which projects over the foreshore is not included in this freehold title. The First Claimant holds 4 leases of the jetty from Her Majesty the Queen each expiring in 2049. These leasehold interest is registered at HM Land Registry with title number HP528740.

- 10 The Second Claimant holds a lease of the chemical plant from the First Claimant. This lease was granted on 28 August 1975 for a term of 99 years from 1 January 1971. The lease is unregistered (compulsory first registration for the New Forest District of Hampshire being 1 February 1978).
- 11 Attached to this statement marked "**SSW2**" are the following documents:-
 - 11.1 the First Claimant's freehold title – HP528736 (excluding title plan which runs to 19 pages);
 - 11.2 the First Claimant's leasehold title – HP528740;
 - 11.3 the Second Claimant's lease dated 28 August 1975;
 - 11.4 a plan which has been prepared by my firm using software known as Orbital Witness which shows:-
 - 11.4.1 the First Claimant's freehold title edged red;
 - 11.4.2 the First Claimant's leasehold title edged green;
 - 11.4.3 the Second Claimant's leasehold land edged purple;
 - 11.4.4 the land and buildings which are the subject of leases to third parties edged blue; and
 - 11.5 an Orbital Witness plan which shows the Hythe Terminal;
 - 11.6 a satellite image of the Petrochemical Complex on which the location of the 2 main gates have been marked with a "X".
 - 11.7 a satellite image of the Hythe Terminal on which the location of the main gate has been marked with a "X".
- 12 Since the First Claimant granted the lease of the chemical plant to the Second Claimant in 1975, there have been a number of surrenders / grants. I am informed by James Taylor of the Claimants' legal department that the plan referred to at paragraph 11.4 above accurately represents the current position.

Avonmouth Terminal

- 13 The Avonmouth Terminal is located on the east bank of the Severn Estuary near Bristol.
- 14 The Esso Wholesale Fuels document records that this terminal:-

- 14.1 can receive fuels by pipeline from the Fawley refinery and from ships discharging in the Bristol Port Company oil basin;
- 14.2 has 17 tanks in service with a combined capacity of approximately 50,000m³
- 14.3 is operational 24 hours a day 7 days a week throughout the year save for Christmas Day.
- 15 The First Claimant holds a lease of the Avonmouth Terminal from First Corporate Shipping Limited which is registered at HM Land Registry with title number BL105954.
- 16 Although the lease expired on 1 January 2022, I am informed by Mr Taylor that:-
- 16.1 the First Claimant remains in occupation and therefore has a continuation tenancy pursuant to the Landlord and Tenant Act;
- 16.2 a renewal lease has been agreed and will be completed shortly.
- 17 Attached to this statement marked "**SSW3**" are the following documents
- 17.1 the First Claimant's leasehold title and title plan BL105954;
- 17.2 a copy of the lease dated 22 January 2008;
- 17.3 an Orbital Witness plan showing the First Claimant's leasehold title;
- 17.4 a satellite image of the terminal on which the location of the main gate has been marked with a "X".

Birmingham Terminal

- 18 The Birmingham Terminal is located on Wood Lane in Erdington in the north east of Birmingham.
- 19 The Esso Wholesale Fuels document records that this terminal:-
- 19.1 has 17 tanks in service with a combined capacity of approximately 50,000m³;
- 19.2 is operational 24 hours a day 7 days a week throughout the year.
- 20 The First Claimant owns the freehold of the Birmingham Terminal including 2 registered titles – namely WK118802 and WK66930 which are shown on the Birmingham Plan attached the Particulars of Claim.
- 21 A significant part of this terminal is unregistered freehold land. The boundaries of this Terminal are shown on the UK Factsheet at exhibit "**SSW1**". I am informed by

Paul Masson, the Claimants' Midstream Operations Support Manager that the unregistered land at the Birmingham Terminal has been used by the First Claimant (and affiliate companies) since the 1960s. Attached to this statement at exhibit **"SSW4"** are a number of photographs of the boundaries of this site and a plan which shows the approximate position from which (and direction in which) each photograph was taken.

22 Attached to this statement marked **"SSW4"** are the following documents:-

22.1 the First Claimant's freehold titles and title plans;

22.2 an Orbital Witness plan showing the First Claimant's freehold titles edged red and the unregistered freehold land referred to above edged brown;

22.3 a second Orbital Witness plan (marked "Birmingham Plan B") which omits the unregistered freehold land referred to above; and

22.4 a satellite image of the terminal on which the location of the main gate has been marked with a "X".

Purfleet Terminal

23 The Purfleet Terminal is located on the river Thames east of London.

24 The Esso Wholesale Fuels document records that this terminal:-

24.1 can receive fuels by pipeline from the Fawley refinery and from ships at its own jetty ("the Purfleet Jetty");

24.2 has 13 tanks in service with a capacity of approximately 86,000m³; and

25.3 is operational 24 hours a day, 7 days a week throughout the year.

25 The First Claimant owns the freehold of the Purfleet Terminal in 2 freehold titles namely EX869151 and EX869958.

26 During 2021, the First Claimant sold part of title number EX869958 to Purfleet Real Estate Limited. This transfer has not yet been registered at HM Land Registry.

27 I am informed by Mr Taylor that:-

27.1 the Purfleet Jetty has exclusively served this terminal for around 100 years;

27.2 title to the Purfleet Jetty is unregistered; and

27.3 the First Claimant has no record of any lease of the Purfleet Jetty.

28 Attached to this statement marked "**SSW5**" are the following documents:-

28.1 the First Claimant's freehold titles and title plans;

28.2 a copy of the transfer of part referred to above;

28.3 an Orbital Witness plan showing the First Claimant's freehold titles (excluding the land which has been sold) edged red and the Purfleet Jetty edged brown);

28.4 a second Orbital Witness plan (marked "Purfleet Plan B") which omits the unregistered land;

28.5 a satellite image of the terminal on which the location of the main gate has been marked with a "X";

28.6 photographs which demonstrate that the Purfleet Jetty exclusively serves the Purfleet Terminal and the high level of security which is attached to it.

West London Terminal

29 The West London Terminal is located close to the perimeter of Heathrow airport.

30 The Esso Wholesale Fuels document records that in this terminal:-

30.1 has 17 tanks in service with a capacity of approximately 100,000m³;

30.2 in addition to ground fuels also supplies Jet Fuel (to Heathrow and Gatwick Airports);

30.3 is operational 24 hours a day 7 days a week throughout the year.

31 The First Claimant owns the freehold of the West London Terminal in 5 freehold titles namely MX232530, MX442259, MX440505, MX219704 and SY346160.

32 Attached to this statement marked "**SSW6**" are the following documents:-

32.1 the First Claimant's freehold titles;

32.2 an Orbital Witness plan showing the First Claimant's freehold titles;

32.3 a satellite image of the terminal on which the location of the main gate has been marked with a "X".

Hartland Park Logistics Hub

33 I am informed by Anthony Milne of Esso that:-

- 33.1 the First Defendant is currently constructing a replacement fuel pipeline between The Petrochemical Complex and the West London Terminal known as the Southampton to London Pipeline "SLP");
- 33.2 to support the SLP construction, the First Defendant has also taken a lease of around 5 acres of land at Hartland Park near Farnborough, Hampshire as a temporary logistics hub ("the Hartland Park Logistics Hub").
- 34 the Hartland Park Logistics Hub includes project offices, welfare facilities and car parking for staff and contractors together with storage of construction plant materials, machinery and equipment. Approximately 150 employees and contractors use the Hartland Park Logistics Hub site each day.
- 35 On 2 September 2021, SHE Manager Limited and SHE Nominee Limited granted a lease of the Hartland Park Logistics Hub to the First Claimant for a term commencing on 6 September 2021 and expiring on 30 September 2024.
- 36 Attached to this statement marked "**SSW7**" are the following documents:-
- 36.1 the First Claimant's lease dated 6 September 2021;
- 36.2 an Orbital Witness plan showing the First Claimant's leasehold land;
- 36.3 a satellite image of the compound.

Alton Compound

- 37 The First Claimant also has a compound at Alton in Hampshire which is used in connection with the construction of the SLP ("the Alton Compound").
- 38 The First Claimant owns the freehold of the Alton Compound in title number SH30798.
- 39 Attached to this statement marked "**SSW8**" are the following documents:-
- 39.1 the First Claimant's freehold title;
- 39.2 an Orbital Witness plan showing the First Claimant's leasehold land; and
- 39.3 a satellite image of the compound on which the location of the main gate has been marked with a "X".

4 April 2022

- 40 I have assisted Anthony Milne with the preparation of his witness statement dated 3 April 2022.

- 41 I am informed by Mr Masson that there were further demonstrations at the West London Terminal today. A group of around 20 protestors arrived at the West London Terminal at around 4.30 am. A number of photographs of this incident showing a structure which obstructs access to / egress from the West London Terminal are attached to this statement at the exhibit marked **"SSW9"**.

I believe that the facts stated in this Witness Statement and Exhibits 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.

I am duly authorised to make this statement on behalf of the Claimants.



Stuart Sherbrooke Wortley

4 April 2022

Party: Claimants
Name: N Allybokus
Number: Third
Exhibits: "NA3"
Date: 22.04.22

CLAIM NO QB-2022-001098

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

B E T W E E N:

**(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED**

Claimants

- and -

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION
REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN
(WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING
SITES ("THE SITES")**

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH
(AS SHOWN EDGED RED ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE ATTACHED
'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN EDGED RED ON THE
ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 **8DN** (AS SHOWN EDGED RED ON THE
ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN EDGED RED ON THE
ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN EDGED
RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH [...] (AS SHOWN EDGED RED ON THE
ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED RED ON THE ATTACHED
"ALTON COMPOUND PLAN")

**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELION'
CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE
CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL
PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED BLUE ON THE
ATTACHED 'FAWLEY PLAN')**

**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION
REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE
VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES**

Defendants

THIRD WITNESS STATEMENT

OF

NAWAAZ ALLYBOKUS

I, NAWAAZ ALLYBOKUS of One Wood Street, London EC2V 7WS WILL SAY as follows:-

1. I am a Solicitor employed by Eversheds Sutherland (International) LLP ("**Eversheds**"), the Claimants' solicitors in these proceedings.
2. Where the facts contained in this witness statement are within my own knowledge they are true; where the facts contained in this witness statement are not within my own knowledge, they are true to the best of my knowledge and belief and I have provided the source of my information.
3. I make this witness statement in support of the Claimants' application to continue the injunction which restrains the Defendants from trespassing or causing nuisance at the Sites (as defined in the Particulars of Claim).
4. Attached to this witness statement marked NA3 is an exhibit of true copy documents. Numbers appearing after "**NA3/**" within this witness statement refer to pages within this exhibit.

Service of the Proceedings and the Order by Alternative Means

5. In order to comply with paragraph 9 of the Order dated 6 April 2022 ("**the Order**") service of the documents listed in the Schedule at **NA3/1** ("the Documents") were effected as follows:-
 - a. I am informed by Richard Scrase, an employee of the Claimants, that on Wednesday 6 April he uploaded the Documents to the following webpage ("the Webpage"):-
<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>
 - b. on Wednesday 6 April 2022 I sent emails to:-
enquiries@extinctionrebellion.uk
xr-legal@riseup.net
juststopoil@protonmail.co.uk
explaining that copies of the Documents may be viewed on the Webpage; and
 - c. The Claimants have confirmed to me, that by no later than Friday 8 April 2022 representatives of the Claimants had:-
 - i. placed the Documents in clear plastic containers at each of the Sites; and
 - ii. fixed a minimum of four warning notices (in the form attached to the Order) around the perimeter of each of the Sites.

6. Certificates of Service were completed and I am informed by Steve Martin, a court clerk at Eversheds, that these were lodged at Court on 11 April 2022. Copies of these certificates are produced at **NA3/2-57**.
7. On Thursday 7 April 2022, I received an email from Alice Hardy, a partner at Hodge Jones & Allen Solicitors. A letter attached to the email explained that Hodge Jones & Allen act for Jessica Branch, who is "associated" with Extinction Rebellion but who has not participated in any of the protests at the Sites and requested copies of various documents.
8. On Monday 11 April 2022, Stuart Wortley, a partner at Eversheds replied explaining that:-
 - a. all of the documents on which the Claimants relied on at the hearing on 5 April 2022 had been uploaded to the Webpage;
 - b. Eversheds would forward a copy of a transcript of the hearing on 5 and 6 April 2022 to Ms Hardy once received. This transcript has not yet been received.
9. A copy of this exchange is produced at **NA3/58-60**.

Correction of Just Stop Oil email address

10. On Sunday 10 April 2022, I received an "email delivery failure" notification indicating that the email addressed to Just Stop Oil (juststopoil@protonmail.co.uk) could not be delivered and the problem "appears to be – Recipient server unavailable or busy".
11. On Wednesday 13 April 2022, it was then brought to my attention that the email address included in the Order for sending the Documents to Just Stop Oil (juststopoil@protonmail.co.uk) might have been incorrect. This address was provided by a colleague at Eversheds but I have not yet been able to verify the origin of this.
12. The email address included on the Just Stop Oil website is juststopoilpress@protonmail.com. On 13 April 2022, I therefore sent copies of the Documents to this email address by email - a copy of this is produced at **NA3/61**.

Provision of Skeleton Argument

13. On Thursday 14 April 2022, copies of the Skeleton Argument relied upon by the Claimants at the hearing on 5 and 6 April 2022 were provided as follows:-

- a. hard copies were placed in the clear plastic containers referred to at paragraph 5(c)(i) above;
- b. a digital copy was uploaded to the Webpage;
- c. digital copies were sent by email to:-
xr-legal@riseup.net
enquiries@extinctionrebellion.uk
juststopoilpress@protonmail.com
- d. a digital copy was sent by email to Ms Hardy.

Birmingham Terminal – postal address

14. The postal address for Birmingham Terminal in the Claim Form (and subsequent court papers) is “Birmingham Oil Terminal, Tyburn Road, Birmingham B24 8HJ”.
15. The correct address is “Birmingham Oil Terminal, Wood Lane, Birmingham B24 8DN”.
16. Wood Lane appears to be a road which comes off Tyburn Road, and may have been inadvertently been used.

Birmingham Terminal – application for first registration

17. The Claimants have confirmed to me that an application to register the land which was conveyed to the First Claimant on 31 December 1957 (see paragraphs 4-8 of my Second Witness Statement) was submitted to the Land Registry on Thursday 21 April 2022.
18. A copy of the covering letter from the Claimants’ solicitors, Messrs BDB Pitmans, dated 21 April 2022 to the Land Registry and the first registration application form is produced at **NA3/62-71**.

Claimant’s email address

19. On or around 6 April 2022, Eversheds set up the following email address to enable anyone affected by the Order to correspond with the Claimants in connection with these proceedings:-
exxonmobil.service@eversheds-sutherland.com
20. At the time of making this witness statement no email messages have been received at this address.

Update of Just Stop Oil / Extinction Rebellion Direct Action

21. I have produced at **NA3/74-79** a media article which reports:-

- a. as of 5 April 2022, 200 individuals have been arrested in Essex in relation to the direct actions on behalf of the Just Stop Oil movement;
- b. a number of individuals have been hiding in underground tunnels in Essex next to an oil refinery in an attempt to stop the flow of oil traffic;
- c. a further 20 individuals were arrested following direct action in Grays; and
- d. a further 17 individuals were arrested on 4 April on suspicion of conspiracy to commit criminal damage.

22. Anthony Milne, an employee of the Claimants has confirmed: -

- a. On 4 April 2022, fifteen individuals attended the West London Terminal. Two of these individuals climbed on top of tensegrity structures, which were set up on top of concrete blocks, in an attempt to block the entrance to the terminal.
- b. On 6 April 2022:-
 - i. at 6:45am, a group of individuals blocked the Stonehouse roundabout (shown highlighted yellow on the plan at **NA3/72**) by jumping on a truck to stop traffic and gluing themselves to the road. This roundabout is the main entry / exit route for HVGs between the Purfleet Terminal and the M25 and London; and
 - ii. at around 3:23pm, a group of individuals blocked a roundabout (shown highlighted yellow on the plan at **NA3/73**) near the West London Terminal by jumping on trucks to stop traffic. This roundabout is the main entry / exit route for HVGs for the West London Terminal;
- c. On 8 April 2022:-
 - i. around 10 individuals from Extinction Rebellion Trade Unionists joined with Unite and held an official picket. The individuals involved protested on the pavement/verge near the Fawley Refinery; and
 - ii. at around 8:00am, around 30 individuals blocked a key entry / exit route (known as London Road) between the Purfleet Terminal and the M25/East London.

- d. On 13 April 2022, around 8 individuals blocked an access road near the Purfleet Terminal and 3 individuals climbed on top of a tanker. Tanker traffic was constrained as the alternative route were congested.

23. On 7 April 2022:-

- a. an individual tied himself up to an oil depot; and
- b. 25 individuals (identified as members of the Just Stop Oil group) were arrested following the direct action at Kingsbury oil terminal in Warwickshire

A copy of the media coverage of these incidents is at **NA3/80-86**.

24. On 15 April 2022, 12 individuals were arrested after blocking access to Kingsbury Oil Terminal, Navigator Terminal and Grays Oil Terminal. A copy of the media coverage of these incidents is at **NA3/87-90**.

25. On 18 April 2022, The Guardian produced an article stating:-

" Just Stop Oil said there had been nearly 1,000 arrests in connection with the campaign so far"

This demonstrate the magnitude of the waves of direct action taking place and the number of individuals participating in those direct actions, which commenced in March / April this year. A copy of the media article from The Guardian is produced at **NA3/91-93**.

26. On 19 April 2022, Just Stop Oil announced that it had paused its campaign of the direct action until 25 April 2022 and provided the government an ultimatum to stop using fossil fuel.

27. In its letter of 19 April 2022 to the Government, Just Stop Oil stated:-

"The Just Stop Oil coalition has taken the decision to suspend activities until 25th April, to give you the opportunity to make a statement on behalf of the Government that it will immediately halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK.

If you do not fulfil your duty to the people we will be left with no choice but to escalate our campaign of civil resistance.

We will not be bystanders."

28. A copy of this letter from the Just Stop Oil website is produced at **NA3/94-96**.
29. It is clear on close reading of the letter to the Government that there remains a threat of further action by Just Stop Oil.

Extinction Rebellion

30. Extinction Rebellion strategy for 2022 / 2023 is documented in a document labelled "XRUK Strategy 2022", accessible via their website:

"This strategy lays out the blueprint for how we will begin to achieve this vision as a movement over the course of 2022 and beyond..."

Local group actions are an essential part of every rebel's journey and a good way to retain and grow your group's membership. That's why there needs to be regular actions happening! This strategy invites local mobilisation actions from January - March, in the run-up to Mass Resistance in April and May - August in the run-up to September's Mass resistance and thereafter.

31. The XRUK Strategy 2022 also contains a traffic light diary which illustrates a threat of further action throughout 2022 and up to April 2023.
32. A copy of the full XRUK Strategy 2022 is produced at **NA3/97-143** (the traffic light diary being at **NA3/133-134**.)

Just Stop Oil

33. The Just Stop Oil website states:-

"The new campaign JUST STOP OIL will mobilise 1000+ people from all walks of life to oppose the plans for new UK Oil fields during 2022..."

We are growing a movement, holding 20-30 public meetings per week, online and in person, across the UK"

34. This indicates that Just Stop Oil continues to recruit individuals to participate in direct actions and that they intend to do so throughout 2022.
35. A full copy of the extract from the website is at NAS

I believe that the facts stated in this Witness Statement and Exhibit 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.

I am duly authorised to make this statement on behalf of the Claimants.



Signed:

Nawaaz Allybokus

Associate Solicitor

Eversheds Sutherland (International) LLP

Party: Claimants
Name: M Pullman
Number: Second
Exhibits: "MP3" - "MP5"
Date: 06.06.23

CLAIM NO QB-2022-001098

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

B E T W E E N

**(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED**

Claimants

- and -

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED RED ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN EDGED RED ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND (AS SHOWN EDGED RED ON THE ATTACHED "ALTON COMPOUND PLAN")

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES

(4) PAUL BARNES

(5) DIANA HEKT

Defendants

WITNESS STATEMENT
OF
MARTIN PULLMAN

I, **MARTIN PULLMAN** of Ermyn House, Ermyn Way, Leatherhead, Surrey KT22 8UX WILL SAY as follows:-

1. I am employed by the First Claimant as the European Midstream Manager. My responsibilities include the operational oversight of Esso's UK terminals and pipelines.
2. Where the facts contained in this witness statement are within my own knowledge, they are true; where the facts contained in this witness statement are not within my own knowledge I have provided the source of my information and those facts are true to the best of my knowledge and belief.
3. This is my second witness statement in these proceedings. I make this statement:-
 - 3.1 to update the Court concerning relevant matters since my first witness statement dated 27 February 2023; and
 - 3.2 to provide some additional information concerning the Claimant's health and safety concerns.

4TH AND 5TH DEFENDANTS

4. At the last hearing before Mrs Justice Collins-Rice on 27 March 2023, Paul Barnes and Dian Hekt were joined as the 4th and 5th Defendants to these proceedings.

Paul Barnes

5. There are now produced and shown to me at the exhibit marked "**MP3**" copies of the email messages exchanged between Eversheds Sutherland (the Claimants' solicitors) and Paul Barnes.
6. In his email message to the Claimants' solicitors dated 25 April 2023, Mr Barnes indicated that he was willing to give an undertaking to the Court to avoid the need for the Court to grant an injunction against him. I understand from Stuart Wortley of the Claimants' solicitors that a draft Order is being prepared but that the terms of this Order have not yet been agreed.

Diana Hekt

7. There are now produced and shown to me at the exhibit marked "**MP3**" copies of the email messages exchanged between Eversheds Sutherland (the Claimants' solicitors) and Diana Hekt.
8. As at the date of this witness statement, Ms Hekt has not engaged with the Claimants solicitors and the Claimants therefore seek an injunction against her.

UPDATE ON OTHER INJUNCTION PROCEEDINGS

9. In paragraph 13 of my first witness statement, I provided a table which summarised the injunctions obtained by other oil and gas companies in response to the campaign of protest against fossil fuel companies which began in April 2022.
10. I have repeated the table below and updated it (using bold capital letters to show the additions) with information which has been provided to me by Stuart Wortley of the Claimants' solicitors. I understand from Mr Wortley that he has reviewed the orders which have been uploaded to the website for each action:-

Claimants	Premises	Action No	Duration
Shell International Petroleum Company Limited	Shell Centre Tower	QB-2022-001259	12 months expiring 22 April 2023 ON 28.05.23, MRS JUSTICE HILL EXTENDED THE INTERIM INJUNCTION UNTIL 25.05.23 ON 23.05.23, MRS JUSTICE HILL EXTENDED THE INTERIM INJUNCTION UNTIL 12.05.24
Navigator Terminals Thames BV Limited and others	Oil terminals at West Thurrock, Teeside and Penarth	QB-2022-001139	12 months expiring 27 April 2023 ON 28.04.23, MR JUSTICE GARNHAM EXTENDED THE INTERIM INJUNCTION AND DIRECTED THAT A FURTHER HEARING TAKE PLACE ON 07.06.23
Shell UK Limited	Shell Haven Site	QB-2022-001241	12 months expiring 27 April 2023 ON 28.04.23 MRS JUSTICE HILL

			EXTENDED THE INTERIM INJUNCTION UNTIL 25.05.23 ON 23.05.23, MRS JUSTICE HILL EXTENDED THE INTERIM INJUNCTION UNTIL 12.05.24
Shell UK Oil Products Limited	Petrol filling stations	QB-2022-001420	12 months expiring 12 May 2023 ON 28.04.23 MRS JUSTICE HILL EXTENDED THE INTERIM INJUNCTION UNTIL 25.05.23 ON 23.05.23, MRS JUSTICE HILL EXTENDED THE INTERIM INJUNCTION UNTIL 12.05.24
Essar Oil (UK) Limited and others	Oil terminals at Stanlow, Ellesmere Port, Tranmere, Birkenhead and Northampton	PT-2022-000326	12 months expiring 11 May 2023 ON 11.05.23, HIS HONOUR JUDGE MONTY KC EXTENDED THE INTERIM INJUNCTION FOR 12 MONTHS UNTIL 11.05.24
Valero Energy Limited and others	Pembroke refinery and oil terminals at Manchester, Kinsbury, Plymouth, Cardiff, Pembrokeshire and Avonmouth	QB-2022-000904	Extended in January 2023 for 12 months and 3 weeks expiring 8 February 2024 UNCHANGED
Exolum Pipeline Systems Limited and others	Oil terminals at Grays, Bramhall, Seal Sands, Misterton, Hallen, Thetford and Saffron Walden	QB-2022-001142	Extended in January 2023 subject to a further review in February 2024 UNCHANGED
UK OIL PIPELINES LIMITED	OIL TERMINALS AT BUNCEFIELD AND KINGSBURY	PT-2022-000303	EXTENDED IN APRIL 2023 UNTIL 20.10.23

11. In paragraph 16 of my first witness statement, I provided a table which summarised the injunctions granted to National Highways Ltd and 3 local authorities related to Extinction Rebellion, Just Stop Oil and Insulate Britain protests.

12. I have repeated that table below and added new information in bold capital letters. The table includes new entries for injunctions obtained by Transport for London which I was previously unaware of:-

Claimants	Motorways / Roads / Property	Action No	Duration of current Injunction
North Warwickshire County Council	Kingsbury Oil Terminal	KB-2022-001236	Until further order UNCHANGED
National Highways	M25, M25 feeder roads and Kent road	KB-2021-003576 KB-2021-003626 KB-2021-003737	12 months expiring 9 May 2023 ON 05.05.23, MR JUSTICE COTTER RENEWED THE INTERIM INJUNCTION UNTIL 10.05.24 AND GAVE DIRECTIONS FOR A REVIEW HEARING ON 26 APRIL 2024
Thurrock Council Essex County Council	Roads in the vicinity of Navigator Terminals Thurrock terminal; Esso's Purfleet terminal; Exoleum's Grays terminal; and Oikos' Canvey Island terminal	KB-2022-001317	Until further order with provision for Claimants to inform the Court within 28 days of the Supreme Court judgment in Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors (UKSC/2022/0046) UNCHANGED
National Highways	Activities involving gantries and other structures over, under or adjacent to the M25 Motorway	KB-2022-004333	12 months expiring 15 November 2023 UNCHANGED
Transport for London	17 roads, bridges and tunnels in London targeted by Insulate Britain protestors	QB-2021-003841 QB-2021-004122	FOLLOWING THE TRIAL OF THIS ACTION IN APRIL 2023, MR JUSTICE MORRIS GAVE JUDGMENT ON 03.05.23 GRANTING A FINAL INJUNCTION FOR 5 YEARS (SUBJECT TO ANNUAL REVIEWS)
Transport for London	14 roads, bridges and tunnels in London targeted by Just Stop Oil protestors	KB-2022-003542	ON 24.02.23, MR JUSTICE CAVANAGH EXTENDED THE INTERIM INJUNCTION UNTIL TRIAL

			THE TRIAL OF THIS ACTION TOOK PLACE BEFORE EYRE J ON 04.05.23 FOLLOWING THE TRIAL THE JUDGE EXTENDED THE INTERIM INJUNCTION PENDING JUDGMENT (WHICH HAS NOT YET BEEN HANDED DOWN)
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CONTINUING THREAT

13. In paragraphs 23 and 24 of my first witness statement, I recorded the fact that:-

13.1 since the injunction granted on 7 April 2002 there had been no breaches of the injunction in these proceedings; and

13.2 the injunction appears to have created an effective deterrent.

14. The exhibit marked **"MP2"** to my first witness statement included various news articles / press releases relating to incidents of direct action by XR and JSO since the proceedings were issued.

15. Since my First Witness Statement there have been no further incidents of direct action targeting oil terminals in England (whether belonging to the Claimants or other oil and gas companies). However, the "Press Releases" section of the "News & Press" page of the Just Stop Oil website www.juststopoil.org records the following incidents:-

15.1 on 15 April 2023, disruption at the Grand National horse race at Aintree racecourse;

15.2 on 17 April 2023, disruption at the World Snooker Championship at The Crucible in Sheffield;

15.3 on 24 April 2023, a number of Just Stop Oil and XR supporters marched to the Shell's global headquarter's office in Waterloo where they carried out a "sit down" protest. This incident followed a weekend of protest organised by XR across central London caused by XR;

15.4 since 24 April 2023, Just Stop Oil supporters have been conducting a campaign of "slow marching" on major roads and bridges in central London at 7.00 am every weekday morning and on Saturday's at 12.00 noon. At the time of making this witness statement the campaign is into its sixth week;

- 15.5 in connection with the slow marching, on 3 May 2023 (the day on which the Public Order Act 2023 came into force), 23 Just Stop Oil supporters were arrested whilst marching from Downing Street to Parliament Square. Yesterday (31 May 2023) a further 10 Just Stop Oil supporters were arrested in Parliament Square;
- 15.6 on 25 May 2023, disruption at the Chelsea Flower Show;
- 15.7 on 27 May 2023, disruption at the Gallagher Premiership rugby union final at Twickenham;
- 15.8 earlier today (1 June 2023) disruption to the England cricket team whilst travelling to the test match against Ireland at Lords.
16. Copies of the Just Stop Oil press releases relating to each of these incidents are attached to this statement marked **"MP4"**.
17. Videos of some of these incidents can be seen on the "Images and Videos" section of the "News & Press" page of the Just Stop Oil website.
18. Since I signed my first witness statement, several Just Stop Oil supporters have been convicted of public order offences relating to direct action incidents during 2022. The "Court & Prison" page of the Just Stop Oil website records that these convictions include the following:-
- 18.1 on 8 March 2023, Chelmsford Magistrates found 9 supporters guilty of aggravated trespass and / or obstruction of the highway in relation to a protest at Navigator Fuel Terminal at Grays in April 2022. The Just Stop Oil press release includes the following:-
- "We're done with begging. We are going to stop new fossil fuel projects whether those in power agree or not. As citizens, parents and children, we have every right under British law to protect ourselves and those we love.*
- We are the last generation who can solve this. Will you step up? Join us and Just Stop Oil."*
- 16.2 on 13 March 2023, Chelmsford Magistrates found 3 supporters guilty of aggravated trespass and / or obstruction of the highway in relation to a protest at the Exolum Fuel Terminal in Grays in April 2022.
- 16.3 on 21 March 2023, Chelmsford Magistrates found 2 supporters guilty of obstructing the highway in relation to a protest at Navigator Terminals in Grays in April 2022.

- 18.2 on 13 April 2023, Judge Shane Collery KC in Basildon County Court found Morgan Trowland and Marcu Decker guilty of public nuisance and sentenced them to 3 years and 2.5 years respectively in relation to the protest which they conducted from the Queen Elizabeth II Bridge (which resulted in the bridge being closed to traffic for 2 days). In passing sentence, the Judge said:-

"You have to be punished for the chaos you caused and to deter others from copying you."

19. The continuing threat of direct action at the Sites can also be demonstrated by the following:-

- 19.1 Immediately after the Messrs Trowland and Decker were sentenced on 13 April (referred to in the previous sub-paragraph), Stephanie Golder a JSO spokesperson made a statement outside court which included the following:-

"Nonviolent civil resistance is the answer. It's what the Suffragettes did, it's what the Civil Rights movements did. It's our best chance of getting the scale of change we need, in the time we need it."

"Just Stop Oil will not be deterred by these draconian sentences. Where they imprison one of us, ten more will take their place. When they imprison ten of us, one hundred will stand to take their place. We must unite against this genocidal government and be brave."

- 19.2 On 24 April 2023, XR co-founder Clare Farrell made a statement within an XR press release which included the following:-

"The government had a week to respond to our demands and they have failed to do so. Next we will reach out to supporter organisations to start creating a plan for stepping up our campaigns across an ecosystem of tactics that includes everyone from first-time protesters to those willing to go to prison."

- 19.3 On 24 April 2023, another XR press release following a weekend of protests in London which they referred to as The Big One which included the following statements:-

"Effectively tens of thousands from different organisations have signalled that they are ready to move into a far more

challenging and disruptive posture against a government that is gambling with our lives and futures."

"Over the next three months, we will be translating the appetite for action amongst people at The Big One into a whole new range of campaigns and action across the country."

20. Copies of the media coverage / press releases are included at the exhibit marked **"MP4"**.
21. The Claimants' security team has also recently drawn my attention to the following video uploaded by someone with a You Tube account in the name of DJ Audits. On 23 May 2023, a video was uploaded to this account which had been recorded outside the Birmingham Terminal. It can be found at this link - <https://www.youtube.com/watch?v=r3Mi9s72Zpk>.
22. The video was recorded from outside the perimeter fence. It shows copies of the warning notices on the perimeter fence and views of the terminal beyond the fence. It also includes conversations between the person recording the video and security staff in which the individual confirms he is not a protestor.
23. At 6 minutes and 20 seconds into the video, the individual records video footage from a drone which shows aerial views of the terminal. Whilst not entirely clear, it appears that the drone remains outside the terminal boundaries. At around 11 minutes into the video, the individual informs a police officer that he is filming and operating the drone to produce YouTube footage and that he is not a protestor.
24. Whilst the individual does not appear to have breached the injunction and does not claim to be an environmental protestor, in my view this:-
 - 24.1 demonstrates the continuing interest with the Sites from 3rd parties; and
 - 24.2 potentially encourages further protests as it provides protestors with a blueprint of the Sites' layout so they know exactly what to expect when entering the Sites, thereby making it easier for protestors to plan how / where to enter and remain on the Sites.

FURTHER EVIDENCE CONCERNING HEALTH & SAFETY ISSUES

25. In paragraph 6 of Anthony Milne's witness statement dated 03.04.22 he summarised the Claimants' security measures and in paragraph 10.2.1 he referred to the fact that access to the terminals, Alton pumping station and Fawley refinery is strictly controlled (given that they are used for the production and storage of flammable / hazardous substances). Given that not all of these risks will be immediately obvious it may be helpful for me to elaborate on some of these risks.

26. The reason access to the operating sites is restricted to authorised personnel is to protect individuals from being exposed to risks arising from hazards of which they may be unaware and may not understand. In addition unauthorised personnel represent a risk to our own employees and contractors present on site in what is a hazardous environment and to the wider community in the event of a major incident.
27. During last year's protests, unauthorized JSO / XR activists chained and / or glued themselves to some of the First Claimant's terminal entrances and exit gates with the intention of obstructing HGV fuel tanker trucks and preventing them from entering / exiting the terminal entrances. Had there been a major safety incident during one of these protests, their actions could have put lives (and assets) at risk by obstructing or preventing:-
- 27.1 authorised personnel from evacuating the terminals; and
- 27.2 emergency vehicles from entering the terminals.
28. All authorised visitors to the terminals and Fawley refinery are required to watch an induction safety video which highlights both the hazards and the emergency safety procedures (including site evacuation and muster stations). Given that unauthorized and untrained protestors have not seen this video they will be unaware of the hazards and emergency safety procedures. Knowledge of potential risks and our safety procedures is one of the major mitigations in place to allow us to operate these sites safely. Unauthorised visitors to site creates a risk not only for the unauthorised personnel but also our own staff or contractors who may be placed in harm's way attending to or managing such unauthorised personnel.
29. Most of the Sites include higher risk areas (such as a fuel tank farm or truck loading area) require additional safety precautions which have been determined to be necessary after careful assessment of the potential risks. Within these areas authorised personnel must wear Fire Retardant Clothing ("FRC") and the appropriate Personal Protective Equipment (hard hats, safety glasses, fire retardant gloves, safety shoes) ("PPE"). In some areas, devices which measure hydrocarbon vapour levels in the air (and which alert them to potentially dangerous situations) must be carried.
30. During last year's protests none of the individuals involved wore FRC / PPE – thereby breaching the Claimants' procedures and exposing themselves and others (including our employees and the wider community) to the risk of death or serious injury.

31. One of the most serious potential hazards inside our facilities is a vapour cloud. This can be caused from an unplanned release of hydrocarbon or biofuels. Such a release combined with an ignition source can be extremely hazardous. For this reason, potential ignition sources (smoking, using mobile phones or cameras and wearing clothes that accumulate static electricity (e.g., nylon)) are strictly prohibited within the higher risk areas.
32. During last year's protests some protesting individuals within higher risk areas (including on top of fuel storage tanks) carried iPhones, cameras, cigarette lighters and / or nylon sleeping bags – thereby breaching the Claimants' procedures and exposing themselves and others to the risk of death or serious injury.
33. It is a standard requirement that anyone engaged in working at height takes appropriate steps to protect themselves and others against the risk of falling (for example by using a secure lanyard or harness). The Claimants' procedures also adopt these requirements which apply at all of the operating sites.
34. During last year's protests several individuals climbed on top of the First Claimant's fuel tanks (around 20 metres above ground) and HGV fuel tankers (around 3 metres above ground) without fall protection measures – thereby exposing themselves to the risk of death or serious injury
35. The issues which I have noted above are not exhaustive. At Fawley for example the use of heat is an inherent part of the refinery process. Whilst exposure to hot surfaces (and the steam which provides the heat source) is well-controlled, these pose a serious risk to the health and safety of anyone unfamiliar with the operation. Furthermore, the refinery processes are complex and depend upon a range of instrumentation for their safe, reliable operations. Interference with those instruments (whether or not intentional) would also create serious health and safety concerns.

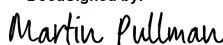
DRAFT WARNING NOTICE

36. The Warning Notices which were posted at each of the Sites following the hearing before Mrs Justice Collins-Rice on 27 March 2023 included some typographic errors in the addresses for 3 of the Sites.
37. If the Court is willing to grant a final injunction following trial, I attach at the exhibit marked **"MP5"** a draft Warning Notice (on which the errors and the corrections are shown in red type) which the Claimants propose to post at each of the Sites.

I believe that the facts stated in this Witness Statement and Exhibits 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.

I am duly authorised to make this statement on behalf of the Claimants.

DocuSigned by:

ED969EB9008C493...

Martin Pullman

6 June 2023

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO. QB-2022-001098

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

-and-

**(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE
FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE
SITES")**

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

**(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE
FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE
CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS
SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED
'FAWLEY PLAN')**

**(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND
OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY
OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT
INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)**

(4) PAUL BARNES
(5) DIANA HEKT

Defendants

THIRD WITNESS STATEMENT
OF HOLLY STEBBING

I, Holly Stebbing of Norton Rose Fulbright LLP, 3 More London Riverside, London SE1 2AQ, United Kingdom, state as follows:

1 Introduction

- 1.1 I am a Partner at Norton Rose Fulbright LLP (**NRF**). I am duly authorised to make this witness statement on behalf of the Claimants.
- 1.2 The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.
- 1.3 There is now produced and shown to me a paginated bundle of true copy documents marked ["**HS3**"]. All references to documents in this statement are to **Exhibit HS3** unless otherwise stated.

2 Background

- 2.1 I have read the Witness Statements of Anthony Milne (the Claimants' Global Security Adviser) dated 3 April 2022.
- 2.2 The incidents detailed at paragraphs 8 and 9 of Mr Milne's Witness Statement prompted the Claimants to commence proceedings for an injunction to restrain protestors from engaging in unlawful conduct at the Sites.
- 2.3 On 6 April 2022, Mrs Justice Ellenbogen granted an interim injunction to restrain the Defendants from trespassing and / or causing a nuisance at the Sites.
- 2.4 On 27 April 2022, Mr Justice Bennathan extended this injunction until 27 April 2023.
- 2.5 On 18 July 2023, Mr Justice Linden granted a final injunction to restrain the Defendants from trespassing and / or causing a nuisance at the Sites.
- 2.6 I firstly make this witness statement in connection with the annual review hearing of the injunctions set out in Mr Justice Linden's Order dated 18 July 2023 (as amended on 21 July 2023, 16 October 2023 and 29 January 2024) (the **Injunctions**) (the **Order**).
- 2.7 For the reasons set out below, the Claimants consider that the Injunctions should remain in place until 11 July 2028, subject to the built-in annual reviews described at paragraphs 8 to 10 of the Order (as amended on 29 January 2024).

2.8 I also make this witness statement to record service of:

(a) the Order; and

(b) the Notice of Annual Review Hearing on 10 July 2024 (the **Notice**).

3 Statement in support of application

3.1 The Claimants consider that there is an ongoing threat to the Sites which necessitates the continuation of the Injunctions. I have set out below a number of pertinent developments evidencing this continuing threat, details of which have been provided to me by the Claimants.

Pipe Busters activity

3.2 Pipe Busters is an X (formerly Twitter) account which was established in June 2022. There is no attribution to any named person. The X biography section states:

Pipe Busters

@StopTheSLP

We act with ❤️, disabling & making safe equipment to halt the nature & climate busting expansion of the ExxonMobil/Esso pipeline to Heathrow 🚧 #StopTheSLP

📅 Joined June 2022

3.3 Pipe Busters is named in a separate injunction order granted by the High Court in favour of the First Claimant on 31 August 2023 barring unlawful protests against the Southampton to London Pipeline (**SLP**), a replacement fuel pipeline constructed by the First Claimant between the Fawley Petrochemical Complex (**Site A**) and the West London Oil Terminal (**Site F**) (Claim No. QB-2022-002577). The group is named in the Second Schedule to the injunction order which lists groups and/or individuals who had to be notified of the order by the First Claimant in order for service to be effected.

3.4 As at 30 May 2024, 40 posts had been shared by the Pipe Busters' X account, 14 of them encouraging direct action against the SLP. The posts include references to the Swedish academic Andreas Malm's publication *#How to Blow up a Pipeline* (Verso press, January 2021). While I understand this textbook does not specifically detail how to construct an explosive device, it does advocate acts of sabotage and criminal damage of fossil fuel related infrastructure (including pipelines). The description of the book on the publisher's website states, "We need, he argues, to force fossil fuel extraction to stop--with our actions, with our bodies, and by defusing and destroying

its tools. We need, in short, to start blowing up some oil pipelines” [HS3/1-6] and [HS3/7].

- 3.5 I am informed by the Claimants that between September and October 2023, a number of stickers bearing the Pipe Busters name and logo appeared at various junctures along the route of the SLP. The incidents are listed below, with corresponding references to images as included in HS3:

Incident	Date discovered	Location	Description
1	19/09/2023	Southwood Country Park, Farnborough	Sticker and graffiti on pipeline marker post [HS3/8]
2	21/09/2023	Hardwick Lane, Chertsey	Stickers on GVD site notice [HS3/9]
3	25/09/2023	Chertsey Bridge Rd, Chertsey	Stickers on front of pipeline valve and on adjacent pipeline marker post [HS3/10]
4	27/09/2023	Southwood Country Park, Farnborough	Stickers on front and rear of 10” pipeline [HS3/11]
5	03/10/2023	Lower Froyle, Alton	Sticker on construction welfare cabin [HS3/12]
6	04/10/2023	Naishes Lane SANG, Church Crookham	Sticker on fence of SLP construction compound [HS3/13]
7	04/10/2023	North Hardwick Lane, Chertsey	Stickers on a Pannels Farm pipeline marker post [HS3/14]

- 3.6 While the stickers appeared along the route of the SLP and not within the perimeters of the Sites, the incidents listed above demonstrate that the Claimants’ assets have continued to be targeted by climate protesters since the date of the Order and that Pipe Busters wish to remind the Claimants of their ambition (as stated on their X account) of “*disabling...the Esso Pipeline to Heathrow*”.
- 3.7 For completeness, I note that graffiti saying “*RIP*” was discovered on a cathodic protection bond box on 4 October 2023 serving the SLP at Pirbright Ranges, Lightwater [HS3/15]. It is unclear who is responsible for this graffiti.

DJE Media incident at the Fawley Petrochemical Complex (Site A)

- 3.8 The Fawley Petrochemical Complex and Hythe Oil Terminal are protected by the Order and referred to as Site A.

- 3.9 On 21 December 2023, an unauthorised individual trespassed at Site A and filmed his visit to Site A using a body camera and a drone. He subsequently posted the footage on YouTube under the heading “*the drone WILL be CRUSHED if you fly over the FUEL REFINERY*” using the account DJE Media (the **Video**). The Video, which lasts 50 minutes, can be found at the website <https://www.youtube.com/watch?v=XWi2XqS1sfM>.
- 3.10 I am informed of the following details relating to the incident by the Site Security Manager at the Fawley Petrochemical Complex and an employee of the Second Claimant. On 21 December 2023, the Site Security Manager was informed by gate staff at Site A that an unauthorised individual was trespassing and wished to use a drone. A Shift Security Manager at the site drove across Site A to find the individual and located him on the access road to Site A (which forms part of the First Claimant’s land) close to the main access gates. The individual would have driven past multiple signs informing him that this was private property, including a sign stating, “*Private Road No Public Access or Right of Way*”.
- 3.11 Within the first minute of the Video, the individual can be seen filming an injunction notice issued in these proceedings outside Site A. The individual notes that an injunction is in place to prevent protest activity.
- 3.12 The Video depicts the Shift Security Manager approaching the individual in a vehicle marked “*ExxonMobil Security Shift Manager*” and asking him what he was doing on Site A. The individual replied that “*he was making a video on different companies in the area*”. In response, the Shift Security Manager stated that the land and the road were private. The individual replied, “*I get that*”. The Shift Security Manager informed the individual that, if he continued to remain on the private land, the Claimants would need to contact the Police.
- 3.13 The Site Security Manager can be seen arriving at the scene at minute 21 of the Video. I am informed by the Site Security Manager that he used his mobile device to film the individual and asked him to leave the Site as he was on private property. The Site Security Manager informed the individual that there is a High Court injunction applicable to Site A. The individual replied that he “*understood*” there was an injunction “*for protestors and stuff*” and said that he was “*not a protestor*”. He objected to the Site Security Manager filming him. The Site Security Manager requested that the individual leave Site A. The individual indicated that he would leave the boundaries of Site A but would then fly his drone over Site A. He remained on Site A, which is private land, with the Site Security Manager following him to monitor his movements and to ensure that the boundary of Site A was clear to the individual. The individual continued to film whilst trespassing on Site A. The Site

Security Manager requested that he ceased filming him personally, but the individual continued notwithstanding that request.

- 3.14 As is depicted in the Video, the police attended Site A after the Site Security Manager had left the scene and confirmed that whilst the individual could fly his drone, he could not trespass on Site A.
- 3.15 Whilst the individual was not overtly conducting any protest activity, his collection of evidence in relation to Site A, trespass on Site A and subsequent publication on YouTube of the Video, which included detail regarding security on the Site, demonstrates a continued interest in gathering information about Site A and disseminating that information publicly, which could be used by protestors in support of protest activity. As of 30 May 2024, the Video has received over 115,000 views.

Extinction Rebellion and Just Stop Oil protest and related activity

- 3.16 Extinction Rebellion and Just Stop Oil continue to focus their attention on protesting against oil and gas business:
- (a) On 22 February 2024, Greenpeace UK's X account posted a video story alleging that oil and gas majors are contributing to global warming and the 'climate crisis'. The video includes a photograph of ExxonMobil CEO Darren Woods, shortly followed by an image of an extreme weather event. Greenpeace concludes the video with a number of questions including "*How long do we let them get away with this?*". Just hours after Greenpeace UK posted the video, a number of X accounts affiliated with Extinction Rebellion reposted the video, including XR Brighton, XR Grandparents and Elders, XR Surrey, XR South East, and XR South West. A screenshot of the video and evidence of engagement by the relevant XR accounts can be seen at [HS3/16].
 - (b) On 27 February 2024, Extinction Rebellion protesters stormed London's 'Walkie Talkie' building on Fenchurch Street and occupied the offices of five leading insurers. The protesters stated they were staging an "*indefinite occupation*" and demanded that the relevant companies talk to them about "*insuring climate-wrecking oil and gas*". A copy of a media report detailing the incident can be seen at [HS3/17-18].
 - (c) On 29 February 2024, Extinction Rebellion protesters infiltrated the London headquarters of global advertising and media agency McCann Worldgroup to "*protest against the company's reported bid for another stint as top greenwasher for fossil fuel giants Saudi Aramco*". A copy of a media report detailing the incident can be seen at [HS3/19-22].

- (d) On 29 February 2024, Extinction Rebellion protested outside the offices of AXA UK's headquarters in London, to demand that the company stop insuring new fossil fuel projects. A copy of a media report detailing the incident can be seen at [HS3/23-25].
- (e) On 1 March 2024, Extinction Rebellion protested outside the office of Tokio Marine HCC near Leicester to demand that the company stop insuring new fossil fuel projects. A copy of a media report detailing the incident can be seen at [HS3/26-29].
- (f) On 1 March 2024, Extinction Rebellion and Just Stop Oil activists occupied the Colmore Building in Birmingham which is home to Allianz, Chubb and Zurich. The action was in solidarity with Students Against EACOP, an organisation which is resisting the construction of the East Africa Crude Oil Pipeline (**EACOP**). A copy of a media report detailing the incident can be seen at [HS3/30-32].
- (g) On 1 March 2024, Extinction Rebellion and Just Stop Oil protestors took to the streets in Birmingham as part of a global week of action organised by the Insure Our Future Network . Three people were arrested at the protest. A copy of a media report detailing the incident can be seen at [HS3/33-38].
- (h) On 2 March 2024, Extinction Rebellion protestors broke into a chemicals plant owned by chemical group Arkema near Lyon in south-eastern France to protest against the alleged discharge of non-biodegradable PFAS substances. The protestors wrote "*murderers*" in red paint on the walls and broke doors and materials. Eight people were arrested. A copy of a media report detailing the incident can be seen at [HS3/39].
- (i) On 15 May 2024, 40 protestors from Extinction Rebellion, Fossil Free London, Christian Climate Action and other organisations gathered outside the Africa Energies Summit. The protestors held signs opposing what they called the "*scramble for Africa*" opposing any new project in Africa and directly criticising ExxonMobil and others of being "*fossil fuel crooks*". Extinction Rebellion published a report of the protest on their website, a copy of which can be seen at [HS3/40-42]. The same posters specifically naming ExxonMobil were used to publicise protests against the Energy Intelligence Forum from 17 to 19 October 2023. Copies of the posters from 2023 can be seen at [HS3/43].
- (j) On 15 May 2024, Just Stop Oil, Friends of the Earth and other climate organisations held a day of action outside the annual British Insurance Broker's Association conference, calling on delegates not to insure fossil fuel

projects, specifically the EACOP and the West Cumbrian Coal Mine. A copy of a media report detailing this action can be seen at [HS3/44-47].

- (k) On 2 June 2024, more than 100 Extinction Rebellion protestors blocked access to Farnborough airport, the biggest private jet terminal in the UK. The protest was part of a week of international action across eight countries demanding that governments ban private jets, tax frequent flyers and make polluters pay. A copy of a media report detailing this action can be seen at [HS3/48-51].

Other relevant activity

- 3.17 On 3 March 2024 the Telegraph reported that a leading Just Stop Oil campaigner had confirmed that the group intended “*to continue targeting businesses and MPs’ homes despite Rishi Sunak warning against the rise of “mob rule” in Britain*”. A copy of the Telegraph article can be found at [HS3/52-54].

- 3.18 In addition to the incidents referred to above, the Claimants would like to draw the Court’s attention to the rising numbers of climate activists being referred to the UK’s anti-terror scheme. On 23 December 2023, the BBC reported that “*the number of climate activists referred to the [UK’s] Prevent anti-terrorism programme has increased following the emergence of disruptive environmental protests*”. The BBC report, a copy of which can be found at [HS3/55-59], goes on to state:

“The government groups “eco-terrorism” in a category of violent extremism motivated by ideas on “the extreme political left-wing”. It says although this category does not represent a significant threat, some activity has met a terrorist threshold in recent years and security services continue to investigate such cases.”

- 3.19 A Force Management Statement published by the Metropolitan Police in December 2023 also refers to the potential for a rise in disruptive environmental protests:

“Terrorists and radicalisers will always look for opportunities to exploit in support of their ideology. There is the potential for this radicalisation to extend to environmentalism given the ever increasing sentiment within this lobby, and a sense of not being listened to by government. CTP [Counter Terrorism Policing] is alive to this issue. There was a focus on reducing the exploitation of vulnerable people during the global pandemic, and recognising that the type of extremism concerned could be mixed, unstable or unclear. This work has continued to develop and we need to maintain a broad, multi-agency approach under ‘Prevent’, including safeguarding and mental health”. An extract of the statement can be seen at [HS3/60].

Plans to continue disruptive protests in 2024

- 3.20 It is Just Stop Oil's public position that it intends to cause further disruption to the oil and gas industry and connected business this year.
- 3.21 On 3 March 2024, Just Stop Oil set out its plan to bring about a "*democratic revolution*". In the press release announcing the "*revolution*", Just Stop Oil confirmed that, throughout 2024, "*nonviolent civil resistance to a harmful state will continue, with coordinated, radical actions that reach out to new people and capture the attention of the world. Alongside this, a new political project will be set up*". A copy of the press release can be seen at [HS3/61-62].
- 3.22 In the same press release, Just Stop Oil also set out a new, three-part demand: "*No New Oil, Revoke Tory Licenses and Just Stop Oil by 2030*". Just Stop Oil intend to achieve this through a campaign of "*high-level actions at sites of key importance to the fossil fuel industry – airports*".
- 3.23 I have also seen a video published by Just Stop Oil in 2024 stating that their message to the British government is that "*if you're not going to stop the oil, we're going to do it for you*". Above the video, Just Stop Oil wrote that they "*have declared airports a site of nonviolent civil resistance*". A link to the video can be found here: <https://juststopoil.org/>. These plans and statements show that Just Stop Oil and Extinction Rebellion continue in their intention to enter private land and to cause unlawful disruption to the oil and gas industry. I also note that Site F provides jet fuel to Heathrow airport (a previous target of Just Stop Oil) and therefore a protest against this site has the potential to impact that airport. A copy of a media report detailing this plan can be seen at [HS3/63-67].

Failure to provide assurances that no further direct action will occur

- 3.24 I refer to paragraph 67 of the judgment of Mr Justice Linden on 10 July 2023 where, in deciding to grant the Injunctions, it was stated that "*it would have been very easy for Extinction Rebellion or Just Stop Oil to give assurances or evidence to the court that there was no intention to return to their activities of 2021/2022, and no risk of trespass on the Sites or damage to property by protestors in the foreseeable future, but they did not do so*".
- 3.25 I am not aware that Just Stop Oil and Extinction Rebellion have since provided any assurances or evidence to the Court or to the Claimants that they do not intend to return to protesting at the sites in the foreseeable future. I believe that, when taken with the evidence outlined above, this suggests that there is a real risk of future unlawful activity at the Sites.

Other Injunctions to restrain protestors granted in 2023 / 2024

3.26 I note that the Claimants have not been alone in seeking to maintain injunctions that restrain the unlawful conduct of protestors opposed to the oil and gas industry. I am aware of the following injunctions:

Claim No.	Parties	Locations affected by order	Date and length of injunction
North Warwickshire			
QB-2022-001236	Claimant: North Warwickshire Borough Council Defendants: (1-18) Named Defendants (19) Persons Unknown (20-158) Named Defendants	Kingsbury Oil Terminal	Injunction, Power of Arrest on 14 April 2022 (as varied on 6 May 2022) Interim Injunction Order granted on 9 May 2022 until hearing of the claim Final hearing listed for 11 June 2024. Only 24 of the 157 named Defendants have offered to provide undertakings not to engage in further unlawful activity against the North Warwickshire Borough Council.
Shell			
QB-2022-001259	Claimant: Shell International Petroleum Company Limited Defendants: Persons Unknown in connection with Just Stop Oil, Extinction Rebellion and Youth Climate Swarm	Shell Centre Tower (office building)	Further interim injunction granted on 24 April 2024 until 12 November 2024 with directions for a final review hearing
QB-2022-001421	Claimant: Shell U.K. Limited Defendants: Persons Unknown in connection with Just Stop Oil, Extinction Rebellion and Youth Climate Swarm	Shell Haven Oil Refinery, Stanford-Le-Hope (oil refinery)	Further interim injunction granted on 24 April 2024 until 12 November 2024 with directions for a final review hearing

Claim No.	Parties	Locations affected by order	Date and length of injunction
QB-2022-001240	Claimant: Shell U.K. Oil Products Limited Defendants: Persons Unknown in connection with Just Stop Oil, Extinction Rebellion and Youth Climate Swarm	Any Shell Petrol Station in England and Wales	Further interim injunction granted on 24 April 2024 until 12 November 2024 with directions for a final review hearing
Thurrock Council and Essex County Council			
QB-2022-00317	Claimant: (1) Thurrock Council (2) Essex County Council Defendants: (1) Madeline Adams (2-222) Other Named Defendants (223-229) Persons Unknown	Roads within Thurrock and Essex Council boundaries Administrative areas of Thurrock and Essex Fuel Terminals: <ul style="list-style-type: none"> • The Navigator Fuel Terminal, West Thurrock • The Esso Fuel Terminal, Purfleet • Exolum Storage Ltd, Grays • Oikos Storage Limited, Essex 	Original Injunction Order dated 1 June 2022 extend by order dated 27 January 2023 " <i>until and subject to any further order</i> ". A review hearing has been scheduled for 12 July 2024 to review the injunction in so far as it relates to Persons Unknown.
UK Oil Pipelines Ltd and West London Pipeline and Storage Ltd			
PT-2022-000303	Claimants: (1) UK Oil Pipelines Ltd (2) West London Pipeline and Storage Ltd Defendants: Persons Unknown	Buncefield and Kingsbury Terminals	Final Injunction granted for 5 years until 20 October 2028 subject to annual review
Valero			
QB-2022-000904	Claimants:	Pembroke oil refinery, Pembroke	Final injunction granted for 5 years until 13 December 2028

Claim No.	Parties	Locations affected by order	Date and length of injunction
	(1) Valero Energy Ltd (2) Valero Logistics UK Ltd (3) Valero Pembroke Oil Terminal Ltd Defendants: (1) and (2) Persons Unknown (3-19) Named Defendants	Pembroke oil refinery jetties, Pembroke Manchester oil terminal, Trafford Park Kingsbury oil Terminal, Tamworth Plymouth oil terminal, Plymouth Cardiff oil, Cardiff Avonmouth oil terminal, Avonmouth Pembroke oil terminal, Milford Haven	
Exolum			
QB-2022-001142	Claimants: Exolum Pipeline Systems Ltd Exolum Storage Ltd Exolum Seal Sands Ltd Defendants: Persons Unknown	Various terminals and associated equipment	Final injunction granted for one year on 23 January 2023 and extended until 20 February 2025

3.27 In each of these annual reviews, the Court considered there to be a sufficient risk of direct action by protest groups against claimants' activities within the oil and gas industry (or related parties) to maintain the injunctions.

Effect of the Order

3.28 I believe that the Order continues to have a deterrent effect.

3.29 The impact of the Order and similar orders has been cited by Just Stop Oil when explaining its decision not to target sites such as those subject to this order. For example, on 13 September 2023 the Just Stop Oil X account posted explaining the reason behind disruptive protests in Portsmouth that involved blocking roads was "*injunctions that make protests impossible at oil refineries, oil depots and even petrol stations*". This can be seen at [HS3/68]. The post, together with Just Stop Oil's failure to provide assurances to the contrary and their planned disruption to airports this

year referred to in paragraphs 3.22 and 3.23 above, indicate that Just Stop Oil still have an interest in targeting and disrupting oil and gas production facilities and but for the Order would continue to do so.

4 Continuation of the Order

- 4.1 The Claimants are applying for the Order to remain in place in its current form until 11 July 2028, subject to the built-in annual reviews described at paragraphs 8 to 10 of the Order.

5 Service

Service on Defendants 1, 2 and 3

- 5.1 Service of the Order on the First, Second and Third Defendants was effected as follows:

- (a) On or around 5 February 2024, the Order was uploaded to the following webpage (the **Webpage**):

<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>

A copy of the Webpage (including links to the Order) can be seen at [HS3/69-71].

- (b) I am informed by the Claimants that, by no later than 19 February 2024:
- (i) copies of the Order were placed in clear plastic containers at a minimum of 2 locations on the perimeter of each of the Sites;
 - (ii) a notice which states that copies of the Order may be obtained from the Claimants' solicitors, NRF, and may also be viewed on the Webpage was added to each plastic container; and
 - (iii) four large warning notices, in the form annexed to the Order were fixed in conspicuous places around the perimeter of each of the Sites.

Sample photographs of the clear plastic containers, with the Orders placed in the plastic containers and the large warning notices can be seen at [HS3/72-85].

- (c) On 16 February 2024, an associate at NRF sent emails enclosing copies of the Order and explaining that further copies may be obtained from NRF or viewed at the Webpage:

xr-legal@riseup.net

enquiries@extinctionrebellion.uk

juststopoilpress@protonmail.com

Copies of the emails sent by an associate at NRF can be seen at [HS3/86-87].

- (d) Confirmation of delivery was received on 16 February 2024 in respect of each of the emails sent to the addresses listed at paragraph 5.1(c) above. Copies of the confirmation emails can be found at [HS3/88-89].
- (e) In addition, automatic replies were received on 16 February 2024 from enquiries@extinctionrebellion.co.uk and xr-legal@riseup.net, which appear to be automatic responses to any emails received. A copy of the relevant emails can be seen at [HS3/90-91].

5.2 Service of the Notice on the First, Second and Third Defendants was effected as follows:

- (a) On or around 11 April 2024, the Notice was uploaded to the Webpage.

A copy of the Webpage (including links to the Notice) can be seen at [HS3/69-71].

- (b) I am informed by the Claimants that by, no later than 19 April 2024:
 - (i) copies of the Notice were placed in clear plastic containers at a minimum of 2 locations on the perimeter of each of the Sites; and
 - (ii) a notice which states that copies of the Notice may be obtained from NRF and may also be viewed on the Webpage was added to each plastic container.

Sample photographs of the clear plastic containers, with the Notices placed in the plastic containers can be seen at [HS3/72-85].

- (c) On 25 April 2024, an associate at NRF sent emails enclosing copies of the Notice and explaining that further copies may be obtained from NRF or viewed at the Webpage to:

xr-legal@riseup.net

enquiries@extinctionrebellion.uk

juststopoilpress@protonmail.com

Copies of the emails sent by NRF can be seen at [HS3/92-95].

- (d) Confirmation of delivery was received on 25 April 2024 in respect of each of the emails sent to the addresses listed at paragraph 5.2(c) above. Copies of the confirmation emails can be found at [HS3/96-97].
- (e) In addition, automatic replies were received on 25 April 2024 from enquiries@extinctionrebellion.co.uk and xr-legal@riseup.net, which appear to be automatic responses to any emails received. A copy of the relevant emails can be seen at [HS3/98-99].

Service on Defendants 4 and 5

- 5.3 On 16 February 2024, NRF effected service of the Order on Defendants 4 and 5 by first class post. Copies of the covering letters and the envelopes with first class stamps can be seen at [HS3/100-105].
- 5.4 On 25 April 2024, NRF effected service of the Notice on Defendants 4 and 5 by first class post. Copies of the covering letters and the envelopes with first class stamps can be seen at [HS3/106-109].

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.

Signed: 

HOLLY STEBBING

Date: 20 June 2024

CLAIM NO. QB-2022-001098

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

B E T W E E N:

- (1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION
WITH THE 'EXTINCTION REBELLION' CAMPAIGN
OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR
REMAIN (WITHOUT THE CONSENT OF THE FIRST
CLAIMANT) UPON ANY OF THE SITES

(2) PERSONS UNKNOWN WHO, IN CONNECTION
WITH THE 'EXTINCTION REBELLION' CAMPAIGN
OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR
REMAIN (WITHOUT THE CONSENT OF THE FIRST
CLAIMANT OR THE SECOND CLAIMANT) UPON

THE CHEMICAL PLANT, MARSH LANE,
SOUTHAMPTON SO45 1TH (AS SHOWN FOR
IDENTIFICATION EDGED PURPLE ON THE
ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION
WITH THE 'EXTINCTION REBELLION' CAMPAIGN
OR THE 'JUST STOP OIL' CAMPAIGN, ENTER
ONTO ANY OF THE CLAIMANTS' PROPERTY
AND OBSTRUCT ANY OF THE VEHICULAR
ENTRANCES OR EXITS TO ANY OF THE SITES
(WHERE "SITES" FOR THIS PURPOSE DOES NOT
INCLUDE THE AREA EDGED BROWN ON THE
PURFLEET PLAN)

(4) PAUL BARNES

(5) DIANA HEKT

Defendants

THIRD WITNESS STATEMENT
OF HOLLY STEBBING

3 More London Riverside
London SE1 2AQ
United Kingdom

+44 20 7283 6000
+44 20 7283 6500
DX 85 London

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO. QB-2022-001098

B E T W E E N:

(1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

AND

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE
FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE
SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE
FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE
CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS
SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED
'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE
'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL'
CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND
OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY
OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT
INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

(4) PAUL BARNES
(5) DIANA HEKT

Defendants

EXHIBIT "HS3"

This is the exhibit marked "HS3" referred to in the Third Witness Statement of Holly Stebbing.


.....

Holly Stebbing

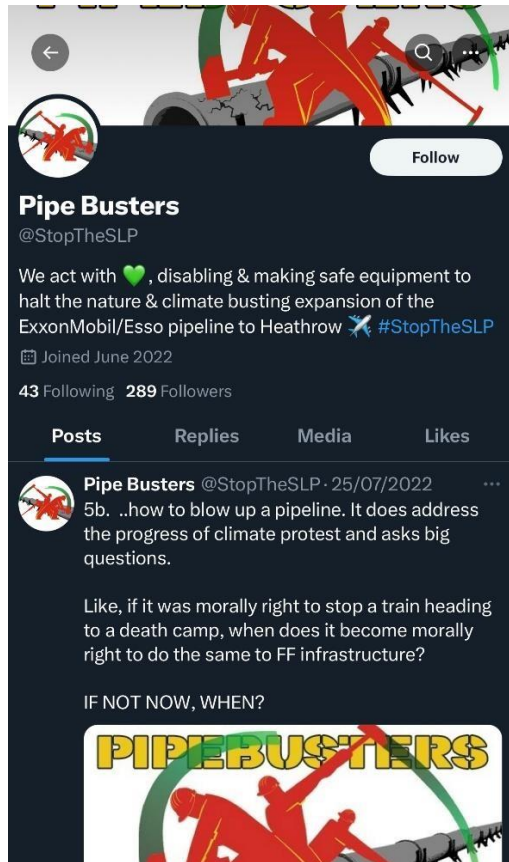
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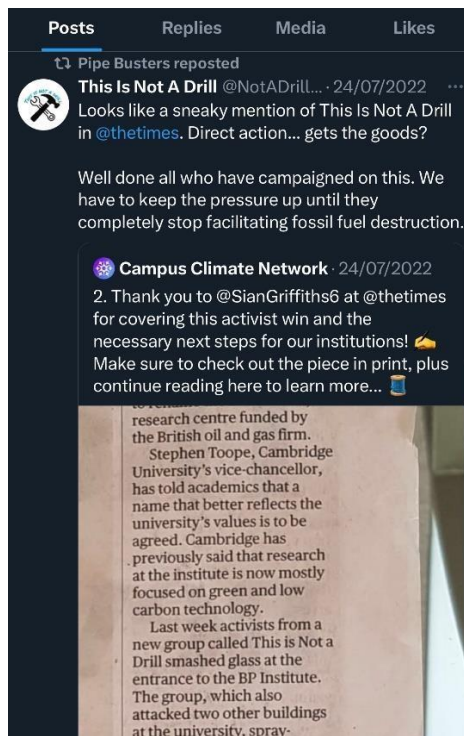
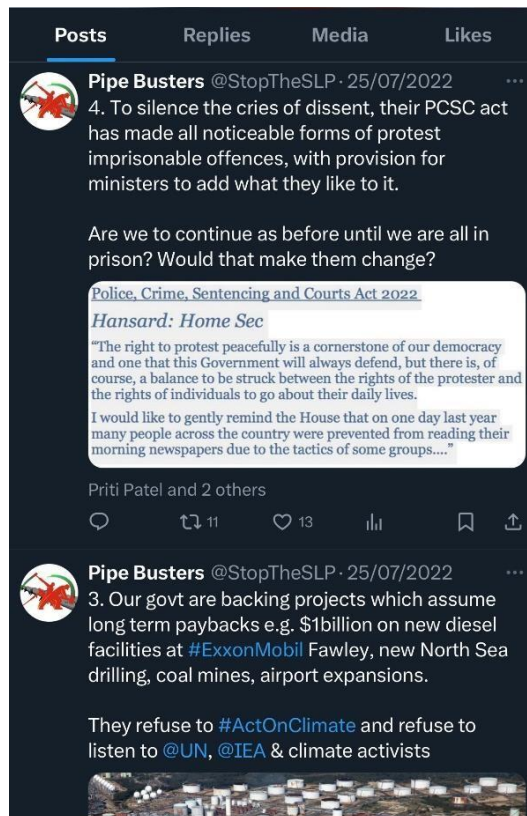
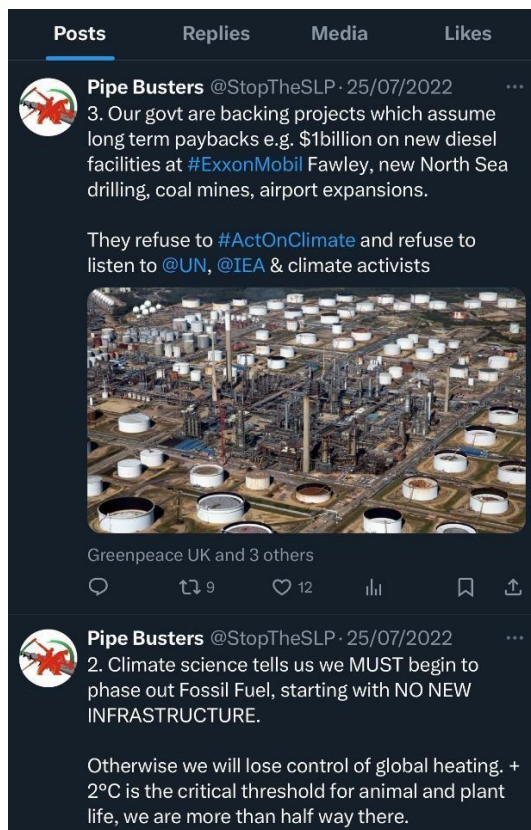
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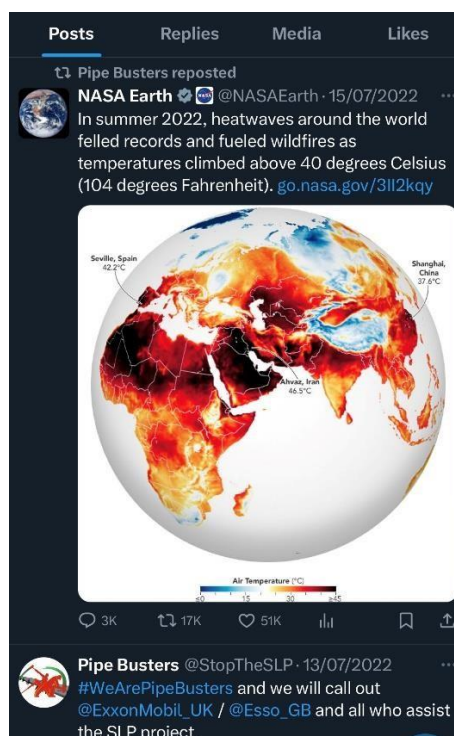
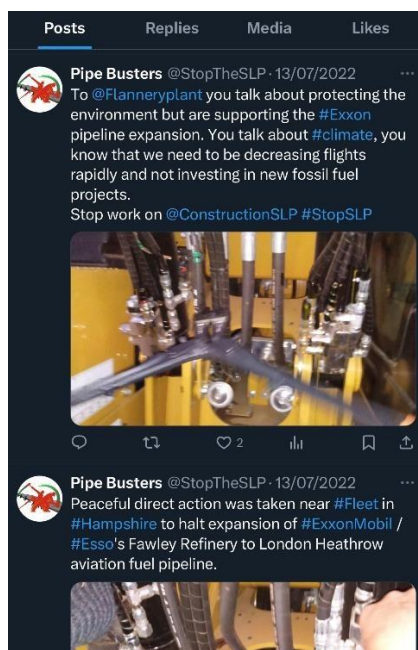
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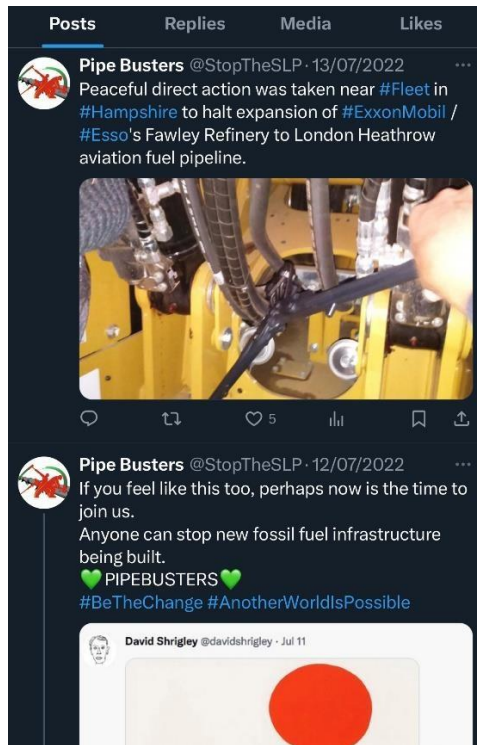
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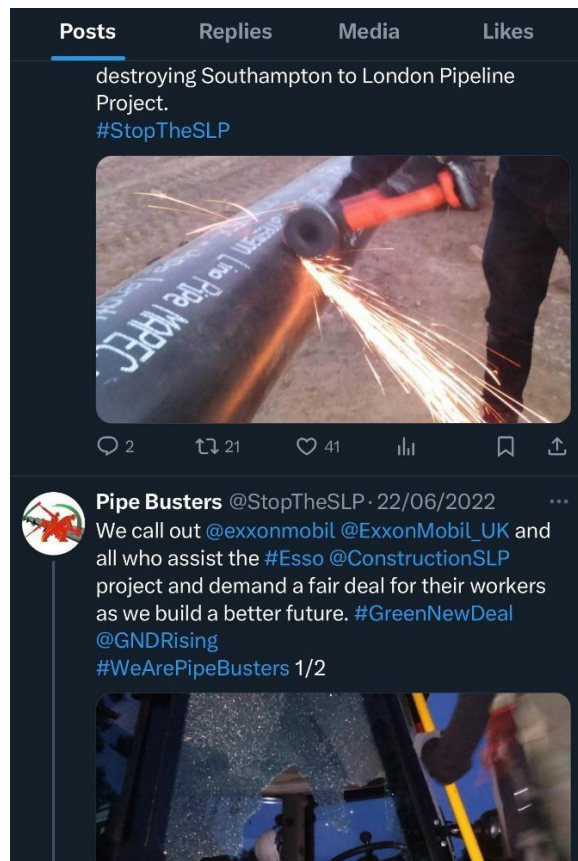
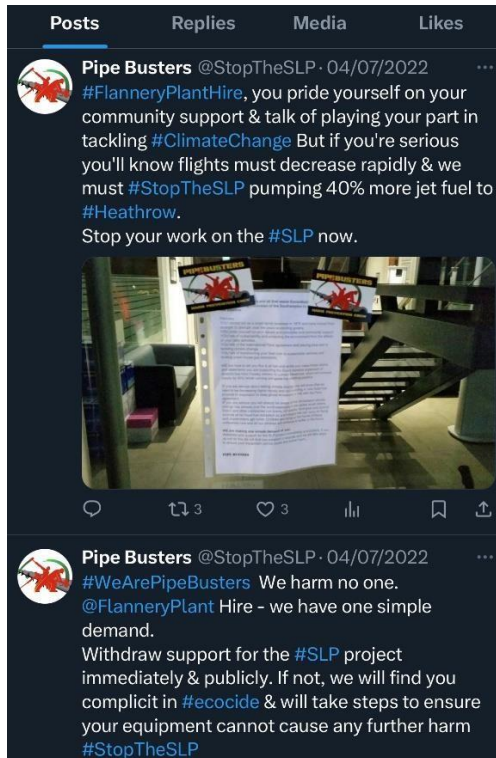
Pipe Busters X (Twitter) account











Posts Replies Media Likes


Pipe Busters @StopTheSLP · 22/06/2022
 Exxon have known for decades how they are killing us, we ask construction workers to put down their tools and work elsewhere. The world faces a [#climate](#) and nature emergency.
[#ExxonKnew](#) 2/2

Pipe Busters @StopTheSLP · 22/06/2022
 Aviation is a planet killer and carbon neutral aviation is a myth. Pipe Busters act to halt the expansion of flying that the Southampton to London Pipeline, by carrying 40% more fuel to Heathrow, would make possible.
[#WeArePipeBusters](#)
[#StopTheSLP](#)




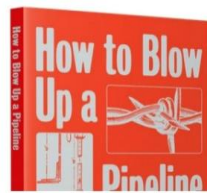
Pipe Busters @StopTheSLP · 22/06/2022
 In defence of the Earth and of all Life.
 This night peaceful direct action was taken to halt

Posts Replies Media Likes



Pipe Busters @StopTheSLP · 22/06/2022
 In defence of the Earth and of all Life.
 This night peaceful direct action was taken to halt expansion of [#ExxonMobil](#) / [#Esso's](#) Southampton to London Heathrow aviation fuel pipeline.
[#WeArePipeBusters](#)





How to Blow Up a Pipeline: *Learning to Fight in a World on Fire*

by [Andreas Malm](#)

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Property will cost us the earth.

The science on climate change has been clear for a very long time now. Yet despite decades of appeals, mass street protests, petition campaigns, and peaceful demonstrations, we are still facing a booming fossil fuel industry, rising seas, rising emission levels, and a rising temperature. With the stakes so high, why haven't we moved beyond peaceful protest?

In this lyrical manifesto, noted climate scholar (and saboteur of SUV tires and coal mines) Andreas Malm makes an impassioned call for the climate movement to escalate its tactics in the face of ecological collapse. We need, he argues, to force fossil fuel extraction to stop-- with our actions, with our bodies, and by defusing and destroying its tools. We need, in short, to start blowing up some oil pipelines.

Offering a counter-history of how mass popular change has occurred, from the democratic revolutions overthrowing dictators to the movement against apartheid and for women's suffrage, Malm argues that the strategic acceptance of property destruction and violence has been the only route for revolutionary change. In a braided narrative that moves from the forests of Germany and the streets of London to the deserts of Iraq, Malm offers us an incisive discussion of the politics and ethics of pacifism and violence, democracy and social change, strategy and tactics, and a movement compelled by both the heart and the mind. Here is how we fight in a world on fire.



Reviews

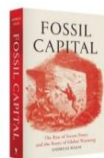
"A powerful sketch of a political theory for a time of climate change."
— David Wallace-Wells, author of *The Uninhabitable Earth*

"The definitive deep history on how our economic system created the climate crisis. Superb, essential reading from one of the most original thinkers on the subject."
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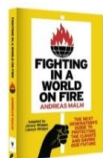
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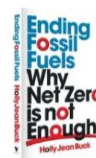
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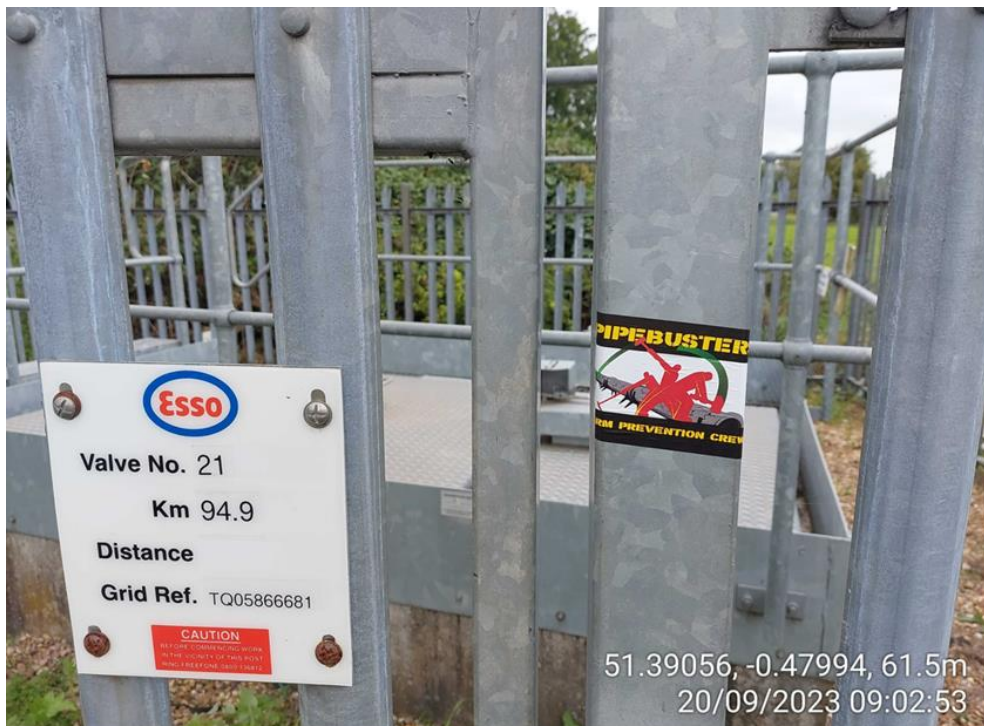


For more information please visit
www.slproject.co.uk

Current contact address: SLP Project, 1185 Epsom Road, Molesey, Surrey, Middlesex TW20 2EX
Registered office: Esso Petroleum Company, Limited Registered in England No. 2048796
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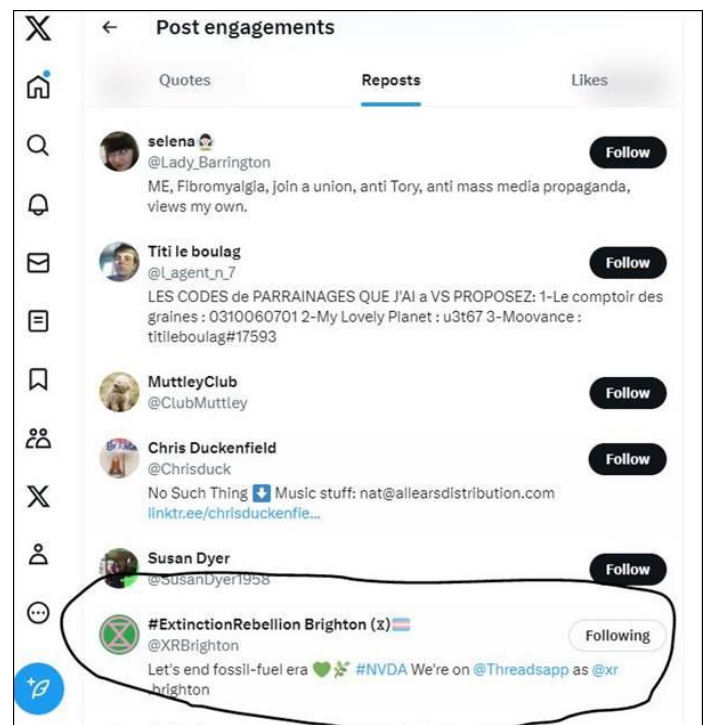
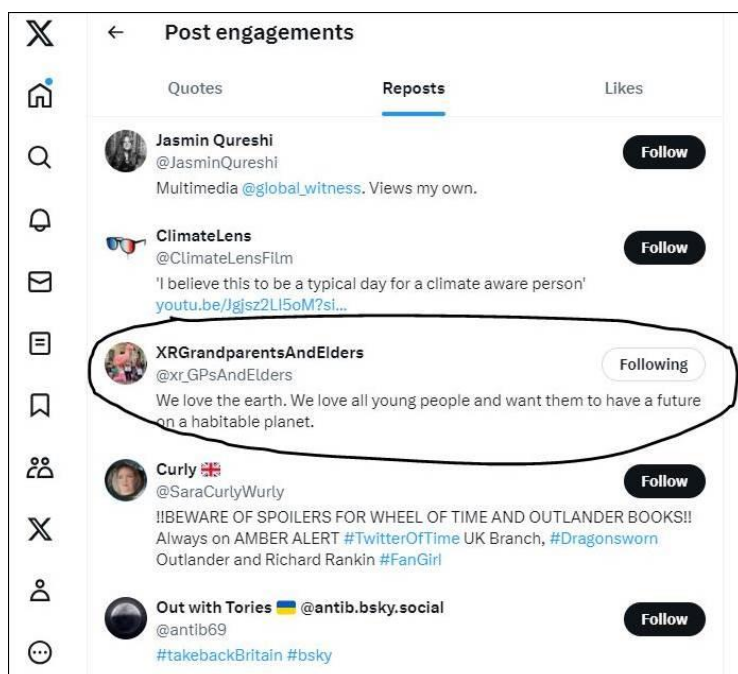
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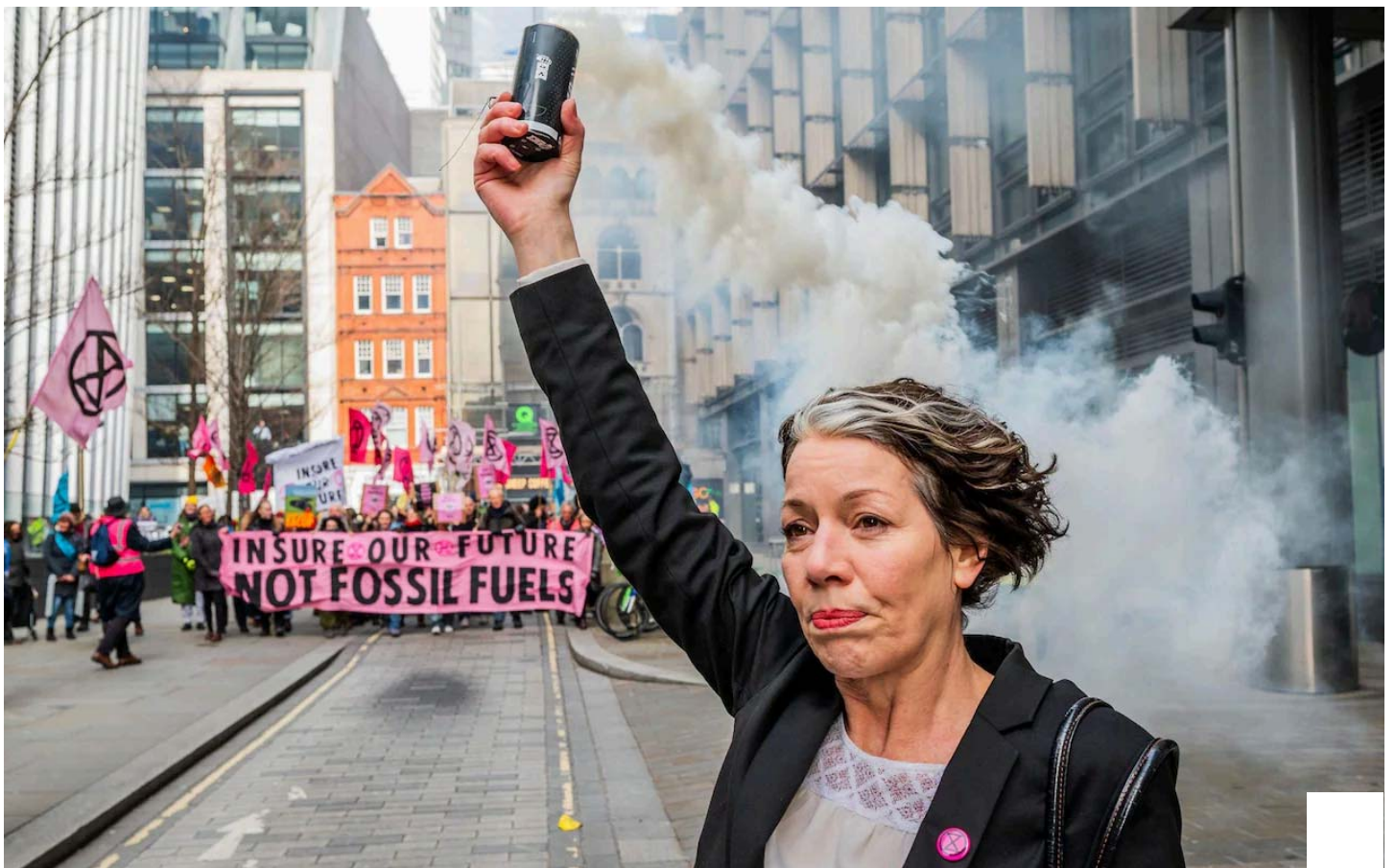


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Extinction Rebellion protesters storm Walkie Talkie dressed in suits

27 February 2024 • 6:11pm



Extinction Rebellion protesters have been arrested after gaining access to a series of London office buildings including the Walkie Talkie as they held demonstrations against

HS3231

insurance companies that cover the fossil fuel industry.

City of London Police said that nine people have been arrested, one for breach of bail and eight on suspicion of conspiracy to commit criminal damage. The police service added: “The majority of the group have dispersed. Officers will remain in the area.”

About 20 activists gained entry to each of five buildings, also including sites in Leadenhall Street, Threadneedle Street, Creechurch Place and Mark Street.

They held up signs calling on companies to “insure our future not fossil fuels” and “don’t insure Eacop” (the East Africian Crude Oil Pipeline).

The offices are home to insurers Tokio Marine Kiln, Probitas, Talbot, Travellers and Zurich. City of London Police said there have been a number of arrests.

It comes after Rishi Sunak approved 27 new drilling licenses in the North Sea last year.

The Prime Minister has argued that the Government’s policy of “maxing out” developments in the North Sea was compatible with net zero.

Read the latest updates below.



Don't greenwash the climate wreckers! Extinction Rebellion occupies top ad agency McCann over their plans to keep working for Saudi Aramco

February 29, 2024 by Extinction Rebellion

Pictures: <https://show.pics.io/xr-global-media-breaking-news/search?collectionIds=65e093e6ea790334d61fac5f>

A team of Extinction Rebellion activists today (Thursday) infiltrated the London HQ of global advertising and media agency McCann Worldgroup to protest about the company's reported bid for another stint as top greenwasher for fossil fuel giants Saudi Aramco. [1]

The activists gained access to the lobby of the building where they unfurled banners saying “McCann Say No to Aramco” and “Ditch The Pitch” and called upon agency staff to rebel against their bosses’ decision to repitch for oil company Aramco’s advertising account.

Wearing grinning masks of worldwide CEO Daryl Lee, the XR team occupied the lobby while employees arrived for work, welcoming them with fistfuls of “petrodollars”. They also distributed leaflets explaining how devastating Aramco’s business is for the climate and called on McCann to say ‘no’ to providing more greenwashing for them.



As the Police arrived, the activists were still distributing intricately-designed petrodollars with the message to employees: “Ask your bosses to stop greenwashing Aramco and ruining your reputations”.

One of the XR activists, Alexandra Considine, 55, a therapist from London, said: “McCann trades on their founding motto of ‘Truth Well Told.’ But where’s the truth when it comes to working for climate-wrecking Saudi Aramco? The truth is that the agency’s bosses are happy to take Big Oil’s dirty money to greenwash Aramco’s

business. And that business is speeding up the climate and nature emergency. We desperately need McCann's people to stand up for what they know is right and say they don't want to work on the Saudi Aramco account."

Another activist, Katie Burrell, 51, a communications consultant from London, said: "McCann is a well-respected agency and the people who work here are highly skilled in what they do. I can't believe most of its people want to work for a company that misleads people about the climate crisis and their so-called sustainable ambitions.

"Instead of contributing to positive change, Saudi Aramco is investing heavily in new oil and gas business and lobbying against action that would protect a liveable planet for us all. Ad agencies should be a force for good in fixing the climate crisis but McCann is trashing its reputation by supporting clients that are trashing the planet. It's bizarre to me that McCann called the Police for our small group of nonviolent protesters who just want a world where everyone can flourish but are happy to do business with climate criminals."

Saudi Aramco is no stranger to bad press about greenwashing. Last week, it was in the news accused of 'misleading' claims about sustainable fuel and their Formula 1 team in a complaint lodged with the Advertising Standards Authority. [2]

Despite running token sustainability programmes for its PR, Saudi Aramco is investing most heavily in its oil and gas business including investing \$100 billion in fracking.[3] Aramco claims to be pausing expansion plans, but this does not actually restrict its future output whatsoever [4] and the company is playing a major role in resisting action on the climate crisis. [5].

The action at the McCann's London HQ was XR's latest strike against the advertising and media agencies who are still greenwashing the worst fossil fuel crooks in the world. XR activists have repeatedly protested and disrupted media agency Havas who recently became Shell's greenwashers-in-chief to the horror of many of its staff.

The action came against a background of a week of major protests by XR in the City of London that involved high-profile office occupations and marches targeting the major insurance companies who are greenlighting climate-wrecking oil, gas and coal projects by continuing to insure them.

Notes to editors

[1] McCann and its work for Saudi Aramco

[2] Saudi Aramco is accused of "misleading" fans around its 'sustainable fuel' drive, 21 February 2024

[3] Despite running token sustainability programmes for its PR, Saudi Aramco is investing most heavily in its oil and gas business including investing \$100 billion in fracking.

[4] Aramco claims to be pausing expansion plans, but this does not actually restrict its future output whatsoever

[5] Saudi Aramco major role in resisting action on the climate crisis

About Extinction Rebellion

Extinction Rebellion (XR) is a decentralised, international and politically non-partisan movement using non-violent direct action and civil disobedience to persuade governments to act justly on the Climate and Ecological Emergency.

[Donate](#) | Support our work

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[XR UK Local Groups](#) | View a map of all local groups

[XR UK website](#) | Find out more about XRUK

[XR Global website](#) | Discover what's going on in XR around the globe!

Time has almost entirely run out to address the climate and ecological crisis which is upon us, including the sixth mass species extinction, global pollution, and increasingly rapid climate change. If urgent and radical action isn't taken, we're heading towards 4 ° C warming, leading to societal collapse and mass loss of life. The younger generation, racially marginalised communities and the Global South are on the front-line. No-one will escape the devastating impacts.

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Extinction Rebellion protest in solidarity with climate and human rights movements

February 29, 2024 by Extinction Rebellion

Extinction Rebellion today took part in a protest outside the offices of the AXA UK headquarters in London. The action is happening during a week of actions targeting the insurance industry for the role they play in the climate and ecological emergency – the key ask being to put a stop of insuring all new fossil fuel projects and the opportunity for the insurance workers to be climate heroes. AXA is currently the sixth biggest insurer of fossil fuel projects in the world. [1]

For this particular action, where different groups and movements have come together, the focus is also on AXA's continued investing in companies which are linked to the illegal occupation of land in Palestine. Among them are household brands such as

Caterpillar, Volvo Group, IBM, Carrefour, Siemens and Airbnb. Participants of today's protest, which involved a staged a 'Israeli military checkpoint' at the AXA offices, included: Ekō, Climate Justice Coalition, Extinction Rebellion, Tipping Point, War on Want, Green New Deal Rising, Just Stop Oil, Global Justice Now, Campaign Against Climate Change, Coal Action Network, Platform, Stop Rosebank, Fossil Free London, Money Rebellion, Workers for a Free Palestine, IWGB, WeSmellGas and Stop EACOP.

A protest was also staged outside the AXA office in Middlesbrough today by Extinction Rebellion North East and Cumbria. AXA have not yet ruled out insuring the controversial West Cumbria Coal Mine, pictured.

It isn't all bad news: AXA was the first insurer to say no to Total's East Africa Crude Oil Pipeline project [2] They have stopped insuring the Adani Carmichael coal mine [3] and declined to insure the Trans Mountain pipeline as part of pulling back from underwriting coal and oil sands projects.[4] They have committed to stop insuring gas fields by 2025,[5] and restrict cover for oil exploration and development from 2024 [6] although their company's net zero plan aims for 2050.

However, as with so many things, when we dig a little deeper, the cracks start to show: there are loopholes in AXA's policies that let them insure new fossil fuel projects if the company involved has publicly stated that it will transition away from oil, coal and gas at an unspecified time in the future. AXA has also set no limits on the number of new fossil fuel projects they intend to insure.

So, the company may have taken steps in the right direction, but XR and its allies have a duty to keep the pressure on to ensure pledges to exist fossil fuel project insurance are matched by actions. We need to make sure that this isn't just greenwash, but that AXA will walk the walk, not just talk the talk.

Sources

[1] "AXA was the first insurer to take action on coal in 2017 but has not kept up with the growing urgency of the climate crisis and is now falling behind its peers. AXA hasn't excluded support for DRC oil drilling.": <https://global.insure-our-future.com/scorecard/company/axa/>

[2] [AXA becomes the first insurer to say no to Total's oil project in East Africa — #StopEACOP](#)

[3] [Adani mine: three major insurers to have no further involvement in coal project | Carmichael coalmine | The Guardian](#)

[4] [Canadian oil pipeline Trans Mountain seeks to shield insurers from pressure](#) | [Reuters](#)

[5] [AXA says it will stop insuring new gas fields from 2025](#) | [Reuters](#)

[6] [2023 Scorecard on Insurance, Fossil Fuels and the Climate Emergency With a Preface by Kim Stanley Robinson](#)

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Climate protesters rally outside insurance company's Leicester offices

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In Focus

Climate protesters rally outside insurance company's Leicester offices

by [Rhys Everquill](#)

A protest highlighting the climate crisis took place on Friday, 1 March, outside the Leicester offices of an international insurance company.

Around 30 protesters from various groups, including [Greenpeace](#) and [Extinction Rebellion](#), joined forces to picket the offices of [Tokio Marine](#) in Rearsby.

The group demanded that Tokio Marine participate in an urgent transition from harmful fossil fuels to clean energy. The protesters want the company to refuse to insure new fossil fuel projects, hoping that a lack of insurance coverage will prevent the projects from going ahead.

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One of the protest organisers, Dave Pearson, 64, said: "For ten years, I lived in Chad, one of the poorest countries in the world. It's already being devastated by the climate crisis, and we're making it worse.

"If we can't make rapid and radical changes to how we live, then hundreds of millions of people around the world will starve".

Other than security staff, the offices appeared empty. The protesters handed the security staff a letter with their demands to pass to Tokio Marine management.

Drumming and speeches kept spirits high in cold, rainy conditions, and the protest was good-natured. The protesters had built large mock oil pipelines from cardboard. They made no attempt to lock themselves to anything or enter the premises. Only six police officers were present, and they made no arrests.

The protest also included drama, song, fancy dress and leafleting to communicate the message.

The complete list of demands to Tokio Marine asks them to 'stop enabling fossil fuels by declining to insure new mining projects', 'respect human rights through diligent awareness of the activities they insure' and 'assist a just transition away from fossil fuels by backing renewable energy projects, and by supporting communities impacted by the climate crisis'.

Leicester resident and public health researcher [Dr Becky Sindall](#), 37, is another organiser of the action. Before the protest, she said:

"Insurance companies like Tokio Marine give fossil fuel companies the confidence to destroy our planet by covering financial losses when things go wrong.

"We want to send a clear message to Tokio Marine to stop insuring fossil fuel projects and start improving the environment as they claim to do in their sustainability charter".

The protest was arranged as part of a week of global activity targeting Tokio Marine and the umbrella organisation [Insure Our Future](#).

Tokio Marine did not immediately respond to requests for comment.

- This article was amended on 31 May 2024. An additional line was added for clarification: 'Tokio Marine did not immediately respond to requests for comment.'



[What's this?](#)

Weather Forecast

by [Phil Morrish](#)



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Just Stop Oil supporters occupy insurance companies driving destruction

Press / March 1, 2024

Just Stop Oil supporters have occupied an insurance building in coalition with Extinction Rebellion, as part of 'Insure Our Futures.' The groups are demanding insurers immediately stop insuring new and expanded coal, oil, and gas projects and the companies developing them. [1] [2]

At around 12:00 today, 30 Just Stop Oil supporters began occupying The Colmore Building in Birmingham. The building is home to three insurance companies: Allianz, Chubb, and Zurich. Today's action is in solidarity with Students Against EACOP, a Ugandan based campaign group who are resisting the construction of the East Africa Crude Oil Pipeline, a project that has wrought huge environmental destruction and mass displacement of people across the African Continent. [3]

One cohort of action takers remained in the building's lobby, holding placards with slogans including 'JUST STOP INSURING OIL + GAS', 'SOLIDARITY WITH STUDENTS AGAINST EACOP', and 'INSURING FOSSIL FUELS

prevent further entry, as a large group of sympathetic demonstrators gathered outside. By 13:00, police officers had arrested three Just Stop Oil supporters.

Allianz, Chubb and Zurich are all insuring new fossil fuel projects. Chubb have not ruled out insuring the East Africa Crude Oil Pipeline and Zurich has not ruled out insuring the Cumbrian Coalmine.

This morning in Bristol, a coalition of Just Stop Oil and Extinction Rebellion supporters climbed the roof of Tokio Marine in the early hours to occupy the roof of the insurance firm. Tokio Marine is a Japanese insurance multinational that have come under fire from faith groups and others for financially supporting the East African Crude Oil Pipeline (EACOP). [4] [5]

One of those taking action today is Xandra Gilchrist, 72 a retired social worker, who said:

"I'm taking action today for my daughter and grandson as well as communities in East Africa which are being devastated by the construction of the East African Crude Oil Pipeline. It's critical that all of us act responsibly to protect our communities, this includes insurance corporations.

Without their backing, companies such as Total and Esso will need to think again about how they increase their profits by extracting fossil fuels and pushing global heating out of control. Cheap clean renewable energy sources urgently need backing and insuring too."

Another person taking action today is Greg Sculthorpe, 37, who works as an accountant. He said:

"I'm taking action to protect my nephews and niece, to try to rescue a future for them and all the lives around the world that are threatened with needless destruction.

The insurance industry is still investing in short term profits for dirty polluters, rather than the safety and wellbeing of ordinary people. They have immense power to change our dire situation. It's high time they took responsibility for ensuring a safe world for all."

As the world passes tipping points that threaten the breakdown of ordered civilization, world leaders, captured by the interests of oil lobbyists and big business, are failing to protect our communities. British citizens are sick of being led by liars and crooks. Until we stop Tory oil, supporters of Just Stop Oil will continue taking proportionate action to demand necessary change. Sign up for action at juststopoil.org.

ENDS

Press contact: 07762 987334

Press email: juststopoilpress@protonmail.com

High quality images & video here: <https://juststopoil.org/press-media>

Website: <https://juststopoil.org/>

Instagram: <https://www.instagram.com/just.stopoil/>

Twitter: https://twitter.com/JustStop_Oil

Youtube: <https://juststopoil.org/youtube>

TikTok: <https://www.tiktok.com/@juststopoil>

Notes to Editors

[1] Just Stop Oil is a coalition of groups working together to demand that the government immediately halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK. Just Stop Oil is a member of the A22 Network of civil resistance projects.

Just Stop Oil 'Blue Lights' policy: our policy is, and has always been, to move out of the way for emergency vehicles with siren sounding and 'blue lights' on.

[2] <https://global.insure-our-future.com/global-week-of-action-2024/>

[3] Students against EACOP is a group of Ugandan student climate activists who are fighting to stop the East African Crude Oil Pipeline from devastating the environment and violating the human rights of locals. Join us in our fight to protect the future of our nation. <https://studentsagainsteacop.org/>

[4] <https://www.quaker.org.uk/documents/open-letter-to-tokio-marine-on-fossil-fuels-feb-2024-1>

[5] <https://www.bristolpost.co.uk/news/bristol-news/live-extinction-rebellion-just-stop-9134607>


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Ad

Police said a climate change protest by Extinction Rebellion and Just Stop activists passed ‘largely without incident’



Three arrested as thousands join climate change protest in Birmingham
© Climate change protest against use of fossil fuels by insurance companies in Birmingham

[West Midlands Police](#) arrested three people during a climate change protest in Birmingham city centre on Friday (March 1).





Three arrested as thousands join climate change protest in Birmingham
 © Climate change protest against use of fossil fuels by insurance companies in Birmingham

Thousands took to the streets to demonstrate about the dangers of fossil fuels - urging insurance companies to take immediate action to use clean energy. Police said attended the protest in order to help the demonstrators move through the city safely and that it passed largely without incident.



Three arrested as thousands join climate change protest in Birmingham
 © Climate change protest against use of fossil fuels by insurance companies in Birmingham

The protest, with activists from [Extinction Rebellion](#) (XR) and [Just Stop Oil](#), was part of a global week of action organised by the Insure Our Future Network which is running until Sunday (March 3). Grassroots groups and activists from across the world are coming together in a series of events to demand action in the UK, USA, Japan, South Korea, Uganda, DRC, Switzerland, France, Peru, Colombia, Germany, and Czechia.





Three arrested as thousands join climate change protest in Birmingham
© Climate change protest against use of fossil fuels by insurance companies in Birmingham

Demands to the insurance industry include immediately stopping insuring new fossil fuel projects, phasing out support for existing coal, oil and gas projects, respecting human rights and supporting a just transition.



Three arrested as thousands join climate change protest in Birmingham
© Climate change protest against use of fossil fuels by insurance companies in Birmingham

In Birmingham, the climate change activists gathered in Victoria Square and then marched to the local offices of several insurance businesses. There were speeches and performances, including XR samba drummers, illustrating the consequences of financial support for fossil fuels. The event concluded with a 'lie in' in Victoria Square.





Three arrested as thousands join climate change protest in Birmingham
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What did West Midlands Police say about the climate change protest?



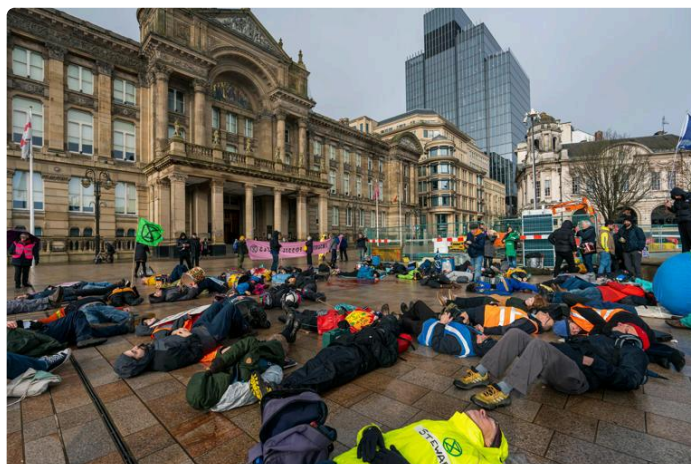
Three arrested as thousands join climate change protest in Birmingham
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As WMP spokesperson said: "Thankfully the demonstration was largely peaceful with limited disruption to the city centre. We always seek to find the right balance between the rights of protestors and those of local residents and businesses, while working to minimise serious disruption to communities.



Three arrested as thousands join climate change protest in Birmingham
© Climate change protest against use of fossil fuels by insurance companies in Birmingham

"We hope that the public and businesses in the city felt reassured by our presence today and felt very little disruption to their day. Despite the largely peaceful nature of the demonstration, there were three arrests made.



Three arrested as thousands join climate change protest in Birmingham
© Climate change protest against use of fossil fuels by insurance companies in Birmingham

"Officers used powers under the Section 11 Public Order Act which gives officers the additional power to carry out suspicion-less stop and searches linked to protest activity. The arrests were as a result of the powers being used."



Three arrested as thousands join climate change protest in Birmingham
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Here is our photo gallery from the protest - all photos are from Extinction Rebellion:

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Europe

Eight arrested as climate activists break into chemicals plant in France

By **Reuters**

March 2, 2024 4:31 PM GMT · Updated 4 months ago



PARIS, March 2 (Reuters) - Several hundred protesters briefly broke into a plant owned by chemicals group Arkema near Lyon in southeastern France on Saturday to protest against alleged pollution from the site and eight people were arrested, local authorities said on Saturday.

"An action was carried out by radical activists against the Arkema company in Pierre Bénite in early afternoon ... Police quickly intervened to prevent damage and eight individuals have already been arrested," a government official for the Auvergne-Rhone region wrote on X.

Video footage from climate movement Extinction Rebellion on X and from BFM TV showed activists clad in white breaking into the site, writing "murderers" in red paint on the walls and breaking doors and materials to draw attention to the discharge of PFAS (per-and polyfluoroalkyl substances) that are not bio-degradable.

In a statement condemning the action, Arkema said its teams were now inspecting the site to make sure it was safe as well as assessing damage.

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In December 2022, the Pierre Benite site was targeted by similar action. Arkema said it would again file a complaint.

It said it had been investing so the site could stop using fluorinated additives by the end of 2024 and had started using a filtration solution reducing its emissions by over 90%.

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“Stop the New Scramble for Africa!”

May 15, 2024 by Extinction Rebellion

>> *Photos of the protest at the Africa Energies Summit*

Extinction Rebellion and allies protest at global energy conference as fossil fuel crooks gather in London to plan the plunder of Africa’s oil and gas resources

Fossil fuel bosses and government officials from the UK and countries across Africa were confronted by scores of protestors from Extinction Rebellion and their allies today (Wednesday) as they arrived at an energy summit in London to discuss how to sell off the continent’s huge gas and oil reserves.

The Africa Energies Summit, sponsored by fossil fuel criminals Shell, ExxonMobil, Chevron, and others, and staged at County Hall on London's South Bank is a three-day gathering of multinationals from Europe and North America.

A coalition of environmental and human rights organisations including Extinction Rebellion, War on Want, Christian Climate Action, Women of Colour, Mothers Rebellion UK, Orca, Fossil Free London, and Stop EACOP were waiting for summit delegates as they arrived.

The protestors gathered at the entrance holding 'Stop the Scramble for Africa' banners that compared the frenzied competition for oil and gas reserves in countries such as Namibia and Equatorial Guinea to the colonial plunder of the continent in the 1880s.

Cathy Allen, of Extinction Rebellion, said:

"We have been lucky to be able to work with movements across Africa who are in resistance against big oil and gas. The representatives who spoke today and the uplifting performance by amazing drummers from Senegal highlight our united solidarity against the new scramble for Africa.

"We cannot be silent in the face of the staggering injustice of climate change on the African continent with all its devastating consequences. The Africa Energies Summit turbo charges injustice in Africa."

The powerful protest came a day after another contingent of campaigners staged a creative challenge for summit delegates arriving for a plush launch day breakfast meeting at City Hall.

Activists brandished their own breakfast menu featuring fresh juices that squeeze the wealth out of Africa and a Full English (Empire) to remind delegates of the colonial roots of the current corporate race to plunder the continent's natural resources. Extinction Rebellion's Rebel Slickers were also on hand to highlight the oily deals being done at the summit.

Today (Wednesday) one of the protestors, Seble Samuel, Head of Africa Campaigns & Advocacy, Fossil Fuel Non-Proliferation Treaty Initiative, said:

"That the Africa Energies Summit is taking place in London is emblematic of the neocolonial scramble for our continent's fossil fuels. Corporations like BP, Total, Shell and Eni extract energy and wealth out of Africa while 600 million of our people are locked into energy poverty. The time for this fossil fuel pillaging is over."

Landry Ninteretse, of 350 Africa, said:

“Big oil makes multibillion-dollar profits while marginalising and impoverishing millions of Africans, who suffer disasters, loss of livelihoods and human rights violations.”

Hardi Yakubu from Africans Rising, said:

“”The pollution and devastation that extraction has caused us are immeasurable. So we fight not because we are belligerent but because our lives depend on fighting.”

MOSOP President Lazarus Tamana said: “Shell must clean-up the Niger Delta and Ogoni environment to international standard. This remedial action was recommended by the United Nations Environmental Programme (UNEP) in 2011 and ordered by the UK High Court in 2014.”

The Africa Energies Summit’s stated aims include to “create jobs and opportunities for all Africans” and “promote energy access on the Continent [sic]”. The realities are very different, even in African countries that have been major exporters of oil for decades:

- Oil profits flow out of Africa into the pockets of mega-rich multinationals, while over 40% of Africans lack access to electricity.
- South Sudan, one of Africa’s biggest oil producers, is still the world’s poorest country.
- Nigeria, Africa’s largest oil producer, has the highest share of global population living in extreme poverty.
- Environmental degradation is pervasive, with toxic gas flaring in DRC and Mozambique, pollution of land and waste in Ogoniland, Nigeria and displacement of people for pipelines in Uganda.
- 17 of the 20 countries most threatened by climate change are in Africa, with droughts and extreme weather conditions already causing many deaths.

By tapping into its abundant solar and wind potential, Africa could become the world’s first truly zero-emissions and fossil fuel-free continent. But the Africa Energies Summit devotes just a single hour of its three-day schedule to alternative energy sources.

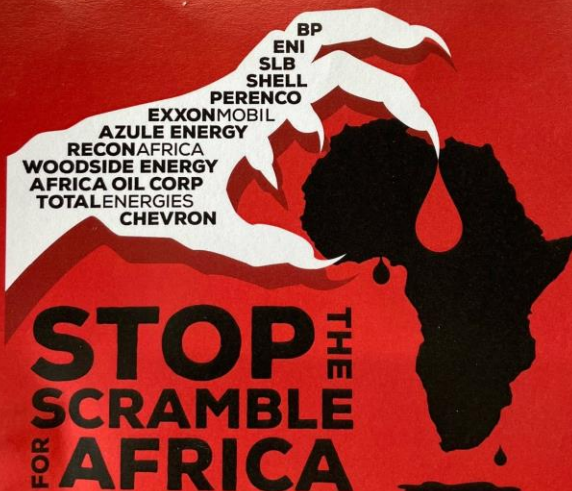
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This year, big oil are hijacking the COP28 climate talks by installing an oil exec as president.

In October, they will gather in London for their Oil & Money conference, and we will be ready to rise up against them.

Join us to force oily money out of our city, out of our politics, and out of our future.

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Protesters target Biba conference with street theatre



Photo: Emma Ann Hughes



By Damisola Sulaiman

15 May 2024

Indicative reading time: **2 minutes**

Greater Manchester Stop EACOP coalition chose to protest at the British Insurance Broker's Association conference because the insurance industry is the "Achilles' heel" of the fossil fuel projects it is campaigning against, according to member Martin Porter.

Speaking to *Insurance Post* about the reasons the Biba conference was chosen as the site of the group's latest protest, Porter said: "When we talk to insurance companies, we are talking to people who are vital to the giant fossil fuel projects – like East African crude oil pipeline – that are threatening the climate."

The coalition held a peaceful demonstration outside Manchester Central Convention Centre today (15 May) along with other groups including the campaign to Stop the West Cumbria Coal Mine and Extinction Rebellion.

The East African Crude Oil Pipeline and the West Cumbrian coal mine are the specific projects the groups have called on delegates at the conference not to insure.



When we talk to insurance companies, we are talking to people who are vital to the giant fossil fuel projects – like East African crude oil pipeline – that are threatening the climate.

Porter said they would like insurance companies that are yet to pledge against the projects to do so.

According to Extinction Rebellion, Chubb, Hiscox, Tokio Marine, Markel, Brit, Talbot AIG and Renaissance Re are a few of the insurers that are yet to rule out support for EACOP.

The group also listed QBE, Beazley, Axis and Axa XL, along with those listed above as being among the insurers that have not ruled out support for the West Cumbria coal mine.

A spokesperson from QBE said: “QBE acknowledges that climate change is a significant global challenge that requires the collaborative efforts of many stakeholders to deliver an orderly transition to a net zero emissions economy. We believe that only adopting an exclusionary approach to all fossil fuel–related activity on a categorical basis does not represent an orderly or practical transition pathway.”

The “day of action” included performances dubbed as “street theatre”, music from a choir, along with testimonies from women in the Global South who claimed to have already experienced the impacts of the climate crisis.

A press conference was also set to be held later today with a speech from Porter, along with conceptual artist Chanje Kunda, who spoke about her trip to Zambia, and film maker Stuart Spray, who talked about his visit to Uganda.

The Biba demonstration followed the commencement of Extinction Rebellion’s efforts in the North West earlier this month, with protests

held at the AIG, Hiscox, Markel, Travelers, Chubb, Liberty Mutual, Tokio Marine and QBE Manchester offices.

A spokesperson from Extinction Rebellion said the insurance industry will be seeing a “major campaign of direct action” over the coming months.



Past action

The latest protests come after earlier this year campaigners [named and shamed Lloyd’s of London](#) for continuing to “insure and enable” fossil fuel expansion and “human rights–abusing projects”.

In February, Mothers Rise Up, a group of UK mothers seeking to push for climate justice, initiated a “classical call” to Lloyd’s and performed an orchestral street show outside the insurer’s headquarters.

The mothers pleaded for Lloyd’s to cease insurance for new fossil fuel projects and called for a rapid phase-down and phaseout of existing fossil fuel projects in line with a 1.5°C pathway, to avoid the devastating impacts of climate change and give children “a safe planet” to grow up in.

Last October, hundreds of protesters also [gathered outside the offices of Lloyd’s of London](#) demanding insuring the West Cumbria coal mine and the East Africa Crude Oil Pipeline was ruled out.

The protests were in collaboration with Fossil Free London’s Oily Money Out action, during which activist Greta Thunberg was arrested, and with Extinction Rebellion Gauteng in South Africa.

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Climate activists blockade Farnborough private jet airport's three main gates

June 02, 2024 by Extinction Rebellion

Contact: Tom Maidment 07900 065913 | Carol 07791 737093
press@extinctionrebellion.uk

Location: W3W copy.tree.alarm

Images: [Link for photos](#)

Extinction Rebellion climate activists are blocking access to Farnborough Airport this morning (Sunday 2 June) to protest against the increasing use of highly polluting private jets by the super-rich and to call on the government to ban private jets, tax frequent flyers and make polluters pay.

Today's blockade is part of a global week of action against private aviation under the banner Make Them Pay with actions in Denmark, Germany, Mexico, Norway, Sweden, Switzerland and the US, and follows Europe's largest private jet convention EBACE in Geneva this week.

In Farnborough, protesters have barricaded the airport's Gulfstream Gate with the iconic XR pink boat with "LOVE IN ACTION" painted on the side, Ively Gate has four protesters locked on to oil drums, and the airport's departure gate has an activist mounted on a tripod blockading the entrance. Police have seized a second tripod.

A fourth group of protesters are playing cat and mouse with the airport authorities, moving between the airport's other gates to block them. At all three main gates, protesters are releasing colourful smoke flares, chanting slogans and engaging with members of the public, accompanied by the XR Rebel Rhythms band of drummers.

The activists are supported at all three main entrances to the airport by scores of demonstrators holding banners reading "FLYING TO EXTINCTION", "PRIVATE FLIGHTS = PUBLIC DEATHS", "STOP PRIVATE FLIGHTS", "PRIVATE FLIGHTS COST THE EARTH" and "TAX FREQUENT FLYERS".

Climate activists are targeting Farnborough Airport in an escalating campaign because it is the UK's largest private jet airport. Last year 33,120 private flights landed and took off from its runways, carrying an average of just 2.5 passengers per flight, making them up to 40 times more carbon intensive than regular flights. Currently 40% of flights to and from the airport are empty. The airport is now seeking planning permission to increase the number of planes taking off or landing from a maximum of 50,000 a year to up to 70,000 a year.

Farnborough Airport claims to be a centre for business aviation yet around 50% of Farnborough flights headed to the Mediterranean during summer months, rather than business locations, with around 25% heading to Alpine destinations during the winter months. Last year a service was launched specifically to shuttle dogs and their owners to Dubai and back.

The demonstration includes campaigners from Extinction Rebellion, who have joined forces with local residents, Quakers, and campaign organisations Farnborough Noise Group, Blackwater Valley Friends of the Earth, and Bristol Aviation Action Network to voice their opposition to the airport's expansion plans.

Dr Jessica Upton, 54, from Oxford, a Veterinary surgeon and foster carer said: "I'm here today because private airports are an abomination. Expanding Farnborough would be putting the indulgent wants of the rich minority over the needs of the majority. Local people need cleaner air and less noise pollution, and the world's population urgently

needs rapid reductions in greenhouse gas emissions to survive. Private airports disproportionately contribute to climate breakdown and closing them would boost our chances of sticking to the Paris Climate Accords, the supposedly legally binding international treaty agreed to and signed by our government.”

Daniela Voit, 37, from Surbiton, a Shiatsu Practitioner and Teacher, said: “Last year we hit a global average temperature rise of 1.5°C degrees celsius over an entire year. For decades we were told a 1.5°C rise needs to be avoided to avoid catastrophic changes to our lives due to the planetary warming caused by humanity’s CO2 emissions. We can see the consequences of this temperature rise all over the world – currently immense flooding in Brazil and Afghanistan and temperature of 52C in Pakistan. To carry on flying in private jets, one of the biggest causes for CO2 emissions per person, in a time of climate crisis is reckless. The rich 1% that are flying from Farnborough Private Jet Airport seem to think they are exempt from taking responsibility for what they are doing to our only home. Banning Private Jets is one of the first things we need to do to stop further temperature rises. This is vital to ensure the survival of all life – human, animal and plant – on this planet that we call our Mother Earth.”

Make Them Pay demands:

1) Ban private jets. Flying in a private jet is the most inefficient and carbon-intensive mode of transport. Flights on private jets can be as much as 40 times more carbon-intensive than regular flights, and 50 times more polluting than trains. A four-hour private flight emits as much as the average person does in a year. Private jet use is entirely inappropriate during a climate emergency. There’s strong public support for banning private jets and banning this mode of travel was a key recommendation of the Climate Assembly.

2) Tax frequent flyers. Various citizens’ assemblies, for example in the UK, Scotland, and France, have recommended that frequent flyers and those who fly further should pay more.

They believe this would “address issues of tax fairness, as currently those who don’t fly are subsidising those who do” and that “this would deliver significant behaviour changes across society and have a positive impact on reducing overall carbon emissions caused by flying.”

Taxes on air travel would be a socially progressive way of raising climate funds and have been proposed by the group representing the most vulnerable countries at COP27 as an effective way to raise climate finance and pay for loss and damage, alongside debt cancellation.

3) Make polluters pay. It is only fair that the wealthiest in society and the highest-

income, highest-emitters pay for their climate damage, and pay the most into climate Loss and Damage funds for the most affected peoples and areas to mitigate and adapt to the worst impacts of climate change.

The top 1% of the global population by income are responsible for more emissions than the bottom 50% combined. So not only is it a question of morality that the wealthiest in society pay the most, and commit to the most rapid emissions reductions – it's also a mathematical necessity and a question of practicality and science.

About Extinction Rebellion

Extinction Rebellion (XR) is a decentralised, international and politically non-partisan movement using non-violent direct action and civil disobedience to persuade governments to act justly on the Climate and Ecological Emergency.

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[XR UK website](#) | Find out more about XR UK

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Time has almost entirely run out to address the climate and ecological crisis which is upon us, including the sixth mass species extinction, global pollution, and increasingly rapid climate change. If urgent and radical action isn't taken, we're heading towards 4 ° C warming, leading to societal collapse and mass loss of life. The younger generation, racially marginalised communities and the Global South are on the front-line. No-one will escape the devastating impacts.

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Just Stop Oil to continue protests outside MPs' homes despite Sunak's call to end 'mob rule'

"We're going to be standing outside the homes and offices of MPs", activists said

Jonathan Leake

3 March 2024 • 7:59pm



A leading Just Stop Oil activist has confirmed that the group will continue targeting businesses and MPs' homes despite Rishi Sunak warning against the rise of "mob rule" in Britain.

Dr Grahame Buss, a retired scientist who previously spent 40 years working for oil giant Shell, has said Just Stop Oil's demonstrations will not stop even as the Prime Minister tries to halt "intimidatory" protests.

The spotlight has been thrown on protecting MPs following an increase in threats in recent months, albeit these have been linked to the conflict in Gaza rather than environmental issues.

Advertisement



Dr Buss said: "We're going to be standing outside the homes and offices of MPs but in an entirely non-violent way."

His comments come after Conservative backbencher Tobias Ellwood's home was targeted by pro-Palestine protesters last month, while Tory MP Mike Freer has said he will step down over safety fears after arsonists attacked his office.

Dr Buss said Just Stop Oil needs to distinguish itself from "violent mobs", as he claimed that his group's actions were legitimate, justified and safe.

He said: "I think that if you look at the attacks on MPs, they've not been from activists. They've been from lone wolves, people with mental health problems and other issues.

"The risks to other people associated with [environmental] activism are extraordinarily low. This whole [mob rule] thing has been cooked up by the Government."

Mr Sunak, whose home in Yorkshire was targeted by Just Stop Oil activists last year, spoke out on Friday against a "shocking increase in extremist disruption and criminality".

He said that people had a right to protest but should do so “decently, peacefully and with empathy for your fellow citizens”.

Just Stop Oil has refused to say which politicians may be targeted.

Businesses will also remain a key target, as Just Stop Oil activists last Friday occupied the Colmore Building in Birmingham - which is home to leading insurance companies that work with fossil fuel firms.

Despite spending 40 years at Shell, Dr Buss said that most of the research he worked on was “largely greenwash”.

He said: “I’ve looked back on my career, and I think it was wasted. It was very interesting. I had a lot of fun. A lot of the time I had a lot of money. But I don’t think I achieved anything of any value.”

Dr Buss said his time at Shell had shown him that the millions of pounds being invested in technological solutions to climate change, such as sustainable aviation fuel, were being misspent.

He opted to join Just Stop Oil shortly after his retirement, where he is now a spokesman and an organiser.

“It’s now my life,” he said.

A Home Office spokesman said: “While the right to protest is a pillar of our democracy, so is the right for democratically elected officials to go about their daily lives and we utterly condemn the targeting of MPs’ family homes.

“We will do whatever is necessary to defend our democracy which is why we have given the police a comprehensive range of powers to tackle protests that cause harassment, alarm, distress or intimidation, including those outside MPs’ homes, offices and Parliament.”

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Prevent: Rise in climate activists referred to anti-terror scheme

🕒 23 December 2023



| Just Stop Oil hold disruptive protests like this one in London in May this year

The number of climate activists referred to the Prevent anti-terrorism programme has increased following the emergence of disruptive environmental protests, the BBC has learned.

The UK government's Prevent scheme aims to stop people becoming terrorists.

Critics say Prevent curbs human rights by stifling non-violent political beliefs and should be reformed.

The government says it has never advised referring people to Prevent for lawful climate activism or protest.

Anyone can contact the police or a local authority to make a Prevent referral, which usually involves filling out a form to explain a concern about someone deemed to be at risk of radicalisation.

Since 2015, institutions including schools, universities, hospitals, local authorities, police, and prisons have had a legal duty to consider the risk of radicalisation.

The Home Office told the BBC Prevent interventions were legitimate for those who could be radicalised into terrorism in the name of environmental causes.

But climate activists say the government's definition of extremism is too broad and authorities are confusing extremism with non-violent civil disobedience in too many cases.

Sir Peter Fahy, a former national police lead for Prevent, said it was "inappropriate" to treat non-violent climate activists as potential terrorists.

Terrorist threshold

He said the fear of being flagged to police in a Prevent referral could deter people from protesting, and argued the rise in environmental cases reasons "shows how confused we've become about all of this".

"Prevent has been and should be about people who want to take their extremism into violent action," Sir Peter said.

Prevent has mainly focused on Islamist and far-right terrorism but it does try to counter other types of extremism.

The government groups "eco-terrorism" in a category of violent extremism motivated by ideas on "the extreme political left-wing".

It says although this category does not represent a significant threat, some activity has met a terrorist threshold in recent years and security services continue to investigate such cases.

There have been "a small number of instances of terrorist behaviour that have been motivated by an environmentalist ideology", the Home Office said.

- **Why the government Prevent scheme is so difficult**
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In response to a freedom of information request, the UK's police chiefs told the BBC there were 32 Prevent referrals for "Left Wing - Environmental" reasons between 2015 and 2022.

There was a notable spike in referrals in 2019, when Extinction Rebellion - a climate group known for its disruptive protests - came to prominence with large demonstrations in the UK and internationally.

Prevent assessment

The BBC has spoken to one climate activist who was assessed by Prevent. They said they did not wish to be named in this report because they feared they would lose their job.

The climate activist was referred to Prevent by their employer after being arrested at an Extinction Rebellion protest. The person has been cautioned by police and convicted for public order offences committed at disruptive environmental protests.

The BBC has seen a copy of the form used to refer the climate activist to Prevent. The form says they were referred "due to being a member of Extinction Rebellion and other splinter groups".

The form says the groups "are not considered extreme in themselves, but individuals within them may hold extremist views".

The climate activist was assessed by a multi-agency safeguarding team and they said no further action was taken.

When people are referred to Prevent, the police decide whether or not they need more comprehensive intervention through a process called Channel.

The Home Office said there were fewer than 10 referrals for environmental reasons each year between 2015 and 2022, but refused to release specific figures, citing safety and privacy concerns.

The number of Prevent referrals adopted as Channel cases for all reasons is relatively small every year, representing 9% of the total in 2022-23.

A Home Office spokesperson said: "Lawful protest or activism does not meet the threshold for Prevent referrals and at no point has the government advised referring people simply for climate activism.

"Prevent is an early intervention programme which seeks to stop people from becoming terrorists or supporting terrorism, regardless of the ideology. If a person is not at risk of radicalisation then their case will be closed to Prevent."

'Not science'

A controversial strand of the UK's counter-terrorism strategy, Prevent was set up by Tony Blair's government in the 2000s following the 9/11 attacks.

A key moment in its evolution came in 2015, with the introduction of the legal duty on schools and other institutions to report those deemed at risk of radicalisation.

Human rights activists have long accused Prevent of demonising Muslims, and having a chilling effect on freedom of expression.

Earlier this year, Amnesty International urged the UK government to scrap the Prevent duty in a report condemning its impact on human rights.

"People are being referred to Prevent for non-violent political beliefs," said Ilyas Nagdee, Amnesty International UK's racial justice director.

But Lord Carlile, who reviewed the scheme for the government in 2011, said environmental protesters who "presented as potentially violent extremists are properly referable to Prevent".

He said there was a "superficiality to analysis based on numbers and on descriptions as brief as 'environmental activist' without looking at the context" of each referral.

Lord Carlile said while the programme could be improved, he did not agree with those who argued it should be scrapped because "some environmental activists were allegedly drawn into Prevent".

He said counter-terrorism was "not science" and "the police have a very difficult job", arguing: "You can't just write off Prevent because there have been some mistakes, any more than you can write off the police for arresting people who later are not charged."

Contested definition

Most referrals to Prevent are made in the education sector, where training to understand the risk of radicalisation is encouraged.

In its Prevent report, Amnesty found some training materials listed environmental causes "as potential forms of an ill-defined extremism that can lead to a referral".

Mat Osmond, who's a senior lecturer at Falmouth University in Cornwall, told the BBC his employer asked him to re-take Prevent training after he helped to organise a student Just Stop Oil talk on campus last year.

He accepted he did not follow the university's Prevent procedures when booking a room.

He said the training was about "spotting the signs of radicalisation in students" and had no relevance to room-booking procedures at his university.

Outside work, Mr Osmond has been involved in climate activism himself.

In October this year, he was found guilty of obstructing a road as part of a Just Stop Oil protest in London and was sentenced to a 12-month conditional discharge.

When asked if he regretted his actions, Mr Osmond said he found obstructing "random fellow citizens" a "deeply uncomfortable" thing to do.

But he said he would make "a categorical distinction between being drawn into violent extremism" and "taking action with non-violent resistance campaigns".

David Knowles echoed this distinction.

A former Prevent national lead within education, he had a significant role in the introduction of the legal duty in 2015.

He said he didn't come across any environmental extremism when he was working in counter-terrorism.

Mr Knowles said: "Breaking the law doesn't mean you oppose democracy or the rule of law because, let's face it, lots of people in this country have protested and successfully changed the law.

"So people who might glue themselves to the road, to me, are not extremists."

But he said Prevent was a vital part of the UK's counter-terrorism strategy and should be allowed to continue to protect people "from all forms of harm and risk".

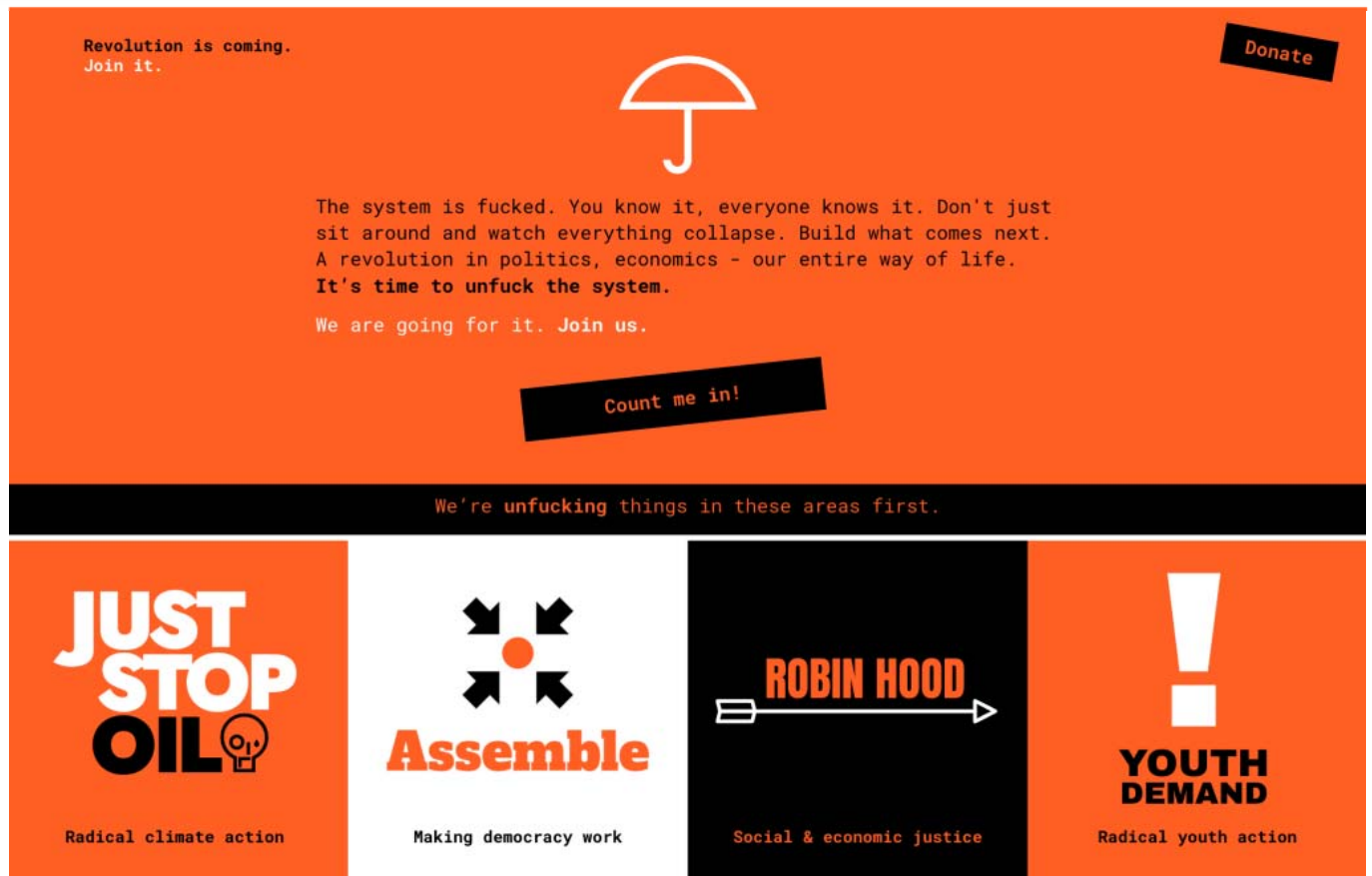
"Prevent is about safeguarding people away from extremism and terrorism, and it's not about suppressing free speech at all," Mr Knowles said.

or each other). The complexity is increasing and complex lock-ons often lead to very protracted deployments. This is placing significant demands on MPS resources in this area (linked to the skill being held by a small number of specialists) and this has led to recent examples of the MPS requiring mutual aid in this area to try to reduce the burden on officers who were getting very few days off (approx. 33% rest days cancelled in 2022).

The MPS is examining options to train more officers in the skills required. In addition, the pool of officers who can deal with simple 'glue-ons' has been expanded significantly in the last 12 months to include officers from the MO7 Taskforce, Territorial Support Group. NPCC authority has just been granted to increase officer strength in this area by 1 PS and 9 PCs which will make a significant difference.

CTP expects future demand to remain significantly high with the UK threat level at Substantial or higher for the next four years, with Extreme Right Wing Terrorism and Cultural Nationalism increasing and the potential for Left Wing, Anarchist and Single Issue Terrorism to increase, the threat from Islamist Terrorism to remain stable, but with high levels of extremism available online. In addition to the high tempo of investigations and arrests, the terrorism threat is increasingly complex and multi-dimensional; particularly self-initiated and prison releases, across the UK and interests overseas. As well as the shift in terrorist threat, there are a number of other factors that could affect demand including the rising demand from non-CT missions, and the balance of our investment and resources in a fiscal climate.

- Terrorists and radicalisers will always look for opportunities to exploit in support of their ideology. There is the potential for this radicalisation to extend to environmentalism given the ever increasing sentiment within this lobby, and a sense of not being listened to by government. CTP is alive to this issue. There was a focus on reducing the exploitation of vulnerable people during the global pandemic, and recognising that the type of extremism concerned could be mixed, unstable or unclear. This work has continued to develop and we need to maintain a broad, multi-agency approach under 'Prevent', including safeguarding and mental health.
- Domestically, we are seeing an increase in the number of minors involved in CT casework, both in investigations and in Prevent referral and this is something we are working closely with the UK intelligence community (UKIC) and the Home Office to understand and address. Referrals to our Vulnerability Support Hubs has increased 10% year-on-year since 2019.
- The use of the internet continues to be pervasive; propaganda, radicalisation and incitement is very easily encountered and the vulnerable are so susceptible to its harm. There are many challenges with this, not least differentiating between bravado and credible intent, restricting access to terrorism materials and the role of public awareness and education.
- In addition, demand will increase to reflect increasing focus on other National Security missions, notably Countering State Threats and investigating war crimes. This is an area of significantly increasing demand, including those cases relating to espionage, countering disinformation, insider threats and breaches of the Official



We need a Revolution. What's the plan?

Press / March 3, 2024

This system is fucked, politics is failing us, we need a revolution or we really do face rule by 'the mob'. As we pass through 1.5C of heating to 2C and then the predicted 3C in the lifetime of many alive today, we will lose all we cherish and value. Our treasured landscapes, the rule of law, education, healthcare, pensions – and yes the people we love. We will not be able to feed ourselves and those who rule us do not care. Look at Gaza, this is what they are prepared to let happen. Genocide is now acceptable.

In response, nonviolent civil resistance to a harmful state will continue, with coordinated, radical actions that reach out to new people and capture the attention of the world. Alongside this, a new political project will be set up. This will run local assemblies and will support and stand candidates to shape the electoral debate. A coordinating structure known as Umbrella, will support these projects and this will be the heart of our community of resistance.

Just Stop Oil will continue to be the major focus until we win, but we have a new three part demand: No New Oil, Revoke Tory Licences and Just Stop Oil by 2030. In addition to disrupting high-profile cultural events and continuing our Stop Tory Oil campaign, focussing on MP's and those in power, this summer Just Stop Oil will commence a campaign of high-level actions at sites of key importance to the fossil fuel industry – airports.

In addition to Just Stop Oil, young people and students will be taking action in a new campaign that will demand an end to genocide – both in Palestine, and globally, from the continued drilling and burning of oil and gas.

Umbrella will launch Assemble, a democracy project that will mobilise hundreds of people by running local assemblies on issues of concern to communities across the country and giving them pathways to action. The goal is to create a “People’s House” to parallel the House of Commons as the first step towards having permanent legally binding citizens assemblies– a democratic revolution.

Umbrella will be the hub for fundraising, mobilisation and directing resources to a range of new campaigns and groups, including Robin Hood, a major new campaign based around a demand to properly fund our public services by taxing the richest in society.

Each of these campaigns will share the values of nonviolence and accountability.

The system is fucked. You know it, everyone knows it. Don’t just sit around and watch everything collapse. Build what comes next: a revolution in politics, economics – our entire way of life.

It’s time to unfuck the system.

We are going for it. [Join us](#).

ENDS

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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?



REVOLUTION IS COMING. **JOIN IT.**

We're now under the Umbrella, an organisation of coordinated projects that are designed to bring about a revolution. We know we need one – **we're making it happen.**

COUNT ME IN!

"WHAT WE DO OVER THE NEXT THREE TO FOUR YEARS, I BELIEVE, IS GOING TO DETERMINE THE FUTURE OF HUMANITY."

Sir David King, the former Chief Scientific Advisor to the UK Government, 2021

How people are taking on oil.

Taking Action

THE PLAN.



TRUTH

We are being lied to. We need to face up to the scale of the crisis that we are facing. Everything we know and love is threatened by the breakdown of our climate. Our economy, our homes our way of life. You, me, scientists, press, politicians, educators... everyone needs to face up to the reality of what is being done to us.



COMMUNITY

Every one of us feels alone in this. But when we come together, then we can start to grapple with the challenge of our lifetimes. When we come together we are powerful, and we can create meaningful change and make history. We come to talks and events, we cook and eat together, we train in nonviolent action and when we are ready we join our local group and take action.



ACTION

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.

I'M READY, SIGN ME UP!

We're part of an

INTERNATIONAL NETWORK

ITALY

SWEDEN

SWITZERLAND

AUSTRALIA

FRANCE

GERMANY

AUSTRIA

NORWAY

NEW ZEALAND

UNITED STATES

SCOTLAND

CANADA

DENMARK



Follow us on social media.

About us

Just Stop Oil is a nonviolent civil resistance group demanding the UK Government stop licensing all new oil, gas and coal projects. [FAQs](#) | [The Campaign](#) | [Research](#)

Contact us

Press enquiries: juststopoilpress@protonmail.com

General enquiries: info@juststopoil.org

Donation enquiries: juststopoilgiving@protonmail.com

Volunteer enquiries: jsovolunteers@gmail.com

Book a speaker: contact@juststopoil.org

Stay in touch

SIGN UP FOR OUR NEWSLETTER

First Name

ADD YOUR NAME

Last Name

☒ Opt in to email updates from Just Stop Oil

Email *

Mobile Number, 07400 123456

REGION (TO ADD YOU TO THE CORRECT REGIONAL MAILING LIST) *

East of England

ARE YOU A STUDENT? (IF YES, WE CAN ADD YOU TO OUR STUDENTS SPECIFIC EMAILING LIST)

☐ Yes

[Not in GB?](#)

Sponsored by: Just Stop Oil

HS3280



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Just Stop Oil Privacy Policy



Just Stop Oil

September 13, 2023 · 🌐



🔥 Disruption is frustrating, but we have no other choice. Fossil fuel companies have taken out private injunctions that make protests impossible at oil refineries, oil depots and even petrol stations.

💀 Our government issued 100 new oil and gas licences, confirming their disregard of human life. This is a last ditch attempt to stop our corrupt government taking more lives.

➡️ They know new oil and gas is genocide – take action now at [juststopoil.org](https://www.juststopoil.org)

**Portsmouth, UK
9 September 2023**



www.juststopoil.org



3.1K comments 166 shares



COMPANY

UK operations

Exxon Mobil Corporation is the world's leading publicly-owned energy company and it, or its affiliated companies, operates facilities or markets products in most of the world's countries. It is the parent company of the Esso, Mobil and ExxonMobil companies that operate in the United Kingdom.

Injunction

Notice of Annual Review Hearing – 10 July 2024



Sealed order – 29 January 2024



Application Bundle – 13 December 2023



Notice of change in legal representation – 2 October 2023



Sealed Final Order dated 18 July 2023



ESSO v PU - Trial Bundle 1 - 10.07.23



ESSO v PU - Trial Bundle 2 - 10.07.23



Sealed Order - 16 October 2023



Accompanying documents - 16 October 2023



U.K. Pipelines

We operate the largest privately owned underground oil pipeline distribution network in the U.K. – around 700 kilometers of pipeline. The majority of refinery products are transported by pipeline to distribution terminals at Hythe, Avonmouth, Birmingham, west London and Purfleet. The remaining products are transported by sea or by road.

In 2017 we announced the **Southampton to London Pipeline Project** that will replace 90 km of the 105 km pipeline that transports aviation fuel from Fawley refinery to the terminal in west London.

Oil Refinery and Jetty at the Petrochemical Plant

Warning Notices



ExxonMobil Fawley, Gate 3, SO45 3NP



ExxonMobil, Gate Approach, SO45 3NP

Oil Refinery and Jetty at the Petrochemical Plant

Warning Notices and clear containers containing notice relating to the Order and the annual review hearing



ExxonMobil Fawley, Gate 1 Approach, SO45 3NP



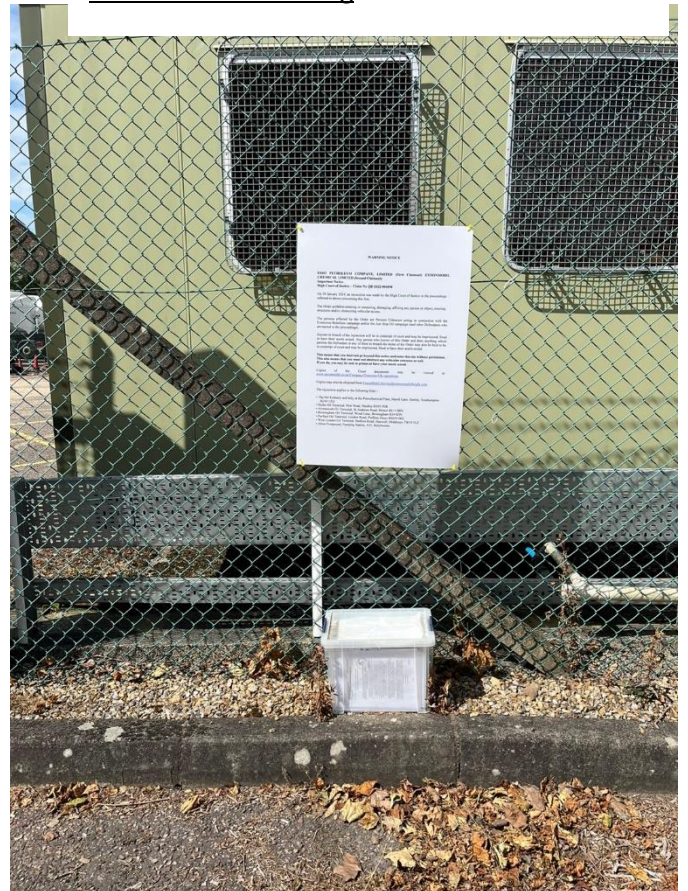
ExxonMobil Fawley, Gate 2, SO45 1TX

Hythe Oil Terminal

Warning Notices

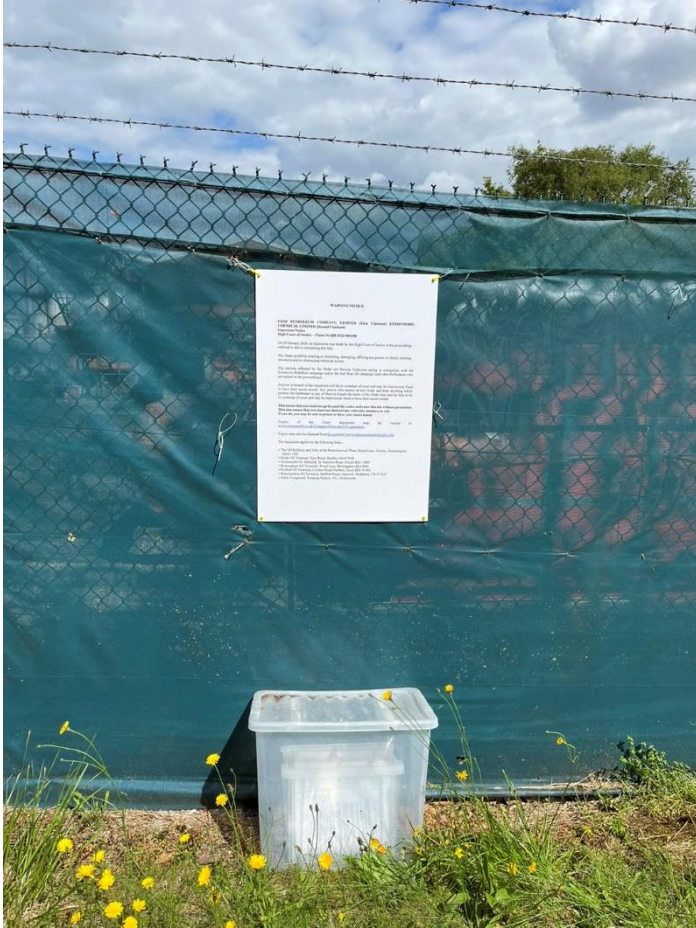


Warning Notices and clear containers containing notice relating to the Order and the annual review hearing



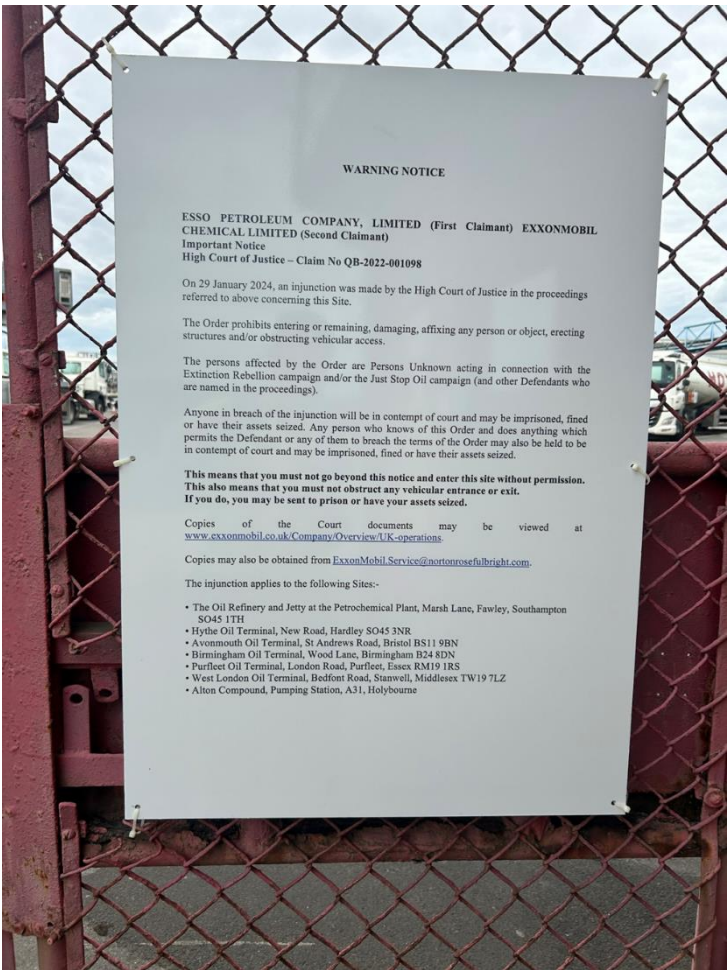
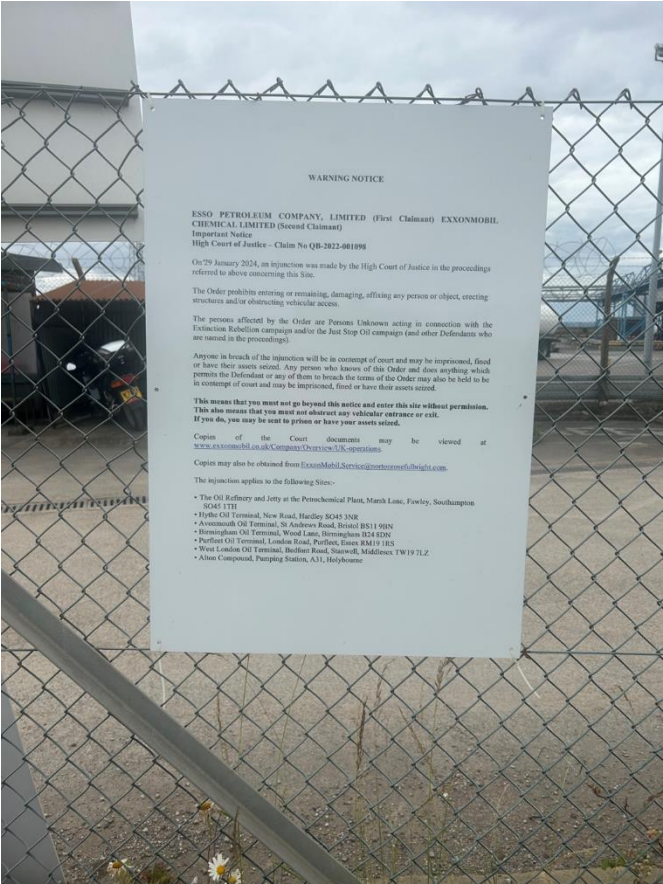
Hythe Oil Terminal

Warning Notices and clear containers containing notice relating to the Order and the annual review hearing



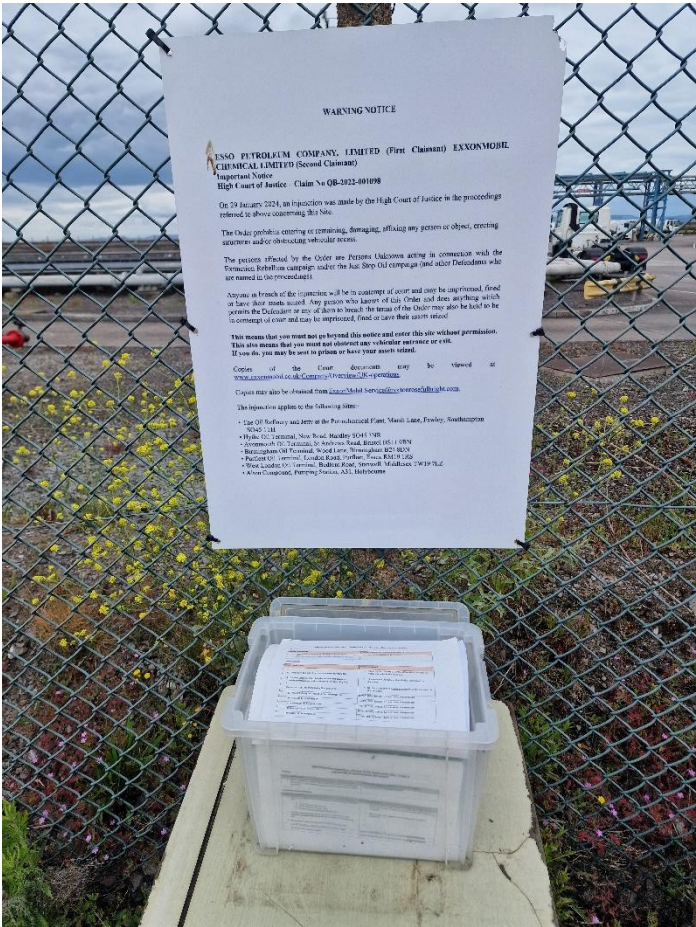
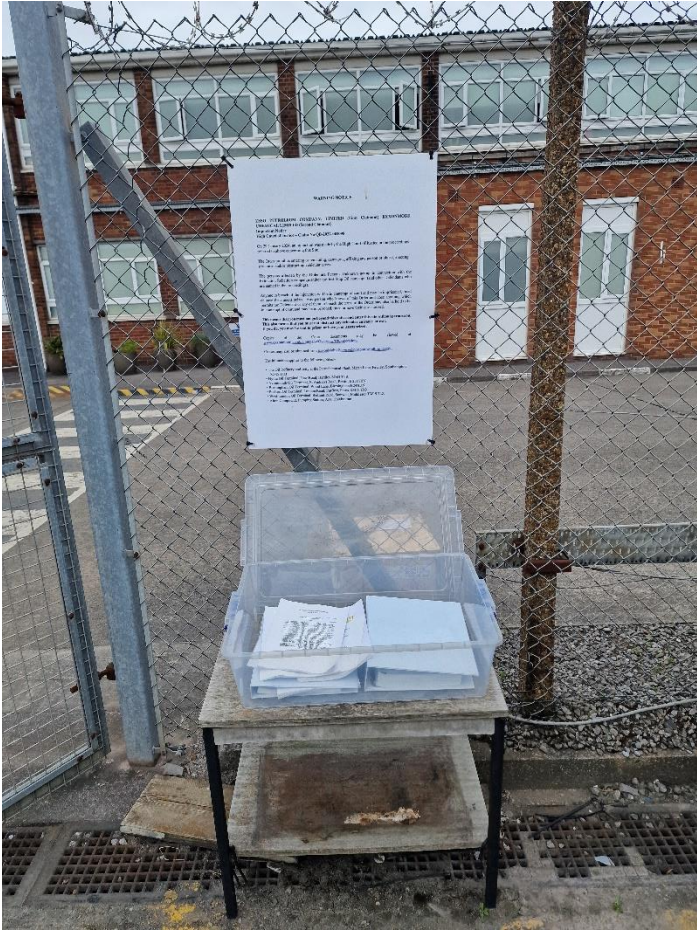
Avonmouth Oil Terminal

Warning Notices



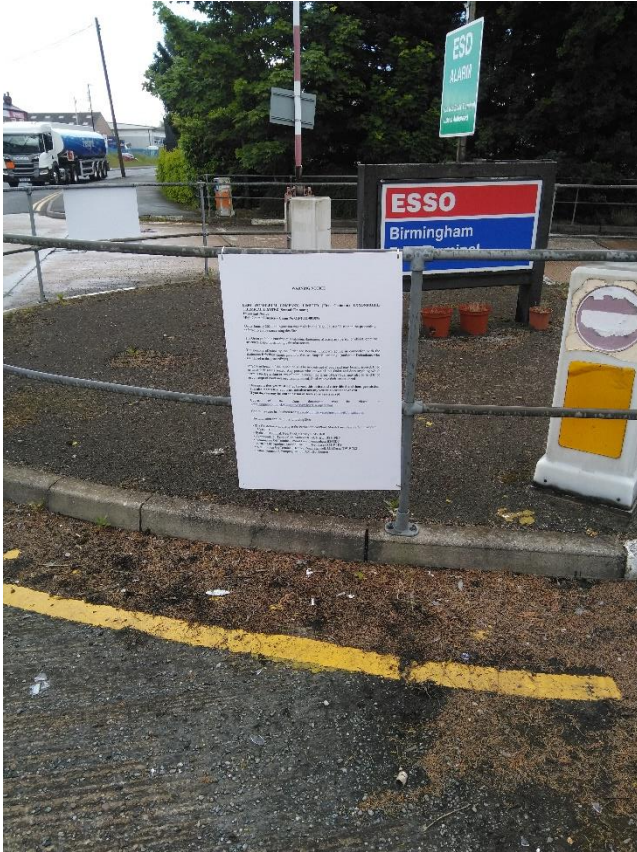
Avonmouth Oil Terminal

Warning Notices and clear containers containing notice relating to the Order and the annual review hearing



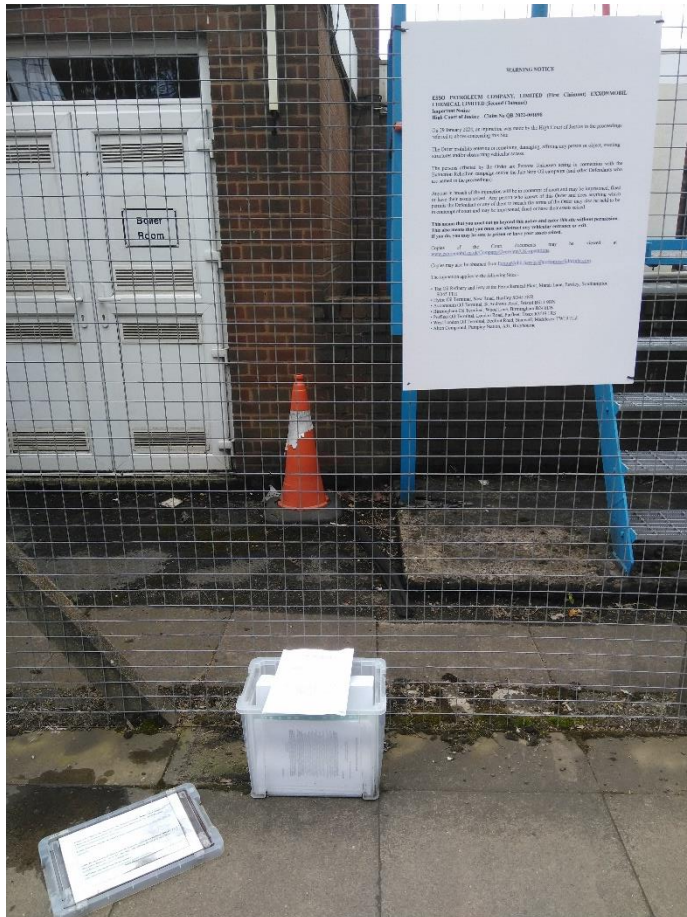
Birmingham Oil Terminal

Warning Notices



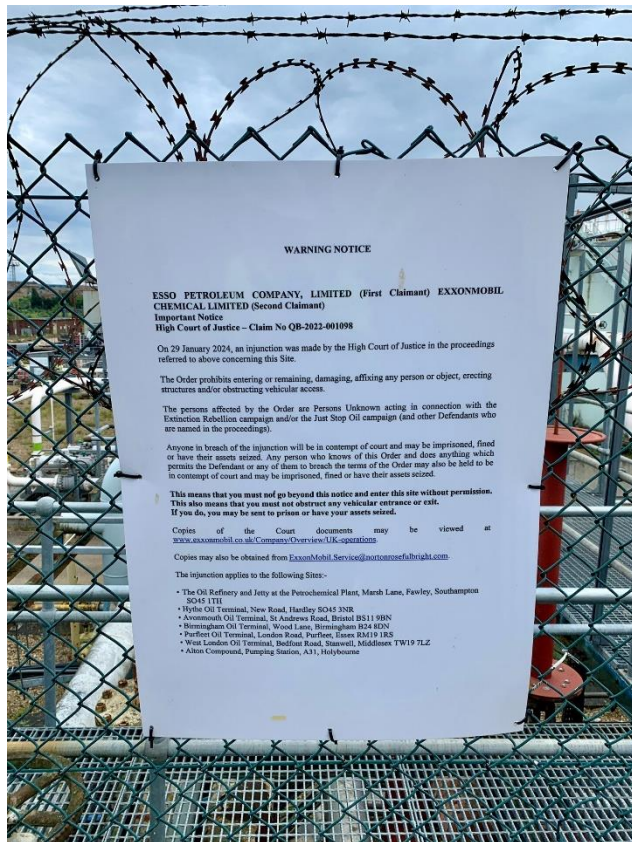
Birmingham Oil Terminal

Warning Notices and clear containers containing notice relating to the Order and the annual review hearing



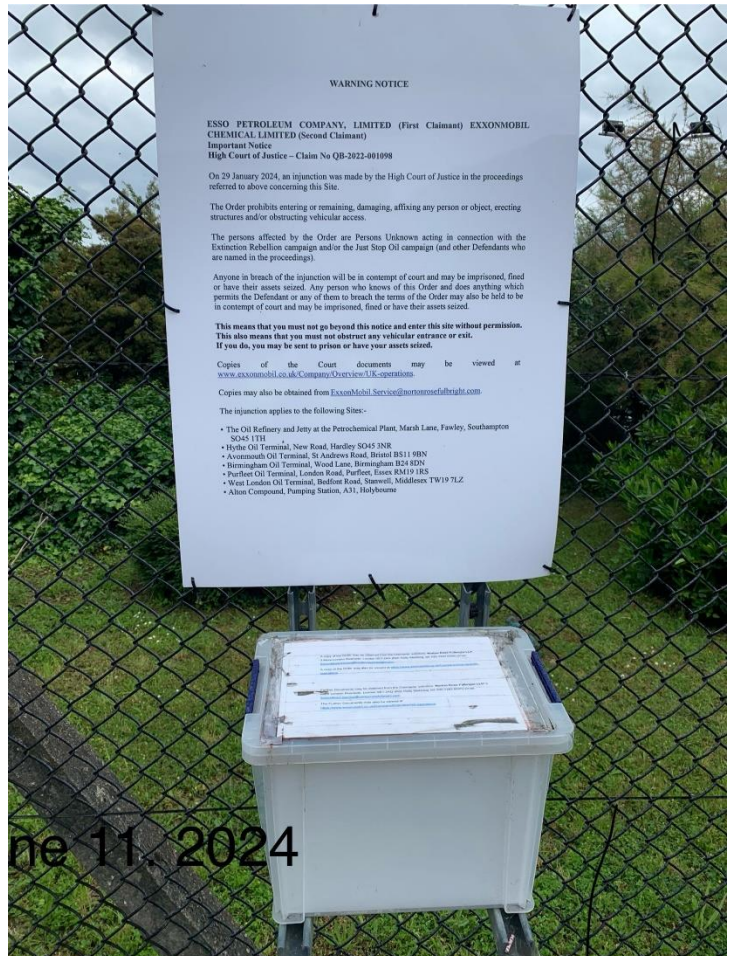
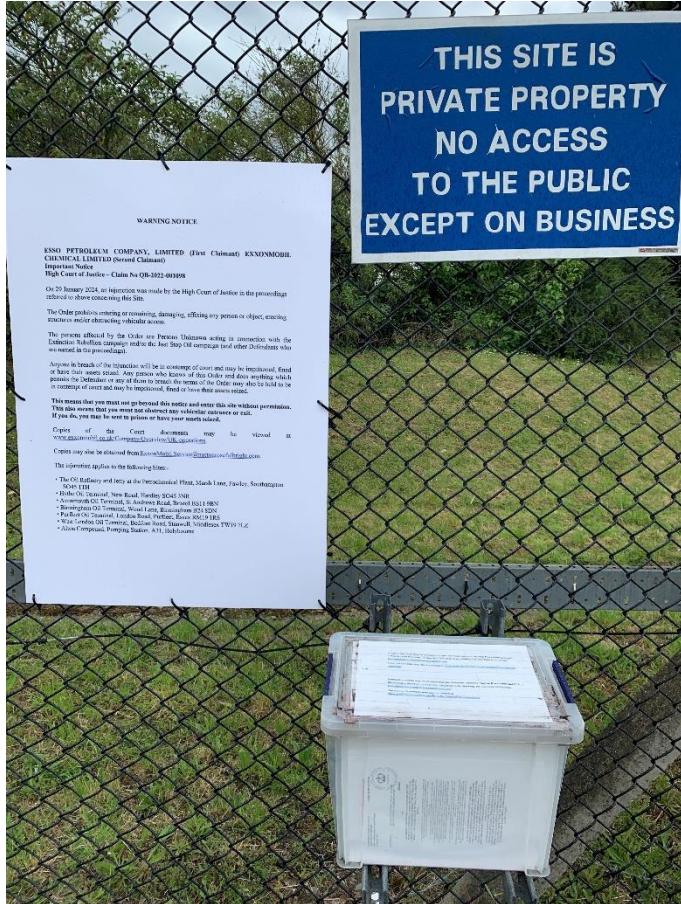
Purfleet Oil Terminal

Warning Notices



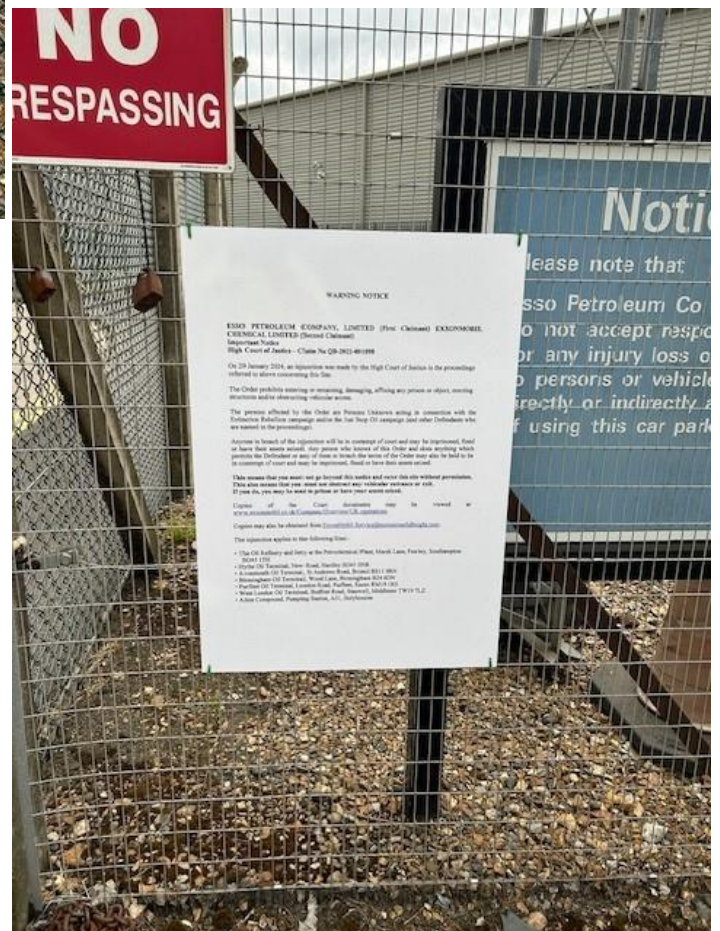
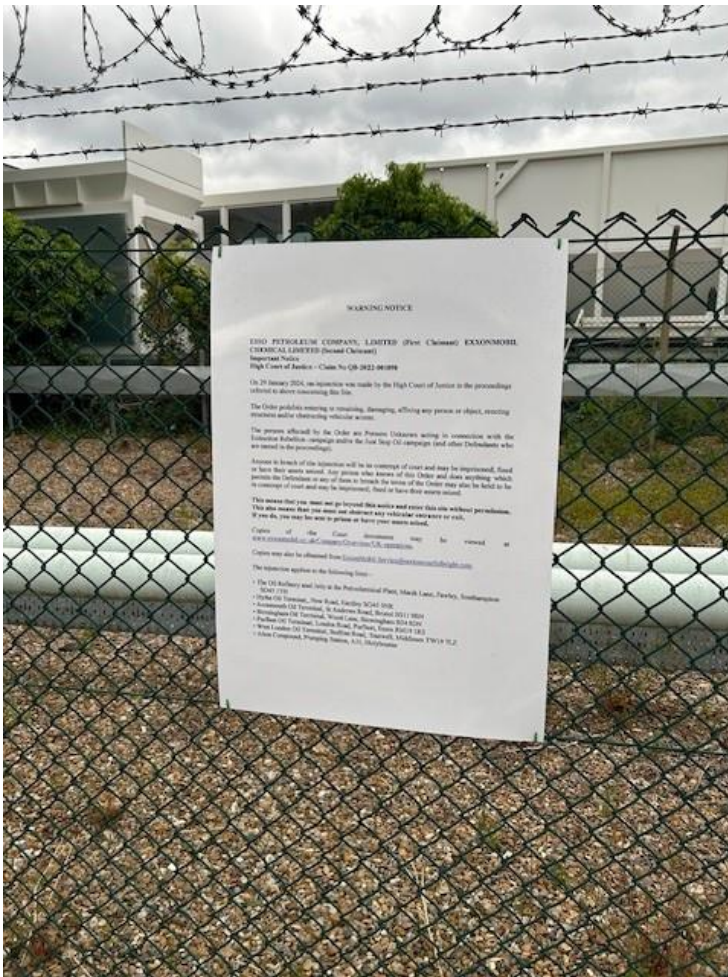
Purfleet Oil Terminal

Warning Notices and clear containers containing notice relating to the Order and the annual review hearing



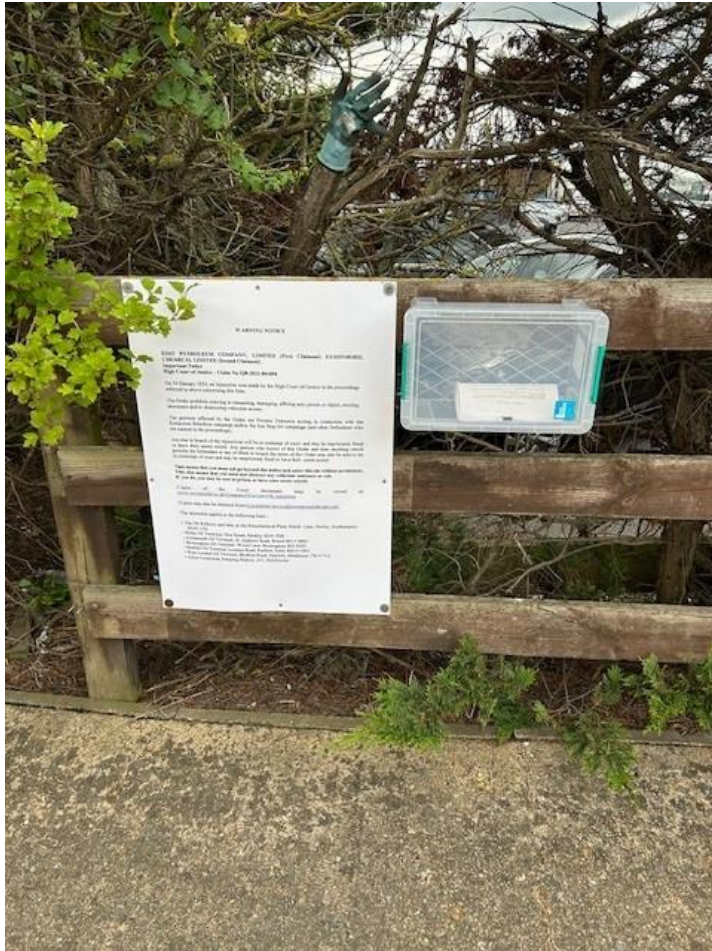
West London Oil Terminal

Warning Notices



West London Oil Terminal

Warning Notices and clear containers containing notice relating to the Order and the annual review hearing



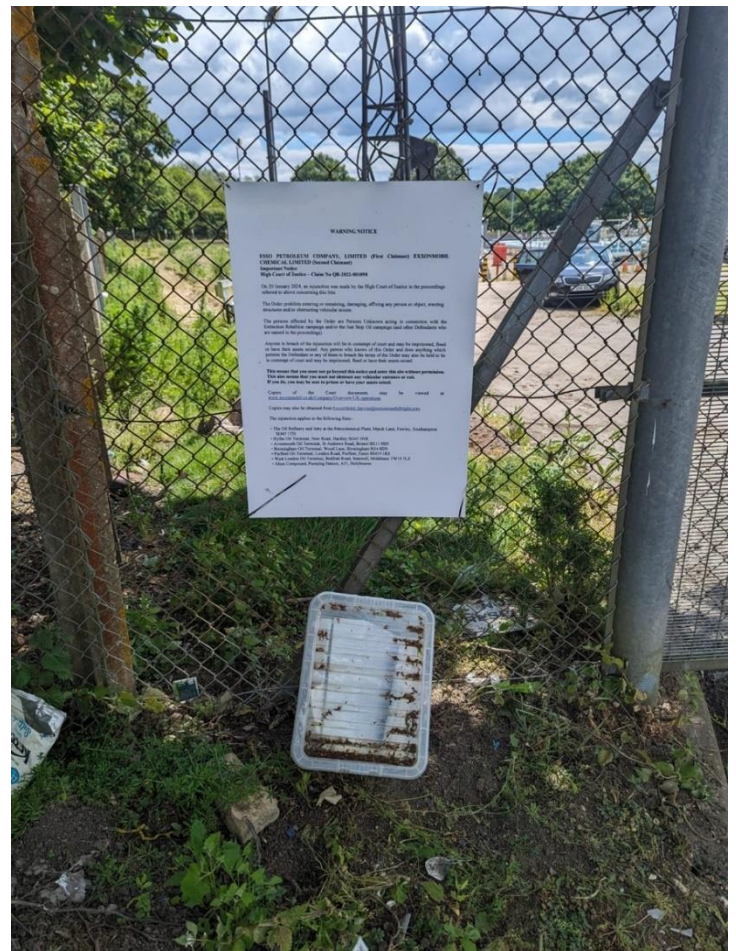
Alton Compound, Pumping Station

Warning Notices



Alton Compound, Pumping Station

Warning Notice and clear containers containing notice relating to the Order and the annual review hearing



Beatrice Shah Scott

From: Madeline Hallwright
Sent: 16 February 2024 11:06
To: enquiries@extinctionrebellion.uk; xr-legal@riseup.net
Cc: Holly Stebbing
Subject: Claim No. QB-2022-001098 | Service of Order dated 29 January 2024 [NRF_EMEA-UK.FID3210555]
Attachments: QB-2022-001098 Esso Petroleum and another v Persons Unknown and others Sealed Order.pdf

Tracking:

Recipient

Delivery

enquiries@extinctionrebellion.uk

xr-legal@riseup.net

Holly Stebbing

Delivered: 16/02/2024 11:07

1001267389 _ Esso Operating Sites Injunction
Reviews Emails _1001267389_

To whom it may concern

Re: Claim No. QB-2022-001098 | Service of Order dated 29 January 2024

We enclose, by way of service, the order of Mrs Justice Ellenbogen DBE dated 29 January 2024 (the **Order**) in relation to the Operating Sites injunction that Esso Petroleum Company, Limited and ExxonMobil Chemical Limited (the **Claimants**) have sought and been granted against various defendants connected to the Extinction Rebellion or Just Stop Oil campaigns (the **Defendants**) with claim number QB-2022-001098.

Further copies of the Order may be obtained from **Norton Rose Fulbright LLP**, at the address stated below, or by emailing ExxonMobil.Service@nortonrosefulbright.com. Should you wish to apply to vary or discharge this Order, notice should be given to Norton Rose Fulbright LLP by emailing ExxonMobil.Service@nortonrosefulbright.com in accordance with paragraph 5 of the Order.

A copy of the Order may also be viewed at <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>.

Yours faithfully

Norton Rose Fulbright LLP

3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 20 7444 5612 | Mob +44 7394 206 370 | Fax +44 20 7283 6500
madeline.hallwright@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world
[nortonrosefulbright.com](https://www.nortonrosefulbright.com)

Beatrice Shah Scott

From: Madeline Hallwright
Sent: 16 February 2024 11:07
To: juststopoilpress@protonmail.com
Cc: Holly Stebbing
Subject: Claim No. QB-2022-001098 | Service of Order dated 29 January 2024 [NRF_EMEA-UK.FID3210555]
Attachments: QB-2022-001098 Esso Petroleum and another v Persons Unknown and others Sealed Order.pdf

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Yours faithfully

Norton Rose Fulbright LLP

3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 20 7444 5612 | Mob +44 7394 206 370 | Fax +44 20 7283 6500
madeline.hallwright@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world
nortonrosefulbright.com

Beatrice Shah Scott

From: Microsoft Outlook
To: enquiries@extinctionrebellion.uk; xr-legal@riseup.net
Sent: 16 February 2024 11:07
Subject: Relayed: Claim No. QB-2022-001098 | Service of Order dated 29 January 2024 [NRF_EMEA-UK.FID3210555]

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

enquiries@extinctionrebellion.uk (enquiries@extinctionrebellion.uk)

xr-legal@riseup.net (xr-legal@riseup.net)

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Beatrice Shah Scott

From: Extinction Rebellion <enquiries@extinctionrebellion.uk>
Sent: 16 February 2024 11:07
To: Madeline Hallwright
Subject: Message Received - Claim No. QB-2022-001098 | Service of Order dated 29 January 2024 [NRF_EMEA-UK.FID3210555]

[External Email – Use Caution]

Hello Madeline Hallwright,

This is an automated reply to let you know we received your message.

It'll be read - usually within 24 hours - and we'll send you a personal reply, or forward it to an appropriate person within Extinction Rebellion.

To view the status of the ticket or to add comments, you can visit
<https://risingup.freshdesk.com/helpdesk/tickets/46109>

Thank you for contacting us,
With Love & Kindness from

The XR Public Engagement Working Group

[Extinction Rebellion UK - General Enquiries powered by Freshdesk](#)

Beatrice Shah Scott

From: xr-legal@riseup.net
Sent: 16 February 2024 11:07
To: Madeline Hallwright
Subject: Autoreply for XR Legal Support

[External Email – Use Caution]

Hi there,

Thanks for getting in touch with the XR Legal Support Team.

We have received your email and are working on getting a response to you ASAP! We are currently quite low in capacity and so our response to your email(s) might be delayed.

If you don't hear from us within two weeks, please email back and we will do our best to get to you sooner.

In the meantime, please have a look at our website (<https://www.informedissent.info>), as this may have information to answer your questions.

If your email is related to an upcoming court appearance, we will prioritise your email and get a response to you ASAP. Please also email the XR Arrest Welfare Team (XR-ArrestWelfare@protonmail.com) with the details of your court date.

If your email is related to trainings run by our team, see our Trainings Calendar for details about upcoming Trainings. This can be accessed at this link: <https://teamup.com/ksqtxh86ftomucpgu>

During Rebellions, where you need an urgent response or if someone has been arrested at an action you are at, please call the XR Legal Back Office on 07749 335574 and we will deal with your query that way.

In Solidarity,
XR Legal Support Team

Beatrice Shah Scott

From: Madeline Hallwright
Sent: 25 April 2024 11:35
To: enquiries@extinctionrebellion.uk; xr-legal@riseup.net
Cc: Holly Stebbing
Subject: Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024
[NRF_EMEA-UK.FID3212249]
Attachments: 2024.04.25 - Letter from NRF to Extinction Rebellion (Notice of July hearing).pdf

To whom it may concern

Re: Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024

Please see the attached correspondence.

Yours faithfully

Norton Rose Fulbright LLP

3 More London Riverside, London, SE1 2AQ, United Kingdom
Tel +44 20 7444 5612 | Mob +44 7394 206 370 | Fax +44 20 7283 6500
madeline.hallwright@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world
[nortonrosefulbright.com](https://www.nortonrosefulbright.com)

25 April 2024

Norton Rose Fulbright LLP
3 More London Riverside
London SE1 2AQ
United Kingdom

Tel +44 20 7283 6000
Fax +44 20 7283 6500
DX 85 London
nortonrosefulbright.com

Extinction Rebellion

By email only: enquiries@extinctionrebellion.uk; xr-legal@riseup.net

Your reference

Our reference

HMOR/1001267389

To whom it may concern

Claim No. QB-2022-001098 | (1) Esso Petroleum Company, Limited, (2) ExxonMobil Chemical Limited -v- Persons Unknown

We refer to our letter dated 26 March 2024 in connection with the abovementioned proceedings in which we requested that you confirm by 4pm on Tuesday, 2 April 2024 whether you intend to appear and make submissions at the 2024 hearing that will be held to review the injunctions pursuant to paragraph 8 of the Order.

As we did not receive any response to our letter, we confirm that the Claimants have fixed this year's review hearing for **Wednesday, 10 July 2024** with a time estimate of half a day. The hearing date has been confirmed, and can be viewed, at <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>.

If you intend to appear and make submissions at the review hearing, please confirm whether (i) you will be instructing Counsel to appear on your behalf and, if so, who has been instructed; or (ii) you intend to appear as a litigant in person.

A copy of this letter may be obtained from Norton Rose Fulbright LLP at the address stated above or by emailing ExxonMobil.Service@nortonrosefulbright.com.

Yours faithfully

Norton Rose Fulbright LLP

Norton Rose Fulbright LLP

Beatrice Shah Scott

From: Madeline Hallwright
Sent: 25 April 2024 11:36
To: juststopoilpress@protonmail.com
Cc: Holly Stebbing
Subject: Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024
[NRF_EMEA-UK.FID3212249]
Attachments: 2024.04.25 - Letter from NRF to Just Stop Oil (Notice of July hearing).pdf

To whom it may concern

Re: Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024

Please see the attached correspondence.

Yours faithfully

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madeline.hallwright@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world
[nortonrosefulbright.com](https://www.nortonrosefulbright.com)

25 April 2024

Norton Rose Fulbright LLP
3 More London Riverside
London SE1 2AQ
United Kingdom

Tel +44 20 7283 6000
Fax +44 20 7283 6500
DX 85 London
nortonrosefulbright.com

Just Stop Oil

By email only: juststopoilpress@protonmail.com

Your reference

Our reference

HMOR/1001267389

To whom it may concern

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Yours faithfully

Norton Rose Fulbright LLP

Norton Rose Fulbright LLP

Beatrice Shah Scott

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To: enquiries@extinctionrebellion.uk; xr-legal@riseup.net
Sent: 25 April 2024 11:36
Subject: Relayed: Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024 [NRF_EMEA-UK.FID3212249]

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enquiries@extinctionrebellion.uk (enquiries@extinctionrebellion.uk)

xr-legal@riseup.net (xr-legal@riseup.net)

Subject: Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024 [NRF_EMEA-UK.FID3212249]

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juststopoilpress@protonmail.com (juststopoilpress@protonmail.com)

Subject: Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024 [NRF_EMEA-UK.FID3212249]

Beatrice Shah Scott

From: Extinction Rebellion <enquiries@extinctionrebellion.uk>
Sent: 25 April 2024 11:36
To: Madeline Hallwright
Subject: Message Received - Claim No. QB-2022-001098 | Notice of Annual Review Hearing – July 2024 [NRF_EMEA-UK.FID3212249]

[External Email – Use Caution]

Hello Madeline Hallwright,

This is an automated reply to let you know we received your message.

It'll be read - usually within 24 hours - and we'll send you a personal reply, or forward it to an appropriate person within Extinction Rebellion.

To view the status of the ticket or to add comments, you can visit
<https://risingup.freshdesk.com/helpdesk/tickets/46346>

Thank you for contacting us,
With Love & Kindness from

The XR Public Engagement Working Group

[Extinction Rebellion UK - General Enquiries powered by Freshdesk](#)

Beatrice Shah Scott

From: xr-legal@riseup.net
Sent: 25 April 2024 11:36
To: Madeline Hallwright
Subject: Autoreply for XR Legal Support

[External Email – Use Caution]

Hi there,

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During Rebellions, where you need an urgent response or if someone has been arrested at an action you are at, please call the XR Legal Back Office on 07749 335574 and we will deal with your query that way.

In Solidarity,
XR Legal Support Team

SERVICE OF ORDER DATED 29 JANUARY 2024

CLAIM NO. QB-2022-001098

- (1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

CLAIMANTS

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- ~~(G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')~~
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

- (4) PAUL BARNES
(5) DIANA HEKT

DEFENDANTS

16 February 2024



Norton Rose Fulbright LLP
3 More London Riverside
London SE1 2AQ
United Kingdom

Tel +44 20 7283 6000
Fax +44 20 7283 6500
DX 85 London
nortonrosefulbright.com

Paul Barnes
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr Barnes

We enclose, by way of service, the order of Mrs Justice Ellenbogen DBE dated 29 January 2024 (the **Order**) in relation to the Operating Sites injunction that Esso Petroleum Company, Limited and ExxonMobil Chemical Limited (the **Claimants**) have sought and been granted against various defendants connected to the Extinction Rebellion or Just Stop Oil campaigns (the **Defendants**) with claim number QB-2022-001098.

Please note that no action is required of you. We are simply providing you with a copy of the Order for your information and as we have been ordered to do so by the Court.

Further copies of the Order may be obtained from **Norton Rose Fulbright LLP** at the address stated above or by emailing ExxonMobil.Service@nortonrosefulbright.com. A copy of the Order may also be viewed at <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>.

Yours faithfully

Norton Rose Fulbright LLP

Norton Rose Fulbright LLP

Enc.

SERVICE OF ORDER DATED 29 JANUARY 2024

CLAIM NO. QB-2022-001098

- (1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

CLAIMANTS

-and-

(1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- ~~(G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')~~
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

(2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

(3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

- (4) PAUL BARNES
(5) DIANA HEKT

DEFENDANTS

16 February 2024



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United Kingdom

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Fax +44 20 7283 6500
DX 85 London
nortonrosefulbright.com

Diana Hekt



Dear Ms Hekt

We enclose, by way of service, the order of Mrs Justice Ellenbogen DBE dated 29 January 2024 (the **Order**) in relation to the Operating Sites injunction that Esso Petroleum Company, Limited and ExxonMobil Chemical Limited (the **Claimants**) have sought and been granted against various defendants connected to the Extinction Rebellion or Just Stop Oil campaigns (the **Defendants**) with claim number QB-2022-001098.

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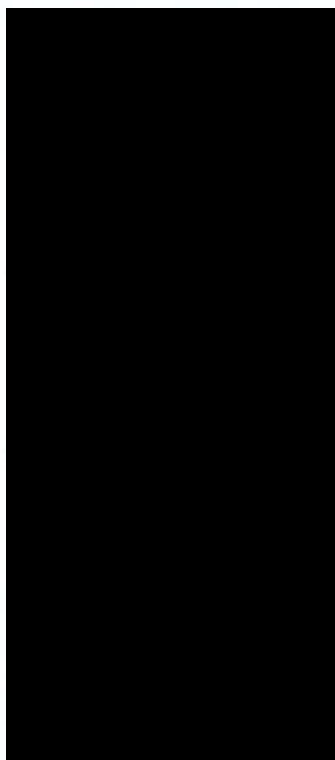
Yours faithfully

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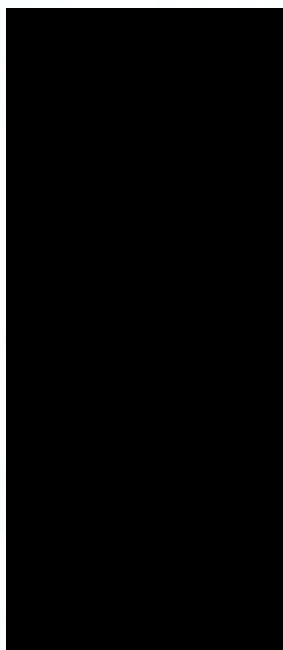
Enc.

Diana Hekt





Paul Barnes

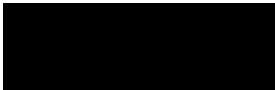


25 April 2024

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nortonrosefulbright.com

Paul Barnes



Your reference

Our reference

HMOR/1001267389

Dear Mr Barnes

Claim No. QB-2022-001098 | (1) Esso Petroleum Company, Limited, (2) ExxonMobil Chemical Limited -v- Persons Unknown

We write on behalf of Esso Petroleum Company, Limited and ExxonMobil Chemical Limited (the **Claimants**) in connection with the enclosed Operating Sites injunctions that the Claimants have sought and been granted against various defendants connected to the Extinction Rebellion or Just Stop Oil campaigns with claim number QB-2022-001098 (the **Order**).

Pursuant to paragraph 8 of the Order, the injunctions are to be reviewed on or around 18 July each year. We confirm that the Claimants have fixed this year's review hearing for **Wednesday, 10 July 2024** with a time estimate of half a day.

As you are not subject to the injunctions set out in paragraphs 2, 3 and 4 of the Order, no action is required of you. We are simply providing you with the date of the review hearing for your information.

A copy of this letter may be obtained from Norton Rose Fulbright LLP at the address stated above or by emailing ExxonMobil.Service@nortonrosefulbright.com. The hearing date has also been confirmed, and can be viewed, at <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>.

Yours faithfully

Norton Rose Fulbright LLP

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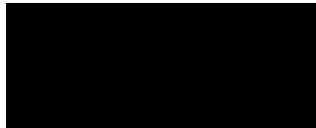
HS3/320

25 April 2024

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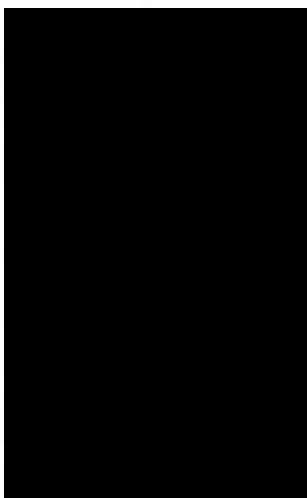
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HS3/321



PAUL BARNES





DIANA HEKT

