

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO:

BETWEEN:

**(1) SHELL UK LIMITED
(2) ESSAR MIDLANDS LIMITED**

Claimants

CLAIMANT'S

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~~**

THAT

Defendants

PARTICULARS OF CLAIM

Shell Haven

1. The First Claimant is the registered freehold proprietor of the land, buildings and installations comprising an oil terminal at The Manorway, Stanford-Le-Hope, Essex ("Shell Haven").
2. Shell Haven is situated on the north bank of the River Thames. Its function is to receive imports by ship of aviation fuel, and to distribute the fuel around the UK. Approximately 40% of the UK's aviation fuel is imported to the facility and distributed from it by pipeline and by road.
3. The First Claimant's freehold title to Shell Haven (and other land) is registered under Title No EX633637. In the vicinity of the external boundaries of Shell Haven there exist fences and gates, and (in respect of one section of its southern boundary and jetties) the River Thames. Together these form obvious boundary features which substantially enclose all of Shell Haven (together "the Shell Haven Boundaries").
4. The plan appended to the Particulars of Claim marked "Plan of Shell Haven" shows, in red, the approximate location of the Shell Haven Boundaries.
5. By virtue of the First Claimant's title to Shell Haven is entitled to possession of all of the land shown enclosed by the Shell Haven Boundaries.

Kingsbury Terminal

6. As part of a joint venture between the First and Second Claimants, the First Claimant operates an oil terminal known as the Kingsbury Terminal, Kingsbury, Tamworth, in Warwickshire (“the Kingsbury Terminal”). The Claimants are, variously, the freehold proprietors of the whole of the Kingsbury Terminal, as follows:
 - 6.1. The freehold title to some small areas of the Kingsbury Terminal are registered under HM Land Registry title number WK490322 (together with other land), of which the Second Claimant is the registered proprietor.
 - 6.2. Some small areas are unregistered land of which the First Claimant is in possession.
 - 6.3. Save as aforesaid, the freehold title to the Claimants’ Kingsbury Terminal is registered under HM Land Registry title numbers WK355176, WK459156 and WK457756, of which the First and Second Claimants are the joint registered freehold proprietors.
7. The Kingsbury Terminal is a multi-fuel storage and distribution centre which primarily serves the Midlands. It is primarily fed by pipeline, and distributes petrol, diesel, heating oils and jet fuel across the Midlands and is of critical importance to the distribution of fuel in the Midlands, including to the major airports in the region via road tankers. The facilities include 14 fuel tanks with a combined storage capacity of 101 million litres of fuel, and eight vehicle loading gantries which permit the loading of up to approximately 220 tanker lorries per day.
8. The Kingsbury Terminal is surrounded by a conspicuous boundary, consisting of fences, gates and gateways and the flank wall of a building (“the Kingsbury Terminal Boundaries”). The approximate locations of the Kingsbury Terminal Boundaries area shown in red on the plan attached hereto marked “Plan of Kingsbury Terminal”.
9. The Kingsbury Terminal is one of four oil terminals which are under different ownership, and which, together with other related installations, form the Kingsbury Complex.
10. The Kingsbury Terminal and the Shell Haven are hereafter collectively referred to as “the Sites”.

Actual and threatened trespass and nuisance

11. Since approximately the start of April numerous individuals whose identities are not known to the Claimants have carried out protest activity at a number of oil installations around the country. These protests are variously being carried out as part of campaign movements using the names 'Just Stop Oil', 'Extinction Rebellion' and 'Youth Climate Swarm'. The activities of the protestors have the deliberate and avowed aim of disrupting operations and/or the distribution of fuel to and from those installations. As part of those campaigns, various individuals have trespassed onto oil installations and have sought to block vehicular access to them in various ways, including by sticking themselves to roads, or objects or other people, by placing or erecting objects or structures on the roads.
12. As part of the recent campaigns both the Sites have been the subject of unlawful activity by protestors, which has disrupted the operation of the Kingsbury Terminal and deliveries from it:
 - 12.1. On 1 April 2022 four protestors sat against the main gates of the Kingsbury Terminal (gate one) for approximately 7 hours, blocking the ability of tankers to enter or exit the site. The First Claimant was forced to close the terminal until the protestors dispersed;
 - 12.2. On 3 April 2022 a group of protestors blocked the main entrance to Shell Haven. Police attended and sought to maintain access, but protestors succeeded in blocking a tanker in. The protestors were successfully removed after approximately six hours.
 - 12.3. On 6 April 2022 four protestors lay down at gate one of the Kingsbury Terminal. They chained themselves to lengths of pipe which they had brought with them so as to lock themselves together. Despite the attempts of the police they were unable to prevent the partial obstruction of the gates and the First Claimant was obliged to close the Kingsbury Terminal from approximately 23:30 on 6 April and was unable to resume operations until after the police succeeded in arresting and removing the protestors at about 11.30am on 7 April 2022.
13. In addition, since 1 April 2022, protestors have undertaken disruptive activity to surrounding roads and to vehicles in the vicinity of the Kingsbury Terminal, Shell Haven, and to other oil installations in the immediate vicinity of that site including trespass to other facilities in the vicinity of the Kingsbury Terminal which have involved:
 - 13.1. trespassers locking themselves to pipework and equipment within oil terminals;
 - 13.2. protestors locking themselves to oil haulage vehicles;

13.3. protesters preventing or attempting to prevent access to sites by tunnelling into or under roads and by gluing themselves to roads.

JSO have claimed that over 400 people have joined actions which have halted operations for up to 24 hours at a time at 11 oil terminals.

14. The Claimants reasonably apprehend that, unless restrained by the Court, the Defendants will in the future again trespass upon one or both of the Sites, and will again seek to block the entry and exit of vehicles from and to the Sites.

15. The Claimants' operations at the Sites involve the storage and transfer of large volumes of highly combustible materials in relation to which matters such as ignition risk are very highly regulated. The blocking of entrances to the site to emergency vehicles, and any trespass to the Sites (whether or not accompanied by further disruptive activities) constitute serious dangers to the health and safety of those working or present in and around the Sites (including the protesters themselves).

16. In the premises, the Claimants are entitled to, and seek orders that the Defendants:

16.1. be prevented from entering upon those parts of the Shell Haven site enclosed by the Shell Haven Boundaries, or those parts of the Kingsbury Terminal enclosed by the Kingsbury Terminal Boundaries ("the Protected Areas");

16.2. damaging any part of the Protected Areas or any equipment upon them;

16.3. affixing themselves to any part of the Protected Areas or to any other person or object on the Protected Areas;

16.4. erecting any structure upon the Protected Areas;

16.5. placing any object on the Protected Areas or in front of the entrances to the Protected Areas.

16.6. blocking any of the entrances of the Protected Areas to vehicular or pedestrian traffic.

AND the Claimants claim:

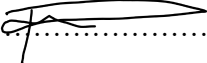
(1) An injunction in the terms set out in paragraph 16, or such other terms as the Court considers appropriate to prevent trespass to the Protected Areas and the obstruction of vehicular or pedestrian access to them;

(2) Further or other relief.

Statement of Truth

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

I am duly authorised by the Claimants to sign this statement of truth.

Signed:..........

Emma Margaretha Florence Pinkerton

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

CMS Cameron McKenna Nabarro Olswang LLP

Claimants' solicitor

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THAT

Defendants

PARTICULARS OF CLAIM

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Solicitors for the Claimants