

Emma Margaretha Florence Pinkerton
First Witness Statement
Party: Claimant
Exhibit: EMPI1
Date: 14 April 2022

IN THE HIGH COURT OF JUSTICE

Claim No.

BETWEEN

**SHELL INTERNATIONAL PETROLEUM COMPANY
LIMITED**

Claimant

- and -

**PERSONS UNKNOWN ENTERING OR REMAINING IN
THE BUILDING KNOWN AS SHELL CENTRE TOWER,
BELVEDERE ROAD, LONDON (“SHELL CENTRE
TOWER”) WITHOUT THE CONSENT OF THE
CLAIMANT, OR DAMAGING OR BLOCKING THE
ENTRANCES TO THE SAID BUILDING, IN
CONNECTION WITH THE ENVIRONMENTAL
PROTEST CAMPAIGNS OF JUST STOP OIL AND/OR
EXTINCTION REBELLION AND/OR YOUTH CLIMATE
SWARM AND/OR SCIENTIST REBELLION**

Defendants

FIRST WITNESS STATEMENT OF

EMMA MARGARETHA FLORENCE 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**) the Claimant’s solicitor in these proceedings. I have conduct of these proceedings on behalf of the Claimant.

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 Claimant’s claim for injunctive relief in respect of a building known as Shell Centre Tower which forms part of the Shell Centre, York Road, London SE1 7NA (“**Shell Centre Tower**”). A redline plan showing the physical extent of the building at Shell Centre Tower, and a copy of the internal ground floorplan is enclosed at **pages 1 - 2 of EMPI1**.

1.5 In this statement, I address the following issues:

1.5.1 Background to the Claim

1.5.2 Ownership of the Shell Tower

1.5.3 Contact with the Protestors

1.5.4 Third Party Disclosure

1.5.5 Press Coverage and Proposed Further Action

2. BACKGROUND

2.1 The Claimant is the owner of the Shell Centre Tower which is located in central London and forms the headquarters for not only the Claimant’s business operations but the wider Shell group, being the Claimant’s group companies.

2.2 The Shell Centre Tower has, along with other group company sites (including fuel distribution terminals) been subject to recent protest action by individuals believed by the Claimant to be from or connected with one or more of the Defendants and all of whom have been targeting/staging protests at or around sites owned by group companies of the Claimant and other companies in the fuel industry.

2.3 The Shell Centre Tower has previously been targeted by Protestors, including in 2019 and which is commented on more fully in the witness statement of Keith Garwood filed in support of this

claim. In that incident more than £25,000 of damage was caused. Protesters sprayed graffiti on the building, deliberately broke doors and climbed onto parts of the building.

2.4 Over the past week, there have been various security breaches in relation to the Shell Centre Tower. On 6 April 2022 protesters using the name “Scientists Rebellion” poured a black oily substance on the Shell Centre Tower.

2.5 The Claimant’s group companies have also experienced security breaches at a number of its sites across the UK.

2.6 Most recently, on 13 April 2022, I am informed by Mr Garwood, 5 Protestors trespassed in the Shell Centre Tower with one gaining access to the 4th floor. The remaining 4 protestors glued themselves to various parts of the Shell Centre Tower reception area. At or around the same time there were circa 500 protestors outside the building.

2.7 The Claimant has no desire to prevent peaceful protest outside its premises. However, these protests are actively designed to damage and disrupt the Claimant’s properties. Moreover, protests which block the entrances to the building, as well as being intimidating for people within the building, cause the building to be locked down and create significant issues in relation to the emergency access to, and from, the building.

2.8 These protests are part of a widely publicised current programme of disruption organised under the banners of Extinction Rebellion, Just Stop Oil and Youth Climate Swarm. Given the historic and recent issues with protests, the Claimant is concerned that the protest action is likely to continue, and indeed may worsen, over the coming days/weeks. The Claimant’s primary concern is for the health and safety of those working in or visiting the Shell Centre Tower and the public generally (including the protestors themselves). Activities which damage the building and block its exits, as well as being obviously very intimidating, create obvious dangers to the health and safety of those in and around the building.

2.9 The Claimant is seeking injunctive relief to prevent protestors from accessing or damaging the Shell Centre Tower, or blocking its exits so as to prevent access/egress to it, particularly for emergency vehicles.

2.10 I emphasise, that there is no desire by the Claimant to prevent peaceful protest or campaigns. However, for the safety of those in and around the building it asks the Court’s assistance to restrain trespass and damage to the building and the blocking of its entrances and exits.

3. OWNERSHIP OF THE SHELL CENTRE TOWER

3.1 The Claimant is the freehold owner of the Shell Centre Tower and the registered title to which is Land Registry title number TGL8482. Office copy entries are at **pages 3 - 9 of EMPI1**.

3.2 Title number TGL8482 records, in the schedule of notice of leases, that the Shell Centre Tower is subject to 5 leasehold interests. However, these leasehold interests are not occupational in the

usual sense. They relate to plant and machinery as well as some external, underground parts of the building which are not within the scope of these proceedings. They are not strictly relevant for the purposes of this application and I refer to them only for completeness.

- 3.3 I would point out that the Claimant's freehold title extends significantly beyond the walls of the Shell Centre Tower building, however the injunctive relief being sought is only in respect of the structure of the building as well as the entrance/exits to and from Shell Centre Tower. For the reasons already identified it is hoped that this strikes a proper balance between the Claimant's real desire not to prevent peaceful protest, and its need to protect its property and staff.

4. DEFENDANTS, AND SERVICE

- 4.1 I am informed by the Claimant that Shell 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 Claimant is 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 Claimant has 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 Claimant emails 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 Claimant is in contact with the Metropolitan Police but has not been provided with the details of any of those arrested. It is anticipated that, in 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 & PROPOSED FURTHER ACTION

- 5.1 At **pages 10 - 13 of EMPI1**, is a schedule detailing various recent press reports/articles that relate to various Shell group company sites including the Shell Centre Tower. The reports themselves are also enclosed at **pages 14 - 130 of EMPI1**.

- 5.2 The various articles in respect of the Shell Centre Tower 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 Shell Centre Tower. One such article, shown at **pages 57 - 58 of EMPI1** details how several Extinction Rebellion activists "*used modified fire extinguishers to spray biodegradable fake oil on a Shell Building*" on Wednesday, 6 April 2022.

- 5.3 Alanna Byrne, an XR spokesperson has stated "*We want to create the most roadblocks we've ever created, using as many people as we can*", shown at **pages 73 - 84 of EMPI1** which proves that

the incident on 6 April is 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*”. It seems clear to me that this means there could be a long drawn-out period of time with articles suggesting the involvement of Shell Centre Tower as a focal point particularly during the remainder of April and at least into May.

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.....

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**FIRST WITNESS STATEMENT OF
EMMA MARGARETHA FLORENCE PINKERTON**

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

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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 14 April 2022.

Signed..........

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