

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. QB-2022-001241

BETWEEN

SHELL U.K. LIMITED

Claimant

- and -

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE
CLAIMANT'S SITE KNOWN AS SHELL HAVEN, STANFORDLE-
HOPE (AND AS FURTHER DEFINED IN THE
PARTICULARS OF CLAIM) WITHOUT THE CONSENT OF
THE CLAIMANT, OR BLOCKING THE ENTRANCES TO
THAT SITE**

Defendants

**FIRST WITNESS STATEMENT OF
FAY LASHBROOK**

1. I, **FAY LASHBROOK** of Shell Centre, York Road, London SE1 7NA will say as follows:
 - 1.1 I am the Terminal Manager of the Claimant's Shell Haven Terminal ("**Shell Haven**") and I have had this role for almost 3 years. I have been employed by other entities within the Shell group of companies more generally for over 8 years. I am currently employed by Shell International Petroleum Company Limited which is within the same group of companies as Shell U.K. Limited ("**Shell UK**") who is the Claimant to these proceedings.
 - 1.2 As the Terminal Manager I am responsible for the licence to operate, health and safety, and production aspects that take place at Shell Haven.
 - 1.3 I make this statement from facts that are within my own knowledge and belief, except where otherwise stated. Where facts are not within my own knowledge or belief, I have stated the source of my knowledge and confirm they are true to the best of my knowledge and belief.
 - 1.4 I attach to this witness statement a paginated bundle of true copy documents ("**Exhibit FL1**") to which I refer in this witness statement. References in this statement to page numbers are to page numbers in **FL1**.
 - 1.5 My colleague, Mr Stephen Ian Brown previously gave a witness statement dated 13 April 2022 in connection with this matter ("**Mr Brown's First Witness Statement**") followed by a second witness statement dated 22 April 2022 also given in connection with this matter

("Mr Brown's Second Witness Statement"). I have read these witness statements given previously by Mr Brown and reviewed their accompanying exhibits. {M_000126}

2. PURPOSE OF THE STATEMENT

2.1 This statement has been prepared in support of Shell UK's application for the continuation of injunctive relief granted under an Order dated 3 May 2022 made by Bennathan J in respect of Shell Haven, Stanford-Le-Hope, Essex which is enclosed or bounded by fences, gates, gateways and parts of the River Thames (the "**Shell Haven Order**"). {M_000021}

2.2 The purpose of my statement is to comment on the following issues in support of Shell UK's application:

2.2.1 provide a brief background to assist the Court in understanding why the Shell Haven Order was initially granted;

2.2.2 explain to the Court what further incidents have taken place since the granting of the Shell Haven Order; and

2.2.3 explain why I consider it necessary for the Court to grant the continuation of the injunctive relief granted under the Shell Haven Order.

3. BACKGROUND TO INITIAL INJUNCTION

3.1 As explained in Mr Brown's First Witness Statement:

3.1.1 *"The Shell Haven terminal is located in Essex and is a large import terminal. It is unique in that its only purpose is the import and distribution of aviation fuel. A significant proportion of the United Kingdom's aviation fuel is imported into Shell Haven where it is stored pending distribution. There are multiple airports serviced by Shell Haven via direct pipelines, such as Heathrow and Gatwick and Stansted. The aviation fuel is otherwise distributed by road and by pipeline, with the main United Kingdom Oil pipeline running to Stanlow Refinery in the North-West. The Kingsbury site is also supplied via this pipeline.*

3.1.2 *In terms of the composition, from an operational perspective, there is a large jetty on the Thames Estuary, three marine loading arms, twenty-one large fuel storage tanks and three road loading bays on site.*

3.1.3 *The road loading gantries are used by road tankers to pick up fuel which they then deliver to the Claimant's customers.*

3.1.4 *The terminal jetty consists of three marine loading arms for import and export of aviation fuel. It is located approximately one kilometre from the main terminal site and is accessed via the DP World Container Port. Marine imports typically occur once a week.*

- 3.1.5 *On site, there is also a main control building, ancillary equipment, a car park and loading gantries. The control building is located on the edge of the Shell Haven site and incorporates a security centre, control room and offices. There are approximately thirty employees at Shell Haven and the site is operated 24/7, with security around the clock. Most people on site there are the [the Claimant's] employees however some are contractors such as G4S security personnel".*
- 3.2 As previously set out in Mr Brown's First Witness Statement, Shell Haven is used for the storage and supply of fuel which is a highly flammable and hazardous substance. As a result, there are strict security measures adopted by Shell UK, its employees and contractors to ensure that risk of harm is kept to an absolute minimum.
- 3.3 All employees and contractors working for Shell Haven undergo training to ensure that they are aware of the risks of working with hazardous substances and do not do anything which may put them or the wider public in danger and to wear appropriate Personal Protective Equipment ("PPE"). In particular, such training explains the dangers of using non-Ex equipment (which is that which has spark potential) and presents a significant hazard around flammable materials. It is therefore crucial that untrained individuals do not attempt to access the perimeters of Shell Haven or interfere with the tankers and/or vessels transporting fuel as this could cause a major health and safety incident.
- 3.4 Shell Haven is also completely enclosed by a fence which has a height of approximately 6ft. Following the incidents in April 2022 that led to the Shell UK obtaining the Shell Haven Order, there has been erected a razor wire on the fence line (and which is specifically designed to deter trespassers scaling or climbing the fence (being a BS1722 part 10 compliant fence)), gates and structures inside Shell Haven. This in itself poses a health and safety risk to the extent that someone might fall from such a height / cut themselves were they to attempt to scale and/or climb this fence.
- 3.5 A new fence and entrance will also be installed later this year. Shell UK has also installed a new thermal imaging camera to monitor the field which is situated at the rear of Shell Haven. Shell Haven has also adopted a new procedure whereby all vehicles are to be locked if a driver is not present and the keys are stored in locked cabinets.
- 3.6 Shell Haven is a securely monitored site; we have security that patrol the site and are present 24 hours a day. I would also note that the security presence and safety measures were (and are) temporarily increased during protestor activity taking place, including:
- 3.6.1 Communications issued to remind staff that all vehicles are locked when a driver is not present and keys are stored in locked cabinets;
- 3.6.2 Shell Haven's terminal gates are closed and locked;
- 3.6.3 All doors are secured and locked (where safe to do so);
- 3.6.4 All non-essential meetings are cancelled;

- 3.6.5 All deliveries go through the security team; and
- 3.6.6 An additional guard and two additional dog handlers (and dogs) are present per shift who carry out permitter sweeps and vehicle checks.
- 3.7 In early 2022 I became aware that Extinction Rebellion ("**XR**"), a campaign group formed in October 2018 which seeks to affect government policy on climate change through civil disobedience, published guidance about its intention to take disruptive action to end the fossil economy. It called upon members of the public to support XR's aims. XR was not the only group at that time which sought to disrupt Shell UK's lawful activities with the aim of encouraging the Government to amend its energy policies and end the extraction and use of fossil fuels. There were various groups associated with this stance and many of these individuals who took unlawful action against Shell UK and the wider Shell group of companies appear to belong to other campaign groups known as Just Stop Oil, Youth Climate Swarm and Scientist Rebellion.
- 3.8 In April 2022 various activities were undertaken by these individuals which appeared to have the aim of causing maximum disruption to Shell UK's lawful activities.
- 3.9 Throughout April 2022, protestors targeted Shell Haven and other sites occupied by Shell UK and the wider Shell group of companies, as has been set out in detail in the witness statement of Mr Christopher Gamble dated 30 March 2023 ("**Mr Gamble's Witness Statement**"). In addition to the points covered in Mr Gamble's Witness Statement, I wish to bring to the Court's attention the incident reported at paragraph 3.2 of Mr Brown's Second Witness Statement whereby *"on 15 April 2022, protestors set up roadblocks and began to "tanker surf" on major tanker routes to and from the Inter and Navigator Terminals which are in the vicinity of Shell Haven in Essex and also on the Thames Estuary...This causes very real risk to themselves and to the driver and all those who must then try to remove the protestors from the vehicle. That is particularly the case where the tanker is loaded, as the fuel being transported is highly flammable"*. {M_000953}
- 3.10 With regards to activity in the locality of Shell UK's other sites and as set out previously in Mr Brown's First and Second Witness Statement, protestors blocked road access, attempted to deflate tanker tyres, climbed tankers, glued themselves to the road, entered the premises of Valero's terminals at the Kingsbury complex and dug tunnels under the surrounding roads which resulted in concerns about structural integrity of the access roads. {M_000126} {M_000131}
- 3.11 Consequentially Shell UK applied for an emergency injunction in respect of Shell Haven ("**the Injunction**").
- 3.12 Mr Justice Sweeting granted an interim injunction, in respect of Shell Haven, in favour of Shell UK on 15 April 2022 (the "**15 April 2022 Order**"). {M_000099}
- 3.13 Following the hearing of Shell UK's Application dated 20 April 2022, on 28 April 2022 for the continuation of the injunction ordered under the 15 April 2022 Order, Mr Justice

Sweeting granted the continuance of Shell UK's injunction. At that hearing Mr Justice Sweeting granted the continuation of the injunction which prevented the Defendants from: {M_000031}

- 3.13.1 entering or remaining upon any part of Shell Haven without the consent of Shell UK.
- 3.13.2 blocking access to any of the gateways to Shell Haven the locations of which are identified on appended plans.
- 3.13.3 causing damage to any part of Shell Haven whether by:
 - 3.13.3.1 affixing themselves, or any object, or thing, to any part of Shell Haven, or to any other person or object or thing on or at Shell Haven;
 - 3.13.3.2 erecting any structure in, on or against Shell Haven;
 - 3.13.3.3 spraying, painting, pouring, sticking or writing with any substance on or inside any part of Shell Haven; or
 - 3.13.3.4 otherwise.

3.14 The Shell Haven Order was to last for 1 calendar year until 28 April 2023, unless varied, discharged or extended by further order. As no extension to the Injunction has been granted to date, absent Shell UK obtaining an extension to the Injunction, it will fall away after 28 April 2023.

4. **PROTESTOR ACTION SINCE 28 APRIL 2022**

4.1 Since granting the Shell Haven Order, there has been further protestor activity against critical oil facilities across England. Appended to my witness statement at pages 8 to 137 of **Exhibit FL1** is a chronological list of further protestor action taken against critical oil facilities similar to Shell Haven and their respective supporting infrastructure (i.e. access roads and surrounding areas). However, for the purpose of my witness statement I would like to bring the following examples in particular to the Court's attention: {M_000951/9}

4.1.1 In August and September 2022, protesters targeted the Kingsbury Site, Warwickshire (another site which is connected to Shell UK as Shell UK operates a terminal at this site and which is (amongst other areas) currently protected by an injunction obtained by North Warwickshire Borough Council). A copy of the North Warwickshire Borough Council injunction order is at pages 1 to 7 of **Exhibit FL1**. {M_000951/2}

4.1.2 On Monday 22 August 2022, I am aware that a main road used to access the Kingsbury Site was closed due to protestors making the road unsafe by digging a total of 3 tunnels underneath the road, one of which was well-established. The tunnels required inspection by the Highways Authority to check they had not impacted the integrity of the roads. On Tuesday 23 August 2022, the protestors

were eventually removed, and a further albeit relatively small tunnel was identified.

- 4.1.3 It was later reported in an ITV news article that *"Twenty arrests have been made after environmental protesters staged demonstrations at a major oil facility in Essex, digging tunnels under roads to block access. The campaigners from Just Stop Oil formed a sit-down roadblock near the Navigator terminal in Thurrock early on Tuesday morning. Five people are also occupying tunnels under St Clements Way near the terminal, as well as an access road leading to the nearby Grays oil terminal."*
- 4.1.4 I believe that these activities show that activists will pay close attention to the scope and terms of the injunction and will, in some instances, undertake dangerous activities such as tunnelling as described above, to try and avoid being caught by the injunction. Such activities are highly dangerous (the structural integrity of the roads is placed at risk and have the potential to collapse) and I believe are designed to cause maximum disruption to the lawful activities and wider operations of Shell UK and others working in the fuel industry. The news articles reporting on this incident can be found at pages 31 to 42 at **Exhibit FL1** - <https://www.coventrytelegraph.net/news/local-news/live-police-block-road-amid-24823181> and <https://www.itv.com/news/anglia/2022-08-23/fossil-fuel-protesters-block-essex-oil-terminals> {M_000951/32}
- 4.1.5 On 28 August 2022 an oil tanker was blocked in the vicinity of Grays Oil terminal in West Thurrock. According to an article on the BBC News website, *"One person climbed on top of the vehicle while others reportedly deflated its tyres. The road was closed but reopened at 03:00 on Monday."* The article notes that 8 people were arrested as a result of this action and that more generally *"Police said officers had arrested a total of 60 people in connection with the protests over the last week"*. The BBC News article reporting on this incident can be found at pages 51 to 54 of **Exhibit FL1** and here - [Just Stop Oil: Eight arrests as Grays oil tanker blocked - BBC News](#) {M_000951/52}
- 4.1.6 On 4 September 2022 three protesters voluntarily ended what was a 13 day occupation of a tunnel dug under St Clements Way in Grays, a road which ultimately serves as access to Grays Oil terminal in West Thurrock described by the BBC as *"...a key delivery route for the nearby oil terminal"*. Chief Superintendent Simon Anslow was quoted saying that the recent protests had required a *"huge amount of resources"* from the police and that *"over the course of the last fortnight we have made more than 60 arrests and worked hard with our partners to keep disruption to our local community and businesses to a minimum and keep Essex moving"*. Again, I consider this another example of where the protester activity being planned is aimed at causing maximum

disruption against those who operate in the fuel industry and demonstrates just how far activists will go (by engaging in highly dangerous activity) to show dedication to their cause. A BBC News Article reporting this event can be found at pages 55 to 58 of **Exhibit FL1** and here – [Just Stop Oil protesters leave Grays tunnel after 13 days – BBC News](#) {M_000951/56}

4.1.7 On 14 September 2022 Just Stop Oil reported that *"A group of 50 ordinary people are risking liberty to sit peacefully outside the Kingsbury Oil Terminal holding banners, in breach of a private injunction designed to protect the profits of the oil industry. This is the first of a series of nonviolent actions in support of Just Stop Oil's demand that the UK government end new oil and gas projects in the UK."* The article published by Just Stop Oil can be found at pages 59 to 62 of **Exhibit FL1** and here – [50 Just Stop Oil Supporters breach the Warwickshire injunction – Just Stop Oil.](#) {M_000951/60}

4.1.8 The "private injunction" being referred to is that belonging to North Warwickshire Borough Council which was granted by the High Court on 14 April 2022. The Court will see that notwithstanding the acceptance and acknowledgement by the activists of a "private injunction" being in place, a minority of protesters still proceeded with unlawful and dangerous action as to further their cause of action. I consider that this activity and this statement in particular shows that even with an injunction in place, Shell Haven and other similar sites are still active targets for protester groups and/or individuals looking to cause maximum disruption.

4.1.9 I am aware that Mr Gamble's Witness Statement sets out more generally the action taken against Shell UK and the wider Shell group of companies since April / May 2022. In particular however I wish to draw the Court's attention to an incident which took place on 31 January 2023, whereby four protesters representing Greenpeace occupied a Shell platform which was heading for the North Sea. The article published by Greenpeace on this action makes it clear that the activity was primarily aimed at Shell UK and the wider Shell group of companies in an aim to highlight *"... Shell's reckless plans to keep drilling for more fossil fuels"*. In an article by the Independent, one of the activists reports *"...they had left the main Greenpeace boat early in the morning and used ropes to scale the vessel and platform. "There was a couple of meters of swell. It was a bit of an adventure to get on board," she said, over gusts of Atlantic wind. "But we are well and safe. We have all the equipment we need to keep ourselves safe"*. Such actions are incredibly dangerous for clear health and safety reasons. The incident also reiterates the risks and lengths individual activists are still prepared to take against Shell UK and the wider Shell group of companies. A Greenpeace activist stated in the Greenpeace article that *"Shell might think this is the end of our protest but my message to chief executive Wael Sawan is that* {M_000951/110} *this is just the beginning"*. This article can be found at pages 109 to 119 of

Exhibit FL1 and here: [How Greenpeace activists occupied a Shell platform heading for a major oil and gas field | Greenpeace UK](https://www.theguardian.com/environment/2023/jan/31/greenpeace-protesters-board-shell-platform-bound-for-shetland) and at pages 125 to 128 of **Exhibit FL1**: {M_000951/126}
<https://www.theguardian.com/environment/2023/jan/31/greenpeace-protesters-board-shell-platform-bound-for-shetland>.

4.1.10 Video footage of the activists scaling the vessel whilst obviously struggling with the force of the sea is also available here: [VIDEO: Moment Greenpeace Activists Scale Shell Oil Platform in Atlantic \(businessinsider.com\)](https://www.businessinsider.com/greenpeace-activists-scale-shell-oil-platform-in-atlantic) (see also page 129 of **Exhibit FL1**) {M_000951/130}

4.1.11 On 14 February 2023 activists associated with XR blocked access to a private jet terminal at Luton Airport. The statement published on Extinction Rebellion's website quoted an activist saying: *"Valentine's Day should not have to cost the Earth, or the taxpayer," says former airline pilot-turned climate activist, Todd Smith. "The people want a ban on private jets, as Climate Assembly UK demonstrated in 2020. But nothing has been done. I can only assume the government has ignored the will of the people to protect the interests of their rich mates. We are here today to make them listen"*. A copy of the article can be found at pages 130 to 132 of **Exhibit FL1** and here: <https://extinctionrebellion.uk/2023/02/14/love-in-action-extinction-rebellion-blockades-luton-airport-private-jet-terminals-in-valentines-day-protest/> {M_000951/131}

4.1.12 The recent activities against the aviation industry is a concern for Shell Haven as the fuel stored at Shell Haven is primarily aviation fuel. The increasing incidents of protester activity against local airports (as to which more detail is provided at paragraph 6.6.11 of Mr Gamble's Statement) is of particular concern to me as I believe it makes Shell Haven an even more attractive target given previous events and also Extinction Rebellion's heightened focus on targeting the aviation industry as shown by recent demonstrations.

4.2 The continuing threats posed against Shell UK and the wider Shell group of companies are set out in more detail within Mr Gamble's Witness Statement but I wish to stress to the Court that I also believe that the above events which have been targeting similar critical oil facilities and supporting infrastructure across England and the statements from protester organisations further support the conclusion that there is an ongoing risk of disruptive actions against Shell UK and the wider Shell group of companies which is set to continue in the future and that protesters will continue with such action if the injunction is not continued (and that a minority of protestors will indeed continue even in the face of an injunction), notwithstanding security measures put in place by Shell UK (albeit such measures mitigate against the risk of harm arising from such incidents by allowing the police to take swift action when necessary).

4.3 I believe these concerns are justified given Just Stop Oil, for example, has recently issued an “*ultimatum letter to 10 Downing Street*” on 14 February 2023 – which stated that:

“Just Stop Oil is demanding that: The UK government makes a statement 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 provide such assurance by 10th April 2023, we will be forced to escalate our campaign – to prevent the ultimate crime against our country, humanity and life on earth...

We will not be bystanders”.

4.4 A copy of the relevant statement is exhibited at pages 138 to 142 of Exhibit FL1. {M_000951/139}

4.5 I do consider that the incidents at other similar sites outlined in this witness statement and the appended chronology at pages 8 to 137 at **Exhibit FL1** demonstrate that the injunctive relief currently in place for Shell Haven and other such sites has helped to minimise the number of incidents taken against oil refinery and storage sites to date. In the absence of the injunctive relief, my concern is that without the deterrent of being arrested for breaching an injunction more protesters would be persuaded to follow the minority in putting themselves and others at risk and that actions at Shell Haven and that unlawful behaviour, as was seen prior to the granting of the Shell Haven Order, would reoccur. {M_000951/9}

LOCAL COUNCIL INJUNCTION AND OTHERS

4.6 On 19 December 2022, Thurrock Council issued a s114 notice pursuant to The Local Government Finance Act 1988 (a notice of financial distress) which I understand to mean that effectively the local council is bankrupt. A BBC News article reporting on this can be found at pages 143 to 146 of **Exhibit FL1** and here: [Thurrock Council issues S114 notice of financial distress - BBC News](#) . Thurrock Council and Essex County Council have an active injunction, which includes a power of arrest pursuant to section 17 of the Police and Justice Act 2006, over the majority of the roads and surrounding area leading to Shell Haven. The injunctive relief was to end in May 2023. {M_000951/144}

4.7 I am aware that on 27 January 2023, following an application from Thurrock Council and Essex Council, the High Court has granted the continuation of the injunctive relief and power of arrest until such time as the outcome of the expedited appeal to the Supreme Court in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046) has been determined, at which point the local Council will need to make a further application for its final hearing to be heard. A copy of this order can be found at pages 147 to 197 of **Exhibit FL1** and here [Protest injunction | Thurrock Council](#). {M_000951/148}

4.8 I believe that the combination of Shell UK’s injunction and the injunction held by Thurrock Council together have been a sufficient deterrent to mass protester activity at Shell Haven to date. Given the uncertain financial position of Thurrock Council, I think that there is now

a greater need for the injunctive relief at Shell Haven to continue as this will enable Shell UK to take swift action against those who put themselves and others at risk by attempting to access and enter Shell Haven unlawfully in the event that Thurrock Council decides not to continue its injunction – which I consider to be a real possibility given its financial position.

4.9 I am also aware that other oil companies have applied for (and have successfully obtained) continued injunctions in respect of similar oil terminals and refineries. Whilst the approach of the Courts has not been entirely uniform, continuation injunctions were recently obtained by Valero and Exolum for further periods of 12 months and by Exolum for a further period until the matter is listed for trial. A copy of the orders obtained by Valero and Exolum are at 198 to 237 and 238 to 283 of Exhibit FL1, respectively. National Highways Limited is also seeking a continuation of its injunction for a further 12 month period which it obtained in respect of the Strategic Road Network at the review hearing which is listed to be heard on 24 April 2023. {M_000951/199}

5. **REQUIREMENT FOR A FURTHER INJUNCTION**

5.1 For the reasons set out within my witness statement, I consider that continued injunctive relief in respect of Shell Haven is necessary to:

5.1.1 protect the protesters, workers, surrounding environment and others within the vicinity of Shell Haven from harm which could easily be caused by unlawful access and/or upon damage being inflicted onto Shell Haven; and

5.1.2 to enable Shell UK and the wider Shell group of companies to continue undertaking its lawful activities at Shell Haven – which in turn supplies and supports the wider economy of the country.

5.2 Whilst the injunctive relief afforded to Shell UK to date has clearly been a successful deterrent as the number of incidents at Shell Haven have significantly decreased, there remain a minority of extreme protestors who are prepared to continue putting themselves, those employed by Shell UK and others at risk with their unlawful and dangerous protester actions in pursuit of their direct protest action against those operating within the oil and gas industry. I would respectfully ask that the existing injunction is extended for a further period in order to minimise (so far as possible) the risk of unlawful (and potentially life-threatening) protester action taking place.

5.3 I firmly and sincerely believe that the protestors have impacted and, unless restrained, will continue to impact the operations of Shell UK and third parties' businesses and that in the absence of continuing injunctive relief, the Defendants will seek to impact upon Shell UK's peaceful enjoyment of Shell Haven.

5.4 I would reiterate that Shell UK has no desire to curtail the Defendants' right to protest lawfully nor to curtail their right to freedom of speech and expression. However, the actions

of the Defendants to date, as outlined in detail in this witness statement and the supporting chronology, have gone beyond the exercise of those rights.

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 made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

F Lashbrook

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FAY LASHBROOK

Dated: 30 March 2023