

IN THE HIGH COURT OF JUSTICE

Claim No. PT-2022-000303

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

CHANCERY DIVISION

B E T W E E N

(1) UNITED KINGDOM OIL PIPELINES LIMITED

(2) WEST LONDON PIPELINE AND STORAGE LIMITED

Claimants / Applicants

and

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT CONSENT, AND IN CONNECTION WITH OR AFFILIATED TO THE EXTINCTION REBELLION CAMPAIGN OR THE JUST STOP OIL CAMPAIGN, ON LAND AND BUILDINGS AT AND COMPRISING PART OF (A) THE BUNCEFIELD OIL TERMINAL, HEMEL HEMPSTEAD, HERTFORDSHIRE (SHOWN FOR IDENTIFICATION SHADED RED ON THE ATTACHED SITE 1 PLAN) (B) THE KINGSBURY OIL TERMINAL, KINGSBURY, WARWICKSHIRE (SHOWN FOR IDENTIFICATION SHADED RED ON THE ATTACHED SITE 2 PLAN)

First Defendant / Respondent

(2) PERSONS UNKNOWN WITHOUT CONSENT, AND IN CONNECTION WITH OR AFFILIATED TO THE EXTINCTION REBELLION CAMPAIGN OR THE JUST STOP OIL CAMPAIGN, OBSTRUCTING OR INTERFERING WITH THE FIRST CLAIMANT'S ACCESS OVER PRIVATE ACCESS ROADS ADJACENT TO (A) THE BUNCEFIELD OIL TERMINAL, HEMEL HEMPSTEAD, HERTFORDSHIRE (SHOWN FOR IDENTIFICATION SHADED BLUE ON THE ATTACHED SITE 1 PLAN) (B) THE KINGSBURY OIL TERMINAL, KINGSBURY, WARWICKSHIRE (SHOWN FOR IDENTIFICATION SHADED BLUE ON THE ATTACHED SITE 2 PLAN)

Second Defendant / Respondent

FIFTH WITNESS STATEMENT OF

JOHN MICHAEL ARMSTRONG

I, John Michael Armstrong, of 5-7 Alexandra Road, Hemel Hempstead, Hertfordshire, will say as follows:

1. I currently act as the Director and General Manager of British Pipeline Agency Limited ("**BPA**") and have held this role since 1 September 2021. I have worked for BPA since July 2020 and, prior to becoming a Director and General Manager, I was the Chief Operating Officer of BPA. Prior to that, I enjoyed senior roles across distributed energy, power generation and engineering safety.
2. BPA is the UK's leading provider of engineering and operational services to the oil and gas pipeline sector. It has operated UK onshore pipelines and terminal facilities for over 50 years, currently managing over 1,000km of fuel pipes in the UK.
3. BPA acts as agent for the First Claimant United Kingdom Oil Pipelines Limited ("**UKOP**") and the Second Claimant West London Pipeline and Storage Limited ("**WLPSL**"), and it operates and maintains their UK based assets.
4. I am duly authorised to make this witness statement on behalf of the Claimants.
5. I make this statement from facts within my own knowledge, which I believe to be true. Where I refer to matters not within my knowledge, I confirm that they are true to the best of my knowledge, information and belief, and I state the source of the information.
6. Produced and shown to me is a bundle of documents containing exhibit "**UKOP12**". Unless otherwise stated, page references in this witness statement refer to pages in that exhibit.
7. Unless otherwise stated, in this statement I adopt the definitions set out in my first witness statement dated 7 April 2022.

CURRENT POSITION

8. I make this further statement in support of the Claimants' application for summary judgment to obtain an order for final injunctive relief in the terms set out in the draft order.
9. This fifth witness statement supplements:
 - (a) my first witness statement dated 7 April 2022 ("**First Witness Statement**");
 - (b) my second witness statement dated 14 April 2022 ("**Second Witness Statement**");
 - (c) my third witness statement dated 5 April 2023 ("**Third Witness Statement**"); and
 - (d) my fourth witness statement dated 6 July 2023 ("**Fourth Witness Statement**");together my "**Previous Witness Statements**".
10. The purpose of this fifth witness statement is to provide the Court with an update in respect of relevant events following the grant of an interim order for injunctive relief in these proceedings made by the Honourable Mr Justice Rajah following a hearing on 20 April 2023 (the "**Order**") and since my Fourth Witness Statement, and therefore addresses:
 - (a) evidence of direct action which has occurred in the vicinity of Site 1 and Site 2;
 - (b) evidence of direct action targeted at other operators; and
 - (c) evidence of direct action by Just Stop Oil and Extinction Rebellion, including where such action has targeted other organisations affiliated with the oil and gas sector.

DIRECT ACTION IN THE VICINITY OF SITE 1 AND SITE 2

11. In my First Witness Statement and Second Witness Statement, I addressed in detail the direct action suffered by the Claimants in respect of Site 1 and the direct action targeted at the operations of the Claimants in close proximity to Site 1 and Site 2. This direct action formed the basis for the Claimants seeking an initial interim order for pre-emptive injunctive relief.
12. In my Third Witness Statement, I addressed the further incidents of direct action in close proximity to Site 2 since the date of the order for pre-emptive injunctive relief made by Mr Peter Knox KC acting as a Deputy High Court Judge in the Chancery Division following a hearing on 20 April 2022.
13. In my Fourth Witness Statement, I confirmed that there had been no further direct action at, or in the vicinity of, Site 1 and Site 2. Since the date of my Fourth Witness Statement that remains the position. However, I refer to paragraph 20 of my Third Witness Statement and paragraph 12 of my Fourth Witness Statement which set out a number of factors which I believe contributed to the reduction in direct action, including the continuing existence of the injunction granted in these proceedings protecting Sites 1 and 2. I continue to believe that, if any of those factors were to be removed, the direct action would escalate.
14. One of the factors mentioned at paragraph 12(d) of my Fourth Witness Statement is the continuing existence of an injunction order made by Mr Justice Sweeting in the King's Bench Division dated 9 May 2022 in favour of the North Warwickshire Borough Council and which protects the locality of the Kingsbury Oil Terminal (of which Site 2 forms part) (the "**NWBC Order**") **UKOP6: pages 125-131**. At paragraph 49 of my Fourth Witness Statement, I referred to a third party's application to set aside the NWBC Order. Since the date of my Fourth Witness Statement, I have seen that the application to set aside the NWBC Order was withdrawn by agreement **UKOP12: pages 6 - 7**. On 8 August 2023, the Court made an order which I understand means that the injunction granted by the NWBC Order remains in place for the time being, but that there would be a final trial of NWBC's claim on the first available date in November 2023 (the "**2023 NWBC Order**") **UKOP12: pages 8-17**. I refer further to this at paragraph 41 below.
15. I still consider that the deterrent effect provided by the Order continues to assist the Claimants in ensuring that they can conduct their operations at the Sites without risk of the significant practical, financial and logistical implications for the Claimants, for many other third parties and potentially for the UK economy, being implications that would otherwise arise from direct action. In addition, there are also the substantial health and safety risks that arise from direct action to which I refer in paragraphs 20 to 42 of my First Witness Statement.

EVIDENCE OF DIRECT ACTION BY JUST STOP OIL AND EXTINCTION REBELLION, INCLUDING TARGETING OF OTHER OPERATORS AND AFFILIATED ORGANISATIONS FROM 6 JULY 2023 TO 22 SEPTEMBER 2023

16. Since the date of my Fourth Witness Statement, there continues to be activity targeted at industries and organisations that members of Extinction Rebellion and / or Just Stop Oil consider to be affiliated to the oil and gas industries.
17. Paragraph 16 of my Fourth Witness Statement referred to the announcement by Just Stop Oil on 24 April 2023 of a new campaign involving disruption across central London by marching slowly on major roads as part of an "*indefinite campaign of civil resistance to demand an end to new UK oil and gas projects*" **UKOP9: pages 9-10**. Paragraph 17 of my Fourth Witness Statement detailed some of the slow marches carried out by Just Stop Oil between 5 April 2023 and 6 July 2023. Since that date, Just Stop Oil have continued to slow march and cause disruption across both London and England (**UKOP12: pages 18 – 87**). As of 20 July 2023, it was reported that there had been over 2,350 arrests and 138 people imprisoned since 14 February 2022 **UKOP12: pages 64-66**.

Further examples of the slow marches that have been reported as having been carried out since 6 July 2023, both in London and across England, include the following:

- (a) On 6 July 2023, groups of Just Stop Oil supporters marched in Southwark, Tower Hamlets, Tower Bridge and Vauxhall. Section 12 notices were served to remove the protesters from the roads. As set out at paragraph 17(a) of my Fourth Witness Statement, I understand that a section 12 notice is served where a senior police officer gives directions, such as conditions on public processions, as necessary where they reasonably believe there could be, for example, serious public disorder, serious damage to property or serious disruption to the life of the community **UKOP12: pages 18 – 21.**
- (b) On 7 July 2023, 26 supporters in 3 groups began marches in Vauxhall and Pimlico and blocked both directions of traffic on Vauxhall Bridge Road leading to Victoria. Section 12 notices were issued **UKOP12: pages 22 – 24.**
- (c) On 10 July 2023, marking the twelfth week of "*continuous civil resistance*", several marches began across London, including in Kensal Rise, Hampstead, Holborn and Oxford Street. Section 12 notices were issued, with five arrests made in Holborn and Oxford Street, and four people charged on 11 July 2023 with breach of a section 12 condition to move off the carriageway **UKOP12: pages 25 – 31.**
- (d) On 12 July 2023, Just Stop Oil supporters marched in several areas of London, including around Hamleys toy store. Section 12 notices were served at Tower Bridge. At a further "Mums March" with 24 protesters on the same date, three people were arrested for breach of a section 12 notice due to refusing to leave the road **UKOP12: pages 32 – 39.**
- (e) On 13 July 2023, Just Stop Oil supporters marched around parts of the capital, including the City of London, Lambeth, Westminster and Hyde Park Corner. Police issued section 12 notices at Great Smithfield Street and Hyde Park Corner. On the same date, five supporters were arrested in Stockwell for breach of a section 12 notice. A group of Just Stop Oil protesters also marched through Selfridges in London wearing hi-vis vests and carrying placards reading "*Dads against doom, no new oil*" and "*Will our children survive 3,5°?*" as part of a "Dads March". Six of the protesters were arrested **UKOP12: pages 36 – 48.**
- (f) On 14 July 2023, groups marched near Baker Street station. A section 12 notice was issued on the main march on Marylebone Road. Around 30 Just Stop Oil supporters also entered a John Lewis department store and held up Just Stop Oil banners **UKOP12: pages 49 – 52.**
- (g) On 17 July 2023, Just Stop Oil staged their biggest day of slow marches, with more than 200 protesters blocking traffic in at least 14 locations across London during rush hour. They carried placards reading "*new oil = murder*" and "*can't eat oil*". Locations included Bermondsey, Victoria, Bishopsgate, Liverpool Street, Whitehall, Lambeth Bridge, Wandsworth Bridge and Islington. Police issued section 12 notices, removed 183 protesters and made at least 21 arrests **UKOP12: pages 53 – 60.**
- (h) On 19 July 2023, 160 Just Stop Oil supporters marched on key London roads, causing disruption in Victoria, Vauxhall, Charing Cross, Marylebone, Holborn and Westminster. Protesters later marched around Parliament Square. Police subsequently issued section 12 notices and arrested 35 people **UKOP12: pages 61 – 63.**
- (i) On 20 July 2023, 132 Just Stop Oil supporters marched in nine groups around West, East and South London **UKOP12: pages 64 – 66.**

- (j) On 1 August 2023, Just Stop Oil protesters marched through the centre of Cambridge holding signs reading "*100 crimes against humanity*" and "*no new oil*", reportedly in protest against the UK government's recent licensing of 100 new oil and gas fields in the North Sea **UKOP12: pages 67 – 69.**
 - (k) On 18 August 2023, 20 Just Stop Oil activists slow-marched through the streets of Wells in Somerset **UKOP12: pages 70 – 72.**
 - (l) On 19 August 2023, around 30 Just Stop Oil protesters slow-marched in Exeter city centre. Police ordered the marchers off the road by issuing a section 12 notice. Protesters then continued marching through the Princesshay shopping centre **UKOP12: pages 73 – 76.**
 - (m) On 26 August 2023, Just Stop Oil activists held a slow walk demonstration in Leeds, which started in the city centre before moving to a dual carriage way which blocked access to parts of the M621 **UKOP12: pages 77 – 82.**
 - (n) On 9 September 2023, Just Stop Oil protesters slow-marched in Portsmouth city centre which was reported to be in response to the UK government's refusal to "*stop licensing all new oil, gas and coal projects*" **UKOP12: pages 83 – 87.**
18. On 14 July 2023, it was reported that Just Stop Oil protesters had stormed the stage on the first night of the BBC Proms at the Royal Albert Hall, unfurling banners and allegedly setting off confetti cannons and sounding air horns before being forcibly removed. Just Stop Oil said this was "*in response to the BBC's underwhelming coverage of the climate emergency...as well as uncritically regurgitating government and oil company propaganda*" **UKOP12: pages 88 – 94.**
 19. Later on the same date (14 July 2023), it was reported that three activists had run onto Channel 4's The Last Leg talk show in Just Stop Oil t-shirts and handed high vis orange vests to guests whilst it was being broadcast live, before being led off stage by staff **UKOP12: pages 91 – 94.**
 20. On 17 July 2023, a Just Stop Oil activist, who was reported as being part of the disruption at the World Snooker Championship referred to at paragraph 21 of my Fourth Witness Statement, was arrested and charged with two counts of criminal damage and breaching bail conditions after he used a fire extinguisher to spray-paint a courtyard of Exeter University following his graduation ceremony **UKOP12: pages 95 – 103.**
 21. On 19 July 2023, it was reported that protesters had sprayed orange paint onto the building of the Department for Energy Security and Net Zero. Just Stop Oil tweeted on this day at 8:10am attributing the action to the Department having issued more than 100 new oil and gas licences **UKOP12: pages 104 – 109.**
 22. On 20 July 2023, it was reported that two Just Stop Oil supporters had thrown 5 litres of orange paint at the headquarters of the think tank Policy Exchange (which it was reported had been funded by ExxonMobil) before daubing the building with their hands. One of the supporters confirmed "*We have painted the Policy Exchange because they have been instrumental in implementing laws to restrict climate protesters*". Just Stop Oil tweeted on 5 August 2023 at 09:18 "*And that's why you get your offices painted: for taking fossil fuel money to lobby for genocidal policies*" **UKOP12: pages 110 – 116.**
 23. On 21 July 2023, it was reported that protesters had attempted to disrupt the golf Open Championship at Royal Liverpool by setting off an orange flare. The protesters were escorted away by the police. The police later confirmed that four people had been arrested in connection with the incident **UKOP12: pages 117 – 126.**

24. On 13 August 2023, it was reported that campaigners from Money Rebellion, which I understand to be an arm of Extinction Rebellion, had set off flares and held banners reading *"AIG is a climate criminal"* and *"AIG stop insuring climate crisis"* at the AIG Women's Open in Tadworth. Five people were arrested for aggravated trespass. It was reported that the campaigners were protesting AIG's insuring of major fossil fuel projects. Five people were arrested for aggravated trespass **UKOP12: pages 127 – 135.**
25. On 2 September 2023, it was reported that Extinction Rebellion activists had protested outside the London headquarters of Perenco, demanding that the oil and gas company does not expand further in the Democratic Republic of Congo and Colombia **UKOP12: pages 136 – 137.**
26. On 18 September 2023, it was reported that Extinction Rebellion activists had scaled the building of the Labour Party headquarters, poured fake oil over the premises and let off smoke cannons. Protesters standing on the canopy of the building held banners stating *"Labour: cut the ties to fossil fuels"*. A press release by Extinction rebellion stated that they are demanding that, *"if Labour wins the next general election, it must do more than stop issuing new oil licences and cancel any licences granted"* **UKOP12: pages 138 – 145.**

STATEMENTS FROM EXTINCTION REBELLION AND JUST STOP OIL

27. The recent action taken by Extinction Rebellion, as referred to above, indicates that the targeting of companies and organisations affiliated to the oil and gas industry is continuing. This is notwithstanding the public statement made in January 2023, referred to at paragraphs 45 and 46 of my Third Witness Statement, that indicated there would be a temporary shift away from public disruption.
28. At paragraph 38 of my Fourth Witness Statement, I referred to Extinction Rebellion's focus on mobilising new members to their campaign and that following *"The Big One"* event which took place between 21 – 24 April 2023, Extinction Rebellion would be *"translating the appetite for action...into a whole range of campaigns"*. Extinction Rebellion appears to be now encouraging supporters to take action: statements on their website read *"We can't wait another 4 years or 4 days. The time is now. Choose your future: 1. Picket | 2. Organise Locally | 3. Disobey"* and *"Civil disobedience works"* **UKOP12: pages 146 – 148.**
29. Extinction Rebellion released a press release after targeting the Labour Party headquarters, which I refer to at paragraph 26 above, stating that this activity is *"part of a series of 'Cut the Ties' actions which launched in November 2022. The campaign targets a web of organisations which are propping up the fossil fuel economy. So far there have been 30 actions at 24 sites"* **UKOP12: pages 143 – 145.**
30. Furthermore, a statement posted on Extinction Rebellion's website dated 11 August 2023 titled *"Update to the movement, summer 2023"* indicates that since *"The Big One"* in Westminster *"we've forged alliances and friendships with other movements, organisations and groups, and are looking to build more connections with our community assemblies throughout the UK"* **UKOP12: pages 149 – 152**, suggesting that the group may be joining forces with other campaign groups, which may include Just Stop Oil.
31. In relation to Just Stop Oil, as outlined above at paragraph 17, Just Stop Oil are continuing to engage in a sustained campaign of slow marches across central London, as well as disrupting public and high-profile events as outlined at paragraphs 18 to 26. A spokesperson for Just Stop Oil stated on 9 July 2023 that they will continue protesting until the Government makes a *"meaningful statement"* to halt any new licenses or consent for fossil fuel exploration in the UK: *"The protests will continue, I can guarantee they will continue until the Government makes that statement"* **UKOP12: pages 153 – 156.**

32. A press release by Just Stop Oil on 19 August 2023 also stated that "*Civil resistance is no longer an option, it is a necessity*" **UKOP12: pages 73 - 76**, suggesting that Just Stop Oil remain committed to a campaign of public disruption. Indeed, Just Stop Oil recently indicated they intend to cause disruption at future Premier League games, stating "*The Prem's our Holy Grail. We're going to go for it*" and "*We're looking to mobilise properly so we can target one match every weekend this season. We'll be travelling all over the country*" **UKOP12: pages 157 – 160**.
33. Just Stop Oil also appear to be continuing to actively recruit members of the public to join their protests (including the slow marches). Their press releases on 6 July 2023, 10 July 2023 and 17 July 2023 relating to the slow marches referred to at paragraph 17 above state "*Time's up for new oil, gas and coal. It's time everyone got on the streets, marching every day to demand change*" **UKOP12: pages 18 – 21, 25 - 28 and 57 - 60**. Press releases on 19 July and 20 July 2023 by Just Stop Oil also stated "*It's time to get off the sidelines and join in civil resistance to end new oil, gas and coal*" **UKOP12: pages 61 – 66**.
34. In an open letter to the UK Police Unions dated 13 September 2023, Just Stop Oil stated that they would be "*back on the streets of London from October 29th*". The letter also states that "*our 13 week campaign between April and July this year cost the Metropolitan Police more than £7.7m and required the equivalent of an extra 23,500 officer shifts.*" **UKOP12: pages 161 – 165**.
35. In addition, Just Stop Oil also appear to be launching a new campaign referred to as an "*autumn of disruption at universities*" throughout October 2023 as part of a plan to target higher education facilities. Reportedly, targets will include Imperial College London and London Metropolitan University, both of which, it has been reported, have been accused of failing to stop fossil fuel investments **UKOP12: pages 166 – 177**. On 18 September 2023, the student wing of Just Stop Oil published an open letter to all university Vice Chancellors in the UK, demanding that they sign and return an "*ultimatum letter*" otherwise "*students will have no choice but to bring a wave of civil disobedience to their campuses*" **UKOP12: pages 178 – 179**.
36. The combined impact of this suggests that the fossil fuel industry (and any organisations affiliated with that industry) remains the target of Just Stop Oil's campaign and that Just Stop Oil are intending to continue their campaign, involving as many members as possible, without any discernible end date.
37. The materials that have been published on Just Stop Oil's and Extinction Rebellion's websites, as well as on the groups' respective social media channels, continue to indicate that oil and gas companies will remain a target of their campaign. Consequently, there remains a risk to the Claimants' sites against which an order in the terms sought would protect.

OTHER INJUNCTION PROCEEDINGS

38. I confirm there are no updates to my knowledge in relation to:
- (a) the injunctions granted to oil and gas companies in relation to protests against the industry, as set out at paragraph 45 of my Fourth Witness Statement, save for I have become aware of the following injunctions granted in the judgment of the Honourable Justice Linden dated 18 July 2023 and the judgment of Mr Justice Julian Knowles dated 31 August 2023 respectively:

Claim Number	Property	Claimant(s)	Duration of injunction
QB-2022-001098	Fawley Petrochemical Complex, Hythe Terminal, Avonmouth Terminal, Birmingham Terminal, Purfleet Terminal, West London Terminal, Hartland Park Logistics Hub and Alton compound at Holybourne	Esso Petroleum Company Limited and Exxonmobil Chemical Limited	Final injunction granted
QB-2022-002477	Southampton to London Oil Pipeline Project	Esso Petroleum Company Limited	Injunction granted until 31 December 2023

- (b) the injunctions obtained by parties against persons unknown including those affiliated or connected to the Extinction Rebellion, Just Stop Oil and/or Insulate Britain campaigns set out at paragraph 46 of my Fourth Witness Statement.

SUMMARY

39. The evidence set out above, as well as that in my Previous Witness Statements, confirms that there continues to be frequent and significant direct action undertaken by Just Stop Oil and Extinction Rebellion, and which continues to target those affiliated with the oil and gas industry. There is also no clear end date to the action and both organisations would appear to be focused on mobilising their supporters and recruiting new members to their campaigns.
40. As referred to at paragraph 55 of my Third Witness Statement and paragraph 48 of my Fourth Witness Statement, given the importance of the Sites covered by the Order, Just Stop Oil and Extinction Rebellion's continuing campaigns, and the highly disruptive and inherently dangerous effect of their protesting techniques, means that I continue to believe that, in the absence of further final injunctive relief being granted in the terms sought, there is a real risk of imminent trespass on the Sites and / or interference with the private access routes in relation to both Sites. I do not believe that this risk is likely to abate in the near or medium future. Consequently, the Claimants are making this Application in an effort to minimise the risk of a future trespass and / or interference occurring at each of the Sites by continuing the deterrent effect of the relief granted by the Order that appears to have been so successful to date.
41. I refer above at paragraph 14 and at paragraphs 56 to 58 of my Third Witness Statement and paragraphs 12 and 49 of my Fourth Witness Statement to the fact that the Claimants currently enjoy the benefit of the double protection afforded by the injunction granted by NWBC Order, which remains in place following the 2023 NWBC Order. However, as mentioned at paragraph 14 above, the 2023 NWBC Order is subject to a final trial which is yet to be listed. It therefore remains the case that, as well as that injunction protecting different interests and being based on a different cause of action, the Claimants cannot rely on the protection afforded by the 2023 NWBC Order continuing. This therefore continues to make it critical that the injunctive protection sought by the Claimants continues.

PROCEEDINGS

42. Paragraph 16 of the Order made in these proceedings dated 9 April 2022 of Mr Peter Knox KC sitting as a Deputy Judge ("**8 April Order**") provided that "*Pursuant to CPR 6.15(4), the period for service of any acknowledgement of service, admission or defence shall be 56 days.*"
43. The Claimants' solicitors have confirmed to me that no acknowledgement of service, admission or defence has been received on behalf of any Defendant to these proceedings, pursuant to paragraph 16 of the 8 April Order, or at all. The Claimants' solicitors have also confirmed to me that no Defendant has ever engaged with these proceedings.

For the reasons set out in this statement and the Previous Witness Statements, I respectfully request that the Court grants a final injunction on the terms sought by the Claimants.

Statement of Truth

I believe that the facts stated in this witness statement are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: ... DocuSigned by:  Dated: 22 September 2023
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John Michael Armstrong