

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
B E T W E E N:

Claim No QB-2022-001098

- (1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

Claimants

- and -

- (1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OR OTHER ENVIRONMENTAL CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

(A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON ~~SO45 4TH~~ SO45 1TX (postcode amended under the slip rule in accordance with the order of Mrs Justice Ellenbogen DBE dated 21 January 2025) (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')

(B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')

(C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')

(D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')

(E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')

(F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')

~~(G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN') (removed in accordance with the order of Mrs Justice Ellenbogen DBE dated 29 January 2024)~~

(H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

- (2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OR OTHER ENVIRONMENTAL CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON ~~SO45 4TH~~ SO45 1TX (postcode amended under the slip rule in accordance with the order of Mrs Justice Ellenbogen DBE dated 21 January 2025) (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

- (3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, OR OTHER ENVIRONMENTAL CAMPAIGN, OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE

**SITES (WHERE “SITES” FOR THIS PURPOSE DOES NOT INCLUDE THE
AREA EDGED BROWN ON THE PURFLEET PLAN)**

(4) PAUL BARNES
(5) DIANA HEKT

RE-RE-AMENDED PARTICULARS OF CLAIM

The Sites

1.1 The land and property to which this Claim relates (“the Sites”) are as follows:

1. The Fawley Petrochemical Complex

1. This site is at Marsh Lane, Southampton SO45 1TH (“the Fawley Petrochemical Complex).
2. The Fawley Petrochemical Complex comprises an oil refinery (“the Fawley Oil Refinery”), a chemical plant (“the Chemical Plant) and a jetty (“the Fawley Jetty”).
3. The Fawley Oil Refinery is the largest oil refinery in the UK and provides 20% of UK refinery capacity.
4. The Chemical Plant has a capacity of 800,000 tonnes per year, is highly integrated with the operations of the Fawley Oil Refinery and produces key components for a multitude of finished products manufactured in the UK or elsewhere in Europe.
5. The Fawley Oil Refinery and the Chemical Plant comprise part of the freehold land registered under title number HP5287836.
6. The Chemical Plant is also the subject of the unregistered leasehold interest created by a Lease dated 28 August 1975 for a term of 99 years from 1 January 1971.

7. The Fawley Jetty is the subject of a registered leasehold title under title number HP528740 comprising 4 Leases each expiring on 5 July 2049 and dated 14 March 29151, 17 January 2961, 16 April 1956 and 2 December 1968.
8. The First Claimant's freehold land is shown edged red, the First Claimant's leasehold interest in the Fawley Jetty is shown edged green and the Second Claimant's leasehold land is shown edged purple on the plan attached to these Amended Particulars of Claim marked "Fawley Plan". The Sites and this claim do not relate to those areas edged blue in the Fawley Plan.

2. *The Hythe Terminal*

1. This site is at New Road, Hardley S045 3NR ("the Hythe Terminal").
2. The Hythe Terminal is located close to the Fawley Petrochemical Complex and is an oil terminal which primarily serves the south and west of England.
3. The Hythe Terminal comprises a part of the freehold land registered under title number HP5287836.
4. The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Hythe Plan".

3. *The Avonmouth Terminal*

1. This site is at St Andrew's Road, Bristol BS11 9BN ("the Avonmouth Terminal").
2. The Avonmouth Terminal is an oil terminal which primarily serves the southwest of England.
3. The Avonmouth Terminal comprises the leasehold interest registered under title number BL105954 created by a Lease dated 22 January 2008

for a term of 15 years from 2 January 2007, which is currently the subject of a statutory continuation tenancy under Part II of the Landlord and Tenant Act 1954.

1.3.4 The First Claimant's leasehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Avonmouth Plan".

4. *The Birmingham Terminal*

1. This site is at Wood Lane, Birmingham B24 8DN ("the Birmingham Terminal").
2. This Birmingham Terminal is an oil terminal which primarily serves the Midlands.
3. The Birmingham Terminal is the subject of two registered freehold titles, namely WK118802 and WK66930 and unregistered freehold land.
4. The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Birmingham Plan".

5. *The Purfleet Terminal*

1. This site is at London Road, Purfleet, RM19 1RS ("the Purfleet Terminal").
2. The Purfleet Terminal comprises a terminal and also a jetty "the Purfleet Jetty".
3. The Purfleet terminal is an oil terminal which primarily serves London and southeast England.
4. That part of the Purfleet Terminal which comprises just the terminal is the subject of two registered freehold titles, namely EX869151 and EX869958, although part of EX869958 has now been sold to Purfleet Real Estate Limited (albeit the sale has not yet been registered).

5. The title to the Purfleet Jetty is unregistered but the First Claimant has occupied this jetty for around 100 years.
6. The First Claimant's freehold land (omitting that part of EX869958 which has been sold) is shown edged red and the First Claimant's unregistered interest in the Purfleet Jetty is shown edged brown on the plan attached to these Amended Particulars of Claim marked "Purfleet Plan".

6. *The West London Terminal*

1. This site is at Bedfont Road, Stanwell, Middlesex TW19 7LZ ("the West London Terminal").
2. The West London Terminal serves a wide range of customers in southern and central England and supplies aviation fuel to Heathrow Airport.
3. The West London Terminal is the subject of five freehold registered title, namely MX232530, MX442259, MX440505, MX219704 and SY346160.
4. The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "West London Plan".

7. *The Hartland Park Logistics Hub*

1. This site is at Ively Road, Farnborough ("the Hartland Park Logistics Hub").
2. This site comprises a temporary logistics hub which comprises project offices, welfare facilities and car parking for staff and contractors together with storage of construction plant materials, machinery and equipment in connection with the construction of a replacement fuel pipeline between the Petrochemical Complex and the West London Terminal.

3. The Hartland Park Logistics Hub is the subject of an unregistered leasehold interest created by a Lease dated 2 September 2021 made between SHE Manger Limited and SHE Nominee Limited and the First Claimant for a term commencing on 6 September 2021 and 30 September 2024.
4. The First Claimant's leasehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Hartland Park Plan".

8. *The Alton Compound*

1. This site is at the A31, Holybourne ("the Alton Compound").
2. This site is a pumping station and another compound used in connection with the construction of the pipeline referred to in Paragraph 1.7.2 above.
3. The Alton Compound is the subject of a freehold title, namely SH30798.
4. The First Claimant's freehold land is shown edged red on the plan attached to these Amended Particulars of Claim marked "Alton Compound Plan".

The Interests of the Claimants in the Sites

2. The interests of the Claimants in respect of each of these Sites are as follows:

1. *The Fawley Petrochemical Complex*

1. The First Claimant is the freehold owner of the Fawley Oil Refinery and the Chemical Plant, being the registered freehold proprietor in respect of Title No HP5287836.
2. The Second Claimant is the lessee of the Chemical Plant under the Lease dated 28 August 1975 referred to in Paragraph 1.6.1 above.

2.1.3 The First Claimant is the registered lessee of the Fawley Jetty, being the registered proprietor in respect of Title Number HP528740.

2. *The Hythe Terminal*

1. The First Claimant is the freehold owner of the Hythe Terminal, being the registered freehold proprietor in respect of Title No HP5287836.

3. *The Avonmouth Terminal*

1. The First Claimant is the registered lessee of the Avonmouth Terminal, as the registered leasehold proprietor in respect of Title No BL105954.

4. *The Birmingham Terminal*

1. The First Claimant is the freehold owner of the Birmingham Terminal, being the registered proprietor in respect of Title Numbers WK118802 and WK66930 and the unregistered title referred to in Paragraph 1.4.3 above.

5. *The Purfleet Terminal*

1. The First Claimant is the freehold owner of the Purfleet Terminal, being the registered freehold proprietor in respect of Title Numbers EX869151 and EX869958, save for that part of EX869958 which has now been sold.

6. *The West London Terminal*

1. The First Claimant is the freehold owner of the West London Terminal, being the registered freehold proprietor in respect of title numbers MX232530, MX442259, MX440505, MX219704 and SY346160.

7. *Hartland Park Logistics Hub*

1. The First Claimant is the lessee of the Hartland Park Logistics Hub, being the lessee under the Lease referred to in Paragraph 1.7.3 above.

8. *The Alton Compound*

1. The First Claimant is the freehold owner of the Alton Compound, being the registered freehold proprietor in respect of title number SH30798.

3. The First Claimant is also the owner or lessee (as the case may be) of such of the airspace over these sites as is necessary for the use of these sites. The Second Claimant is the lessee over such of the airspace over the Fawley Chemical Plant as is necessary for the use of that site.

The Campaigns

4. There are three campaigns in respect of which there has now been direct action affecting some of the Sites and from whom further direct action is apprehended:
 1. 'Extinction Rebellion' is an established protest campaign, which promotes the use of civil disobedience with a view to influencing government policy.
 2. 'Just Stop Oil' is newer protest campaign, the target of which is to end the use of fossil fuels in the UK.
 3. The 'Just Stop Oil' campaign also incorporates 'Youth Climate Swarm', which is specifically for 'Just Stop Oil' activists under the age of 30, the target again being to end the use of fossil fuels in the UK.

The Acts of Nuisance and Trespass

5. On 1 to 3 April 2022 the following acts of trespass and/or nuisance occurred in relation to the following Sites:
 1. On 1 April 2022, at around 4am approximately 20 protestors blocked the entrance to the Birmingham Terminal, blocking vehicular access and preventing customers from collecting fuel in vehicle tankers. One protestor glued himself to the path outside the Birmingham Terminal.
 2. On 1 April 2022, at around 4am approximately 20 protestors blocked the entrance to the West London Terminal by attaching barriers to the vehicular entrance gates and customers were prevented from collecting fuel in vehicle tankers. Protestors also erected tripods immediately outside the access gate, thereby blocking it. One of the protestors cut a hole in the access fence and scaled one of the fuel storage tanks.
 3. On 1 April 2022, at around 5am, 7 protestors blocked the access to the Hythe Terminal and customers were unable to gain access.
 4. On 1 April 2022, at around 6.30am, 20 protestors blocked the access road to the Purfleet Terminal and prevented customers from accessing. 6 protestors climbed on to a truck making a delivery to the site.
 5. On 2 April 2022, at around 9:30am, approximately 20 protestors blocked the entrance and exist to the Purfleet Terminal. A number of protestors locked themselves onto the access gates.
 6. On 3 April 2022, at around 5am, approximately 20 protestors blocked the access to the Birmingham Terminal. Some protestors also climbed onto a Sainsbury's fuel truck. Another protestor cut through the security fence, and scaled one of the fuel storage tanks in order to display a banner.
 7. On 4 April 2022, at around 4.30 am, approximately 20 protestors blocked the access to the West London Terminal.
6. Both 'Extinction Rebellion' and 'Just Stop Oil' have claimed involvement in the protest activities of 1 and 2 April 2022 and there is a threat of further acts of trespass and/or nuisance in connection with these campaigns. In particular:

6.1 In relation to the ‘Just Stop Oil’ campaign, the website for this campaign has stated that in “*March and April 2022, 100s of people all round the country will be taking action to force the Government to take action against the fossil fuel industry*” and reference is made to the following phases of activity:

“March onwards

Phase 1 In March 2022 teams will block the oil networks to demand that the government Just Stop Oil. They will block oil refineries, storage units, and adjacent motorways.

Phase 2A Teams will block petrol stations in the South-East. Many people will do sit-ins, sitting on the ground in the forecourt. Others will do tanker-surfing and spray paint filling points.

Phase 2B High stakes resistance against oil”

6.2 In relation to ‘Extinction Rebellion’, their website has referred to the “Next UK Rebellion” and indicated that in April 2022 they proposed “*one aligned action plan, rather than having a scattergun approach across several different targets, in order to have the most impact*”.

The Fourth and Fifth Defendants

7.1 The Fourth and Fifth Defendants trespassed on the First Claimant’s land at the Birmingham Terminal as part of the campaign of disruption on 3 April 2022. They were each convicted of aggravated trespass at Wolverhampton Magistrates’ Court on 16 February 2023.

The Relief Sought

1. The Claimants apprehend that, unless restrained by the Court, there will be further acts of trespass and/or nuisance of the type referred to above.
2. Accordingly, by reason of the facts and matters set out above, the First Claimant seeks:

1. an order that the First, **Fourth and Fifth** Defendants must not without the consent of the First Claimant:
 - (a) enter or remain upon any part of the Sites;
 - (b) damage any part of any of the Sites;
 - (c) affix themselves or any person or object to any part of any of the Sites;
 - (d) erect any structures on any part of any of the Sites.
 2. an order that the Third, **Fourth and Fifth** Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where “Sites” for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.
- 8.3 Further, by reason of the facts and matters set out above, the Second Claimant claims an order that the Second, **Fourth and Fifth** Defendants must not without the consent of the Second Claimant:
1. enter or remain upon any part of the Chemical Plant;
 2. damage any part of the Chemical Plant;
 3. affix themselves or any person or object at the Chemical Plant;
 4. erect any structures on any part of the Chemical Plant.

AND THE FIRST CLAIMANT CLAIMS

- (1) An order that until 4 April 2024 the First, **Fourth and Fifth** Defendants must not:
 1. enter or remain upon any part of the First Claimant’s properties (“the Sites”) without the consent of the First Claimant at:
 - (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached ‘Fawley Plan’).

- (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').
 - (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
 - (4) Birmingham Terminal, Wood Lane, Birmingham B24 8DN (as shown for identification edged red on the attached 'Birmingham Plan').
 - (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
 - (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
 - (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
 - (8) Alton Compound, Pumping Station, A31, Holybourne (as shown for identification edged red on the attached 'Alton Compound Plan')
2. damage any part of any of the Sites;
 3. affix themselves or any person or object to any part of any of the Sites;
 4. erect any structures on any part of any of the Sites.

- (2) An order that until 4 April 2024 the Third, **Fourth and Fifth** Defendants must not obstruct any of the vehicular entrances or exits to any of the Sites (where "Sites" for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

AND THE SECOND CLAIMANT CLAIMS

- (2) An order that until 4 April 2024 the Second, **Fourth and Fifth** Defendants must not without the consent of the Second Claimant:

1. enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');
2. damage any part of the Chemical Plant;
3. affix themselves or any person or object at the Chemical Plant;
4. erect any structures on any part of the Chemical Plant.

KATHARINE HOLLAND QC

TIMOTHY MORSHEAD KC

YAASER VANDERMAN

HOLLY STEBBING, NORTON ROSE

FULBRIGHT (re-re-amendments only)

STATEMENT OF TRUTH

The Claimant believes that the facts stated in these particulars of claim are true. The Claimant understands 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.

I am duly authorised by the Claimant to sign this statement.



Stuart Sherbrooke Wortley

Partner

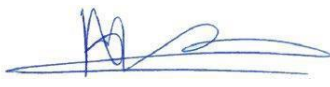
Eversheds Sutherland (International) LLP

Claimant's solicitor

STATEMENT OF TRUTH

I understand that proceedings for contempt of court may be brought against a person 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.

The Claimants believe that the facts stated in these **re-re-amended** particulars of claim are true. I am authorised by the Claimants to sign this statement of truth.

Signed: 

Holly Stebbing

Partner

Norton Rose Fulbright LLP

Claimants' solicitor