

Emma Margaretha Florence Pinkerton
First Witness Statement
Party: First and Second Claimant
Exhibit: EMPI1
Date: April 2022

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION

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, STANFORD-LE-HOPE
AND/OR KINGSBURY TERMINAL, (AND AS FURTHER DEFINED IN
THE PARTICULARS OF CLAIM) 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**

Defendant

**FIRST WITNESS STATEMENT OF EMMA
PINKERTON**

I, **Emma Margaretha Florence Pinkerton** of CMS Cameron McKenna Nabarro Olswang LLP of College Square 2 Anchor Road, Bristol BS1 5UE **WILL SAY AS FOLLOWS:**

1. INTRODUCTION

- 1.1 I am a Partner at CMS Cameron McKenna Nabarro Olswang LLP (**CMS**) and have conduct of these proceedings on behalf of the Claimants.
- 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.
- 1.3 Reference to page numbers within this statement are to pages within the exhibit annexed as EMPI1.
- 1.4 This statement has been prepared in support of the Claimants' claim for injunctive relief in respect of two sites:
 - 1.4.1 The Shell Haven Oil Refinery, Stanford Le Hope, The Manorway, Stanford Le Hope ("**Shell Haven**").
 - 1.4.2 The Kingsbury Oil Terminal, Piccadilly Way Kingsbury ("**Kingsbury Terminal**").
Collectively referred to as the "**Sites**"
- 1.5 In this statement, I address the following issues:
 - 1.5.1 Background to the Claim
 - 1.5.2 Ownership of the Sites
 - 1.5.3 Contact with the Protestors
 - 1.5.4 Third Party Disclosure
 - 1.5.5 Press Coverage and Proposed further Action

2. BACKGROUND TO THE CLAIM

- 2.1 The Claimants are the owners of the Sites and which are both fuel storage and distribution facilities.
- 2.2 The Sites supply fuel (aviation as well as oil, gas and petrol) to airports, retail outlets and various other end users throughout the UK.
- 2.3 Recently the Sites, amongst others in the UK belonging to other entities, have been subject to protest action by individuals believed by the Claimants to be from or associated with one or more of the named Defendants, all of whom are campaign groups who have recently been targeting/staging protests at or around, amongst other places, various fuel distribution terminals in the UK.

- 2.4 I understand from Stephen Ian Brown (who has provided a witness statement in these proceedings on behalf of the Claimants) that the Claimants (and their neighbouring landowners) have experienced a number of security breaches in the days/weeks leading up to the issuance of the claim. The Claimants are concerned that these will continue and may worsen over the coming days/weeks in light of wider protest activity throughout the UK generally and in proximity to the Sites.
- 2.5 The Claimants have no desire to prevent peaceful protest outside the Sites. However, these protests are actively designed to damage and disrupt the Claimants' Sites. The detail of the Claimants concerns in that regard is set out in the statement of Stephen Ian Brown. Given the hazardous and highly flammable products at the Sites, the Claimants primary concern is for the health and safety of those working on or visiting the Sites and the public generally (including protestors).
- 2.6 The Claimants, and as responsibility falls primarily to them, the First Claimant in particular, puts health and safety at the forefront of all of its operations and strict health and safety protocols must be adhered to at all times. The presence of or activities of the protestors on or near the Sites increases the risk of an incident occurring by the nature of the actions they undertake and also because they do not have the training and experience required of all employees and authorised visitors to the Sites. Further, the disruption caused by the protests could impact upon the distribution network and the supply of various forms of fuel throughout the country. I understand that enhanced security measures have had to be put in place already at both Sites.
- 2.7 The Claimants are seeking injunctive relief to prevent the protestors from accessing, blocking access/egress and/or causing damage to either Site in order to assist in mitigating this risk.

3. OWNERSHIP OF THE SITES

Shell Haven

- 3.1 The First Claimant is seeking an injunction in respect of those parts of the Shell Haven site which are shown on the attached plans edged in red (access points marked in blue) at pages 1 and 2 of EMPI1. (the "**Shell Haven Injunction Area**"). The Shell Haven site itself is vast and the Shell Haven Injunction Area is a part only of it. There are various leasehold interests which relate to parts of the Shell Haven site over which injunctive relief is not being sought. The Shell Haven Injunction Area, as can be seen from the plans at pages 1 and 2, comprises two areas which are: a) the main terminal complex ("the Terminal Complex"); and b) the jetty at which tankers dock and deliver fuel to Shell Haven for onward distribution ("the Jetty").
- 3.2 The First Claimant is the freehold owner of the Terminal Complex. The freehold title is registered at the Land Registry under title number EX633637. Freehold Office Copy Entries are at pages 3 – 32 of EMPI1. That title number also includes a considerable amount of other land, and is subject

to many leasehold interests, but the area of the Shell Haven terminal complex is not subject to any leases.

- 3.3 The First Claimant also owns a leasehold interest in the Jetty which is registered at the Land Registry under title number EX871948.
- 3.4 Office copy entries for the First Claimant's leasehold title relating to the jetty are at pages 33 – 38 of EMPI1 (including a screenshot from the Land Registry website showing the land, including the jetty, comprised in title number EX871948 in green) .
- 3.5 I am informed by Stephen Ian Brown (on behalf of the Claimants) that the Shell Haven Injunction Area is secured by fencing and that access and egress to it is controlled by the First Claimant. The First Claimant is therefore in possession and control of the Shell Haven Injunction Area forming part of Shell Haven for the purposes of this application.

The Kingsbury Terminal

- 3.6 The injunction being sought in respect of Kingsbury Terminal is in relation to the land edged red on the plan at page 39 of EMPI1 (the “**Kingsbury Injunction Area**”).
- 3.7 The First and Second Claimants interests in the Kingsbury Terminal, are as follows:
- 3.7.1 The Second Claimant is the registered freehold owner of a larger title (WK490322), portions of which form parts of Kingsbury Terminal.
- 3.7.2 Part of the freehold of Kingsbury Terminal is owned jointly by the First and Second Claimants under title numbers WK355176, WK457756 and WKK459156.
- 3.8 Office copy entries of the freehold titles above are at pages 40 – 61 of EMPI1. Although I do not believe it affects the Claimant's claim, for completeness I should also state that there are two leasehold interests granted out of title WK4903022, in respect of an electricity substation and an underground pipeline. These are registered under title numbers WK452346 and WK286336. However, access to these areas could not be obtained without the cooperation of the First Claimant, since they are secured within the Kingsbury Terminal's fences and gates.
- 3.9 Finally, part of the Kingsbury Terminal - an area to the south of the main complex – comprises unregistered land. My firm is investigating the paper title position in relation to that. However, I am instructed that this land is within the control of the First Claimant (which operates the Kingsbury Joint Venture Terminal). It partly comprises a building which is used by the First Claimant's haulage contractor, and partly comprises car parks. However, it is an integral part of the Kingsbury Injunction Area and is either fenced or gated into the complex. Access to and egress from the area is controlled by the First Claimant and I believe that the First Claimant is in possession of this land.

4. CONTACT WITH THE PROTESTORS

4.1 I am informed by the Claimants that their staff have had very limited dealings with any of the protestors who have engaged in disruption at the site or in the vicinity, and that the Claimants are unable to identify the names of any individuals involved. Accordingly the Claimant has not named any defendants. Since there are no named defendants, it is not practicable to serve any person with the claim or application. The Claimants have obtained (via an order made in proceedings relating to a similar oil terminal) a list of email addresses which it appears relate to the various protest movements under whose banners the disruption is being carried out. The draft order proposes that, as part of the directions as to service, the Claimants email copies of the Order and claim documentation to these addresses.

4.2 A number of people have been arrested in connection with the disruption. The Claimants have already contacted the Chief Constables of the police forces local to the Sites, being Warwickshire Police force and Essex Police force (pages 183 and 184 of EMPI1). It is anticipated that an order to obtain details of anyone arrested, they will require an order for third party disclosure under CPR 31.17 of documents identifying the names and addresses of anyone who comes within the scope of these proceedings. We have indicated that we intend to make an application and request their consent. We anticipate that such an application (if necessary) would be brought before the court at the return date.

5. PRESS COVERAGE & FURTHER ACTION

5.1 At pages 62 – 65 of EMPI1, is a schedule detailing various recent press reports/articles that relate either to recent events in and around the Kingsbury area (including the Kingsbury Terminal) or Shell Haven. The reports themselves are also attached at pages 66- 182 of EMPI1.

5.2 The various articles range in date from 31 March 2022 to 11 April 2022 and report on various incidents that have taken place in recent weeks at the Sites including arrests. One such article, shown at pages 137 – 138 of EMPI1 details how over 180 activists have been arrested within the Kingsbury area since 1 April. The arrests made for offences within the Kingsbury area, including the Kingsbury Terminal, over the past few weeks have included “criminal damage, conspiracy to cause criminal damage and conspiracy to commit public nuisance”.

5.3 The article at pages 122 – 124 of EMPI1 specifically details the fact that a number of demonstrators broke into “*the terminal in Kingsbury via an unguarded rear gate, after which they deflated the tyres of tankers, climbed on to the trucks and handcuffed themselves to pipes*”.

5.4 The above shows that between the two Sites, the Kingsbury area of which the Kingsbury Terminal forms part, appears to be the greater focus at the current time although both have been and apparently are the subject of ongoing attention by protestors. However, as Mr Brown indicates, Shell Haven has already been the subject of disruption, there has been disruption at other installations in the vicinity, and it appears that protestors have been scoping the Shell Haven site, presumably with a view to possible further acts of disruption.

5.5 Alanna Byrne, a spokesperson for Extinction Rebellion, one of the Defendants, has stated “*We want to create the most roadblocks we’ve ever created, using as many people as we can*”, shown at pages 125 – 131 of EMPI1 which demonstrates that the incidents at Kingsbury are not isolated and further disturbances are planned. The article further states that the activists plan to “*simultaneously block as many roads as possible around Central London, not moving until they are arrested or the government agrees to immediately end new fossil fuel investments*”.

5.6 The articles indicate that the protestors intend to continue until apparently Government action is taken. The Sites could foreseeably be subject to disruption and exposed to serious safety risks as a result for an unknown but potentially long and drawn out period of time. This is explained further in the witness statement of Mr Brown which has been filed in support of these proceedings.

6. UNDERTAKINGS

6.1 I confirm that the First Claimant offers the Court the undertakings set out in the Draft 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 be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed 

Dated..... 14 April 2022

Emma Margaretha Florence Pinkerton
First Witness Statement
Party: First Claimant
Exhibit: EMPI1
Date: April 2022

IN THE HIGH COURT OF JUSTICE

Claim No.

BETWEEN

SHELL U.K. LIMITED

First Claimant

ESSAR MIDLANDS LIMITED

Second Claimant

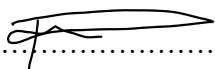
- and -

**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

**WITNESS STATEMENT OF
EMMA MARGARETHA FLORENCE PINKERTON
EXHIBIT "EMPI1"**

This is the exhibit marked "EMPI1" referred to in the Witness Statement of Emma Margaretha Florence Pinkerton dated April 2022.

Signed.....

Dated.....14 April 2022.....