

**Stephen Ian Brown**  
**First Witness Statement**  
**Party: First Claimant**  
**Exhibit: SIB1**  
**Date: 13th April 2022**

**IN THE HIGH COURT OF JUSTICE**  
**BETWEEN**

**Claim No.**

**SHELL U.K. LIMITED**

**First Claimant**

**ESSAR MIDLANDS LIMITED**

**Second Claimant**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE  
CLAIMANTS' SITES KNOWN AS SHELL HAVEN OIL  
REFINERY, THE MANORWAY, STANFORD-LE-HOPE SS17  
9LD ("SHELL HAVEN") AND/OR KINGSBURY TERMINAL,  
PICCADILLY WAY, KINGSBURY, TAMWORTH B78 2HA  
("KINGSBURY TERMINAL") WITHOUT THE CONSENT OF  
THE CLAIMANTS, OR BLOCKING THE ENTRANCES TO  
THOSE SITES, IN CONNECTION WITH THE  
ENVIRONMENTAL PROTEST CAMPAIGNS OF JUST STOP  
OIL AND/OR EXTINCTION REBELLION AND/OR YOUTH  
CLIMATE SWARM**

**Defendants**

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**FIRST WITNESS STATEMENT OF  
STEPHEN IAN BROWN**

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I, **STEPHEN IAN BROWN** of Shell Centre, York Road, London SE1 7NA will say as follows:

- 1.1 I am a Distribution Operations Manager employed by Shell International Petroleum Company Limited which is within the same group of companies as the First Claimant.
- 1.2 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.
- 1.3 I attach to this witness statement a paginated bundle of true copy documents ("**Exhibit SIB1**") to which I refer in this witness statement. References in this statement to page numbers are to page numbers in SIB1.

1.4 CMS Cameron McKenna Nabarro Olswang (“CMS”) are instructed by the First Claimant in respect of this matter. The First Claimant is authorised by the Second Claimant to pursue these proceedings and instruct CMS in that regard.

1.5 Nothing in this witness statement is intended to waive privilege in relation to any advice or communications between CMS and the First Claimant.

## **2. PURPOSE OF THE STATEMENT**

2.1 The purpose of my statement is to comment on the following issues in support of the Claimants’ claim for an injunction:

2.1.1 Kingsbury Terminal and Shell Haven (together, the “Sites”);

2.1.2 Health and Safety considerations;

2.1.3 Security measures implemented by the First Claimant;

2.1.4 The activities of Extinction Rebellion, Just Stop Oil and Youth Climate Swarm;

2.1.5 Protestor action and safety concerns;

2.1.6 Planned action and preventative steps taken by the First Claimant; and

2.1.7 The urgent nature of the application.

2.2 The injunction is being sought against individuals associated with the campaign groups known as Just Stop Oil, Extinction Rebellion and Youth Climate Swarm.

## **3. PERSONAL BACKGROUND**

3.1 As I mentioned, I am employed as a Distribution Operations Manager by Shell International Petroleum Company Limited. I have held my current role for approximately eighteen months, prior to which I worked on a variety of downstream operations, engineering and safety roles across a thirty-year career.

3.2 I am the Distributions Operations Manager for the “North Sea Cluster” which is the UK, France, Netherlands, Belgium and Luxembourg. My current role primarily involves the management of storage and transportation of the First Claimant’s products from various supply points and refineries to customers in a safe and efficient manner. I am in charge of approximately 150 people, spread from the UK all the way to Manila.

## **4. THE SITES**

The Sites are two critical terminals and there are various transport operations linked to each one. The First Claimant picks up products and distributes them between over thirty other terminals therefore any action taken by protesters in relation to any of these terminals has knock on effects and negatively impacts the Sites, causing disruption to operations, supply and scheduling.

### ***Kingsbury Terminal***

- 4.1 The Kingsbury Terminal serves the First Claimant's retail network in the middle of the United Kingdom. The Terminal is operated and run by the First Claimant on a day-to-day basis however there is a Joint Venture Agreement with the Second Claimant who is the legal owner of 45.35% of the Kingsbury Terminal. The Second Claimant employs a Joint Venture Operations Manager who sits on the management committee and has general oversight over Kingsbury Terminal however the terminal is wholly operated by the First Claimant which has delegated authority from the Second Claimant to do so.
- 4.2 The Kingsbury Terminal is located in Warwickshire and is situated in close proximity to a further three neighbouring terminals referred to as the "Kingsbury Complex". The other three terminals belong to United Kingdom Oil Pipelines Ltd, Warwickshire Oil Storage Ltd ("WOSL") and Valero Energy Ltd ("Valero"). The companies have jointly formed the Kingsbury Common User Group which enables the management of specific shared assets such as fire-fighting systems and allows the asset operators to discuss and address shared local issues.
- 4.3 Within its vicinity, the Kingsbury Terminal contains an office building, control room and a large car park. There are approximately 9 people on site employed by the First Claimant and roughly the same number of contractors.
- 4.4 Hoyer Transport Group, which is the main transporter used by the First Claimant, has an office on site and a further office immediately to the South of the Terminal outside the Terminal perimeter and also parks trucks onsite (as do other companies). Potteries Fuels and Watson Oils also occupy offices and park vehicles onsite.
- 4.5 The terminal is multi-fuel, storing and distributing petrol and diesel both standard and V-power, heating oils and jet fuel. It is therefore a critically important supply point for the Midlands and supplies major airports in the region, such as Birmingham International and East Midlands airports.
- 4.6 Kingsbury is almost exclusively pipeline fed so most of the product is derived from the United Kingdom Oil Pipeline system which is operated by the British Pipeline Agency. The product originates from a refinery at Stanlow in the North-West or Shell Haven Terminal in the South-East and is transported via the pipeline to various terminals, among which is Kingsbury Terminal. Although product is supplied through the pipeline (except for additives or biofuels which are imported via truck), the product is distributed from Kingsbury Terminal using road tankers.
- 4.7 There are fourteen main storage tanks at Kingsbury Terminal, of which twelve are employed for the storage of bulk hydrocarbon finished products such as diesel, petrol and aviation fuel which is supplied via the United Kingdom Oil Pipeline System manifold to the dedicated import lines entering site underground at the north-west end of the terminal. The remaining two main storage tanks are employed for the storage of ethanol and are supplied via road tanker.

- 4.8 There are three main entry points to the site. The first entry point (“Gate One”) is for access to the terminal and is predominantly utilised by road tankers accessing site for the collection of fuel by both the First Claimant and third party companies. Approximately 45% of the volume of product supplied to Kingsbury Terminal is used by the First Claimant, and Gate One is under the operational control of the First Claimant.
- 4.9 The second entry point (“Gate Two”) is for access to the Kingsbury Terminal Car Park for Kingsbury Terminal, Contractor and Haulier staff and is under the operational control of the First Claimant, albeit the land is owned by the Second Claimant.
- 4.10 The third entry point (“Gate Three”) provides access to the north compound which is owned by the Second Claimant and from which access can be gained to the Kingsbury Terminal. Gate Three is locked and barred in normal operation.
- 4.11 All of Gates One, Two and Three are accessible from the A4097 (Piccadilly Way). To the south of the Kingsbury Terminal is a transport building owned solely by the First Claimant and occupied by Hoyer Transport Group. Access to the front of this building and car park is open. There is a route to enter the Kingsbury Terminal at this point which is protected by a locked barrier and two further sets of locked gates. The purpose of this route is to provide alternative access for emergency services. It is therefore vital that this is kept clear at all times.

### ***Shell Haven***

- 4.12 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.
- 4.13 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.
- 4.14 The road loading gantries are used by road tankers to pick up fuel which they then deliver to the First Claimant’s customers.
- 4.15 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.
- 4.16 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 First Claimant's employees however some are contractors such as G4S security personnel.

## **5. HEALTH AND SAFETY CONSIDERATIONS**

5.1 The Sites are 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 the First Claimant, its employees and contractors (detailed below) to ensure that risk of harm is kept to an absolute minimum.

5.2 The First Claimant considers health and safety to be paramount and its operations are carefully and tightly managed, with strict health and safety protocols enforced at all the First Claimant's sites. All employees and contractors 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. It is therefore crucial that untrained individuals do not attempt to access the perimeters of the Sites or interfere with the tankers and/or vessels transporting fuel as this could cause a major health and safety incident.

## **6. SECURITY MEASURES AT THE SITES**

### ***Kingsbury Terminal***

6.1 The site is surrounded by single fencing. Along approximately 50% of the east perimeter adjacent to the A4097 (Piccadilly Way) and surrounding the car park is six-foot-high palisade fencing. The remaining fencing surrounding the terminal is chain linked and is also approximately six foot high. Access could theoretically be gained using wire cutters, power tools and/or climbing equipment.

6.2 Pedestrian access to Kingsbury Terminal is gained through turn-style gates and there is a locked hinged gate on the route in and out for tankers. In order to gain access, all visitors/employees must have designated passes which allow for automated access. Approximately two hundred lorries enter Kingsbury Terminal on a daily basis and these are only allowed access if they are registered on the First Claimant's internal system and have gone through the driver and vehicle accreditation system. The purpose of this is to minimise any health and safety risks as the products on site are flammable and it is important that only authorised personnel, trained in dealing with such products, is able to gain access.

6.3 Further to this there is a security presence on site 24/7 three hundred and sixty-five days per year. There is high-definition CCTV covering the entire perimeter and site and recently, due to the protests, security presence on site has been doubled, with two guards on dayshift and two guards on night shift.

### ***Shell Haven***

- 6.4 The Shell Haven site has a large footprint. A security team is employed on a 24/7 basis and designated security passes are required at various points on site to allow automated access and ensure that no onward access is gained without authority.
- 6.5 The site is surrounded by palisade fencing and gates, approximately two metres high. The perimeter also undergoes regular security checks.
- 6.6 There are seven different entry points all of which are either locked and barred or are controlled via secure card access. There are two gates for access by tankers, a main access route to the car park and office and two further exit points. The security team monitor all access points from the security control centre through over fifty high-definition cameras to ensure there are no unauthorised persons within the site boundary.
- 6.7 As the jetty is removed from the main footprint of the site, it is vulnerable. As a result, even at times when vessels are not being unloaded, there is a security presence, high-definition CCTV, secure card access gates, turn-style and palisade fencing.
- 6.8 The storage tanks are flammable so there are various safety systems designed around them to ensure there is no health and safety risk, such as high-level alarms, fixed firefighting systems and hydrocarbon detection. Everything on site is EX Certified, which means that it is designed in a way which ensures that it cannot create a spark. This is an important control as any explosion requires an ignition point and the safety measures put in place minimise the likelihood of ignition.

## **7. EXTINCTION REBELLION, JUST STOP OIL AND YOUTH CLIMATE SWARM**

### ***Extinction Rebellion (“XR”)***

- 7.1 XR is a campaign group formed in October 2018 which seeks to affect government policy on climate change through civil disobedience.
- 7.2 In early 2022, XR published a copy of its 2022 Strategy Document on its website. A copy of the Strategy Document is enclosed at **pages 1 - 47 of Exhibit SIB1**. The following paragraphs are of particular relevance: -
- 7.2.1 Paragraph 1.5 stresses the need for a mass movement and asks members of the public to show their commitment to ending the fossil economy by taking disruptive action and risking arrest at the April Rebellion. The April Rebellion is referred to elsewhere on the website where XR makes clear that it has joined forces with other movements to block oil facilities around the UK until the government agrees to its immediate demand: stop all new fossil fuel investments immediately.
- 7.2.2 Paragraph 3.5 refers to XR challenging the courts and the legal system. It provides legal guidance and assures rebels that they will be given the support and information they need in the event that they face prosecution. XR promises to create a team to provide

rebels with action design, messaging, practical and prison support in relation to actions which are in contempt of court.

7.3 On 1 April 2022, XR published a press release on its website (enclosed at **pages 48 – 58 of Exhibit SIB1**) confirming that in the early hours of the morning it had blocked 10 major oil facilities across the UK (which included a facility adjoining Kingsbury Terminal) together with groups within the Just Stop Oil Coalition. It was confirmed therein that XR would continue to block the sites until the UK Government agreed to end all new fossil fuel investments immediately. I understand this to mean well beyond April 2022.

7.4 On 8 April 2022, XR published a further press release on its website (enclosed at **pages 59 - 66 of Exhibit SIB1**) providing more details on the action taken on 1 April 2022, including the use of boats and oil drums to block access to the terminals as well as sitting in roads, climbing on oil tankers and digging tunnels.

7.5 On 12 April 2022, a press release, enclosed at **pages 67 - 70 of Exhibit SIB1**, confirmed that XR was supporting Just Stop Oil's ongoing action causing disruption at oil facilities and stated that *“disruption is the only power ordinary people have left to change things, to break the law to stop a greater crime”*. XR set out its plan which was to continue to cause disruption until the government agrees to end all new fossil fuel investments immediately.

#### ***Just Stop Oil (“JSO”)***

7.6 JSO was formed in early 2022 and is a coalition of groups, including, inter alia, Youth Climate Swarm, seeking to end all future licensing and consents for exploration, development and production of fossil fuels in the United Kingdom.

7.7 On 7 April 2022 JSO published a press release on its website (enclosed at **pages 71 - 75 of Exhibit SIB1**) stating that, for the seventh day in a row, supporters of the campaign had disrupted critical oil facilities. Protesters had climbed on top of tankers, locked themselves to pipework and established a roadblock halting tanker routes. It was expected that the action would continue to adversely impact fuel availability at petrol pumps in the United Kingdom.

7.8 On 12 April 2022, JSO published a further press release on its website (enclosed at **pages 76 - 78 of Exhibit SIB1**) in which it stated: *“we find ourselves, as others have through history, having to do what is unpopular, to break the law to prevent a much greater harm taking place”*. It further states that *“while Just Stop Oil supporters have their liberty the disruption will continue”*.

#### ***Youth Climate Swarm (“YCS”)***

7.9 YCS is a nationwide campaign, which began in December 2021 and is affiliated with JSO. It consists of activists under the age of thirty who believe that disruption is necessary to force the government to take action and rapidly transition to a low energy, low carbon world.

7.10 YCS use the tactic of “swarming” or repeatedly blocking roads for short periods to cause disruption, as is highlighted in the article at **pages 79 - 83 of Exhibit SIB1**.

## **8. PROTESTER ACTION AND SAFETY CONCERNS**

8.1 There have been several incidents with protesters, understood to be affiliated with XR, JSO and YCS, in the last two weeks which are referred to below. These have caused serious disruption to the fossil fuel industry and several of the actions taken by the protesters pose a serious health and safety risk both to them and the general public.

### ***Kingsbury Terminal***

8.2 Protester action affecting the First Claimant’s site:

8.2.1 On 1 April 2022, four protesters sat against Kingsbury Terminal’s main entrance gate (Gate One) from 11:00am until 18:00pm, completely blocking the way for tankers to enter and exit the premises. As a result of this, although police attended the scene to assist with removing the protesters, the First Claimant was forced to close the terminal until the protesters dispersed.

8.2.2 On 6 April 2022, four protesters arrived at Kingsbury Terminal, laid down at the main entrance gates (Gate One) and chained themselves to pipes which they had brought with them, effectively locking themselves together. Police attended the scene and attempted to move the protesters however the gate remained partially obstructed. The First Claimant was therefore forced to close the terminal at 23:34pm on 6 April 2022 and was unable to re-open the terminal and resume operations until the protesters were arrested by the police around 11:30am on 7 April 2022.

8.3 Protestor activity in the locality of the First Claimant’s site:

8.3.1 On 1 April 2022, eight activists sat at the end of the road entering WOSL and Valero’s terminals within the Kingsbury Complex and of them attempted to deflate tanker tyres. Nearby, groups of activists blocked Trinity Way and climbed on top of two tankers at the end of Piccadilly Way. According to an article on the BBC News website, over 200 arrests were made since this date for offences including criminal damage. The article can be found at **pages 84 - 88 of Exhibit SIB1**.

8.3.2 On 2 April 2022, four activists climbed atop a tanker while others gathered outside the entrance to WOSL and Valero’s terminals at the Kingsbury Complex. Police was in attendance with a specialist reaction team (which works at height) and eight activists were arrested. The group dispersed by 20:00pm.

8.3.3 On 3 April 2022, the private access road into Kingsbury Complex was blocked again by activists sitting and lying in the road. The WOSL and Valero terminals were forced to shut down from 20:00pm on 3 April until the activists were ultimately arrested at



16:00pm on the following day. According to an article, published by Sky News on its website and enclosed at **pages 89 - 95 of Exhibit SIB1**, police arrested fifty-four people for offences including criminal damage, obstructing the highway and public order.

8.3.4 On 5 April 2022, approximately twenty activists glued themselves to the private access road leading to WOSL and Valero's terminals at the Kingsbury Complex, blocking the oil facilities for a fifth day in a row. An article from the Daily Mail website, enclosed at **pages 96 - 105 of Exhibit SIB1**, states that a roadblock was also established on a tanker route to and from the terminal near Junction 9 on the M42. A total of eight activists are understood to have been arrested.

8.3.5 Just before midnight on 6 April 2022, activists gathered at the WOSL and Valero's terminals at the Kingsbury Complex and by 00:40am on 7 April 2022 thirty-seven activists entered the perimeters of the terminals. The activists climbed over a security fence and cut through an unmanned gate to gain access. Some proceeded to sit on top of tankers parked in the loading bay (after letting down the tyres) while others locked themselves to pipework and parts of the roof. Ten activists were arrested by 7:00am however at least one remained locked at 16:00pm on 7 April 2022.

8.3.6 On 9 April 2022, a JSO caravan, which was heavily re-enforced with corrugated iron and pallets to stop entry, was discovered on Piccadilly Road with approximately twenty protestors in and around it. Police discovered that the protestors had been digging a tunnel under the caravan. Twenty-two arrests were made however two protestors remained in the tunnel and two remained on top of the caravan until the late afternoon on 10 April. As a result, the road remained closed until that time while specialist removal teams attended the scene and the council assessed the structural integrity of the road.

8.3.7 On 11 April 2022, JSO published a press release on its website (enclosed at **pages 106 - 110 of Exhibit SIB1**) confirming that on 10 April protestors had succeeded in forcing two major oil terminals in Warwickshire and the Inter Terminal in Essex to cease operations by swarming in. Twelve people remained locked to pipework and a number of others continued to occupy a tunnel under a major access road to Kingsbury Oil terminal 40 hours after it was excavated. Over 400 people were reported to have joined actions which halted operations for up to 24 hours at a time at 11 oil terminals supplying fuel to petrol stations across the Midlands and South of England.

8.4 I am concerned that in light of the protest tactics that have been deployed in the area, protestors may also try to breach the perimeter at Kingsbury Terminal. This could have serious safety consequences. The Kingsbury Terminal site is multi-fuel which means there are highly flammable products stored there, such as gasoline. This creates an elevated risk as gas creates vapours which

are highly flammable. Acts such as the ones described above therefore place both the activists and the public at risk of serious harm.

- 8.5 As previously mentioned, the First Claimant considers health and safety to be paramount and its operations are carefully and tightly managed. Such protocols and measures are undermined when protestors engage in disruptive action such as that described above, placing them and the wider public (including the First Defendant's employees and contractors) at risk.
- 8.6 There are also hundreds of vehicles entering and exiting the site throughout the day. This means that protester action at this site risks causing a major incident. Ordinarily, due to the risk of fire and explosion, any electrical equipment such as mobile phone, lighters and key fobs are prohibited within the site perimeter. Protesters however have been known to take videos and pictures during the course of their protests and, in light of the highly flammable products on site, this poses a major health and safety risk to the protesters themselves, the First Defendant's staff and contractors and the general public.
- 8.7 Further, as emergency access to the Sites is critical in the event of a fire, major spill or explosion, the protesters' repeated attempts to block the access paths to various sites pose a further major threat.
- 8.8 Kingsbury Terminal has also proven to be a hot spot for protester activity with approximately one hundred and eighty arrests made on and around the site during the last two weeks. Many of the arrests are understood to be repeat arrests and have resulted from action carried out at the other terminals at Kingsbury, not belonging to the First Claimant.

### ***Shell Haven***

- 8.9 Since 1 April 2022, there has been increased activity in the locality of the First Claimant's site. Several instances of protestors taking disruptive action near Shell Haven are referred to below.
- 8.9.1 On 1 April 2022, activists climbed and sat on top of multiple fuel haulage vehicles at the Inter and Navigator Terminals in Grays, near West Thurrock, and remained there until 2 April 2022. On the same day, two activists locked themselves on top of a fuel haulage vehicle at Esso Petroleum's Purfleet Terminal and another two locked themselves to the sides. Others glued themselves to a road nearby. Police attended the scene and made a number of arrests.
- 8.9.2 On 2 April 2022, activists entered three underground tunnels under access roads affecting the Inter and Navigator Terminals in Grays, near West Thurrock and remained there for several days. On 4 April the Essex Fire Brigade began to clear the access to the tunnels and in the evening of 5 April the final two tunnellers dispersed. An article published by Essex Live on their website is enclosed at **pages 111 - 115 of Exhibit SIB1** and details how the protest unfolded.

- 8.9.3 On 3 April 2022, a large group of protesters blocked the main access to Shell Haven terminal, although police attended and ensured that a single lane of the carriageway remained open. Eight protesters boarded two tankers parked outside the perimeter of the terminal and blocked a third tanker in. The police managed to remove them however this took approximately six hours. Since then, the First Claimant's security team has spotted various people scoping and investigating the site and it is understood that they have been attempting to locate the access point to the jetty. As a precaution, the jetty has since been manned by the First Claimant's security on a full-time basis.
- 8.9.4 On 6 April 2022, twenty-five activists used ladders and cushions to climb over security fences to enter the Navigator Terminal in Grays, near West Thurrock. Some activists locked themselves on to equipment at ground level, while others climbed onto pipework above the loading gantries. First arrests were made around 7:00am, however five activists remained locked until 7 April.
- 8.9.5 On 8 April 2022, activists climbed equipment at the Inter Terminal at Grays and blocked tankers from entering and exiting the site for approximately three hours before being removed by the police. On the same day, approximately 70 activists marched in front of tankers driving towards the Navigator Terminal at Grays. Police attempted to disperse the activists and, in retaliation, they sat on the ground blocking the road with some gluing themselves to the ground. Several activists were arrested as a result.
- 8.9.6 On 10 April 2022, around forty protesters swarmed Inter Terminal with some climbing into pipes and locking themselves onto a loading bay. Twelve protestors remained on 11 April and were finally removed by 22:00pm with the terminal re-opening at 01:00am on 12 April.
- 8.10 The critical concern arising in respect of action such as that described above is health and safety because the site is used for the storage and distribution of highly flammable hazardous products. In the event that unauthorised access is gained, there may be a loss of containment, such as a leak, which could lead to a fire or an explosion. Unauthorised access to the jetty creates the additional risk of damage which could lead to significant release of hydrocarbons into the Thames Estuary.
- 8.11 Further, there is the added element of risk to the personal safety of any protesters and the First Claimant's staff and contractors. Protesters have been known to climb onto moving vehicles which poses a danger to them and puts drivers under stress and at risk personally while also putting the vehicles and their contents at risk, creating a major potential hazard. As previously stated, health and safety is paramount to the First Defendant and as such it has tried to address rising concerns regarding threats to health and safety caused by protester action by taking a number of preventative measures which are described below.

- 8.12 While the First Claimant has provided additional training to its staff and transport partners to ensure they are prepared for any protestor action and do not react in a way which could worsen the situation, it cannot safeguard against the inherent danger in protesters running in front of/climbing onto moving vehicles. Team meetings are held regularly to ensure staff are aware of upcoming action by protesters and are prepared to deal with the risks this poses.
- 8.13 Supply security is also a consideration as it will be obvious from previous interruptions caused by civil disobedience that interference with distribution is likely to ultimately impact on the consumer.
- 8.14 Wider protestor activity:
- 8.14.1 Enclosed at **pages 116 - 133 of Exhibit SIB1** are a number of articles in relation to the various actions undertaken by the protesters over the last two weeks.

## **9. PLANNED ACTION AND PREVENTATIVE STEPS TAKEN**

- 9.1 JSO announced they would be running a campaign some time ago with the purpose of disrupting Oil Industry Fuel Distribution Operations. As detailed in paragraph 6 of this statement, JSO and XR's action is intended to continue indefinitely until the government agrees to end all new fossil fuel investments immediately.
- 9.2 As a result of this, the First Claimant has increased security presence at the Sites and has been monitoring the protests very closely over the course of the last two weeks.
- 9.3 At Kingsbury Terminal, security has been increased since the protests began in early April 2022 and there are two security officers manning the entrance to the site 24/7, with additional perimeter fence checks being carried out and CCTV positioned accordingly. The First Claimant has been cooperating with the police and the police has been asked to remove hazardous sources of ignition from the protesters if and/or when terminal boundaries are breached to mitigate the risk of fire or explosion.
- 9.4 At Shell Haven, there have been reports from other suppliers that the jetty has been under surveillance by protesters and the First Claimant's security team has identified people driving past Shell Haven, stopping to film, take pictures and gather information. This has led to proactive police engagement and an increase in security on site.
- 9.5 Notwithstanding the precautions taken by the First Claimant, terminal operators confirmed that some hauliers were not willing to re-commence loading when the terminals re-opened due to the risks posed by protesters. Protesters have been known to run into the road where drivers are driving at approximately 40mph to get to and from the First Claimant's Sites. I have been informed that this is causing drivers stress and there is a concern that drivers may become reluctant to continue to perform their duties.

- 9.6 Both the local police constabularies and the British Transport Police have been working closely with the First Claimant and have sent patrol vehicles to the Sites. At Shell Haven, there have been approximately 8 police officers and a riot van present since 4 April 2022 on an almost 24/7 basis. At Kingsbury Terminal, police officers/vehicles are present throughout each day since approximately 7 April 2022.
- 9.7 The Corporate Security team employed by the First Claimant keeps it apprised of potential security threats and contractors (such as Hauliers) also flag risks they become aware of. Currently, and as a response to the recent campaign, a crisis team has been established in order to monitor and mitigate impacts of protestor activity.
- 9.8 Works at the First Claimant's affected Sites have been minimised on days when the intelligence suggests there will be protestor activity and non-essential work is not undertaken on such days. In fact, the Kingsbury Terminal has had to be cease operations on two occasions.
- 9.9 To date the protests have resulted in significant fuel distribution disruption and tank stockouts at retail sites impacting the Midlands and the Southeast. If disruption continues this could become a serious issue which would further affect the supply of fuel across the United Kingdom. The First Claimant's application is therefore one of an urgent nature.
- 9.10 Whilst steps are taken to monitor the situation as it unfolds, there is no upfront notice on what action will be taken. Notwithstanding this, it is likely that the protests will continue into the Easter weekend and beyond. This is evidenced by statements made on JSO and XR's websites (referred to earlier in this witness statement), that the protests will continue at least into May and potentially indefinitely until their demands are met.
- 9.11 Following recent events described above, it is clear that JSO and XR are willing to take considerable health and safety risks in terms of damaging assets, accessing hazardous sites and climbing on vehicles. There is a concern this activity will continue to escalate placing our people, the wider community and our assets at risk of harm. In addition, the protestor activity is impacting the fuel supply chain which can ultimately impact consumers. It is in light of the above risks that we are now seeking an injunction to protect our staff, the community and our assets, as avoiding harm to people is always foremost in my mind.

## **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: .....

Name: Stephen Brown

Position: Distribution Operation Manger – UK & BENEFRUX

Dated: 13th April 2022

**Stephen Ian Brown**  
**First Witness Statement**  
**Party: First Claimant**

**Date: 13th April 2022**

**Claim No.**

**IN THE HIGH COURT OF JUSTICE**

**BETWEEN**

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**ESSAR MIDLANDS LIMITED**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE  
CLAIMANTS' SITES KNOWN AS SHELL HAVEN OIL  
REFINERY, THE MANORWAY, STANFORD-LE-HOPE SS17 9LD  
("SHELL HAVEN") AND/OR KINGSBURY TERMINAL,  
PICCADILLY WAY, KINGSBURY, TAMWORTH B78 2HA  
("KINGSBURY TERMINAL") WITHOUT THE CONSENT OF  
THE CLAIMANTS, OR BLOCKING THE ENTRANCES TO  
THOSE SITES, IN CONNECTION WITH THE  
ENVIRONMENTAL PROTEST CAMPAIGNS OF JUST STOP OIL  
AND/OR EXTINCTION REBELLION AND/OR YOUTH  
CLIMATE SWARM**

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**FIRST WITNESS STATEMENT OF  
STEPHEN IAN BROWN**

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**Cannon Place**  
**78 Cannon Street**  
**London EC4N 6AF**

**Ref: O10051.00007**  
**Solicitors for the First Claimant**

**Stephen Ian Brown**  
**First Witness Statement**  
**Party: First Claimant**  
**Exhibit: SIB1**  
**Date: 13th April 2022**

**IN THE HIGH COURT OF JUSTICE**

**Claim No.**

**BETWEEN**

**SHELL U.K. LIMITED**

**First Claimant**

**ESSAR MIDLANDS LIMITED**

**Second Claimant**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE CLAIMANTS' SITES KNOWN AS SHELL HAVEN OIL REFINERY, THE MANORWAY, STANFORD-LE-HOPE SS17 9LD ("SHELL HAVEN") AND/OR KINGSBURY TERMINAL, PICCADILLY WAY, KINGSBURY, TAMWORTH B78 2HA ("KINGSBURY TERMINAL") WITHOUT THE CONSENT OF THE CLAIMANTS, OR BLOCKING THE ENTRANCES TO THOSE SITES, IN CONNECTION WITH THE ENVIRONMENTAL PROTEST CAMPAIGNS OF JUST STOP OIL AND/OR EXTINCTION REBELLION AND/OR YOUTH CLIMATE SWARM**

**Defendants**

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**WITNESS STATEMENT OF  
STEPHEN IAN BROWN  
EXHIBIT "SIB1"**

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This is the exhibit marked "SIB1" referred to in the Witness Statement of Stephen Ian Brown dated 13th April 2022.

Signed.....



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Dated.....13<sup>th</sup> April 2022.....