

Benjamin Austin
Third Witness Statement
Party: Claimant
Exhibit: BA3
Date: 30 March 2023
Claim No: QB-2022-001420

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BETWEEN

SHELL U.K. OIL PRODUCTS LIMITED

Claimant

- and -

**PERSONS UNKNOWN DAMAGING, AND/OR BLOCKING THE USE OF OR
ACCESS TO ANY SHELL PETROL STATION IN ENGLAND AND WALES, OR
TO ANY EQUIPMENT OR INFRASTRUCTURE UPON IT, BY
EXPRESS OR IMPLIED AGREEMENT WITH OTHERS, IN CONNECTION WITH
ENVIRONMENTAL PROTEST CAMPAIGNS WITH THE INTENTION OF
DISRUPTING THE SALE OR SUPPLY OF FUEL TO OR FROM THE SAID STATION**

Defendants

Third Witness Statement of Benjamin Austin

I, **Benjamin Austin** of Shell Centre, London SE1 7NA **WILL SAY AS FOLLOWS:**

1. INTRODUCTION

- 1.1 I am the Health, Safety and Security Manager for Shell U.K. Oil Products Limited ("**SUKOP**"), who is the Claimant in these proceedings.
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge, they are true to the best of my knowledge and belief, and I identify the source of my knowledge.
- 1.3 References to page numbers in this statement are to page numbers in **Exhibit BA3**.

- 1.4 In these proceedings, I have previously given:
- 1.4.1 a witness statement dated 3 May 2022 ("**My First Witness Statement**"); and
 - 1.4.2 a witness statement dated 10 May 2022 ("**My Second Witness Statement**").
- 1.5 These proceedings are injunction proceedings which concern all "Shell" branded filling stations in England and Wales ("**the Shell Petrol Stations**").
- 1.6 I make this witness statement in support of SUKOP's application for the continuation of the injunctive relief granted by order dated 17 May 2022 (as amended on 20 May 2022) of Johnson J ("**the Petrol Stations Injunction**") beyond 4pm on 12 May 2023.
- 1.7 The Petrol Stations Injunction was granted following the grant of an interim injunction by order dated 5 May 2022 of McGowan J ("**the Interim Injunction Order**").
- 1.8 This witness statement is made in conjunction with the first witness statement of Christopher Gamble dated 30 March 2023 ("**Christopher Gamble's First Witness Statement**") – which is made:
- 1.8.1 also in support of SUKOP's aforementioned application in these proceedings; and
 - 1.8.2 in support of separate applications made in related injunction proceedings involving the wider Shell group of companies in respect of Shell Haven Oil Refinery, the Manorway, Stanford Le-Hope ("**Shell Haven**") and Shell Centre Tower, Belvedere Road, London ("**Shell Centre Tower**").
- 1.9 I again wish to make clear that SUKOP (and the wider Shell group of companies) does not seek the continuation of injunctive relief to prevent protestors from undertaking peaceful lawful protests – whether any such protests arise near to or at any of the Shell Petrol Stations or otherwise.
- 1.10 However, for the reasons explained in this statement and Christopher Gamble's First Witness Statement, there is a very real, continuing and significant danger and threat to the health and safety of staff, contractors, the general public and other persons that visit the Shell Petrol Stations.

1.11 Therefore, and given the nature of the protestor activity experienced, SUKOP considers it necessary to apply for the continuation of the Petrol Stations Injunction. In doing so, SUKOP seeks to prevent potentially unlawful activities and to mitigate against a serious risk of irreparable harm to the health and safety of the Defendants themselves and other members of the public (including the employees and agents of SUKOP) (as explained in paragraph 5 below), who may be affected by the Defendants' activities.

2. THE SHELL PETROL STATIONS

2.1 As is more fully explained in My First Witness Statement and My Second Witness Statement:

2.1.1 SUKOP is the world's largest single branded retailer serving approximately 25 million customers per day (approximately 400 million litres of fuel) and provides fuels to a variety of markets.

2.1.2 SUKOP markets and sells retail fuels through the Shell Petrol Stations which constitute a network of "Shell"-branded service stations. The retail network through which fuel is sold in the UK is divided into two main categories: (i) direct; and (ii) indirect. In summary:

2.1.2.1 The direct retail category ("**Shell Owned Sites**") involves a network of retail service stations where SUKOP owns or leases the land where the retail site is located and typically will own the structures and equipment at the site. SUKOP does not actually operate these sites. Day-to-day operations are sub-contracted to a third party retailer, who runs the premises and employs the staff. However, SUKOP has control over most of the operational aspects of the site including hours of operation, health and safety, payment and inventory and the type of goods offered.

2.1.2.2 The indirect retail category ("**Dealer Owned Sites**") involves a network of retail service stations where SUKOP neither owns nor leases nor operates the site. Rather, the retail site is owned/leased, and staffed and operated, by an independent, third party. However, SUKOP:

(a) supplies the dealer with "Shell"-branded retail fuels – typically, the dealer will purchase fuel from

SUKOP in bulk, and SUKOP will arrange for delivery of the fuel direct to the storage tankers at the dealer-owned site; and

- (b) permits the dealer to use the "Shell" brand and sell "Shell"-branded fuels to consumers at the relevant retail site. Typically, SUKOP will control only the branding on the petrol station forecourt (i.e., the area of the retail site where the fuel is pumped into customer vehicles and sold).

2.1.2.3 It will hopefully be appreciated from the above that SUKOP has much more involvement in the day-to-day running of the Shell Owned Sites than it does over Dealer Owned Sites (although SUKOP is still heavily involved in the general management and supervision of the Dealer Owned Sites).

2.1.2.4 There are currently 1,127 Shell Petrol Stations in England and Wales. Approximately 527 are Shell Owned Sites and 600 are Dealer Owned Sites. Typically, the Shell Petrol Stations consist of:

- (a) The forecourt – this is the area of the retail site which customers will use (via vehicles and on foot) where the fuel is delivered to vehicles from the fuel pumps, where drivers leave vehicles when visiting the retail store or dealing with issues such as car washing or putting air in tyres, and where fuel lorries offload their fuel;
- (b) the retail store – these are also located on the forecourt and vary in size. Usually, customers will use the stores to pay for their fuels and any other goods purchased from the stores as needed; and
- (c) fuel storage tanks which are usually located under the forecourt.

2.1.2.5 The tanks contain significant quantities of flammable fuel and the management of such fuel at Shell Petrol Stations is

largely regulated by the Dangerous Substances and Explosives Atmosphere Regulations 2002 ("DSEAR"). As a result of DSEAR, the operations at Shell Petrol Stations are strictly controlled and involve taking steps to mitigate the risks from working with such dangerous substances. This includes reducing the risk of any unlawful and dangerous activity on or around those locations as such unlawful actions pose a significant health and safety concern, not just for those individuals who work at the stations, but for the individuals carrying out such unlawful and dangerous activities and for the members of the public who are using the services.

3. **BACKGROUND TO THE PETROL STATIONS INJUNCTION**

3.1 As is more fully explained in My First Witness Statement, My Second Witness Statement, and Christopher Gamble's First Witness Statement:

3.1.1 As well as other businesses operating within the oil and gas industry, the wider Shell group of companies also became the subject of an increasing number of protests last year by Just Stop Oil ("**JSO**") and associated protest groups which went well beyond peaceful protest.

3.1.2 A summary of the incidents experienced by the wider Shell group of companies generally in the lead up to the grant of the Petrol Stations Injunction is provided in Christopher Gamble's First Witness Statement.

3.1.3 In relation to the Shell Petrol Stations specifically, however, matters escalated, on the morning of 28 April 2022, when a number of protestors targeted two petrol filling stations on the M25, namely at the Clacket Lane service station (which is operated by BP) and the Cobham service station (which is a Shell Petrol Station) in Surrey (the "**Clacket Lane Services**" and "**Cobham Services**" respectively). The protestors' clear aim was to disrupt the operation of the filling stations in various ways. Amongst other things, they:

3.1.3.1 smashed the display screens of fuel pumps with a hammer;

3.1.3.2 covered display screens in spray paint;

- 3.1.3.3 referred, in their press release on their website - [Breaking: Just Stop Oil blocks 3 service stations on the M25 – Just Stop Oil](#) to their action as “sabotage”;
- 3.1.3.4 superglued themselves to the forecourt floor and fuel pumps;
- 3.1.3.5 superglued themselves to the roof of a cab of a fuel tanker making a delivery of fuel to the Cobham Services; and
- 3.1.3.6 blocked the entrances to the service station forecourts.

3.2 Across the Clacket Lane Services and Cobham Services, the media and Police reported that 55 pumps were damaged – out of a total of 71 pumps.

3.3 SUKOP was not aware of anything which suggested that the protests against petrol filling stations might be a one-off incident that would not be repeated. Additionally, given the wider targeting of the wider Shell group of companies and other operators within the same industry at the time, SUKOP believed there to be a real and imminent risk of further incidents of a similar nature to those occurring on 28 April 2022. Further incidents needed to be prevented on the basis of SUKOP’s legitimate concerns that such future protests would:

- 3.3.1 continue to involve similar unlawful activity;
- 3.3.2 endanger the health and safety of staff, contractors, the general public and other visitors to Shell Petrol Stations (including the protestors themselves); and
- 3.3.3 involve further damage to Shell Petrol Stations and infrastructure.

3.4 It is against the above background that SUKOP applied for and obtained the Petrol Stations Injunction.

4. **TARGETING OF PETROL STATIONS SINCE THE PETROL STATIONS INJUNCTION**

4.1 During the 11 months since the grant of the Petrol Stations Injunction, I am aware of at least 7 further incidents of protest activity at Shell Petrol Stations and other petrol stations run by other operators – SUKOP’s solicitors have prepared a chronology setting out these incidents, including those described below (a copy of which is exhibited at pages 1 to 78 of **Exhibit BA3**). {M_000949/2}

24 August 2022

- 4.2 On 24 August 2022, protestors disrupted operations at three separate service stations situated on the M25 motorway in Surrey, namely the Cobham Services, Clacket Lane Services and the Thurrock services station ("**the Thurrock Services**") in Surrey– including by vandalising fuel pumps and blocking of access to the pumps and the forecourts.
- 4.3 I understand from Kumar Sivasthysathya (Site Manager of the Cobham Services (which is a Shell Petrol Station)) that protestors arrived at the Cobham Services at around 05:15am and that:
- 4.3.1 six protestors superglued themselves to the entrance of the site blocking anyone from entering the forecourt;
 - 4.3.2 protestors damaged two fuel pump screens (which are an integral part of the fuel pump structure) by hitting them with break glass hammers and which resulted in the fuel pumps being out of action until a replacement screen was sourced (photographs showing these are exhibited at pages 36 to 38 of **Exhibit BA3**); {M_000949/37}
 - 4.3.3 the police attended and arrested some of the protestors; and
 - 4.3.4 it took around an hour for the protestors to be removed by the police, during which time the site was partially open – with the police directing traffic around the site and onto the forecourt via the exit route.
- 4.4 Although not a Shell Petrol Station, Clacket Lane Services was also targeted as part of the collective protestor action on 24 August 2022, suffering extensive damage on this occasion as the protestors:
- 4.4.1 erected bollards and banners restricting public access to the forecourt; and
 - 4.4.2 damaged fuel pumps by hitting them with break glass hammers and applying spray paint to the smashed pump screens.
- ([Fury as 'NO fuel is available' for M25 drivers after eco-mob Just Stop Oil SMASH petrol pumps | Daily Mail Online](#) – at which a video of protestors vandalising the fuel pumps and photographs showing the forecourt barricade can be seen).

- 4.5 The Thurrock Services (also not a Shell Petrol Station) also suffered significant damage as the protestors smashed the display screens of fuel pumps with a hammer and covered display screens in spray paint ([The Good Doctor – Just Stop Oil](#) – at which a video of protestors vandalising the fuel pumps can be seen).
- 4.6 A copy of an article dated 24 August 2022 reporting on the incidents targeting all three service stations is exhibited at pages 8 to 25 of **Exhibit BA3**. This article reports that: {M_000949/9}
- 4.6.1 the incidents involved around 32 activists from Just Stop Oil, with at least 31 people arrested on the day across the three sites; and
- 4.6.2 three petrol stations had to be completely closed, both the eastbound and westbound sites at the Clacket Lane Services and the Thurrock Services. Fuel was available from some fuel pumps at the Cobham services, albeit with some fuel pumps remaining unusable due to damage.
- 4.7 Copies of further articles reporting on these incidents are exhibited at pages 26 to 40 and pages 68 to 69 of **Exhibit BA3**. {M_000949/27} {M_000949/69}
- 4.8 I find the striking of the fuel pump display screens and the general unpredictability of protestors actions particularly worrying. It is clear to me that such individuals do not always (if at all) fully recognise the risks associated with such action and the potentially dangerous situations that could occur as a result. I explain the health and safety concerns further at paragraph 5 below.
- 4.9 I am firmly of the view that Surrey Police took swift and pre-emptive action in response to the unlawful and dangerous behaviour of protestors at Cobham Services because SUKOP had already obtained the Petrol Stations Injunction which was displayed on the forecourt – demonstrating its merit and utility. I also believe that the Petrol Stations Injunction has had a useful deterrent effect (as set out in paragraph 4.16 below) and that had the Petrol Stations Injunction not been in place it is likely that even more unlawful activity would have taken place at the Shell Petrol Stations as has been experienced at other similar locations referred to at paragraphs 4.10 to 4.14 below.

26 August 2022

- 4.10 On 26 August 2022 it was reported in the Evening Standard ([Just Stop Oil protesters target London petrol stations | Evening Standard](#) – at which a video of

protestors vandalising the fuel pumps can be seen) that Just Stop Oil had stated that 51 of its supporters had disrupted seven petrol stations across London, with activists at some petrol stations rendering "fuel pumps unusable by breaking their display glass or covering them with spray paint" and blocking access to other petrol stations by sitting on the road with banners. The article does not give details of all seven petrol stations affected though it does report that the Metropolitan Police were called to protestors damaging pumps at a petrol station in Talgarth Road, Hammersmith and stated it had made five arrests after an incident at a petrol station in West London.

4.11 Of the seven service stations referred to in the article, two are Shell Petrol Stations at Shell Acton Park Service Station, 213-217 The Vale, London W3 7QS ("**Acton Park**") and Acton Vale, 30 the Vale, W3 7RS London ("Acton Vale").

4.12 Just Stop Oil members blocked the entrance to the petrol station and damaged fuel pumps, leading to five men and two women being arrested ([Climate activist from Hexham arrested during Just Stop Oil protest in London | Hexham Courant \(hexham-courant.co.uk\)](#) and [Dozens of Just Stop Oil protesters arrested after targeting London petrol stations | ITV News London](#))

4.13 In relation to Acton Park specifically, all 8 pumps suffered substantial damage. In relation to Acton Vale (which is situated over the road from Acton Park) a further two pumps were also significantly damaged necessitating, in each case, replacement parts to be requested. Photographic evidence of the extent of the damage can be seen at pages 59 to 66 of Exhibit BA3. {M_000949/60}

4.14 I am aware from an article published by Just Stop Oil on their website on 26 August ([137 arrests during week of oil disruption by supporters of Just Stop Oil – Just Stop Oil](#)) that the incidents referred to above were not isolated and formed part of a week-long "series of actions disrupting oil terminals and petrol stations in support of [JSO's] demand that the UK government end new oil and gas projects in the UK".

4.15 Copies of further articles reporting on these incidents are exhibited at pages 54 to {M_000949/55} 58 of **Exhibit BA3**, including a copy of a press release from Just Stop Oil which is exhibited at pages 41 to 42 of **Exhibit BA3**. {M_000949/42}

Lawful protests/demonstrations

4.16 Notwithstanding the above incidents which involve unlawful behaviour, I think that the existence of the Petrol Stations Injunction has proved effective in ensuring protests that are carried out at Shell Petrol Stations are lawful. For example:

4.16.1 a demonstration was held on 28 July 2022, whereby activists gathered outside Shell's petrol station on Melton Road in Leicestershire and marched along the road. Some activists wore masks containing the Shell logo and which hid their faces, carried a coffin along Melton Road with other activists walking behind the 'funeral procession' holding banners, flags and banging drums - [Extinction Rebellion block main road in protest against Shell and BP - Leicestershire Live \(leicestermercury.co.uk\)](#);

4.16.2 a peaceful protest also took place at Shell's petrol station on Wilmslow Road, Rusholme in Manchester on 28 August 2022 - '[Deep rooted anger': Oil drilling protesters cause a stir at Shell petrol station - Manchester Evening News](#)'; and

4.16.3 a demonstration was held on 3 September 2022, which, I am aware from reviewing the article which is exhibited at pages 73 to 75 of **Exhibit BA3**, involved ten activists gathering outside Shell's petrol station in London Road, Apsley. The article reports that demonstrators were lying under cloth sheets to symbolise being "killed by climate change" and two people dressed as senior executives from Shell in a tea party, throwing cash around and spilling oil from a teapot. {M_000949/74}

4.17 Before moving on, I would note that I have noticed a growing trend in recent months of broader interest groups, beyond environmental protest groups (who were the main interest group engaged in protest action against SUKOP and its business operations at the time when the Shell Petrol Station Injunction Order was granted), engaging in protest actions against the Shell businesses more broadly. This trend is more fully described in Christopher Gamble's First Witness Statement. However, in relation to petrol stations being targeted specifically:

4.17.1 on 21 January 2023, I understand from reviewing the article at [Fuel poverty protesters stage vigil at Shell garage in Cambridge \(cambridgeindependent.co.uk\)](#) that Shell's garage on Newnham Road in Cambridge was targeted by austerity protestors who respected the terms of the Petrol Station Injunction (and no pumps were damaged and no one was harmed). It is worthwhile noting that the article makes express reference to the presence of a warning notice at this petrol

station – being the warning notices I provide further information on below; and

4.17.2 On 3 February 2023, a small protest took place at a Shell’s Bridgewater Petrol Station Bridgewater Road Dundry Bristol Avon BS41 8JP. The austerity protestors that were involved respected the terms of the Petrol Station Injunction and photographs of the protest are found at pages 77 to 78 of **Exhibit BA3**. {M_000949/78}

5. **HEALTH & SAFETY CONCERNS**

5.1 My First Witness Statement sets out the health and safety concerns arising from the unlawful activities experienced in detail. Those health and safety concerns have not changed and by way of summary remain the same. For the purposes of this statement, I would reiterate that:

5.1.1 The health and safety of SUKOP’s staff, the staff of its contractors, and of the general public, is of paramount importance. Matters affecting health and safety are given the highest priority at SUKOP and also within the wider Shell group of companies more generally. This is reflected in what is referred to as the ‘Goal Zero Ambition’: that is, that nobody who works for or with SUKOP or within the wider Shell group of companies should be harmed. We strive to achieve this by upholding consistently high safety standards across all businesses and expect all employees and contractors to meet those standards.

5.1.2 The fuels sold at the Shell Petrol Stations are potentially very dangerous substances, not least because they are highly flammable liquids and are present in large volumes (both within the individual pumps and the underground storage tanks).

5.1.3 The way in which fuel, and petrol filling stations, are managed and operated is tightly regulated. In the UK, for example, petrol filling stations fall within the scope of the DSEAR which relates to the risks from fire, explosions and similar events arising from dangerous substances in the workplace. DSEAR imposes various requirements on petrol filling station operators to identify and take steps to mitigate those risks.

5.1.4 The industry guidance “*Petrol Filling Stations – Guidance on Managing the Risks of Fire and Explosion*” dated October 2018 (which is referred

to as "The Red Guide" – a copy of which is exhibited at pages 79 to 187 of **Exhibit BA3**). This sets out industry best practice on the {M_000949/80} management of these risks at petrol filling stations. It includes a section (at paragraph 7.2 - see page 104 to 105 of **Exhibit BA3**) {M_000949/105} regarding the requirements of DSEAR which apply to petrol filling stations, and the industry best practice as regards the controls that should be adopted to protect areas where explosive atmospheres may occur from sources of ignition. The pumps are in a zoned area that has the potential to have a level of fuel vapour in the air that could be ignited by uncontrolled activities when strict fire risk management controls are not in place and adhered to. Consequently, very careful steps must be taken at petrol filling stations to ensure that areas of particular risk are identified and that significant steps are taken to ensure that those areas are isolated so far as possible from ignition risks.

5.1.5 By way of further example, the Health and Safety Executive ('HSE') guidance on: (i) '*Storing petrol safely*' (a copy of which is exhibited at pages 188 to 191 of **Exhibit BA3**); and (ii) '*Dispensing petrol as a {M_000949/189} fuel: health and safety guidance for employees*' (a copy of which is exhibited at pages 192 to 196 of **Exhibit BA3**) explains in plain terms {M_000949/193} the risks which are posed by petrol to health and safety when it is not handled and stored properly. In particular, I refer to the following passages:

5.1.5.1 '*Storing petrol safely*' - on the risks posed by petrol generally when it is not stored correctly: "[petrol] can easily be set on fire and when not handled safely has the potential to cause a serious fire and/or explosion. This means there is always a risk of a fire and/or an explosion if there is a source of ignition nearby, for example a naked flame, an electrical spark or similar. Because of these risks storing petrol safely is covered by legislation; and this applies to you if you store petrol"; and

5.1.5.2 '*Dispensing petrol as a fuel: health and safety guidance for employees*' - in respect of the specific dangers posed by sites dispensing petrol, such as a petrol station:

"Petrol - the dangers

- *Petrol is a highly flammable liquid which can give off flammable vapour, even at very low temperatures. This means there is always a risk of fire or explosion if a source of ignition is present;*
- *It floats on the surface of water and may travel long distances, eventually causing danger away from the place where it escaped;*
- *Petrol vapour does not disperse easily and may also travel long distances. It tends to sink to the lowest possible level and may collect in tanks, cavities, drains, pits, or other enclosed areas, where there is little air movement;*
- *Flammable atmospheres may be present in empty tanks and petrol cans. There is also a danger if petrol is spilled on clothing, rags etc;*
- *Petrol vapour can be harmful if inhaled. Petrol should not be swallowed and contact with the skin should be avoided".*

5.1.6 As is clear from this, any work or activity in the area of the pumps must be strictly controlled and managed. I refer in this regard to the Highway Code (dated 25 March 2022) which states (at pages 220 and 221) that in respect of "*Petrol stations/ fuel tank/ fuel leaks [...] Never smoke, or use a mobile phone, on the forecourt of petrol stations as these are major fire risks and could cause an explosion"* (a copy of these pages is exhibited at pages 197 to 199 of **Exhibit BA3**).] {M_000949/198}

5.1.7 SUKOP continues to be very concerned that acts of sabotage to equipment on the forecourt of a Shell Petrol Station (such as those described in paragraphs 4.2 – 4.15 above) are potentially extremely dangerous – for example if protestors were to inflict damage to fuel pumps which results in fuel leakage of any nature or any volume (including fuel vapours), clearly it would not be possible to comply with the best practice petrol storage management guidance. More concerning however, the possibility of a fire or an explosion occurring would be

significantly increased (with potentially catastrophic and fatal consequences).

5.1.8 By way of further explanation (and whilst specific fuel pump structures may vary) the pumps will inevitably contain some residual elements of fuel within them (for example in the drip tray or in the nozzles themselves). Breaking the pump screens with any implement could cause a spark and in turn potentially harm anyone in the vicinity. The risk is further heightened by protestors gluing themselves to parts of the forecourts which could hinder their escape in the event of a fire or similar.

5.1.9 Tragically the lives of several service station employees in Pakistan were lost in 2021, for example, when vapour clouds were ignited during routine operations. This reinforces SUKOP's very real concerns regarding the escalation of risk caused by the protestor activities experienced to date, and which I anticipate will continue.

6. **RISK OF FURTHER ACTION**

6.1 Whilst the Petrol Stations Injunction appears to have had a deterrent effect - noting the peaceful protests which have taken place and that the existence of it has been expressly noted on at least one occasion (see the demonstration on 21 January 2023 referred to at 4.17.1 above) - there have been clear instances of unlawful activity since the award of the Petrol Stations Injunction was granted which have given rise to substantive health and safety risks and other concerns (as described in this witness statement).

6.2 Taken together with the wider context of incidents occurring at other petrol station sites referred to above and the fact that the anti-fossil fuel and environmental protest campaign is ongoing, I consider that there is a continued and ongoing health and safety risk presented by the apparent lack of regard for health and safety demonstrated by those protesters who continue to engage in unlawful and dangerous activities at petrol station sites.

6.3 In relation to the risk of further action and harm, I am aware (from [Just Stop Oil youth campaigners deliver ultimatum to Rishi Sunak – Just Stop Oil](#)) that Just Stop Oil ("**JSO**") - being the perpetrators of the majority of the incidents at petrol stations as described above - issued an "*ultimatum letter to 10 Downing Street*" on 14 February 2023 in which it threatened to escalate its activities. The letter 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".

(A copy of the relevant statement is exhibited at pages 200 to 204 of **Exhibit BA3**) {M_000949/201}

- 6.4 It is of paramount importance to SUKOP to protect the health and safety of its employees, the members of the public and the protesters. SUKOP remains extremely concerned that further unlawful protest will occur at Shell Petrol Stations, potentially endangering life and limb, if the Shell Petrol Stations do not remain adequately and appropriately protected with the assistance of the Court. There are hazardous substances involved with most, if not all, of the activities described in this statement. Given the further, recent activities carried out by protestor groups since 3 May 2022, there is nothing to indicate that the action will cease (especially in the light of the above statement from JSO), and these protestors are continuing to put themselves at risk as well as SUKOP's employees, contractors, the police, and members of the public.
- 6.5 Additionally, it appears there has been a recent increase in protestors engaging in more extreme activities and hints that there is an element of one upmanship with some protestors engaging in activities involving scaling and boarding a heavy moving lift vessel with a Greenpeace activist commenting "*this is just the beginning*", as further described in Christopher Gamble's First Witness Statement.
- 6.6 Whilst I would reiterate again that SUKOP does not seek the continuation of injunctive relief to prevent protestors from undertaking peaceful lawful protests – whether any such protests arise near to or at any of the Shell Petrol Stations or otherwise - the actions of some protestors engaging in unlawful and dangerous activities to date, as outlined in detail in this witness statement, do, I believe, go beyond what can be reasonably or safely tolerated – warranting the continuation of the Petrol Stations Injunction. This is especially so in the light of the very serious (potentially fatal) consequences if there were to be an incident of fire or explosion at a Shell Petrol Station as a result of onsite unlawful and dangerous activity.

SUKOP simply feels compelled to take whatever steps it can to protect its employees and members of the public.

7. **THE WARNING NOTICES**

7.1 Paragraph 9.1 of the Interim Injunction Order (as varied by the Petrol Stations Injunction) provides for the affixing and retaining of warning notices ("**Warning Notices**"):

"9.1 The Claimant shall use all reasonable endeavours to arrange to affix and retain warning notices at each Shell Petrol Station by either Method A or Method B, as set out below:

Method A

9.1.1 Warning notices, no smaller than A4 in size shall be affixed

(a) at each entrance onto each Shell Petrol Station

(b) on every upright steel structure forming part of the canopy infrastructure under which the fuel pumps are located within each Shell Petrol Station forecourt

(b) at the entry door to every retail establishment within any Shell Petrol Station.

Method B

9.1.2 Warning notices no smaller than A4 in size shall be affixed:

(a) at each entrance onto the forecourt of each Shell Petrol Station

(b) at a prominent location on at least one stanchion (forming part of the steel canopy infrastructure) per set/row of fuel pumps (also known as an island) located within the forecourt of each Shell Petrol Station".

7.2 The Warning Notices were required, by paragraph 9.2 of the Interim Injunction Order to:

"(i) warn of the existence and general nature of this Order, and of the consequences of breaching it;

(ii) identify a point of contact and contact details from which copies of the Order and Claim Documents may be requested.

(iii) identify a website address (the "Claim Documents URL") at which copies of the Order and the Claim Documents may be viewed and downloaded".

7.3 Mindful of the logistical challenges facing SUKOP in coordinating a response across a total of 1,063 Shell Petrol Stations in England and Wales, paragraph 10 of the Interim Injunction Order provided that:

"Pursuant to CPR 6.12(3) and 6.27, the Claim Documents and Order shall be deemed to be served on the latest date on which compliance with the provisions of paragraph 9.1 shall have occurred at not less than half of the Shell Petrol Stations and paragraphs 9.2-9.4 shall also have occurred, such date to be verified by the completion of a certificate of service or witness statement. For the avoidance of doubt, no person shall be in breach of the terms of this Order unless they fail to comply with paragraphs 2 and 3 of this Order knowing of the existence of this Order".

7.4 A copy of the template Warning Notice prepared to comply with the above requirements is exhibited at page 205 of **Exhibit BA3**. {M_000949/206}

7.5 I can confirm that Warning Notices were affixed to the Shell Petrol Stations in accordance with the above requirements and that, as explained in my Second Witness Statement, of the 1,056 Shell Petrol Stations which were covered by the Interim Injunction Order, 614 had the Warning Notice displayed by 10 May 2022 (representing 58.53%).

7.6 Since the Warning Notices were originally put up, SUKOP has, in respect of Shell Owned Sites and Dealer Owned Sites, instigated a maintenance regime to ensure that the Warning Notices remain in situ. This consists of two teams attending petrol stations to ensure that the Warning Notices are displayed. There are the:

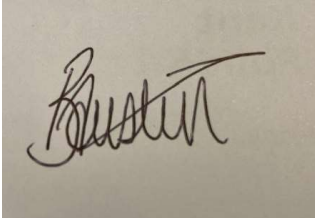
7.6.1 Commercial Territory Managers ("CTMs") who liaise and manage the sites within their specific region. CTMs liaise with the relevant operational representatives to ensure the wider commercial objectives of SUKOP are reached and achieved at an operational level; and

7.6.2 Food Service Centre ("FSC") – who have a number of responsibilities, one of which is to audit the standards across the network of Shell Petrol Stations against a prescribed set of Key Performance Indicators (as to which the maintenance of Warning Notices is one).

- 7.7 The latest report in respect of Shell Owned Sites which is available is the report exhibited pages 206 to 305 of **Exhibit BA3**, which is prepared by the FSC, shows all of the sites which this team has visited between 9 May 2022 and 20 March 2023. {M_000949/207}
- 7.8 It records that a total of 2,016 visits were completed across the Shell Owned Sites (of which there are 527) during this period and that 98% of the Shell Owned Sites were compliant at the time of the visit.
- 7.9 Where it was identified that a Shell Owned Site was not compliant, Warning Notices were printed off and rectified immediately.
- 7.10 In respect of the Dealer Owned Sites, as explained above, the dealers (of which there are 96 different companies) have more autonomy over the day-to-day running of the sites. As such, from a logistical perspective it is challenging to continually monitor compliance.
- 7.11 That being said, SUKOP is nonetheless involved in the general supervision and management of the Dealer Owned Sites and has issued clear instructions and expectations to each operator setting out precisely where the Warning Notices should be placed. A copy of the instructions sent to the Dealer Owned Sites is at 306 to 308 of **Exhibit BA3**. {M_000949/307}
- 7.12 In addition, SUKOP (via the CTM's that carry out at least quarterly visits at the Dealer Owned Sites), checks Warning Notices are displayed as part of site visits (which, in turn, incentivises and helps safeguard ongoing compliance in maintaining the Warning Notices). If there are Dealer Owned Sites that do not have the Warning Notices displayed, new signage is ordered and instructions re-issued to the relevant dealer.
- 7.13 SUKOP has, therefore, made every effort it reasonably can to ensure the Warning Notices are affixed at the Shell Petrol Stations in accordance with Paragraph 9.1 of the Interim Injunction Order.

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.



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Benjamin Austin

Dated: 30 March 2023