

B E T W E E N:

- (1) ESSO PETROLEUM COMPANY, LIMITED**
- (2) EXXONMOBILE 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 'FAWLEY PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HYTHE PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'AVONMOUTH PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'BIRMINGHAM PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BROWN ON THE 'PURFLEET PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'WEST LONDON PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HARTLAND PARK PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED FOR IDENTIFICATION RED ON THE "ALTON COMPOUND PLAN" ATTACHED TO THE PARTICULARS OF CLAIM)

(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)

(4) PAUL BARNES

(5) DIANA HEKT

Defendants

	Date	Page No
Draft Order	Undated	3
Draft Warning Notice	Undated	12
Statements of Case		
Re-Re-Amended Claim Form	27.03.23	13
Re-Re-Amended Particulars of Claim	27.03.23	18
Plans	Undated	31
Interim Applications		
Application for interim injunction	04.04.22	41
Application for return date	06.04.22	45
Application for second return date and to join additional defendants	27.02.23	48
Application for substituted service on Mr Clegg	20.03.23	53
Application for extension of time to file/serve further evidence	14.06.23	58
Interim Orders		
Order of Mrs Justice Ellenbogen	06.04.22	63
Transcript of Judgment by Mrs Justice Ellenbogen	06.04.22	75
Order of Mr Justice Bennathan	27.04.22	97
Order of Mrs Justice Collins-Rice	27.03.23	108
Witness Statements		
Anthony Milne	03.04.22	120
Martin Pullman first	27.02.23	139
Martin Pullman second	06.06.23	151
Stuart Wortley	04.04.22	163
Nawaaz Allybokus first	05.04.22	172
Nawaaz Allybokus second	05.04.22	176
Nawaaz Allybokus third	22.04.22	179
Nawaaz Allybokus fourth	22.04.22	187
Nawaaz Allybokus fifth	20.03.23	192
Nawaaz Allybokus sixth	24.05.23	198
Nawaaz Allybokus seventh	13.06.23	202

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO. QB-2022-001098

Before [...]
On 10 July 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

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, Bennathan J dated 27 April 2022 and Collins Rice J dated 30 Mar 2023

UPON the hearing of the Claimants' claim issued on 4 April 2022

AND UPON the application dated 14 June 2023

AND UPON hearing Leading Counsel and Junior Counsel for the Claimants

AND UPON reading the evidence recorded in Schedule 1 to this Order

AND UPON the Claimants having received assurances from Paul Barnes and Diana Hekt that they do not intend to breach any injunction covering the Sites (as defined below)

IT IS ORDERED THAT:

DISCONTINUANCE OF NAMED DEFENDANT

1. In view of the assurances given by them mentioned above, Paul Barnes and Diana Hekt are not to be subject to the injunctions set out in paragraphs 3, 4, or 5 below, without further order.

FURTHER EVIDENCE

2. The Claimants be permitted to rely on the Second Witness Statement of Martin Pullman dated 6 June 2023 and the Seventh Witness Statement of Nawaaz Allybokus dated 13 June 2023.

THE INJUNCTIONS

3. Until 11 July 2028, or further order in the meantime, the First Defendant must not:
 - 3.1 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 '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');
- 3.2 damage any part of any of the Sites;
- 3.3 affix themselves or any person or object to any part of any of the Sites;
- 3.4 erect any structures on any part of any of the Sites.
4. 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:
 - 4.1 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');
 - 4.2 damage any part of the Chemical Plant;
 - 4.3 affix themselves or any person or object at the Chemical Plant;
 - 4.4 erect any structures on any part of the Chemical Plant.
5. 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) 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

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, 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.
7. Any person applying to vary or discharge this Order must provide their full name and address, an address for service.
8. The Claimants have liberty to apply.

REVIEW HEARINGS

9. The injunctions made herein shall be reviewed on each anniversary of this order (or so close thereto as is convenient having regard to the Court's list) 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.
10. The Claimants shall file and serve a trial bundle not less than 7 days before the review hearing.
11. 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

12. 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

13. 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:
 - 13.1 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 13.2 of this Order;
 - 13.2 posting the Order on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and
 - 13.3 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.

13.4 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 13.2 of this Order:

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

14. 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 13 above have been completed.
15. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 13 of this Order shall stand as good service of the Order on the First, Second and Third Defendants.

SERVICE OF OTHER DOCUMENTS

16. 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:

16.1 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 13.2 of this Order;

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

16.3 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 13.2 of this Order:

- (a) xr-legal@riseup.net
 - (b) enquiries@extinctionrebellion.uk
 - (c) juststopoilpress@protonmail.com
17. 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 17 above have been completed.
 18. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 17 of this Order shall stand as good service of the Further Documents on the First, Second and Third Defendants.
 19. 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

20. No order as to costs.

THE COURT

21. The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraph 13.1 of this Order.
22. 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 kjudgeslistingoffice@justice.gov.uk

SERVICE OF THE ORDER

23. 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 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”.
- (6) Sixth Witness Statement of Nawaaz Allybokus dated 24 May 2023 together with the exhibit marked “NA6”.
- (7) Second Witness Statement of Martin Pullman dated 6 June 2023 together with the exhibits marked “MP3” – “MP5”.
- (8) Seventh Witness Statement of Nawaaz Allybokus dated 13 June 2023 together with the exhibits marked “NA7” – “NA8”.

SCHEDULE 2 - 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

DRAFT

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~~ 10 July 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~~ **Hardley** SO45 3NR
- Avonmouth Oil Terminal, St Andrews Road, Bristol BS11 9BN
- Birmingham Oil Terminal, ~~Tyburn Road,~~ **Wood Lane**, Birmingham ~~B24 8HJ~~ **B24 8DN**
- Purfleet Oil Terminal, London Road, Purfleet, Essex RM19 1RS
- West London Oil Terminal, ~~Bedford~~ **Bedfont** Road, Stanwell, Middlesex TW19 7LZ
- Hartland Park Logistics Hub, Ively Road, Farnborough
- Alton Compound, Pumping Station, A31, Holybourne



Claim Form

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

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.

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**



QB-2022-001098

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

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
---	---	---	---	---	---	---

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

- (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 'FAWLEY PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
 - (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HYTHE PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
 - (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'AVONMOUTH PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
 - (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'BIRMINGHAM PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
 - (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE 'PURFLEET PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
 - (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'WEST LONDON PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
 - (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HARTLAND PARK PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
 - (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED FOR IDENTIFICATION RED ON THE "ALTON COMPOUND PLAN" ATTACHED TO THE PARTICULARS OF CLAIM)
- (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)**
- (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

- (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, 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**

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 1951, 17 January 1961, 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.

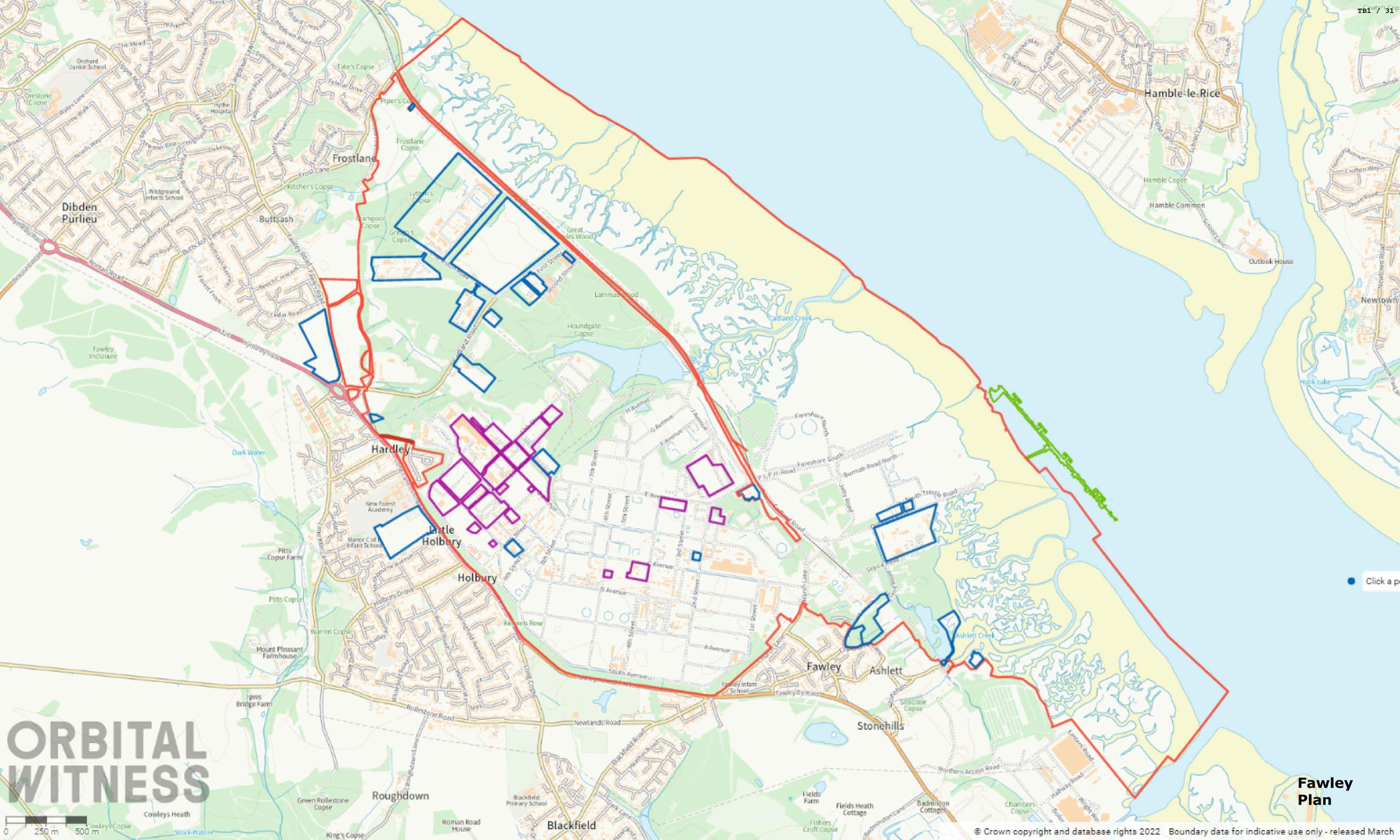
I am duly authorised by the Claimant to sign this statement.

Stuart Sherbrooke Wortley

Partner

Eversheds Sutherland (International) LLP

Claimant's solicitor

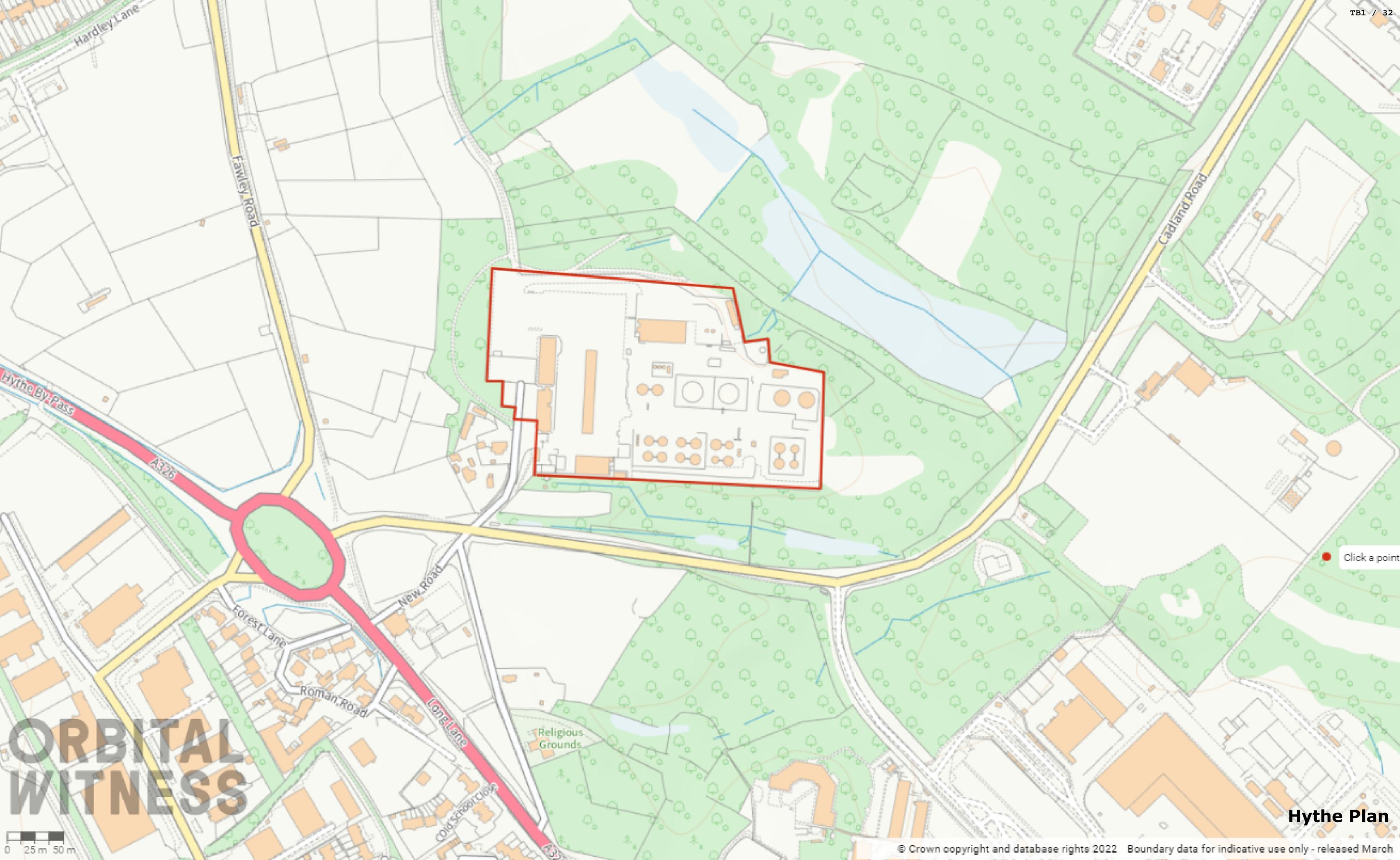


**ORBITAL
WITNESS**



Click a p

**Fawley
Plan**



**ORBITAL
WITNESS**



Click a point

Hythe Plan

ORBITAL WITNESS

0 50 m 100 m



BL105954

Smoke Lane

Smoke Lane

A403

A403

Poplar Way West

Worthing Road

Greens

Avonmouth Plan



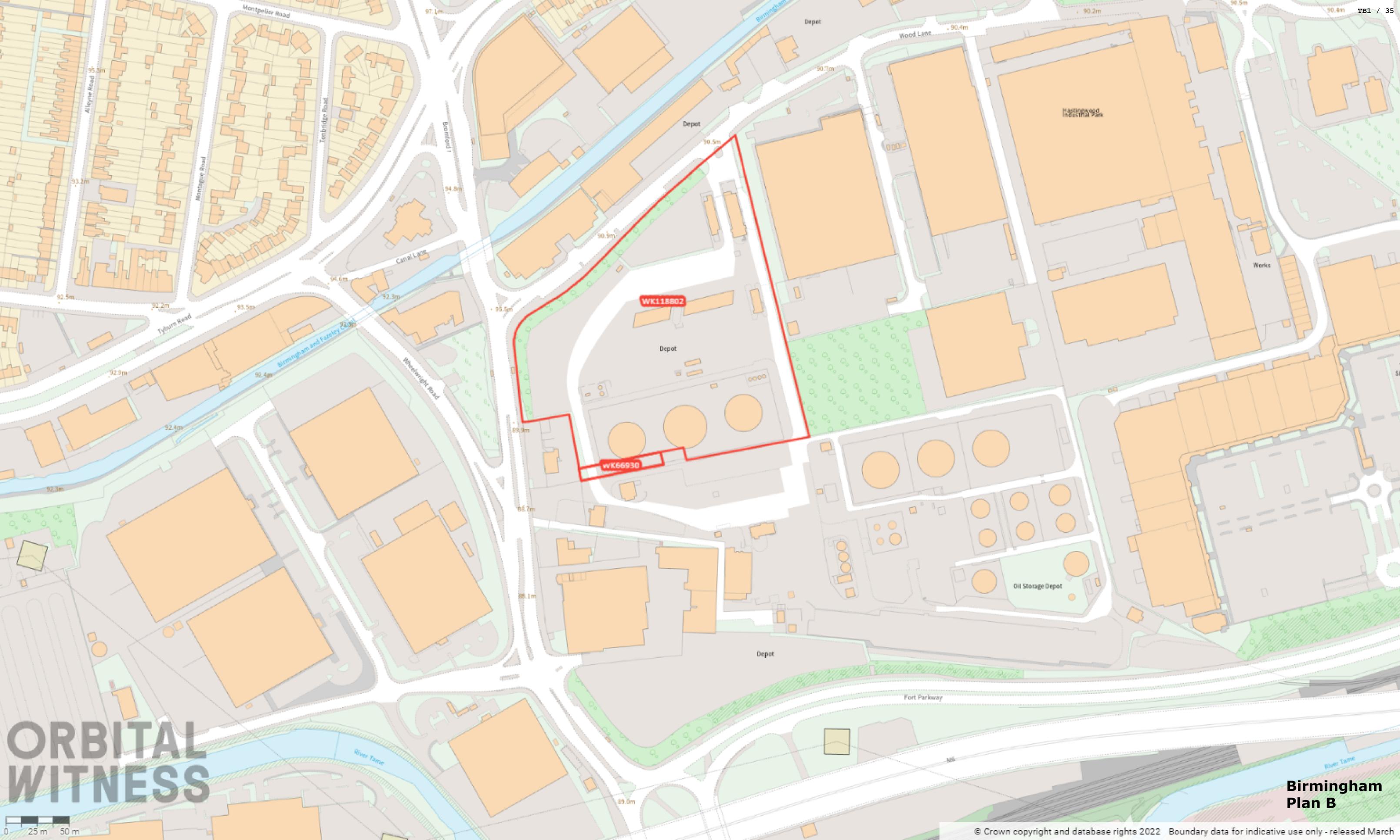
WK118802

WK66930

ORBITAL WITNESS

0 25m 50m

Birmingham Plan



**ORBITAL
WITNESS**

0 25 m 50 m

**Birmingham
Plan B**



Harris Academy Riverside

Purfleet Baptist Church

London Road Purfleet

Lockyer Road

Close

EXB69958

Purfleet Thames Terminal

Purfleet Plan

ORBITAL WITNESS

0 25m 50m



Purfleet Baptist Church

London Road Purfleet

Linden Close

Locker Road

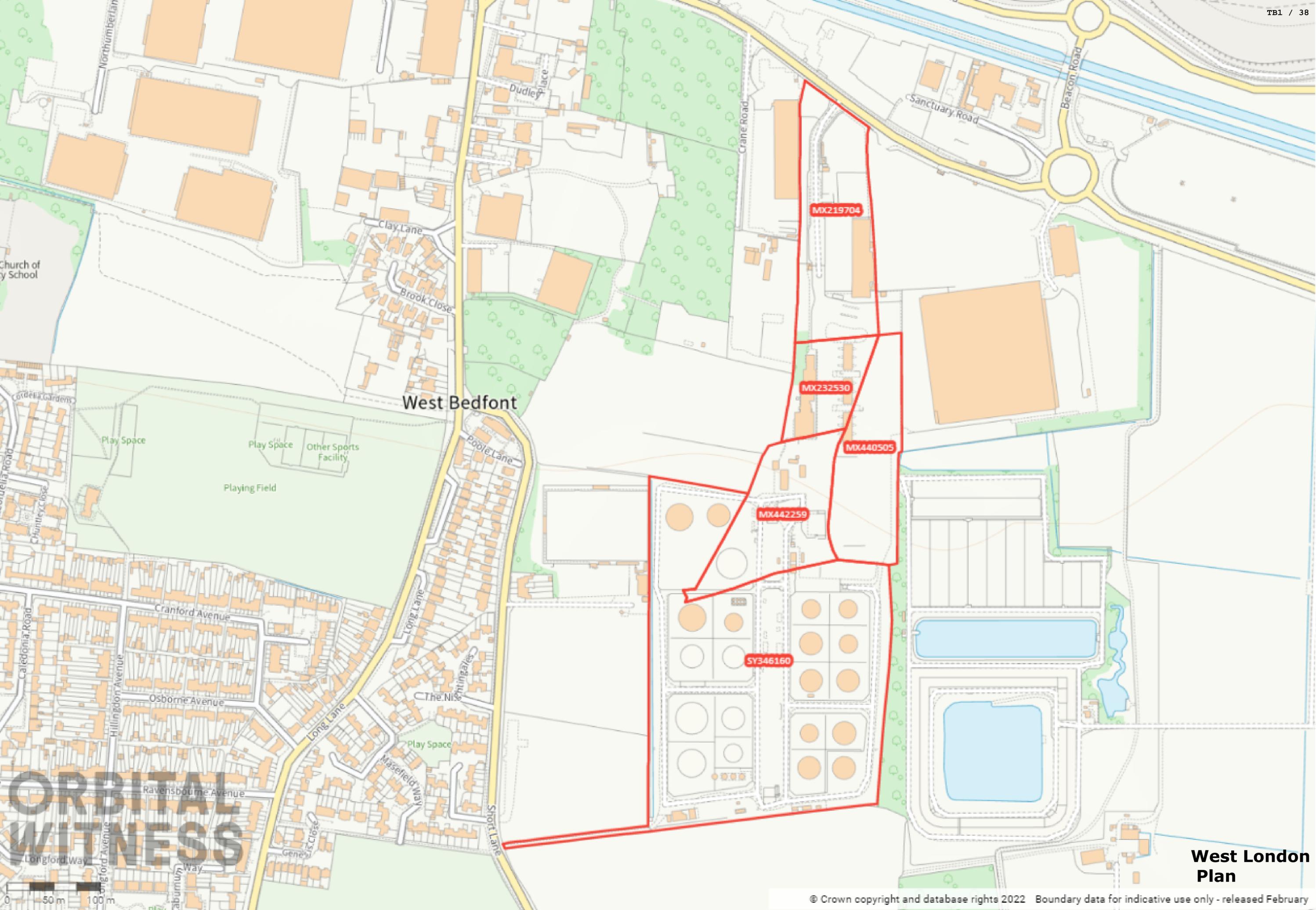
Macott Close

Purfleet Thames Terminal

**ORBITAL
WITNESS**

**Purfleet
Plan B**

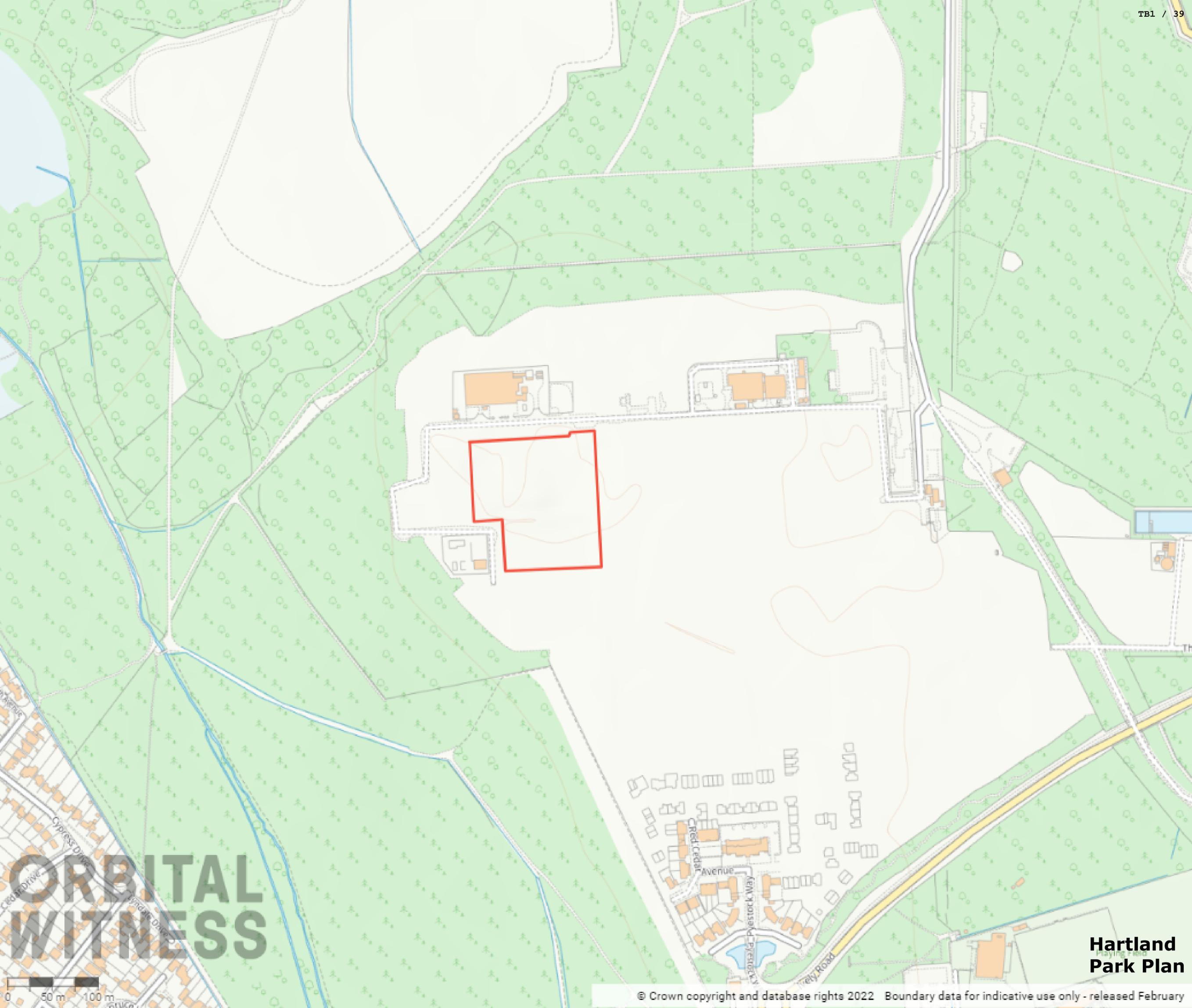
0 25m 50m



**ORBITAL
WITNESS**

0 50m 100m

**West London
Plan**



ORBITAL WITNESS



Hartland Park Plan



**ORBITAL
WITNESS**



**Alton Compound
Plan**

N244

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court High Court of Justice Royal Courts of Justice Queen's Bench Division		Claim no.	
Fee account no. (if applicable)		Help with Fees – Ref. no. (if applicable)	
PBA0087211		H	W
Warrant no. (if applicable)		F	-
Claimant's name (including ref.) (1) ESSO PETROLEUM COMPANY, LIMITED (2) EXXONMOBIL CHEMICAL LIMITED			
Defendant's name (including ref.) PERSONS UNKNOWN			
Date		4 April 2022	

1. What is your name or, if you are a legal representative, the name of your firm?

Eversheds Sutherland (International) LLP

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

An order for an injunction to restrain trespass and nuisance

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a telephone hearing

6. How long do you think the hearing will last? Hours Minutes

Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

No-one

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

n/a

10. What information will you be relying on, in support of your application?

- the attached witness statement
 the statement of case
 the evidence set out in the box below

If necessary, please continue on a separate sheet.

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 section 10 (and any continuation sheets) are true.
- The Applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

Month

Year

April

2022

Full name

Stuart Sherbrooke Wortley

Name of applicant's legal representative's firm

Eversheds Sutherland (International) Limited

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

Partner

Applicant'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
---	---	---	---	---	---	---

If applicable**Phone number**

020 7919 0969

Fax number**DX number****Your Ref.**

Stuart Wortley

Email

SSW.066758.010081

N244

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court High Court of Justice Royal Courts of Justice Queen's Bench Division		Claim no. QB-2022-001098											
Fee account no. (if applicable)		Help with Fees – Ref. no. (if applicable)											
PBA0087211		<table border="1"> <tr> <td>H</td> <td>W</td> <td>F</td> <td>-</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		H	W	F	-						
H	W	F	-										
Warrant no. (if applicable)													
Claimant's name (including ref.) (1) ESSO PETROLEUM COMPANY, LIMITED (2) EXXONMOBIL CHEMICAL LIMITED													
Defendant's name (including ref.) PERSONS UNKNOWN													
Date		6 April 2022											

1. What is your name or, if you are a legal representative, the name of your firm?

Eversheds Sutherland (International) LLP

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

An order to continue the interim injunction granted by Mrs Justice Ellenbogen on 6 April 2022 to restrain trespass on and nuisance affecting the Claimants' land and for alternative methods of service, as attached draft Order.

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a telephone hearing

6. How long do you think the hearing will last?

1 Day

Is this time estimate agreed by all parties?

Yes No

7. Give details of any fixed trial date or period

Return date for injunction fixed for 27 April 2022

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

Persons Unknown by alternative means

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

n/a

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

The Amended Particulars of Claim.

The following witness statements:-

1. First Witness Statement of Anthony Milne dated 3 April 2022
2. First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022
3. First Witness Statement of Nawaaz Allybokus dated 5 April 2022
4. Second Witness Statement of Nawaaz Allybokus dated 5 April 2022

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 section 10 (and any continuation sheets) are true.
- The Applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

6

Month

April

Year

2022

Full name

Stuart Sherbrooke Wortley

Name of applicant's legal representative's firm

Eversheds Sutherland (International) Limited

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

Partner

Applicant'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
---	---	---	---	---	---	---

If applicable**Phone number**

020 7919 0969

Fax number**DX number****Your Ref.**

Stuart Wortley

Email

SSW.066758.010081

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

See paragraph 5 of Witness Statement of Martin Pullman dated 27 February 2023.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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 section 10 (and any continuation sheets) are true.
- The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
27	02	2023

Full name

Nawaaz Allybokus

Name of applicant's legal representative's firm

Eversheds Sutherland (International) LLP

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

Associate Solicitor

Applicant'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

If applicable

Phone number

020 7919 0969

Fax phone number

DX number

Your Ref.

ALLYBOM/066758.010081

Email

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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 section 10 (and any continuation sheets) are true.
- The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
20	03	2023

Full name

Nawaaz Allybokus

Name of applicant's legal representative's firm

Eversheds Sutherland (International) LLP

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

Associate Solicitor

Applicant'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

If applicable

Phone number

020 7497 9797

Fax phone number

DX number

Your Ref.

ALLYBOM/066758.010081

Email

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

1. No Defence has been served in these proceedings and it therefore appears that the Claimant's action will remain unopposed.
2. To assist the Court, the Claimants have prepared 2 further witness statements:-
(a) an updating witness statement from Martin Pullman of the First Claimant dated 6 June 2023; and
(b) a short witness statement from Nawaaz Allybokus of the Claimant's solicitors in substitution for an earlier witness statement of Stuart Wortley who is unable to attend trial dated 8 June 2023.
3. Paragraph 19 of the Oder dated 27 March 2023 required the Claimants to file and serve any further evidence by 4.00 pm on 8 May 2023. This would ensure that the Defendants would have any such evidence around one month before trial (which by paragraph 23 was to be listed on the first available date after 12 June 2023).
4. In fact, the Trial has been listed on either 10 or 11 July 2023.
5. In the circumstances, the Claimants respectfully request permission to rely on the further statements and to extend time to allow this. In relation to Mr Pullman's statement particularly, it is considered that the Court will be assisted by having the most up-to-date position of the situation.
6. The Claimants anticipate filing and serving this application and the further witness statements of Mr Pullman and Mr Allybokus by 21 June 2023.
7. The draft order in relation to the main substantive application includes provisions for the order applied as part of this application.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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 section 10 (and any continuation sheets) are true.
- The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
14	06	2023

Full name

Nawaaz Allybokus

Name of applicant's legal representative's firm

Eversheds Sutherland (International) LLP

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

Associate Solicitor

Applicant'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

If applicable

Phone number

020 7497 9797

Fax phone number

DX number

Your Ref.

ALLYBOM/066758.010081

Email

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.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

Digital Transcription by Marten Walsh Cherer Ltd.,
2nd Floor, Quality House, 6-9 Quality Court, Chancery Lane, London WC2A 1HP.
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.
-

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

CLAIM NO. QB-2022-001098

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) HYTE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTE 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 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 [REDACTED]

(5) Diana Hekt, of [REDACTED]

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

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 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 (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 [TB2/372-418](#) 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"**. [TB2/419-438](#)

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"**. [TB2/456-483](#)
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 [TB2/491-496](#) 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 [TB2/506-509](#) 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 [TB2/501-505](#) 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."** [TB2/513-526](#) 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**".

[TB2/559-576](#)

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**".

[TB2/321-357](#)

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"**.

TB2/358-371

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"**.

TB2/439-447

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**".

[TB2/452-453](#)

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"**.

TB2/448-451

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"**.

[TB2/454-455](#)

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:
Anthony Milne
515934DBE47C4A2...

Anthony Milne

3 April 2022

Party: Claimants
 Name: M Pullman
 Number: First
 Exhibits: "MP1" - "MP2"
 Date: 27.02.23

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 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 (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

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.
2. I have read the Witness Statements of Anthony Milne (the Claimants' Global Security Adviser) dated 3 April 2022 and of Stuart Wortley (a partner with Eversheds Sutherland, the Claimants' solicitors) dated 4 April 2022.
3. 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.

BACKGROUND

4. Paragraph 8 of Anthony Milne's Witness Statement records incidents involving direct action by protestors opposed to the oil and gas industry including those at the First Claimant's oil terminal at Birmingham in April 2022.
5. The Claimant knows of the following individuals who have been convicted of aggravated trespass following direct action at the Birmingham terminal. In February 2023, each of them was given a conditional discharge for 12 months and ordered to pay prosecution costs. The names and home addresses below were provided to the First Claimant by West Midlands Police:-
 - 5.1 Paul Barnes of 41 Hillside View, New Mills, High Peak, SK22 3DF;
 - 5.2 Paul Fawkesley of 12 Lakeland Close, Liverpool, L1 5HY;
 - 5.3 Diana Hekt of 12 Victoria Road, Meltham, Holmfirth, West Yorkshire, HD9 5NL;
 - 5.4 Oliver CLEGG of Whitworth Park Student Housing, Grove House, Oxford Road, Manchester M13 9NG;

- 5.5 Alan Woods of 14 Greenslate Road, Billinge, Wigan, Greater Manchester, WN5 7BG.
6. Paragraphs 9.1 to 9.19 of Mr Milne's Witness Statement record a number of other incidents in which the First Claimant's premises were targeted by anti-fossil fuel protestors.
 7. Paragraphs 9.20 to 9.30 of Mr Milne's Witness Statement record the threats of direct action against the oil and gas industry which XR and JSO were making at that time.
 8. The incidents and threats referred to in paragraphs 8 and 9 of Mr Milne's Witness Statement prompted the Claimants to commence these proceedings for an injunction to restrain protestors from engaging in unlawful conduct at the Sites.
 9. On 7 April 2022, Mrs Justice Ellenbogen granted an interim injunction to restrain the Defendants from trespassing and / or causing a nuisance at the Sites.
 10. On 27 April 2022, Mr Justice Bennathan extended this injunction until 27 April 2023.
 11. I make this Witness Statement in support of the Claimants' application:-
 - 11.1 to continue the injunction beyond 27 April 2023;
 - 11.2 to join in the individuals named in paragraph 5 above as named Defendants to these proceedings.

OTHER INJUNCTIONS TO RESTRAIN PROTESTORS GRANTED IN 2022 / 2023

12. The Claimants were not alone in seeking injunctions to restrain the unlawful conduct of protestors opposed to the oil and gas industry.
13. I am informed by Stuart Wortley that each of the companies referred to in the first column of table below successfully applied for injunctions in similar terms to the one sought by the Claimants in these proceedings:-

Claimants	Premises	Action No	Duration
Shell International Petroleum Company Limited	Shell Centre Tower	QB-2022-001259	12 months expiring 22 April 2023
Navigator Terminals Thames BV Limited and others	Oil terminals at West Thurrock, Teeside and Penarth	QB-2022-001139	12 months expiring 27 April 2023
Shell UK Limited	Shell Haven Site	QB-2022-001241	12 months expiring 27 April 2023
Shell UK Oil Products Limited	Petrol filling stations	QB-2022-001420	12 months expiring 12 May 2023
Essar Oil (UK) Limited and others	Oil terminals at Stanlow, Ellesmere Port, Tranmere,	PT-2022-000326	12 months expiring 11 May 2023

	Birkenhead and Northampton		
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
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

14. I am further informed by Stuart Wortley that:-

14.1 in August 2022, the First Claimant applied for an interim injunction to restrain interference with the construction of a pipeline (for the supply of aviation fuel to Heathrow Airport) between the First Claimant's oil refinery at Fawley and its West London terminal;

14.2 the action number for that action is QB-2022-002577;

14.3 on 16 August 2022, Mr Justice Eyre granted an interim injunction in that action;

14.4 on 21 October 2022, HHJ Lickley KC extended this injunction and gave directions for trial;

14.5 the trial was listed before Mr Justice Julian Knowles on 13 February 2023;

14.6 the trial was not contested; and

14.7 on 13 February 2023, Mr Justice Julian Knowles reserved judgment and further extended the injunction pending judgment being handed down.

15. The action referred to in the previous paragraph was prompted by a protest conducted by Scott Breen and others on land in Surrey close to the point at which the pipeline would pass below the M25. Mr Breen dug (and subsequently occupied) a pit on this land with the objective of obstructing specialist construction equipment and delaying the project. Mr Breen's failure to leave this protest site in breach of the order of Mr Justice Eyre resulted in his committal for contempt of court and his imprisonment for 112 days (of which he served half) following a hearing before Mr Justice Ritchie in September 2022. Mr Breen unsuccessfully appealed against that sanction to the Court of Appeal (although a separate fine of £1,500 was cancelled).

16. I am further informed by Stuart Wortley that National Highways Limited (which has responsibility for the strategic road network in England and Wales) and 3 local

authorities sought injunctions to restrain protestors opposed to the oil and gas industry from obstructing motorways and roads in the vicinity of oil terminals (including a number of terminals referred to in paragraph 13):-

Claimants	Motorways / Roads / Property	Action No	Duration of current Injunction
North Warwickshire County Council	Kinsbury Oil Terminal	KB-2022-001236	Until further order
National Highways	M25, M25 feeder roads and Kent road	KB-2021-003576 KB-2021-003626 KB-2021-003737	12 months expiring 9 May 2023
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 <i>Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors</i> (UKSC/2022/0046)
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

EVIDENCE SUPPORTING THE VALERO INJUNCTION

17. In March / April 2022, the Kingsbury Terminal in Staffordshire (operated by Valero Energy Limited) was the subject of perhaps the most aggressive form of direct action by anti-fossil fuel protestors last year. This prompted Valero Energy Limited (and 2 group companies) to apply for an injunction to restrain unlawful behaviour at its Pembroke refinery and its oil terminals (see the table at paragraph 13).
18. I am informed by Stuart Wortley that:-
 - 18.1 the evidence relied upon by the Claimants in the Valero case included a Witness Statement from Benjamin Smith (Assistant Chief Constable for Warwickshire Police) dated 10 April 2022;
 - 18.2 Mr Smith's Witness Statement refers to serious incidents involving obstruction of access to and from the Kingsbury Terminal (using a variety of tactics including individuals climbing on to the top of oil tankers, gluing themselves to road surfaces and using "lock-on" devices);
 - 18.3 Mr Smith's Witness Statement refers to more than 500 arrests having been made between 31 March and 10 April 2022:-

Date	Arrests
31 March – 1 April	42
2 April – 3 April	68
5 April	88
7 April	127
9 – 10 April	180

18.4 Mr Smith's Witness Statement includes the following text below a heading

"Police Operation":-

"The scale and duration of the policing operation has been one of the most significant that I have experienced in my career. Large numbers of officers, drawn from right across the force, have been deployed to Kingsbury day and night since the 1st April. This has meant that we have had to scale down some non-emergency policing services, including those that serve North Warwickshire. Although core policing services have been effectively maintained across the County during this period, the protests have undoubtedly impacted on the quality and level of the policing service that we are able to deliver. Officers who may have ordinarily been policing the communities of North Warwickshire have had to be redeployed to support the policing operation linked to Kingsbury. It has also meant that we have had to bring in additional officers from other regional forces, in addition to more specialist teams such as working at heights teams and protest removal teams. All of these will come at significant additional cost to the force and ultimately the public of Warwickshire."

18.5 Mr Smith's Witness Statement includes the following text below a heading

"Community Impact":-

"The impact on the local community has been substantial. There have been almost daily road closures of the roads around the oil terminal which has created disruption and inconvenience. The M42 has also been disrupted on occasions as a result of the protest activity. There has been a significant policing presence since the 1st April which I am sure has created a level of fear and anxiety for the local community. The policing operation has also extended into unsociable hours with regular essential use of the police helicopter overnight disrupting sleep. The reckless actions of the protestor has also created increased risk of potential fire or explosion at the site which would likely have catastrophic implications for the local community including the risk of widespread pollution of both the ground, waterways and air. Finally, the actions of the protestors has impacted the supply of fuel to petrol forecourts in the region, leading to some shortages,

impacting upon not only local residents but the broader West Midlands region."

19. A copy of Assistant Chief Constable Benjamin Smith's witness statement is now produced and shown to me marked **"MP1"**

[TB2/544-548](#)

20. On 20 January 2023, Mr Justice Soole extended this injunction until 8 February 2024.

REASONS FOR SEEKING THE INJUNCTION

21. In sub-paragraph 9.2 of Mr Milne's Witness Statement, he set out the Claimants' reasons for seeking an injunction in these proceedings. Those reasons may be summarised as follows:-

21.1 the Sites are used for the production and storage of flammable and otherwise hazardous substances (para 10.2.1 of Mr Milne's Witness Statement);

21.2 the incidents referred to in paragraphs 8 and 9 of Mr Milne's Witness Statement involved unlawful damage to property (para 10.2.2);

21.3 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 (para 10.2.3).

22. I confirm that each of these reasons remains valid at the time of making this Witness Statement.

CONTINUING THREAT

23. I am pleased to report that since the injunction granted on 7 April 2022 and continued on 27 April 2022, there have been no breaches of the injunction in these proceedings.

24. The fact that there were several incidents targeting the Sites before the injunction but none afterwards indicates to me that the injunction has created an effective deterrent.

25. The Claimants remain genuinely concerned about the threat posed by these protestors and believe that unless the injunction is continued, some or all of the Sites would again be targeted.

26. I am informed by Stuart Wortley that on 21 November 2022, XR conducted a protest outside the London office of Eversheds Sutherland. The protest involved a sit down protest obstructing the revolving doors and purple paint being thrown over the glass structure of the building. XR issued a press release which stated:-

"As solicitors for HS2 and Esso, Eversheds Sutherland have been forerunners in criminalising nonviolent environmental protest through the use of injunctions"

(page 1 of "MP2")

TB2/608

27. Footnote 12 to this statement included a reference to an article appearing on Law360 (an online news services for the legal sector) dated 21 October 2022 which referred to these proceedings entitled *"Activists Banned From Disrupting New Esso Oil Pipeline"*.

28. XR also tweeted the following message on Twitter (together with some photographs of this incident):-

"Eversheds Sutherland, are used by ecocidal companies like @ExxonMobil and @HS2Ltd They're using the courts to criminalise and silence peaceful protestors. We're here to tell @ESgloballaw to #CutTheTies to the #FossilFuel industry."

(pages 2-3 of "MP2")

TB2/607

29. In October 2022, JSO organised events which resulted in:-

29.1 the obstruction of roads in central London (generally bringing traffic to a standstill) including:-

- on Westminster Bridge on 1 and 2 October;
- other roads in Westminster on 4 and 5 October;
- roads around Trafalgar Square on 6 October;
- roads leading to Vauxhall Bridge on 7 October;
- The Mall on 10 October;
- Downing Street on 12 October;
- Park Lane on 16 October;
- Talgarth Road (the A4) on 18 October;
- Cromwell Road / Exhibition Road on 19 October;
- Knightsbridge on 20 October;
- Holborn on 21 October;
- Abbey Road on 23 October;
- roads near Mansion House on 27 October;
- Islington Green on 22 October;
- Charing Cross Road, Kensington High Street, Kennington Road and Blackfriars Road on 29 October;
- Commercial Street and Hanbury Street (near Spitalfields Market) on 31 October;

- 29.2 throwing a can of tomato soup over the Van Gogh's painting the Sunflowers in the National Gallery on 14 October;
- 29.3 2 individuals climbing the QEII suspension bridge and unfurling a banner on 17 October (resulting in the bridge being closed for 2 days). I understand from Stuart Wortley that the 2 individuals have been remanded in custody and face a committal hearing on 14 March 2023 and a criminal prosecution on 27 March 2023;
- 29.4 spraying buildings with orange paint including:-
- New Scotland Yard on 14 October;
 - the Aston Martin showroom on Park Lane on 16 October;
 - Department for Business Energy and Industrial Strategy on 17 October;
 - the entrance to Harrods on 20 October;
 - the offices of lobbyists for the fossil fuel industry on 25 October;
 - the Ferrari showroom on Park Lane and the Bentley showroom on Berkeley Square on 26 October;
 - the Rolex store on Knightsbridge on 28 October;
 - the MI5 Headquarters, the Home Office, the Bank of England and News Corp headquarters on 31 October.
30. A sample of on-line news articles concerning some of these incidents is attached to this statement at pages 2-37 **"MP2"**. [TB2/577-602](#)
31. The JSO press release following the QEII bridge incident on 17 October is attached at pages 17-18 of **"MP2"** and included the following statement:- [TB2/592-593](#)
- "This is not a one day event, expect us every day and anywhere. This is an act of resistance against a criminal government and their genocidal death project. Our 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."*
32. The JSO protests continued into November 2022 with a number of individuals gluing themselves to the road outside Downing Street to prevent access on 1 November and others climbing gantries above the M25 on 4 consecutive days between 7-10 November (inclusive).
33. On 8 December 2022, JSO issued a press release reporting on the activity in October / November and stating:-

"six weeks of continuous disruption and civil resistance by supporters of Just Stop Oil during October and November resulted in over 700 arrests. Since the campaign began on April 1st, Just Stop Oil supporters have been arrested over 2,000 times, with 24 supporters currently in prison."

(page 30 of "MP2").

TB2/586-588

34. On 1 January 2023, XR publicly committed to moving away from campaigns involving civil disobedience and issued the following statement under a banner heading "**WE QUIT**":-

"...

"As we ring in the new year, we make a controversial resolution to temporarily shift away from public disruption as a primary tactic. We recognise and celebrate the power of disruption to raise the alarm and believe that constantly evolving tactics is a necessary approach. What's needed now most is to disrupt the abuse of power and imbalance, to bring about a transition to a fair society that works together to end the fossil fuel era. Our politicians, addicted to greed and bloated on profits won't do it without pressure.

"We must be radical in our response to this crisis and determined in our efforts to address the climate and ecological emergency, even if it means taking a different approach than before. In a time when speaking out and taking action are criminalised, building collective power, strengthening in number and thriving through bridge-building is a radical act. XR is committed to including everyone in this work and leaving no one behind, because everyone has a role to play. This year, we prioritise attendance over arrest and relationships over roadblocks, as we stand together and become impossible to ignore.

..."

(pages 32-33 of "MP2").

TB2/589-590

35. On 2 January 2023, an article in The Guardian reporting on the change in XR's strategy for 2023 stated:-

"...

"It's 2023 and XR has quit ... But it's 2023, and we are barreling down the highway to the loss of ordered civil society, as extreme weather impacts tens of millions, as our country becomes unrecognisable ... there is no a need to face reality.

"We must move from disobedience into civil resistance ...

"In recent years, XR has led its supporters into blockading London streets and bridges for days, smashing bank headquarters' windows and spraying fake blood on the Treasury. But on Sunday, the group announced "we quit" in a new year resolution to "prioritise attendance over arrest and relationships over roadblocks.

"Since its radical start, XR has become comparatively more moderate. It has called for 100,000 people to take to the streets of Westminster in April, but cancelled its last series of protests after the queen's death. Recent demonstrations at private airfields led to no arrests. Trials continue of XR supporters involved in direct actions over previous years.

"On the other hand, over the past year, supporters of the Just Stop Oil campaign have smashed petrol pumps, blockaded oil terminals, glued themselves to the streets of London, zip tied their necks to goalposts at Premier League football matches and thrown tomato soup over one of the world's most famous oil paintings.

"More than 2,000 arrests were made during JSO activities and 138 of its activists have been held behind bars either awaiting trial or while serving a sentence this year. According to the group 12 are still in jail."

(page 34 of "MP2").

TB2/591-592

36. The Claimants believe that incidents above demonstrate that JSO remains committed to its campaign of disruptive direct action. This is consistent with other JSO messages:-

36.1 the website includes the following:-

"... we will not be intimidated by changes to the law, we will not be stopped by private injunctions sought to silence peaceful people. Our supporters understand that these are irrelevant when set against mass starvation, slaughter, the loss of our rights, freedoms and communities".

(page 37 of "MP2").

36.2 a tweet on 28 October 2022:-

"Sign up for arrestable direct action at ..."

(page 38 of "MP2");

TB2/601

36.3 a tweet on 1 November 2022:-

"... we will escalate our legal disruption against this treasonous Govt."

(page 39 of "MP2").

TB2/606

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:
Martin Pullman
ED969EB9008C493...

Martin Pullman

27 February 2023

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 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 (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 [TB2/666-687](#) 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 [TB2/666-687](#) 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

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

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

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; TB2/631-632

15.2 on 17 April 2023, disruption at the World Snooker Championship at The Crucible in Sheffield; TB2/633-634

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; TB2/635-636

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; TB2/637-646

- 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; TB2/645-646
- 15.6 on 25 May 2023, disruption at the Chelsea Flower Show; TB2/650-652
- 15.7 on 27 May 2023, disruption at the Gallagher Premiership rugby union final at Twickenham; TB2/653-655
- 15.8 earlier today (1 June 2023) disruption to the England cricket team whilst travelling to the test match against Ireland at Lords. TB2/663-665
16. Copies of the Just Stop Oil press releases relating to each of these incidents are attached to this statement marked **"MP4"**. TB2/631-665
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 unit 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"**.

TB2/631-665

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. TB1/12

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:
Martin Pullman
ED969EB9008C493...

Martin Pullman

6 June 2023

Party: Claimants
 Name: S Wortley
 Number: First
 Exhibits: "SSW1" – "SSW9"
 Date: 04.04.22

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 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 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, 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**". [TB2/289-309](#)
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 [TB2/289](#) 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:- [TB2/307](#)

- 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:- [TB2/4-50](#)
- 11.1 the First Claimant's freehold title – HP528736 (excluding title plan which runs to 19 pages); [TB2/4](#)
- 11.2 the First Claimant's leasehold title – HP528740; [TB2/33](#)
- 11.3 the Second Claimant's lease dated 28 August 1975; [TB2/37](#)
- 11.4 a plan which has been prepared by my firm using software known as Orbital Witness which shows:- [TB2/47](#)
- 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; [TB2/48](#)
- 11.6 a satellite image of the Petrochemical Complex on which the location of the 2 main gates have been marked with a "X". [TB2/49](#)
- 11.7 a satellite image of the Hythe Terminal on which the location of the main gate has been marked with a "X". [TB2/50](#)
- 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 TB2/51-158
- 17.1 the First Claimant's leasehold title and title plan BL105954; TB2/51
- 17.2 a copy of the lease dated 22 January 2008; TB2/54
- 17.3 an Orbital Witness plan showing the First Claimant's leasehold title; TB2/107
- 17.4 a satellite image of the terminal on which the location of the main gate has been marked with a "X". TB2/108

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.

TB2/172-178

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

TB2/159-188

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

TB2/160 -168

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;

TB2/169

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

TB2/170

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

TB2/171

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

24.3 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; TB2/189-195
 - 28.2 a copy of the transfer of part referred to above; TB2/196-212
 - 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); TB2/213
 - 28.4 a second Orbital Witness plan (marked "Purfleet Plan B") which omits the unregistered land; TB2/214
 - 28.5 a satellite image of the terminal on which the location of the main gate has been marked with a "X"; TB2/215
 - 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. TB2/216-217

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; TB2/218-234
 - 32.2 an Orbital Witness plan showing the First Claimant's freehold titles; TB2/235
 - 32.3 a satellite image of the terminal on which the location of the main gate has been marked with a "X". TB2/236

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; [TB2/237-281](#)
- 36.2 an Orbital Witness plan showing the First Claimant's leasehold land; [TB2/282](#)
- 36.3 a satellite image of the compound. [TB2/283](#)

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; [TB2/284-286](#)
- 39.2 an Orbital Witness plan showing the First Claimant's leasehold land; and [TB2/287](#)
- 39.3 a satellite image of the compound on which the location of the main gate has been marked with a "X". [TB2/288](#)

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**".

[TB2/527-531](#)

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: First
 Exhibits: "NA1"
 Date: 05.04.22

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, 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 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, 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 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

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, the Claimants' solicitors in these proceedings.
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. 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 make this witness statement in support of the Claimants' application for an injunction to restrain the Defendants from trespassing the properties referred to on the Particulars of Claims and the First Witness Statement of Stuart Wortley.

Corrections/Clarifications

4. I was responsible for the preparation of the plans which are attached to the Particulars of Claims and the first witness statement of Stuart Wortley.
5. I have read a full copy of the Particulars of Claim relating to these proceedings dated 4 April 2022 and have the following comments to make:-
 - 5.1 Paragraph 1.4.3 therein refers to unregistered freehold land. This is shown edged brown on the plan attached to the Particulars of Claims marked "Birmingham Plan".
 - 5.2 Paragraph 1.5.6 therein identified the Purfleet Jetty as shown edged green on the plan attached to the Particulars of Claims marked "Purfleet Plan". The colour of the delineation of the Purfleet Jetty on the said plan is in fact brown.
6. In relation to the Fawley Plan attached to the Particulars of Claims, there are two areas delineated blue outside the red edging. These two areas are included

in the FC freehold title but Claimants consider it unnecessary for the injunction to extend to them.

3 April 2022

7. In paragraph 8.7 of Mr Milne's Witness Statement dated 3 April 2022, he refers to the direction action which took place at the Birmingham Terminal over the course of last weekend. I am informed by Mr Masson, an employee of the Claimants, that the individuals involved climbed to the top of the storage tank in the bottom right hand corner of this site being part of the terminal which is unregistered land.

Notification of proceedings

8. The XR website includes the following email addresses: xr-legal@riseup.net and enquiries@extinctionrebellion.uk for the purposes of legal communications with them.
9. The JSO website includes the following email address juststopoil@protonmail.co.uk for communication with them generally.
10. On Monday 4 April 2022, I sent 2 email messages to the XR / JSO email addresses.
 - 10.1 the first message was sent at around 13:23. The purpose of this message was to alert XR / JSO to the fact that proceedings had been issued and that we would be seeking an urgent injunction to stop the disruption. No response was received to this message.
 - 10.2 the second message was sent at around 16:26 and was to inform XR / JSO of the hearing details. The same email invited XR / JSO to identify all of the individuals involved in the disturbance. No response was received to this message either.
11. I received delivery confirmation emails for the emails sent referred to at paragraphs 7.1 and 7.2 for all the recipient email addresses.
12. I also received an automated reply to the first email sent to enquiries@extinctionrebellion.uk. One was not received for the second email timed at 16:26.
13. Copies of these messages are now produced and shown to me marked "**NA1**".

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.



Nawaaz Allybokus

05 March 2022

Party: Claimants
 Name: N Allybokus
 Number: Second
 Exhibits: "NA2"
 Date: 05.04.22

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, 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 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, 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 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

SECOND 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, the Claimants' solicitors in these proceedings.
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. 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 make this witness statement in support of the Claimants' application for an injunction to restrain the Defendants from trespassing the properties referred to on the Particulars of Claims and the First Witness Statement of Stuart Wortley.

Birmingham Terminal

4. Around 13.20pm on 5 April 2022, Messrs BDB Pitmans sent a copy a conveyance dated 31 December 1957 and made between The Valor Company Limited and Esso Petroleum Company Limited ("**the Conveyance**") whereby the unregistered land at the Birmingham Terminal was conveyed to the First Claimant.
5. Throughout, and during the preparation of, these proceedings, the First Claimant could not locate documentation to evidence their ownership of the unregistered land. Instead, the Claimants relied on their occupation and control over the said land as proof of ownership.
6. The First Claimant made enquiries to their transactional solicitors, Messrs BDB Pitmans who, as mentioned above, have now located a copy of the Conveyance from their firm's archive.
7. A copy of the Conveyance is now produced and shown to me as exhibit "**NA2**", which evidences the First Claimant's ownership of the unregistered land.

8. I understand from the First Claimant that steps are being taken to arrange for the unregistered land to be registered at the HM Land Registry by way of an application for first registration.

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.



Nawaaz Allybokus

05 March 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 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, 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 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:-

TB2/531-536

- 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**.

[TB2/537-543](#)

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**.

[TB2/549-552](#)

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**.

[TB2/556-558](#)

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**. [TB2/553-555](#)
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**.) [TB2/372](#)

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 [TB2/419-438](#)

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: N Allybokus
 Number: Fourth
 Exhibit: "NA4"
 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 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, 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 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

FOURTH WITNESS STATEMENT OF

NAWAAZ ALLYBOKUS

I NAWAAZ ALLYBOKUS of Eversheds Sutherland (International) LLP, One Wood Street, London, EC2V 7WS WILL SAY as follows:-

1. I am a Solicitor employed by Eversheds Sutherland (International) LLP, the Claimants' solicitors.
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 an application by the Claimants for a disclosure order against the following bodies ("the Constabularies") pursuant to CPR Part 31.17(3):-
 - 3.1 Metropolitan Police;
 - 3.2 Hampshire Constabulary;
 - 3.3 West Midlands Police;
 - 3.4 Avonmouth and Somerset Constabulary; and
 - 3.5 Essex Police.
4. On 6 April 2022, Mrs Justice Ellenbogen granted an injunction ("the Injunction") to restrain the Defendants from entering onto or remaining at the Sites (as defined in the Particulars of Claim) and causing certain nuisances at the Sites. The Claimants applied for the Injunction following direct action promoted by Just Stop Oil and Extinction Rebellion.
5. The First Witness Statement of Anthony Milne summarises the direct action which occurred before the Injunction; my Third Witness Statement summarises the direct action by the Defendants which has occurred since the Injunction.
6. The Injunction provides for a return date of 27 April 2022 (on which date the Claimants will ask the Court to extend it).
7. Direct action at the Sites in breach of the Injunction may constitute contempt of court in respect of which the Claimants may wish to commence committal proceedings. In the event of such direct action:-
 - (1) the Claimants:-

- (a) may have evidence of such activity (including video recordings on Closed Circuit Television equipment at the Sites and / or from witnesses including employees and contractors); but
 - (b) are unlikely / very unlikely to know the names of the relevant individuals;
- (2) the Constabularies:-
 - (b) may have further evidence of such activity (including video recordings taken by cameras operated by police officers – including “body worn” cameras); and
 - (b) will have the names and addresses given by any individuals who are arrested.
- 8. I am aware of the fact that in the context of the Insulate Britain protests in 2021, National Highways:-
 - (1) obtained injunctions to restrain trespass on certain public roads including the M25;
 - (2) obtained a third party disclosure order against the Metropolitan Police (and other police forces) pursuant to CPR Part 31.17(3) which requires those bodies to disclose evidence relating to breaches of the injunctions (including the names and addresses of those who were arrested).
- 9. I understand that the need for a third party disclosure order arises from laws concerning privacy and data protection.
- 10. Copies of the injunctions and disclosure orders made in favour of National Highways are available at the following website:-

<https://nationalhighways.co.uk/about-us/interim-high-court-injunctions-for-motorways-and-major-a-roads/>
- 11. Without such a third party disclosure order, it is likely that the Claimants in the current proceedings would be unable to identify any individual who breaches the Injunction (and therefore unable - if so advised - to add those individuals as named defendants to the proceedings and / or to issue an application for committal). As a result, I believe that the documents of which disclosure is sought will support the Claimants’ case and that disclosure is necessary in order to dispose fairly of the claim.

12. On 11 April 2022, I spoke to Owen Weatherill, Assistant Chief Constable and National Mobilisation Co-ordinator on behalf of the National Police Co-ordination Centre ("NPOCC"). During this conversation, Mr Weatherill informed me that:-
- (1) the Claimants may wish to apply for a third party disclosure order;
 - (2) he could provide me with the relevant email contacts at the Constabularies (which Mr Weatherill's colleague subsequently did);
 - (3) if my firm applied for a disclosure order, he would expect the Constabularies to co-operate with regard to any disclosure order.
13. On or around 13 April 2022, I made contact with each of the Constabularies and informed them that the Claimants intended to apply for a third party disclosure order in these proceedings.
14. The Constabularies are as follows:-

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

15. Each of the Constabularies has subsequently confirmed to me that they adopt a neutral position with regard to this application and that they will abide by any Order which the Court may make. Copies of the relevant correspondence are produced at Exhibit **NA4**.
16. The Claimants are concerned that:-
- (1) there may be further direct action by individuals supporting the Just Stop Oil / Extinction Rebellion campaigns; and
 - (2) unless a disclosure order is made in their favour of they may be unable to join defendants to the proceedings and / or to issue a committal application.

17. In those circumstances, I respectfully ask that a disclosure order be made in the form attached to the Claimants' application.

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.



Nawaaz Allybokus

Associate Solicitor

Eversheds Sutherland (International) LLP

Party: Claimants
 Name: N Allybokus
 Number: Fifth
 Exhibits: "NA5"
 Date: 20.03.23

CLAIM NO QB-2022-001098

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

- (1) **ESSO PETROLEUM COMPANY, LIMITED**
 (2) **EXXONMOBILE 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 'FAWLEY PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HYTHE PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'AVONMOUTH PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (D) BIRMINGHAM OIL TERMINAL, Wood LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'BIRMINGHAM PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BROWN ON THE 'PURFLEET PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'WEST LONDON PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HARTLAND PARK PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED FOR IDENTIFICATION RED ON THE "ALTON COMPOUND PLAN" ATTACHED TO THE PARTICULARS OF CLAIM)

- (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

FIFTH WITNESS STATEMENT OF**NAWAAZ ALLYBOKUS**

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

1. I am an Associate Solicitor employed by Eversheds Sutherland (International) LLP, the Claimant's 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, I have provided the source of my information and those facts are true to the best of my knowledge and belief.
3. I make this witness statement :-
 - 3.1 to record service of the bundles for the hearing on 27 March 2023 (hereinafter referred to as the "Hearing Bundles") which include:-
 - 3.1.1 the Claimants' sealed Application dated 27 February 2023 ("the 27 February 2023 Application");
 - 3.1.2 the supporting witness statement of Martin Pullman dated 27 February 2023; and
 - 3.1.3 an email from the High Court confirming the listing on 27 March 2023;
 - 3.2 in support of a further application to allow service of the 27 February 2023 Application on Oliver Clegg by alternative means;
 - 3.3 to update the Court on direct action since Mr Pullman's statement dated 27 February 2023.

Service of the Injunction

4. Each of the steps required to effect service of the Order made by Mr Justice Bennathan on 27 April 2022 ("the 27 April 2022 Order") were completed during April / May 2022 and Certificates of Service were duly filed on 26 May 2022.

Service of the Hearing Bundles on Defendants 1-3

5. Service of the Hearing Bundles on Defendants 1–3 was effected in accordance with paragraph 11 of the 27 April 2022 Order:-
 - 5.1 On or around 3 March 2023, the Hearing Bundles were uploaded to the following webpage (“the Webpage”):

<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>
 - 5.2 A copy of the Webpage including links to the Hearing Bundles is at page 1 of Exhibit “**NA5**”.
 - 5.3 On 2 March 2023, I sent an email explaining that copies of the Hearing Bundles may be viewed on the Webpage to the following addresses:-

enquiries@extinctionrebellion.uk
xr-legal@riseup.net
juststopoil@protonmail.co.uk
 - 5.4 A copy of my email is at page 2 of Exhibit “**NA5**”.
 - 5.5 I am informed by Paul Masson, an employee of the First Claimant, that on or before 14 March 2023, copies of the Hearing Bundles were placed in clear plastic containers at a minimum of 2 locations on the perimeter of each of the Sites.

Service of the Hearing Bundles on Prospective Defendants 4-8

6. The 27 February 2023 Application seeks permission to join the following individuals (Prospective Defendants 4-8):-
 - 6.1 Paul Barnes;
 - 6.2 Paul Fawkesley;
 - 6.3 Diana Hekt;
 - 6.4 Alan Woods; and
 - 6.5 Oliver Clegg.

7. On 1 March 2023, my firm wrote to each of Prospective Defendants 4-8 serving a copy of the 27 February 2023 Application and providing a copy of the Hearing Bundles.
8. My firms' letter was sent to each of the Prospective Defendants 4-8 (to addresses which they had provided to the Police and which the West Midlands Police had provided to the Claimants) by first class post.
9. Copies of these letters are at pages 3-7 of Exhibit "**NA5**".
10. Pursuant to CPR Rule 6.26(1), the 27 February 2023 Application and the Hearing Bundles were deemed served on Prospective Defendants 4-8 on 3 March 2023.
11. On 8 March 2023, I was informed by Gergely Szucs, an assistant facilities manager at Eversheds Sutherland, that the documents served on Oliver Clegg had been returned marked "*addressee gone away*".

Service on Oliver Clegg by Alternative Means

12. As recorded in Martin Pullman's witness statement dated 27 February 2023, Mr Clegg (prospective Defendant 8) gave his address to the Police as "*Whitworth Park Student Housing, Grove House, Oxford Road, Manchester, M13 9NG*".
13. Given that the documents posted to him have been returned by Royal Mail, it appears that Mr Clegg no longer lives at that address.
14. The Claimants therefore seek permission to serve the 27 February 2023 Application on Mr Clegg by alternative means.
15. Whilst I have been unable to locate an email address or telephone number Mr Clegg he does have an Instagram account with the following Instagram handle "*oliver_clegg_*". I attach printed copies of his posts at page 8 of Exhibit "**NA5**".
16. On 20 March 2023, the Claimants' external affairs manager sent a direct message to Mr Clegg's Instagram account informing him of:-
 - 16.1 the 27 February 2023 Application;
 - 16.2 the 27 March 2023 hearing;
 - 16.3 the Webpage at which the Hearing Bundles (including the 27 February 2023 Application) can be found.

17. A copy of the direct message is attached at page 9 of Exhibit "NA5".
18. In the circumstances, the Claimants seek the retrospective permission to serve the 27 March 2023 Application on Mr Clegg by these alternative means.

Continuing threat

19. On 28 February 2023, a group of protestors using XR symbols and the Just Stop Oil badge blockaded the doorway to the Intercontinental hotel on Park Lane, London, where the International Energy Week Conference was being held.
20. I understand that this was a peaceful protest in which protestors:-
- 20.1 linked arms to blockade the entrance;
- 20.2 draped a banner along the pavement by their feet; and
- 20.3 chanted comments such as "no to oil and gas", "stop climate change" and "stop fossil fuel".
21. In paragraph 26 of Martin Pullman's witness statement, he refers to a protest conducted outside my firm's London Office in November 2022.
22. On 28 February 2023, a further protest was conducted at my firm's London office with additional protests on the same day at my firm's Birmingham, Cardiff and Nottingham offices.

Office	Action
London	Protestors blockaded access to the building.
Cardiff	Protestors:- <ul style="list-style-type: none"> • blockaded access to the building; • wrote "<i>defending climate criminals</i>" in paint on the external glazing; • chained themselves to the entrance door; • set off smoke flares outside the building; • poured a black liquid onto the front steps.
Birmingham	Protestors wrote " <i>cut the Ties to Fossil Fuel</i> " in paint on the external glazing.
Nottingham	Protestors:- <ul style="list-style-type: none"> • sprayed fake oil from a fire extinguisher onto the exterior of the building; • set off smoke flares outside the building.

23. Overnight on 15 March 2023, a group calling itself "THIS IS NOT A DRILL" smashed several windows at 50-60 Station Road in Cambridge which is the location of my firm's Cambridge office.
24. A sample of on-line news articles and press releases concerning these incidents is at pages 10-24 of exhibit "**NAS**".

TB2/616-630

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 Claimant.



Nawaaz Allybokus
20 March 2023

Party: Claimants
 Name: N Allybokus
 Number: Sixth
 Exhibits: "NA6"
 Date: 24.05.23

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) EXXONMOBILE 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 'FAWLEY PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HYTHE PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'AVONMOUTH PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'BIRMINGHAM PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BROWN ON THE 'PURFLEET PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'WEST LONDON PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HARTLAND PARK PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED FOR IDENTIFICATION RED ON THE "ALTON COMPOUND PLAN" ATTACHED TO THE PARTICULARS OF CLAIM)

(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)

(4) PAUL BARNES

(5) DIANA HEKT

Defendants

SIXTH WITNESS STATEMENT OF**NAWAAZ ALLYBOKUS**

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

1. I am an Associate Solicitor employed by Eversheds Sutherland (International) LLP, the Claimant's 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, I have provided the source of my information and those facts are true to the best of my knowledge and belief.
3. I make this witness statement to record service of:-
 - 3.1 the Order made by Mrs Justice Collins Rice on 27 March 2023;
 - 3.2 the Re-Re-Amended Claim Form;
 - 3.3 the Re-Re-Amended Particulars of Claim;
(“the Service Documents”); and
 - 3.4 the Notice of Trial dated 5 May 2023
4. Each of the steps required to effect service of the Service Documents was completed by 12 May 2023.

Service on Defendants 1-3

5. Service of the Service Documents and the Notice of Trial on Defendants 1-3 was effected as follows:-
 - 5.1 on or around 30 March 2023, the Service Documents were uploaded to the following webpage:-
<https://www.exxonmobil.co.uk/Company/Overview/UK-operations>
 - 5.2 on or around 12 May 2023, the Notice of Trial was uploaded to the following webpage:-
 - 5.3 <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>

A copy of the webpage (including links to the Service Documents and the Notice of Trial) is at page 1 of Exhibit "NA6".

TB2/696

5.4 by no later than 12 May 2023, I am informed by Paul Masson, an employee of the First Claimant that:-

5.4.1 copies of the Service Documents and the Notice of Trial were placed in clear plastic containers at a minimum of 2 locations on the perimeter of each of the Sites;

5.4.2 a notice which states that copies of the Service Documents may be obtained from the Claimants' solicitors, Eversheds Sutherland and may also be viewed on the webpage referred to above was added to each plastic container; and

5.4.3 four large warning notices, in the form annexed to the Order dated 27 March 2023 were fixed in conspicuous places around the perimeter of each of the Sites.

Sample photographs of the plastic containers, the notices which were placed in the plastic containers and the large warning notices are at pages 2-9 of Exhibit "NA6".

TB2/697-704

5.5 I sent emails to:-

xr-legal@riseup.net

enquiries@extinctionrebellion.uk

juststopoil@protonmail.co.uk

5.5.1 on 30 March 2023, explaining that copies of the Service Documents may be viewed on the Webpage

TB2/705

5.5.2 on 21 May 2023, enclosing a copy of the Notice of Trial

TB2/706

Copies of my emails are at pages 10 - 11 of Exhibit "NA6".

Service on Defendants 4 and 5

6. On 3 April 2023, I effected service of the Service Documents on Defendants 4 and 5 by first class post.

7. Copies of my covering letters are at pages 11 - 12 of Exhibit "NA6"

TB2/668
TB2/672

8. On 21 May 2023, I emailed a copy of the Notice of Trial to Defendants 4 and 5 to email addresses which they had previously used to email me (and my firm) in relation to these proceedings.

9. Copies of my emails are at pages 14 - 15 of Exhibit "NA6"

TB2/669
TB2/673

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 Claimant.



Nawaaz Allybokus
24 May 2023

Party: Claimants
 Name: N Allybokus
 Number: Seventh
 Exhibits: NA7-NA8
 Date: 13.06.23

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) EXXONMOBILE 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 'FAWLEY PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HYTHE PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'AVONMOUTH PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'BIRMINGHAM PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BROWN ON THE 'PURFLEET PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'WEST LONDON PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE 'HARTLAND PARK PLAN' ATTACHED TO THE PARTICULARS OF CLAIM)
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLYBOURNE (AS SHOWN EDGED FOR IDENTIFICATION RED ON THE "ALTON COMPOUND PLAN" ATTACHED TO THE PARTICULARS OF CLAIM)

- (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)**

- (4) PAUL BARNES**

- (5) DIANA HEKT**

Defendants

SEVENTH WITNESS STATEMENT OF**NAWAAZ ALLYBOKUS**

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

1. I am an Associate Solicitor employed by Eversheds Sutherland (International) LLP, the Claimants' solicitors in these proceedings.
2. I refer to the witness statement of Stuart Sherbrooke Wortley dated 4 April 2022 in which he describes the Claimants' legal interest in each of the Sites.
3. I am informed by Mr Wortley that regrettably he will be out of the country when the trial takes place on 10 July.
4. I have read Mr Wortley's witness statement and each of the exhibits marked **"SSW1" – "SSW9"** and confirm that each of the facts recorded in Mr Wortley's statement is correct.
5. By way of update, I am able to add the following:-
 - 5.1 in paragraph 16.2, Mr Wortley refers to an agreed (but, at the time of his witness statement, uncompleted) renewal lease of the Avonmouth Terminal. The renewal lease was duly completed on 10 August 2022 for a term of 15 years from 10 August 2022 until 9 August 2037. I attach a copy of the renewal lease at **the exhibit marked "NA7"**; TB2/109-158
 - 5.2 in paragraph 21, Mr Wortley refers to the fact that a significant part of the Birmingham Terminal (the part shown edged brown on the Orbital Witness plan at the exhibit marked **"SSW4"**) is unregistered freehold land. An application for first registration of this land was submitted to the Land Registry on 22 April 2022 with Land Registry reference MM168939/OC293EB but the registration process has not yet been completed; and TB2/169
 - 5.3 in paragraphs 33-39, Mr Wortley refers to the Hartland Park Logistics Hub and the Alton Compound both of which are used in connection with the SLP Project. Both are also within the DCO Order Limits and covered by the injunction made by Mr Justice Knowles on 13 February 2023.
6. I have read paragraphs 6 and 7 – 8 of Mr Pullman's second witness statement and I am able to add:-

- 6.1 on 8 June 2023, Diana Hekt provided an undertaking addressed to the Court to comply with the terms of the injunction;
- 6.2 on 12 June 2023, Paul Barnes provided an undertaking addressed to the Court to comply with the terms of the injunction.

Copies of the signed undertakings are attached at the exhibit marked "**NAS**" [TB2/688-695](#)

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.



Nawaaz Allybokus
13 June 2023