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**UNITED KINGDOM OIL PIPELINES LIMITED AND WEST LONDON PIPELINE AND  
STORAGE LIMITED**

**V PERSONS UNKNOWN**

**CLAIMANTS' SOLICITORS NOTE OF HEARING AND JUDGMENT OF PETER KNOX  
QC SITTING AS A DEPUTY JUDGE OF THE CHANCERY DIVISION**

**DATED 8 APRIL 2022**

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**This note has not been produced, issued or approved by the High Court. This note has been produced on the direction of Peter Knox QC sitting as a Deputy Judge of the Chancery Division and constitutes the Claimants' solicitors' note of the hearing of an interim injunction application that was heard by the High Court on 8 April 2022.**

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Katharine Holland QC and Yaaser Vanderman appeared for the Claimants.

**1. The Hearing**

- 1.1 The Judge confirmed that he had read the Claimants' Skeleton. He confirmed that he had read both witness statements of Mr Davis and Mr Armstrong.
- 1.2 Leading Counsel for the Claimants confirmed that she had provided the Judge with the following documents in addition:
  - (a) The updated draft Order;
  - (b) A third witness statement of the instructing solicitors; and
  - (c) the Notices that are the missing Schedules in the draft Order
- 1.3 Leading Counsel confirmed that notice of the Hearing was communicated to Extinction Rebellion and Just Stop Oil via email at 6.27am and 6.28am that day and details of the notice given were provided in the witness statement of the instructing solicitors. Leading Counsel confirmed that UKOP3 was the exhibit to the instructing solicitors' witness statement comprising the emails giving notice.
- 1.4 The Judge's clerk confirmed that no Persons Unknown were waiting outside the Court.
- 1.5 Leading Counsel proceeded to take the Judge through the title issues and confirmed that the interests in Site 1 were summarised at paragraph 2.3 of the Skeleton. It was confirmed that the First Claimant is the registered proprietor of three registered freehold titles, the registered proprietor of one leasehold title and also has a leasehold right of way over a private access route. The Second Claimant is the registered proprietor of a further freehold title. Details are set out in paragraphs 24 to 28 of the Witness Statement of Peter Malcolm Davis dated 7 April 2022 at Section B, page 31 of the bundle.

- 1.6 Leading Counsel referred the Judge to the official copies of the title registers of those interests at Section B, page 6, Section B, page 11, Section B, page 16 and Section B, page 20 of the bundle and confirmed that details in relation to the right of way were at page 26 and page 42 of the bundle. The Second Claimant's freehold title is at page 116, which is another parcel of land in Site 1. Leading Counsel confirmed that this is set out at paragraph 24 of Mr Davis' Witness Statement.
- 1.7 Leading Counsel referred the Judge to page 6 of the new draft Order, where Site 1 is shaded red. It was confirmed in response to the Judge's query that this plan is of the entirety of the Buncefield interest and within the site, the various plots within the Claimants' ownership are numbered.
- 1.8 Leading Counsel confirmed in response to the Judge's query that the main entrance to Site 1 is off Green Lane and that this is where activity had taken place.
- 1.9 Leading Counsel confirmed in response to the Judge's query that there had been a number of arrests made that day at Kingsbury but that she did not have an update in relation to Buncefield, however, Mr Armstrong's statement was up to date as of the previous night.
- 1.10 Leading Counsel confirmed that the main entrance was at Green Lane and the entrance at the other side was closed off. Leading Counsel confirmed that the Claimant are only seeking injunctive relief in relation to the enclosed plot of land and not relief for anything related to the public highways.
- 1.11 Leading Counsel confirmed in response to the Judge's query that Oil Road was a private road within the freehold interest of the First Claimant and that is why it is shaded in red. The Judge was referred to paragraphs 24 - 28 of Mr Davis' statement (Section A, page 31 of the Bundle), for a description of the site access road and it was confirmed that the Site 1 Access Route, as defined, was coloured blue on the Site 1 Plan.
- 1.12 The Judge queried the relevance of the Site 1 Access Route and Leading Counsel submitted that what was of concern was that the apprehended risks in relation to other areas of the plan apply equally to areas including the site access.
- 1.13 Leading Counsel confirmed in response to the Judge's query that so far there had been no problems in relation to the land coloured blue on the Site 1 Plan but that protection was sought to avoid access to the public highway being blocked. Leading Counsel referred the Judge in response to the Judge's query to the access to the M1 on the Site 1 Plan and confirmed the route taken by tankers from the site.
- 1.14 In relation to the Kingsbury site (site 2), Leading Counsel confirmed a correction to the Skeleton, on the third line of paragraph 2.6 at page 3. The reference should simply be to the proprietor of the leasehold title awaiting registration.
- 1.15 Leading Counsel confirmed that the conveyance for the unregistered Warwickshire title, which is referenced at the beginning of paragraph 2.6 of the Skeleton can be found in Section B, page 129 of the bundle. The Judge was referred to Section B, page 135 of the bundle for the office copy entry for the registered freehold title owned by the First Claimant and to Section B, page 146 for the lease that is awaiting registration at the Land Registry. The leasehold right of way can be found in paragraph 2 of Section B, page 154 of the bundle.
- 1.16 Leading Counsel confirmed in response to the Judge's query that at the time of grant of this leasehold interest it would be known that the land was intended for this use.
- 1.17 The Judge was referred to the private access route on the Site 2 Plan shaded blue. The Judge was also referred to Section A, page 30 of the bundle which provides a description of the site and to Section A, page 32 on paragraph 33 which describes the access route.

- 1.18 Leading Counsel confirmed in response to the Judge's query that Section A, page 34, paragraph 47 of Mr Davis' Witness Statement confirms that the main access to site 2 is via Piccadilly Way which then leads on to the private access road serving the main site and terminal facilities in the north of site.
- 1.19 Leading Counsel confirmed in response to the Judge's query that the parcel of land numbered 3 is described at Section A, page 33 at paragraph 46 of Mr Davis' Witness Statement.
- 1.20 Leading Counsel confirmed in response to the Judge's query that the activity complained of taking place at Kingsbury was within the oil terminals themselves and within the public highways, there had been no actual trespassers within the boundaries of the site.
- 1.21 Leading Counsel referred the Judge to Section A, page 30, at paragraph 20 for a description of the site and confirmed that the land numbered 2 was fire ponds to deal with the risk of fires and site 3 comprised a water lagoon and a fire pond.
- 1.22 Leading Counsel confirmed in response to the Judge's query that the activity of the campaigners had occurred in the terminal areas; trespassing on adjacent sites and activity at public highways even though entry to Site 2 had not been obtained. It was confirmed in response to the Judge's query that the concern was that the individuals in question would move away from the current areas and to the central control area marked 1 on Site 2.
- 1.23 Leading Counsel referred the Judge to the evidence in relation to Kingsbury Site 2 as referred to in Mr Armstrong's Witness Statement where events are set out. Mr Armstrong describes the issues relating to the Kingsbury site at paragraphs 21 - 42 of his statement. In those paragraphs he sets out where the risks arise in relation to those areas. Furthermore, details of direct action are from page 44 onwards.
- 1.24 Leading Counsel confirmed that individuals had been blocking the main entrance and confirmed in response to the Judge's query as to where the main entrance was, that this was where Piccadilly Way meets Trinity Road and referred the Judge to photographs at Section B, pages 257 - 272. Page 257 was referenced in order to show the entrance where activity had taken place. Leading Counsel confirmed that the photograph in Section B, page 262 is described as being "near Kingsbury Oil Terminal" which applies to the land which the Claimants have an interest in.
- 1.25 The Judge stated that his impression was that the reference to Kingsbury Oil Terminal was being used not to refer to the Claimants' plots of land, but the place where the tankers are.
- 1.26 Leading Counsel submitted that the individuals were near the vicinity of the Claimants' land and that the activities of the campaigners relates to the site as a whole including the Claimants' interest. The Judge was referred to Section B, page 286 for a photograph of the activities at the site. Leading Counsel confirmed in response to the Judge's query that most of the photographs were from newspaper articles, the one at 286 being from the Mail Online (from page 279 onwards).
- 1.27 The Judge referred to many of the photographs having copyright Extinction Rebellion and Just Stop Oil on them suggesting that they had been taken by individuals of those groups and then provided to the press for the benefit of their campaigns.
- 1.28 The Judge was referred to page 279 of the bundle and to the headline of that article which refers to "*critical oil facilities at Kingsbury terminal*" and Leading Counsel submitted that this was the sort of evidence that proves that there is general disruption to the facility and not in one specific area in relation to tankers. Leading Counsel also submitted that this evidence also suggests the actions of the campaigners relate to all facilities in relation to oil sites.

- 1.29 The Judge stated that what appeared to be happening is that the campaigners were not trespassing at any relevant land but instead were causing a nuisance to the oil terminal as opposed to causing a nuisance at the particular plots of land owned by the Claimants.
- 1.30 Leading Counsel indicated that this was a site with different titles but submitted that the whole site was at risk due to the activities. Leading Counsel also submitted that the Claimants' facilities were fundamental to the pipeline and just as much at risk as the campaigners were not distinguishing between areas, meaning that the whole site was at risk.
- 1.31 The Judge indicated that this may be a matter of how the order is phrased and what the defendants are prevented from doing. He requested the evidence that showed that by causing trouble and being a nuisance to the main depot, the campaigners were jeopardising or potentially jeopardising the operations carried out by the Claimants at their sites.
- 1.32 Leading Counsel submitted that there was a conglomeration of evidence of the campaigns causing disruption to the oil industry and that whilst blocking tankers may not affect the operations of terminal, the campaigners are not just trying to stop tankers, they are also presenting risks to infrastructure. Leading Counsel submitted it would be useful to look at the totality of the activities to show the kind of activity that presents a risk to all sites.
- 1.33 The Judge stated that there was evidence of trespass in relation to Buncefield Site 1 but he wished to be told about how the activities carried out by Extinction Rebellion at Kingsbury Site 2 were causing or likely to cause risks at the particular sites which the Claimants control.
- 1.34 Leading Counsel referred the Judge to the following evidence of disruption:
- (a) Last Friday there was the prevention of oil tankers from leaving the site at Kingsbury;
  - (b) by 3 April 2022, there were 54 arrests;
  - (c) Section A, page 44 at paragraph 45 set out these events in detail including: "*on 5 April 2022, 20 activists from Just Stop Oil again blocked the entrance to the terminal by sitting in the road with banners at the gate which they said was causing tankers to be turned away. The group claimed that five people had been arrested, whilst those remaining were either glued to the road or locked on – and a roadblock was also established on a tanker route to and from the terminal near Junction 9 on the M42. Warwickshire Police said that a total of eight activists had been arrested, bringing the total across the 10 sites affected to 283 pages 279-288 of UKOP2 in the bundle; and*
  - (d) *on 7 April 2022, Just Stop Oil tweeted that from 00:40am on 7 April 2022 there were supporters of Just Stop Oil blocking the entrance to Site 2. They also claimed that they had protestors inside the Kingsbury oil terminal (but which does not comprise part of Site 2), and that they 'seem to have free rein of this place' pages 289-291 of UKOP2 in the bundle."*
- 1.35 The Judge queried how the Claimants' sites were affected by the actions when the Claimants were not the owner of the oil tankers / depot.
- 1.36 Leading Counsel submitted that photographs in the evidence show that the campaigners do not distinguish between the different titles within the site – the campaigners are not just interested in terminals, they are interested in gaining access to all sorts of oil-related infrastructure. Leading Counsel submitted that the Claimants may bring a cause of action for quia timet relief which means that the Claimants would be entitled to injunctive relief based purely on a threat from campaigns in the absence of activity.

- 1.37 The Judge stated that this may assist because he did not see how stopping oil tankers from leaving the depot would cause nuisance to the Claimants' land.
- 1.38 Leading Counsel submitted that the evidence in relation to the site shows that it is not about purely disrupting oil tankers. The campaigners are willing to go further. Their movement is about stopping oil facilities at targeted sites beyond the oil terminal. Leading Counsel referred the Judge to the following references showing disruption around the site generally: in Section B, page 280, this article reports on how the campaigners bolt tunnels "*at the Navigator Oil terminal*" in Essex; Section B, page 281 shows campaigners at another location at Kingsbury Oil Terminal; Section B, page 286, shows another photo in the vicinity of the site including the Claimants' properties; and Section B, page 289, shows individuals within the actual facilities on 7 April 2022.
- 1.39 Leading Counsel submitted that the evidence shows that in addition to blocking tankers, the campaigners are gaining access into the actual facilities. So their activities do risk disrupting the activities of the Claimants. The Judge was referred to the tweet of Just Stop Oil in which they state "*we seem to have free reign of the place.*" In response to the Judge's query, Leading Counsel confirmed that the Navigator terminal was a completely different site and the claim was essentially that whilst the campaigners may have gone for tankers so far, that doesn't mean that they will stop at that.
- 1.40 The Judge requested examples demonstrating that the activities of those involved in direct action are declaring an intention to cause nuisance. Leading Counsel referred the Judge to the extracts in Section A of the bundle at page 44, paragraph 46. The Judge noted the proximity of the date and that there was a blockade that day in Tower Bridge.
- 1.41 Leading Counsel referred the Judge to two specific references at Section A, page 45 of the bundle which sets out how the spokesperson for Extinction Rebellion claimed that Extinction Rebellion had "*held three locations three locations of strategic importance to the UK's energy network*" and submitted that this was demonstrative of it not just being about blocking tankers. Another example on the same page relates to how ExxonMobil had to shut down operations at Hythe, Birmingham, Purfleet and West London terminals due to direct action.
- 1.42 Leading Counsel confirmed that the incidents had occurred last Friday and that there was a reference to shutting down operations. The Judge was then referred to page 46 "*on 4 April 2022, it was reported that activists were planning weeks of disruption across Britain, including using a network of secret tunnels at the Navigator Oil Terminal in Thurrock and Grays oil terminals in Essex to frustrate the operations of key oil facilities*" being a reference to disruption generally by creating secret tunnels to cause disruption in key oil facilities.
- 1.43 Leading Counsel confirmed in response to the Judge's query that inferences could be drawn that as this is all effectively a campaign by Extinction Rebellion to cause maximum disruption in the very near future by whatever means they think are justified they could therefore cause disruption to the Claimants' sites because they are planning big and not limiting their activity to oil tankers.
- 1.44 Leading Counsel directed the Judge to Section A, page 42 at paragraph 43, to demonstrate the breadth of the activities and to Section B, page 195 where there is a reference to Just Stop Oil's Frequently Asked Questions as posted on their website and in which they specifically indicate, under the heading of "*What are you going to do?*", to their intention "*to take part in Non-Violent Direct Action targeting the UK's oil and gas infrastructure should the Government fail to meet our demand by 14 March 2022.*" Leading Counsel submitted that the key emphasis is that they are willing and intending to go after oil infrastructure which would extend to the activities of the Claimants.
- 1.45 Leading Counsel referred the Judge to Mr Davis' Witness Statement, in Section A, page 33 of the bundle which, at paragraph 5, sets out the significance of Site 2 in that it "*houses the central control*

*centre which operates the UKOP Stanlow to Kingsbury Pipeline, the UKOP Kingsbury to Buncefield Pipeline, the UKOP Thames to Kingsbury Pipeline and the WLPSP storage site and WLPSP pipelines for Heathrow and Gatwick Airports providing all control and safety monitoring functions".* Leading Counsel submitted that when considering this matter, the Court may be mindful of considering the risk to the Claimants' properties with reference to the gravity of the consequences if disruption were to occur.

- 1.46 The Judge queried whether there were pipelines at Site 2 in relation to which Leading Counsel confirmed that there were pipelines feeding the terminal and Section A, page 41, paragraph 35, of the bundle answers this question directly.
- 1.47 Leading Counsel referred the Judge to Section B, page 313 where there is a reference to the police warning people to avoid the areas where there is activity generally which would include the Claimants' properties.
- 1.48 The Judge indicated that there is a difference between stopping tankers and getting through and disrupting infrastructure in response to which he was referred by Leading Counsel to the top of Section B, page 334, where there is a reference to the campaigners forcing the shut down of ExxonMobil's oil operations. Leading Counsel submitted that the activity is not just about blocking tankers.
- 1.49 Leading Counsel referred the Judge to the evidence in relation to the tunnelling in Section B, pages 370 – 373 of the bundle. The Judge stated that this evidence all goes to the urgency point and that it indicated that there was a particular time that this activity will take place which is this week and this evidence is quite material for the Claimants.
- 1.50 The Judge indicated that he did not need to be addressed in relation to the law because he had read Leading Counsel's skeleton argument. Leading Counsel indicated that she wanted to cover the test which needed to be satisfied in section 12 of the Human Rights Act which the Judge confirmed would be helpful to go through. Leading Counsel indicated half an hour would be needed and the stages of the test had been addressed in the Skeleton.
- 1.51 The Judge stated that he wanted to address an issue in relation to the Defendants identified in the draft Order. He indicated that the Order seemed odd in that you have a first and a second defendant who is persons unknown but the purpose of the injunction is to affect anybody who finds out about the injunction and thus becomes liable not to breach it. The Judge queried whether this was standard wording in this type of action.
- 1.52 Leading Counsel submitted that she and Junior Counsel practiced in this area so had seen how this issue had evolved. She confirmed that there had been orders made in the last few days, particularly, 2 days ago in which Leading and Junior Counsel appeared in front of Mrs Justice Ellenbogen in the Queens Bench division and the Defendants were framed/labelled in the same way. Leading Counsel confirmed that there is no standard precedent but that is the sort of terminology that has started to be acceptable as derived from the case law.
- 1.53 In relation to the cross undertaking in damages, the Judge queried why he should assume that the Claimants are in a position to pay. Leading Counsel referred the Judge to Section A, page 57 of the bundle (the Witness Statement of Mr Armstrong) where the issue of the cross undertaking is discussed.
- 1.54 The Judge queried whether there were any accounts or evidence to demonstrate that the Claimants could meet the undertaking. Leading Counsel referred the Judge to Section A, page 29, paragraphs 12-13 of the bundle where the Claimants are described and confirmed there are no charges on any of the property titles held by the Claimants and the evidence was before the Court of the particular importance of the infrastructure which the Claimants hold.

- 1.55 Leading Counsel confirmed that in respect of section 12 of the Human Rights Act in relation to whether to grant injunctive relief, the Claimants seek to rely on both grounds; namely that:
- (a) the applicant has taken all practicable steps to notify the respondent; and
  - (b) that there are compelling reasons why the respondent should not be notified
- 1.56 Leading Counsel submitted that the Claimants had taken all practicable steps as demonstrated by the emails exhibited to the instructing solicitors' witness statement. The Judge queried whether the emails were as far as notice goes and Leading Counsel confirmed this was the case and submitted that this was all practicable steps because it wasn't known who these people were.
- 1.57 The Judge queried why the emails were not sent the previous day or why notification wasn't given of the intention to apply for an injunction before everything was ready. Leading Counsel submitted that the Claimants wanted to get everything ready and finalised before giving notice and that page 2 of UKOP3 confirmed exactly what was said by way of notice.
- 1.58 The Judge queried again why notice was not given the previous day or confirmation given of the intention to go to Court. Leading Counsel submitted that the Claimants did not know until later in the day what time the hearing would be and the test the law sets out says "*practicable*". What was practicable in this instance was for the Claimants to notify the Respondents when they were ready and when the details of the injunction application were known, so that is practicable. That test did not require the Claimants to take all practical steps.
- 1.59 The Judge queried why the Respondents should not be notified and Leading Counsel submitted that there was a fear that if it was known that the Claimants were going to Court, that the disruption would be escalated and cause even more risk to the sites. The Judge confirmed that the Claimants' submission was that the compelling reason not to notify until closer to the date and time of hearing was to avoid a flood of protestors who might have escalated direct action.
- 1.60 Leading Counsel referred the Judge to tab 6, page 48 of the bundle, paragraphs 63 - 67 and asked the Judge to read the same.
- 1.61 The Judge queried whether the steps identified at paragraph 64(c) had been carried out and Leading Counsel confirmed that this was the case.
- 1.62 The Judge queried whether the Claimants would take the point that this injunction does not affect freedom of expression as the respondents could do what they want as long as it does not impact the Claimants' private land.
- 1.63 Leading Counsel submitted that section 12(2) of the Human Rights Act – (a) and (b) are alternatives. The Claimants only need to satisfy one but on their submissions satisfy both.
- 1.64 Leading Counsel confirmed that the section 12(3) point is that the Court is being asked to find that the Claimants are likely to succeed at trial and that is why it has been put in that way at paragraph 11.2 of the Skeleton. She submitted that assuming section 12(3) arises at a final trial, the Court is being asked to find that quia timet relief is likely to be granted.
- 1.65 The Judge queried whether section 12(3) is the position generally to which Leading Counsel confirmed that it was and that there were some references to it in cases in the bundle of authorities.
- 1.66 The Judge made a number of comments in relation to the draft Order. He stated that the reference to Defendant should be plural and queried whether the Order contained interpretation wording as to the meaning of defendant in relation to which he was referred by Leading Counsel to paragraph 11 of the draft Order.

- 1.67 Leading Counsel confirmed that the names of Leading Counsel and Junior Counsel would need to be inserted into the recitals.
- 1.68 The Judge stated that in a persons unknown case, you would expect a clause that would say people who know about this Order will be liable to comply and that if a member of Extinction Rebellion committed trespass and did not know of the Order, they could not be in breach. Leading Counsel submitted that that individual would know about the Order because there is a deemed method of service.
- 1.69 It was agreed that the third witness statement (of the instructing solicitors) needed to be added to schedule 1.
- 1.70 The Judge was invited to choose a return date after the Easter vacation which ends on 26 April 2022. The Judge stated that this was a long time away and it was agreed that the issue of the date would be returned to.
- 1.71 The Judge stated that the "*court documents*" referred to in the Order should include a transcript, or at least a note of the hearing.
- 1.72 It was agreed that the recitals should refer to the Claimants acknowledging that they do not intend to prohibit lawful protest as opposed to confirming.
- 1.73 The Judge stated that the references to sites 1 and 2 in the draft Order were confusing and should instead refer to Buncefield Site 1 and Kingsbury Site 2. In relation to the first injunction the Judge stated that and / or should be removed and the alternatives provided for. In relation to the second injunction the Judge stated that the Order should refer to obstructing or interfering. It was agreed that these amendments would need to be replicated for both sites.
- 1.74 The Judge stated that the variation provision should be amended to provide for 12 hours and 6 hours respectively instead of 24 and 12 hours.
- 1.75 It was agreed that the time estimate for the return date should be 3 hours and that further evidence should be filed 3 working days before the hearing by 4.30pm?
- 1.76 Leading Counsel confirmed the intended service provisions and confirmed that the court documents and hearing court bundle would be affixed at two locations around the perimeter of each site. It was agreed that the locations should be prominent.
- 1.77 Leading Counsel confirmed that the web link reference would be inserted into the draft Order where indicated and that there was a notice for each site behind schedules 6 and 7 which were included in the new draft Order provided to the Judge. Leading Counsel confirmed that the claim number and the date would need to be inserted into the notice.
- 1.78 The Judge stated that the notices would need to be altered given the amendments made to the terms of the Order and Leading Counsel confirmed that the amendments would need to be followed through.
- 1.79 The Judge queried whether the red and blue shading in the plans had been identified and explained which Leading Counsel confirmed was the case.
- 1.80 Leading Counsel confirmed that the site notices could be affixed at the sites in A3 size straight away and in about 2 weeks' time could be affixed in size 1 x 1.5 m.



- 1.81 In response to the Judge's query as to whether a bigger size notice could be affixed straight away it was agreed that the notices could be increased to A2 size and wording would be added to the draft Order to provide for this increase in size.
- 1.82 In relation to the return date the Judge indicated that he would like it to be around 27 April time and Leading Counsel confirmed that she and Junior Counsel were unavailable on that date. It was agreed that there would be short adjournment until 3.15pm during which time enquiries as to the date could be made and following which the Judge would give a short judgment.
- 1.83 Leading Counsel confirmed that the Claimants would be requesting a transcript of the hearing and that a revised Order would be sent to the Judge as soon as possible following judgment.

*[Court adjourned until 3.15pm]*

*[Hearing recommenced at 3.15pm]*

## **2. Judgment of Peter Knox QC sitting as a Judge of the Chancery Division**

This is my judgment. An ex parte application was brought by the Claimants for an interim injunction to restrain the Defendants from entering premises and interfering with private access routes. Notice to the Respondents was given this morning. The notice was given by email.

The Respondents, Extinction Rebellion and Just Stop Oil, are the principal campaign groups that directly targeted the sites in question from 01 April, it is anticipated that there will be further action.

Extinction Rebellion is often referred to in the national press and is a well-known movement.

Just Stop Oil is a youth protest group who engage in non-violent civil disobedience through strikes boycotts, mass protests and disruption.

The first Claimant United Kingdom Oil Pipelines Limited owns the oil pipeline administered by the British Pipeline Agency. The pipeline transports 6 billion litres of oil a year and consists of two pipelines.

The second Claimant, West London Pipeline and Storage Limited, is a related company that stores fuel and transports it to Heathrow, Gatwick and Luton Airports.

There are 2 properties that are the subject of this application.

The first property is land near Cherry Tree Lane in Hemel Hempstead. This is known as the Buncefield Terminal. The First Claimant owns freehold land and a long-term leasehold interest that has right of way over an access way. The Second Claimant owns a freehold interest.

According to the evidence, the Buncefield Terminal has the largest storage capacity in the UK. It receives product from the pipeline operation and it provides loading facilities. It enables storage and batching of aviation fuel for transmission to Gatwick/ Heathrow airports. According to the evidence, this terminal is of key strategic importance to the UK itself and the Heathrow, Gatwick, Luton airports depend on it to maintain operations. The Buncefield site consists of offices, pipeline reception facilities etc. The main entrance is gated but the gates need to be open permanently. This entrance leads out via the access way and public road to the M1. There are other accesses but these are permanently closed.

The Kingsbury Oil Terminal, is the second site in question and it consists of a series of plots. The oil depot which is not owned by the Claimants, serves as a supplier to multiple airports. The east plots are owned by UKOP and they consist primarily of a central control centre which operates certain pipelines.

The application has been prompted by the following events which, on the basis of evidence before me, were posted by the Defendants' campaigners.

These activities are dealt with in John Armstrong's Witness Statement made yesterday and I can summarise what he says in paragraph 44 of that statement. The Buncefield site was one of 10 facilities targeted by individuals carrying out direct action. They forced the closure of Green Lane which is one of the entrances to the site. On 03 April Buncefield Terminal was targeted, Just Stop Oil protestors caused damage to the perimeter fences which form part of the site. On 3 April 2022 according to a police report, individuals blocked access to the site. This is an ongoing campaign, and direct action is only going to ramp up.

On 4 April 2022, it was reported that 41 arrests were made. According to police, protestors put themselves, site workers and emergency service workers in danger.

As for the Kingsbury site, this too is subject to direct action. On 1 April, campaigners were preventing oil tankers from accessing the oil terminal. I state here that this is not entirely accurate because it talks about action taken at the oil depot itself not outside the land owned by the Claimants. It is action taken against owners of another piece of land which is nearby to the Claimants' land.

On 5 April, 20 activists again blocked the entrance to the terminal depot that is not owned by the Claimants. It seems that a total of 8 campaigners were arrested.

On 7 April, supporters of Just Stop Oil were inside Kingsbury Oil Terminal.

Mr Armstrong goes on to set out a number of instances which occurred at other terminals over the last 7 days. Members of the group blocked 10 oil terminals. It was reported that Andy Smith stated that they "held" 3 locations of strategic importance. A particular point is that ExxonMobil had to shut down terminals due to indirect action.

On 4 April, it was reported that activists were planning disruption using tunnels to frustrate activities of key and essential oil infrastructure. On 5 April, the Times newspaper reported that supporters had dug a secret network of tunnels. According to a further website entry from Extinction Rebellion, individuals were encouraging people to book time off work to continue civil disobedience. The stated intention was to grind the capital to a halt and cause maximum disruption.

The Claimants, in light of all this evidence, say that they need urgent injunctions to restrain continuation of these activities, which they say could lead campaigners to trespass and cause a nuisance by obstructing access to and from the site. The first question is whether there is a serious issue to be tried and are the Claimants entitled to an injunction.

I find, on the evidence before me, that there is a serious issue to be tried. First, as far as both plots of land are concerned, the evidence showed that the Claimants are the owners of the land. Second, in relation to Buncefield, there is a clear risk that the Defendants will continue their activities and thus interfere with the First Claimant's rights of access to and from the premises, thereby causing a nuisance. That is what campaigners were doing in the last week.

I am also satisfied that it goes further than that, in that they will not only seek to restrict access or walk onto the land, but they will seek to take control of the land and its facilities. I also draw inference from that fact that both groups clearly advocate civil disobedience.

One point that troubled me in particular was whether there was evidence that they intended to do anything other than making it difficult for tankers to access the sites. The point being that, the Kingsbury site depot is not owned by either Claimant so there is no real risk that the activities will interfere with the central control centre. However, I was taken to the following evidence and summarise why I am satisfied that there is a prima facie serious risk that both campaign groups will extend their activities to seeking to disrupt control activities:

- First publication dated 6 April 2022 published by Extinction Rebellion. Join us and act now. Section B, page 196 says: *"we are willing to take part in non violent direct action targeting oil facilities"*. Ms Holland emphasises *"targeting the UK oil and gas infrastructure"*. I can therefore draw an inference that Extinction Rebellion will keep going with non-violent Direct Action.
- Second extract is from the BBC website. It includes a report which notes that Just Stop Oil claim to be willing to use non-violent civil resistance to make their point in public spaces. This leads me to infer that the activities are not limited to blocking access.
- Report from Daily Mail – 5 April. This notes that an activist from Just Stop Oil blocked off access. 20 protesters were involved, and 5 arrests were made. 20 protestors sat on road with banners. It also claimed supporters of the group had dug up a secret network of tunnels.
- Tweet dated 7 April 2022 – from supporter of Just Stop Oil which says: *"on 7 day of action, supporters of Just Stop Oil blocking access. Part of wider measures taken with aim of disrupting UK oil."*
- Tweet from Just Stop Oil following entry into Kingsbury Oil Terminal saying *"we seem to have free reign of the place"*. Photographs show number of campaigners in premises themselves.

I am prepared to draw the inference that the campaigners are not simply limiting their activities to making it difficult for oil tankers to enter the oil depot and will extend to any activity likely to disrupt the oil industry in the UK which will include disrupting facilities the Claimants own at Kingsbury and Buncefield.

On the current evidence, the campaign and the protests can be carried out without having to commit acts of trespass/ nuisance.

There is a good argument that the Claimants will be able to obtain a final injunction which will not interfere with the Defendants' rights. I emphasise that this is a mere first impression of what appears to be a good arguable case without hearing evidence from the other side.

The second question is whether the matter is urgent. It is in my judgment. The action appears to have started and there is a particular campaign that is intending to take place from 9 April to 17 April and thereafter weekends.

The third question is what is the balance of convenience? Does it favour an injunction being granted? I find that the balance does favour an injunction because there is a clear risk of causing disruption to the Claimants' businesses. I accept that as matters stand damages would not be an adequate remedy.

Is there a satisfactory cross-undertaking in damages? I initially raised concern as there were no accounts from the Claimants. I am now satisfied that there is a satisfactory cross-undertaking as they both own substantial plots of land and according the Land Registry, there are no mortgages or charges, so they are good for the money if order for damages is made against them

Is there a proper case for the relief sought? The answer is yes, I agree with submissions of paragraph 11.8 in the Skeleton, acts of trespass have already occurred and there is risk of further torts being committed in the future.

The sixth question is whether the requirements of section 12(2) of the Human Rights Act are satisfied. I am satisfied in the present case that there were compelling reasons for why the Defendants were not notified until this morning. That is set out in Mr Armstrong's evidence in paragraph 66.

There was a real risk that giving notice would prompt an escalation in the direct action and put the properties in question at risk. I am therefore satisfied that there were compelling reasons for only providing the short notice given.

I also have to consider section 12(3). I am satisfied that if one could call the trespassing a publication, that it is likely that the Claimants would establish that those activities should not be allowed to continue because the Defendants can enjoy rights and freedom of expression without having to go as far as committing acts of trespass.

I should also add in relation to the question on pre-emptive relief. I am satisfied that it is not possible to name individual defendants and notice ought to be given by affixing large notices around the perimeters of the sites. I am satisfied that service can be effected in the way proposed by the Claimants which suggests that notice can be effected by putting the court documents in prominent places at the particular sites.

I am therefore prepared at this early stage to grant the injunction in the terms previously discussed with Ms Holland QC