IN THE HIGH COURT OF JUSTICE **Claim No PT-2002-000303**
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS AND PROPERTY DIVISION

In the matter of a review of the final injunction granted by Mr Simon Gleeson (sitting as a Judge of the Chancery Division) on 6 October 2023

BETWEEN:

(1) UNITED KINGDOM OIL PIPELINES LIMITED
(2) WEST LONDON PIPELINE AND STORAGE LIMITED

Claimants

-and-

PERSONS UNKNOWN (AS FURTHER DEFINED IN THE CLAIM FORM)

Defendants

CLAIMANTS' SKELETON ARGUMENT FOR INJUNCTION REVIEW HEARING

DATE OF HEARING: ½ DAY HEARING IN 3 DAY WINDOW FROM 1-3 DECEMBER 2026

TIME ESTIMATE FOR READING: 1HR

SUGGESTED ESSENTIAL PRE-READING:

- TRANSCRIPT OF JUDGMENT OF MR SIMON GLEESON, DATED 6 OCTOBER 2023 **[HB/39/478]**
- AMENDED ORDER OF MR SIMON GLEESON, DATED 6 OCTOBER 2023 ("**AMENDED GLEESON ORDER**") **[HB/10/126]**
- CLAIMANT'S NOTE OF JUDGMENT OF MASTER KAYE, DATED 19 NOVEMBER 2026 **[HB/42/524]**
- ORDER OF MASTER KAYE, DATED 13 NOVEMBER 2025 **[HB/9/91]**
- DRAFT ORDER **[HB/3/20]**
- FIRST WITNESS STATEMENT OF JOHN ARMSTRONG, DATED 7 APRIL 2022, §§12-57 **[HB/14/152]**
- SECOND WITNESS STATEMENT OF JOHN ARMSTRONG, DATED 14 APRIL 2022 **[HB/16/172]**
- EIGHTH WITNESS STATEMENT OF JOHN ARMSTRONG, DATED 16 NOVEMBER 2026 **[HB/32/283]**
- SIXTH WITNESS STATEMENT OF ANTONY PHILLIPS, DATED 19 JANUARY 2026 **[HB/31/279]**
- SEVENTH WITNESS STATEMENT OF ANTONY PHILLIPS, DATED 17 NOVEMBER 2026 **[HB/33/302]**
- FIRST WITNESS STATEMENT OF COLE CANNINGS, DATED 23 NOVEMBER 2026 **[HB/43/530]**

REFERENCES TO THE HEARING BUNDLE, EXHIBIT BUNDLE AND AUTHORITIES BUNDLE ARE IN THE FORM "**[HB/X/Y]**", "[**EB/X/Y**]" AND "**[AB/X/Y]"**, RESPECTIVELY, WHERE "X" REFERS TO THE TAB NUMBER AND "Y" REFERS TO THE PAGE NUMBER

A. INTRODUCTION

1. This is a review hearing in respect of a final injunction granted for 5 years by Mr Simon Gleeson (sitting as a Judge of the Chancery Division) on 6 October 2023 (the "**Amended Gleeson Order**") following an application for summary judgment: judgment at **HB/39/478** and Order (as amended) at **HB/10/126**. The Amended Gleeson Order provided for an annual review of the injunction granted therein and this is the third such review hearing. The first review hearing took place before Mr Justice Miles on 20 November 2024: judgment at **HB/41/513** and Order at **HB/8/88**. The second review hearing took place before Master Kaye (sitting as a Judge of the Chancery Division) on 13 November 2025 (the "**Kaye Review**"): the Claimants' note of judgment at **HB/42/524** and Order at **HB/9/91**. A transcript of the judgment in the Kaye Review is in the process of being obtained and, it is hoped, will be provided before the hearing.

2. As well as the evidence relied upon to date, the Claimants now also rely upon: the Eighth Witness Statement of John Armstrong, dated 16 November 2026 ("**Armstrong 8**") **[HB/32/283]**, which provides the Court with the most up-to-date position; and, the Sixth Witness Statement of Antony Phillips, dated 19 January 2026 ("**Phillips 6**") **[HB/31/279]**, the First Witness Statement of Cole Cannings, dated 23 November 2026 **[HB/43/530]**, and the Seventh Witness Statement of Antony Phillips, dated 17 November 2026 ("**Phillips 7**") **[HB/33/302]**, all of which deal with service/notification.

3. No person has ever provided an acknowledgement of service, admission or defence as part of this claim. Indeed, to date, there has been no engagement by anyone served or notified of the proceedings.

4. In light of the continuing threat posed by the Defendants, the Claimants' position is that there has been no relevant change in circumstances since the making of the original Gleeson Order and since the Kaye Review to warrant discharge of the injunction. The Defendants have not disclaimed any intention to carry out direct action at the Claimants' sites. In these circumstances, the Claimants request the Court to make no order as to the continuing effect of the Amended Gleeson Order (see Draft Order at **[HB/3/20]**).

5. The Court has been provided with three bundles. A main hearing bundle, an exhibit bundle and an authorities bundle.

B. SERVICE[1]

6. Phillips 6, §§7-18, confirms that the Kaye Order and the Amended Gleeson Order were served according to the alternative methods set out at paragraphs 6 and 9 of the Amended Gleeson Order. The certificates of service can be found at **HB/34/306** and **HB/35/326** respectively.

7. Phillps 7, §§5-16, confirms that the Notice of Hearing, dated 14 October 2026, and the Claimant's evidence in this case were served according to the alternative methods set out at paragraph 9 of the Amended Gleeson Order. The certificates of service can be found at **HB/37/435** and **HB/36/413,** respectively.

8. The effect is that the Notice of Hearing was deemed served on 17 October 2026 and the Claimants' evidence was deemed served on 16 November 2026.

9. Consequently, the service requirements set out in the Amended Gleeson Order have been complied with. To the extent that the requirements in s.12(2) Human Rights Act 1998 apply, they have also thereby been satisfied.

C. BACKGROUND

(i) The Sites

10. This injunction relates to two sites (the "**Sites**"):

    a. Site 1: the Buncefield Oil Terminal is located on the edge of Hemel Hempstead. The site is one of the largest oil-products storage depots in the UK, with a capacity of about 65 million litres of fuel. Details are set out in the First Witness Statement of Peter Davis dated 7 April 2022 ("**Davis 1**"), §§15-18 **[HB/13/147]**. The First Witness Statement of John Armstrong, dated 7 April 2022 ("**Armstrong 1**"), §19, refers to the fact that the primary activities undertaken on Site 1 are: (a) the storage of aviation kerosene for onwards transmission to Heathrow and Gatwick airports; (b) the transfer of fuel products to neighbouring terminals; (c) road-loading of aviation kerosene; and (d) storage of 'interface' material (a mixture of fuels) created as part of the Pipeline operation **[HB/14/155]**. The title interests are set out in Davis 1, §§24-28

[1] The Claimants still adopt the terminology of "service" for convenience even though the Supreme Court has authoritatively ruled that claims against Persons Unknown (newcomers) are, by definition, without notice and such Persons cannot technically be "served": Wolverhampton CC v London Gypsies & Travellers [2024] 2 WLR 45, §§132, 139, 142, 167(ii), 176-177 and 226 **[AB/3/26]**.

[HB/13/148]. The private access track on land adjoining Site 1 leading from the public highway to Site 1 is referred to as the "**Site 1 Access Route**". A plan for Site 1 and the Site 1 Access Route can be found at **[HB/9/119].**

b. Site 2: the Kingsbury Oil Terminal is located in the north-east of the village of Kingsbury in Warwickshire. Details are set out in Davis 1, §§20-21 **[HB/13/147]**. Armstrong 1, §35, refers to the fact that the primary activities undertaken on Site 2 are: (a) the transfer of fuel to neighbouring terminals from pipeline system systems and the storage of pipeline interface material; (b) the transfer of fuel from neighbouring terminals to the pipeline systems for onward transportation; and (c) acting as the central control centre for the monitoring and control of the Claimants' pipeline and storage networks **[HB/14/158]**. The title interests are set out in Davis 1, §§29-33 **[HB/13/148-149]** and the Third Witness Statement of Peter Davis, dated 5 July 2023, §13 **[HB/21/204]**. The private accessway on land adjoining Site 2 leading from the public highway to Site 2 is referred to as the "**Site 2 Access Route**". A plan for Site 2 and the Site 2 Access Route can be found at **[HB/9/121]**.

(ii) The direct action

11. The widespread direct action that occurred against energy companies in April 2022 is well-known: see Armstrong 1, §46. This included direct targeting of Site 1 as well as good reason to believe Site 2 was also at real and imminent risk of such action. The details of the campaigns are set out in Armstrong 1, §§43-48 **[HB/14/159-163]**.

12. Armstrong 1 refers in detail, at §§46-49, to related incidents of direct action targeting other fuel terminals and associated energy infrastructure across the UK and statements of commitment by Extinction Rebellion to continue their campaign **[HB/14/161-163]**. He also sets out in detail, at §§18-42, 51 and 61, the significant risk of damage and/or injury to persons and property, including the trespassers themselves **[HB/14/155 – 159, 164 - 165]**.

13. The Claimants now rely on Armstrong 8, §§18-83, to demonstrate the continuing threat of direct action and this is considered further below **[HB/32/286-300]**.

(iii) Other injunctions granted to energy sector

14. There have been a number of interim and final injunctions granted in relation to direct action threatened by environmental protestors, as well as subsequent reviews of those injunctions. These are set out in Armstrong 8, §§40 and 78 **[HB/32/289, 295-299]**.

15. Most recently:

    (1) The final 5-year injunctions granted to Shell UK Ltd, Shell International Petroleum Company Limited, and Shell U.K. Oil Products Limited on 3 December 2024 were each reviewed on 15 October 2026 by Richie J and continued: see the Order in respect of Shell UK Ltd regarding Shell's terminals at **[AB/13/257]**.

    (2) The final 3-year injunction granted to North Warwickshire BC on 6 September 2024 (HHJ Emma Kelly) was reviewed on 7 October 2026 by HHJ Emma Kelly: North Warwickshire BC v Persons Unknown [2026] EWHC 2569 (KB) ("**North Warwickshire BC**") **[AB/12/244]**. The Judge found that there was a continuing threat of direct action: §§27(iii) **[AB/12/250]**. This is significant on the facts of the present case because the injunction granted in North Warwickshire BC covers Site 2.

    (3) The final 5-year injunction granted to Esso Petroleum Company Ltd on 10 July 2023 was reviewed on 22 July 2026 by Tipples J and continued **[AB/11/240]**.

    (4) The injunctions granted to various airports in the summer of 2024 were reviewed on 30 June 2026 by Soole J: Various Airports v Persons Unknown [2026] EWHC 2248 (KB) **[AB/7/199]**. Soole J found that there remained a continuing threat of direct action at these airports: §37 **[AB/7/209]**.

D. TEST TO BE APPLIED AT A REVIEW HEARING

16. A number of cases have considered the proper approach to be taken at a review hearing such as this. It was well encapsulated by HHJ Emma Kelly in North Warwickshire BC as follows **[AB/12/247]**:

> "13. The applicable legal framework for review hearings has not changed since the last review in this case. A review hearing remains an important, and in cases of persons unknown a required, process to ensure the continuation of the injunction remains justified. As noted by the Supreme Court in Wolverhampton City Council &

others v London Gypsies and Travellers & others [2023] UKSC 47 … at [225], the review hearing:

> '…will give all parties an opportunity to make full and complete disclosure to the court, supported by appropriate evidence, as to how effective the order has been; whether any reasons or grounds for its discharge have emerged; whether there is any proper justification for its continuance; and whether and on what basis a further order ought to be made.'

14. As I noted in [North Warwickshire Borough Council v Barber & Others [2025] EWHC 2403 (KB)] at [13]:

> 'A review hearing is not an opportunity to revisit the original merits of the claim afresh. The proper focus of the review is to consider whether anything material has changed since the injunction and power of arrest were granted. Material changes may be factual and/or developments in the law since the order was granted. If there has been a material change or changes, the Court needs to question whether the scope of the injunction needs amending or indeed whether there remains a compelling need for any kind of injunction or power or arrest at all. Such an approach is consistent with the views expressed in a number of post- Wolverhampton cases including by Ritchie J in HS2 v Persons Unknown [2024] EWHC 1277 (KB) at [32]-[33] , Hill J in Valero v Persons Unknown [2025] EWHC 207 (KB) ("Valero") at [20]-[23], and Sweeting J in Esso Petroleum Company v Persons Unknown [2025] EWHC 1768 (KB) ("Esso") at [5]-[8].'

15. In the recent case of Teledyne UK Ltd v Persons Unknown [2026] EWHC 2252 (KB), Soole J, at [9] noted the observations of Garnham J in Rochdale Metropolitan Borough Council v Persons Unknown [2025] EWHC 1314 (KB) ("Rochdale"), where at [51] the judge stated:

> 'In my judgment the correct approach is dictated by the Supreme Court's judgment in Wolverhampton and in particular [225]. This is not a 'tick box' exercise, but the matters on which evidence should be adduced and argument focused are (i) how effective the order has been; (ii) whether any reasons or grounds for its discharge have emerged; (iii) whether there is any proper justification for its continuance; and (iv) whether and on what basis a further order ought to be made. The parties should give full disclosure, supported by appropriate evidence, directed towards those questions.'"

E. CONTINUED THREAT

17. It is the Claimants' position that there exists a continued threat of trespass and nuisance at the Sites.

18. This is on the basis of:

(1) The direct action that occurred in and around the Sites in April 2022: Armstrong 1, §§44-45 **[HB/14/160-161]**; the Second Witness Statement of

John Armstrong, dated 14 April 2022, §§12-17 **[HB/16/174-175]**.

(2) Since the grant of interim injunctions protecting the Sites in April 2022, the further incidents of direct action and protest in close proximity to Site 2: the Third Witness Statement of John Armstrong, §§11-19 **[HB/19/189-190]**.

(3) Over the last two years, the ongoing direct action carried out by environmental organisations aimed at the energy sector more generally: the Seventh Witness Statement of John Armstrong, dated 24 October 2025 ("**Armstrong 7**"), §§21-24 and 31 **[HB/29/262 – 263, 266-267]** and Armstrong 8, §§32-33, 42-51, 57-71, 74-76 **[HB/32/288, 290-294]**.

(4) The statements of environmental organisations that they will be continuing with their campaign of direct action: Armstrong 7, §§22-24, 26 and 29 and 31 **[HB/29/262-267]** and Armstrong 8, §§29-31, 35, 37-38, 55-56, 73 **[HB/32/288-289, 291, 293]**; and,

(5) The clear evidence that environmental campaigns such as Just Stop Oil, Extinction Rebellion, Fossil Free London and Cut the Ties to Fossil Fuels remain active and that their campaigns and tactics continue to evolve Armstrong 8, §§27-41, 42-52, 63-72, 73-76 **[HB/32/288-294].** In respect of Just Stop Oil, their activities have increased since this time last year. Their previous indication, in March 2025, of putting an end to direct action (see Armstrong 7, §26 **[HB/29/263-264]**) has been abandoned.

19. Although the amount of direct action has decreased in intensity since April 2022, and the Sites themselves have not been directly targeted, this is likely due to the very existence of injunctions having this effect: Armstrong 8, §§20-21 **[HB/32/286-287]**.

20. The Claimants emphasise the point that the harm that would ensue if the Amended Gleeson Order were discharged is potentially very grave. The direct action poses significant health and safety risks, in particular in respect of personal injury to the Defendants and others at the Sites: see Armstrong 1, §§18-42 **[HB/14/155-159]**; and, Esso Petroleum Company Ltd v Persons Unknown [2023] EWHC 1837 (KB), §§47-53 **[AB/2/19]**, for the sort of risks that exist at sites such as these. These can be very dangerous sites for those who have not received appropriate training.

F. SUBMISSIONS ON REVIEW

21. The Claimants submit that nothing material has changed since the Amended Gleeson Order was made or the Kaye Review was conducted; the injunction has not outlasted the compelling need which led to its imposition. In fact, the recent evidence outlined at Armstrong 8, §§24-41 [**HB/32/287-289**], demonstrates that despite previous assertions to the contrary, there has been no cessation of the underlying campaign which gave rise to the need for this injunction.

22. In the first instance, there has been no material change in the factual position and there continues to be a threat of direct action at the Sites for the reasons set out above.

23. The Claimants emphasise the following points.

24. **First,** neither Just Stop Oil nor Extinction Rebellion (or any other environmental campaign group) have disclaimed any intent to carry out direct action at the Sites. It is a highly relevant factor that, although it would have been very easy for them to have given assurances or evidence that there was no longer any intention to carry out direct action at the Sites, they have failed to do so: Esso Petroleum Company Ltd v Persons Unknown [2023] EWHC 1837 (KB), §67 (Linden J) **[AB/2/23]**.

25. **Secondly**, as far as the Claimants are aware, no injunction originally granted to an energy company in or around April 2022 (in respect of the campaign that took place at that time) has been discharged on the basis of the Court finding that the level of threat has diminished. This is notwithstanding the annual reviews that have been conducted in each of these claims.

26. It would be wrong to leave the Claimants "*exposed*" – i.e. by discharging their injunction – in circumstances where other energy companies had the benefit of injunctions: see Soole J making this point in Heathrow Airport Ltd v Persons Unknown [2026] EWHC 2250 (KB), §19 **[AB/9/231]**, regarding Heathrow and the significance of all other airports having injunctions. Similarly, in Exolum Pipeline Systems Ltd v Persons Unknown [2025] EWHC 1913 (KB) – which also involved an injunction granted to an energy company in April 2022 in order to protect their petrol storage and distribution terminals against environmental activists – Swift J stated:

> "14…I fear that, once made, the need for orders such as this one can almost become self-perpetuating, in that any decision to remove the order would, from the point of

> view of the activists, wave a flag above these terminals marking their return to the category of targets for disruption. Even though Just Stop Oil and other likeminded organisations may be opportunistic, experience shows that they are also persistent and will take any opportunity that presents itself." **[AB/5/126]**

27. **Thirdly**, although direct action at the Sites and at the sites of energy companies has ceased since April 2022, this is due to the presence of a blanket of injunctions. As Linden J stated in Esso Petroleum Company Ltd v Persons Unknown [2023] EWHC 1837 (KB), §67, *"it appears that the effect of the various injunctions which have been granted in this case and others has been to prevent or deter them from taking the steps prohibited by the orders of the court although, of course, not invariably so. If, therefore, an injunction is refused in the present case the overwhelming likelihood is that protests of the sort which were seen in 2021/2022 will resume."* **[AB/2/23]**

28. **Fourthly**, even if the Court considers that the risk of direct action is lower than it has been previously, the Court must bear in mind the potentially catastrophic consequences if it did occur. This can justify the grant (or continuation) of injunctive relief even if the risk of the tortious conduct occurring is lower than other cases where the harm is less severe: Shell UK Ltd v Persons Unknown [2025] PTSR 1213 (KB), §§48-50 (Dexter Dias J) **[AB/6/147]**; Esso Petroleum Company Ltd v Persons Unknown [2023] EWHC 1837 (KB), §§63-64 (Linden J) **[AB/2/22]**.

29. **Fifthly**, any previous suggestion that Just Stop Oil may no longer pose a threat has been extinguished: see Armstrong 8, §§24-41 **[HB/32/287-289].** Significantly, in a number of recent cases Courts have accepted that there continues to be a threat of direct action by environmental campaigners, including Just Stop Oil. Most explicitly, in October 2026, in North Warwickshire BC, HHJ Emma Kelly stated that **[AB/12/249]**:

> "24. In March 2025, JSO published a statement stating they were "hanging up the hi vis". However, by the date of the first review in September 2025, JSO's website made references to "just getting started", civil resistance and a "new revolutionary direct action campaign". I concluded in NWBC 2 at [22] that the evidence suggested that JSO had further direct action planned and that the Terminal remained at risk of a continued real and imminent risk of direct action. That risk of further direct action has evolved into actual direct action, as seen by JSO's actions in Parliament Square as recently as 2 September 2026. The current wording on JSO's website declaring that they "are once again putting our bodies on the line, risking arrest and even imprisonment", that "now is the time to resist" and encouraging readers to join a call to find out "what happens next" is further evidence consistent with the resumption of direct action."

30. There has also been no material change in the legal position.

G. CONCLUSION

31. The Court is therefore respectfully requested to grant an order in the terms of the Draft Order.

YAASER VANDERMAN

Brick Court Chambers

24 November 2026