

N244

Application notice

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Name of court HIGH COURT OF JUSTICE QB	Claim no.
Fee account no. (if applicable) PBA0083256	Help with Fees - Ref. no. (if applicable) H W F - [] [] [] - [] [] []
Warrant no. (if applicable)	
Claimant's name (including ref.) NORTH WARWICKSHIRE BOROUGH COUNCIL	
Defendant's name (including ref.) 18 NAMED DEFENDANTS AND PERSONS UNKNOWN - LISTED ON DRAFT INJUNCTION	
Date	13 April 2022

1. What is your name or, if you are a legal representative, the name of your firm?

North Warwickshire Borough Council, Legal Services

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

North Warwickshire Borough Council

3. What order are you asking the court to make and why?

Interim injunction and power of arrest to restrain public nuisance, criminal and anti-social behaviour in connection with protests at Kingsbury Oil Terminal, Tamworth B78 2HA

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing

at a telephone hearing

6. How long do you think the hearing will last? Hours Minutes

Is this time estimate agreed by all parties?

Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

High Court Judge or Deputy Judge

9. Who should be served with this application?

Alternative service - see draft order

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

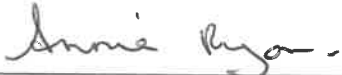
Witness statements of Steve Maxey, Chief Executive of the Claimant and Asst Chief Constable Benjamin Smith also (exhibiting witness statements from other police officers).

Statement of Truth

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.

- I believe that the facts stated in section 10 (and any continuation sheets) are true.
- The Applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

Applicant's address to which documents should be sent.

Building and street

The Council House

Second line of address

South Street

Town or city

Atherstone

County (optional)

Warwickshire

Postcode

C V 9 1 D E

If applicable

Phone number

07872 629574/07970 747985

Fax number

DX number

Your Ref.

SM/AR - Protestors Kingsbury

Email

stevemaxey@northwarks.gov.uk
annieryan@northwarks.gov.uk

SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION - POWER OF ARREST

Under section 27, Police and Justice Act, 2006. Claim no

IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION

NORTH WARWICKSHIRE BOROUGH COUNCIL	Claimant
18 NAMED DEFENDANTS AND PERSONS UNKNOWN LISTED ON THE INJUNCTION ORDER DATED 14 APRIL 2022.	Defendant

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 10 March 2022

(Here set out those provisions of the order to which this power of arrest is attached and no others)

*(Where marked * delete as appropriate)*

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):
 - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the "Terminal"), within the area shown on the Map attached to this Order at Schedule 1, edged in red (the "buffer zone").

For the avoidance of doubt, this prohibition does not prevent the Defendants from using any public highway within the buffer zone for the purpose of travelling to or from a protest held, or to be held, outside the buffer zone.
 - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
 - (i) entering or attempting to enter the Terminal
 - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal not within the buffer zone
 - (iii) obstructing any entrance to the Terminal
 - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
 - (v) obstructing any highway
 - (vi) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land
 - (vii) affixing themselves to any other person or object or land (including structures, buildings, caravans, trees or rocks)
 - (viii) erecting any structure
 - (ix) abandoning any vehicle
 - (x) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
 - (xi) abseiling from bridges or from any other building, structure or tree on land or

(xii) instructing, assisting, encouraging or allowing any other person to do any act prohibited by paragraphs (b)(i)-(xi) of this Order.

Power of Arrest

The court thinks that there is a significant risk of harm to a person.

A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

This Power of Arrest

Shall continue until 11.59 pm on.

Note to the Arresting Officer

Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—
 - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
 - (b) a judge of the county court, if—
 - (i) the injunction was granted by the county court, or
 - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
 - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
 - In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
 - The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
 - The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

Ordered by

On

Claim No.

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

**In the matter of an application for an injunction under s.222, Local Government Act 1972
s.130(5), Highways Act 1980 and s.1, Localism Act 2011.**

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

(1) DAVID BALDWIN

(2) THOMAS BARBER

(3) MICHELLE CADET-ROSE

(4) TIM HEWES

(5) JOHN HOWLETT

(6) JOHN JORDAN

(7) CARMEN LEAN

(8) ALISON LEE

(9) AMY PRITCHARD

(10) STEPHEN PRITCHARD

(11) PAUL RAITHBY

(12) HOLLY ROTHWELL

(13) ELIZABETH SMAIL

(14) JOHN SMITH

(15) BEN TAYLOR

(16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) ANDREW WORSLEY

**(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR
ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE
PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE
SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

Defendants

INTERIM INJUNCTION ORDER (WITHOUT NOTICE)

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

On the 14 April 2022, before [JUDGE], sitting at the Royal Courts of Justice, Strand, London WC2A 2LL, the Court considered an application by the Claimant for an injunction.

Upon hearing counsel for the Claimant, on informal notice to the Defendants

AND UPON considering an application for an interim injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981

AND FURTHER UPON the Court being satisfied for the purposes of section 12(2) of the Human Rights Act 1998 that the Claimant has taken all practicable steps to notify the Defendants of this application.

AND FURTHER UPON the Court being satisfied for the purposes of section 12(3) of the Human Rights Act 1998 that the Claimant is likely to establish at the trial of this claim that any publication restrained by this Order should not be allowed.

AND FURTHER UPON the Court having particular regard to the importance of the Convention right to freedom of expression but finding in the circumstances that it is just and

convenient, and proportionate, to grant injunctive relief in the terms set out herein, pending the trial of this claim

AND FURTHER UPON the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by this Order and that a power of arrest should therefore be granted

IT IS ORDERED THAT

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):

(a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the "Terminal"), within the area shown on the Map attached to this Order at Schedule 1, edged in red (the "buffer zone").

For the avoidance of doubt, this prohibition does not prevent the Defendants from using any public highway within the buffer zone for the purpose of travelling to or from a protest held, or to be held, outside the buffer zone.

(b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:

(i) entering or attempting to enter the Terminal

(ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal not within the buffer zone

(iii) obstructing any entrance to the Terminal

(iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)

(v) obstructing any highway

(vi) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land

(vii) affixing themselves to any other person or object or land (including structures, buildings, caravans, trees or rocks)

(viii) erecting any structure

(ix) abandoning any vehicle

(x) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;

(xi) abseiling from bridges or from any other building, structure or tree on land or

(xii) instructing, assisting, encouraging or allowing any other person to do any act prohibited by paragraphs (b)(i)-(xi) of this Order.

2. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 (a) and (b) above.
3. This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.
4. This Order shall, in any event, be reconsidered at a further hearing at [TIME] on [DATE] 2022 at the **Birmingham Civil Justice Centre, Priory Law Courts, 33 Bull Street, Birmingham B4 6DS,**
5. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.
6. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve the Claim Form and supporting documents relied on, and this Order and power of arrest, by the alternative methods specified at Schedule 2 to this Order.
7. The deemed date of service of the documents referred to at paragraph 6 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 2 to this Order.
8. The time for service of the Claim Form shall be extended pursuant to CPR Rule 7.6 until [DATE].

If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.

Name and Address of the Claimant's Legal Representatives

Ms Annie Ryan

The Council House

**South Street
Atherstone
Warwickshire CV9 1DE**

Email:

stevemaxey@northwarks.gov.uk

annieryan@northwarks.gov.uk

Schedule 1,



**North Warwickshire
Borough Council**

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Ordnance Survey 100017910



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date: 11/04/2022	Scale: 1:10000

SCHEDULE 2

1. Service of the Claim Form and this Order shall be effected by
 - (i) placing signs informing people of
 - (a) this Claim,
 - (b) this Order and power of arrest, and the area in which they have effect and
 - (c) where they can obtain copies of the Claim Form. Order and power of arrest, and the supporting documents used to obtain this Orderin prominent locations along the boundary of the buffer zone referred to at para.1 of this Order and particularly outside the Terminal and at the junctions of roads leading into the zone,
 - (ii) placing a copy prominently at the entrances to the Terminal;
 - (iii) posting a copy of the documents referred to at para.1(i)(c) above Order on its website, and publicising it using the Claimant's facebook page and twitter account, and posting on other relevant social media sites including local police social media accounts, and/or.
 - (iv) any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
 - (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order; and
 - (ii) a copy of this Order and power of arrest.
3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

Claim No:

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

In the Matter of an Application for an Injunction under s.222, Local Government Act 1972, s130(5) Highways Act 1980 and s.1, Localism Act 2011

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

(1) DAVID BALDWIN
(2) THOMAS BARBER
(3) MICHELLE CADET-ROSE
(4) TIM HEWES
(5) JOHN HOWLETT
(6) JOHN JORDAN
(7) CARMEN LEAN
(8) ALISON LEE
(9) AMY PRITCHARD
(10) STEPHEN PRITCHARD
(11) PAUL RAITHBY
(12) HOLLY ROTHWELL
(13) ELIZABETH SMAIL
(14) JOHN SMITH
(15) BEN TAYLOR
(16) JANE THEWLIS
(17) ANTHONY WHITEHOUSE
(18) ANDREW WORSLEY
(19) PERSONS UNKNOWN WHO ARE ORGANISING,
PARTICIPATING IN OR ENCOURAGING OTHERS TO
PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION
AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE
KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA
Defendants

PARTICULARS OF CLAIM

The Claimant

1. The Claimant is a local authority within the meaning of section 270(1), Local Government Act 1972; section 8(1), Localism Act 2011; section 44(1) Local Government (Miscellaneous Provisions) Act 1976, and s.17(3) of the Crime and Disorder Act 1998. It is a council and a local authority within the meaning of s.329, Highways Act 1980.

2. Section 222, Local Government Act 1972 confers power upon a local authority to prosecute, defend or appear in legal proceedings, and to institute civil proceedings in its own name, where the authority considers it expedient to do so for the promotion or protection of the interests of the inhabitants of its area. The Claimant considers that the injunctive relief sought in these proceedings is expedient for such purposes.

3. Section 111, Local Government Act 1972 confers power upon a local authority to do anything which is calculated to facilitate, or is conducive to or incidental to, the discharge of any of its functions.

4. By section 130(2) and (5), Highways Act 1980, any council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the highway authority, including any roadside waste which forms part of it. A council may, without prejudice to its powers under section 222, 1972 Act, in the performance of its functions under s.130(2), institute legal proceedings in its own name, defend any legal proceedings and generally take such steps as its deems expedient.

5. Section 1, Localism Act 2011 confers power on a local authority to do anything that individuals, with full capacity, generally may do, in any way

whatever and unlimited by the existence of any other power of the authority which to any extent overlaps the general power.

6. By section 17, Crime and Disorder Act 1998, the Claimant is under a statutory duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.

Kingsbury Oil Terminal

7. Kingsbury Oil Terminal (the “Terminal”), is situated adjacent to Trinity Road and Piccadilly Way, Kingsbury, Tamworth B78 2HA, on the outskirts of the residential town of Kingsbury, North Warwickshire. Its location is shown, edged in blue, on the map annexed hereto at Schedule 1.
8. The Terminal is the largest inland oil storage depot in the United Kingdom. The 3 main operators at the Terminal are Valero Energy Limited, Essar Oil UK and Shell UK Limited.
9. The Terminal is an upper tier site for the purposes of the Control of Major Accident Hazards Regulations 2015, as it includes 50 storage tanks with a storage capacity of around 405 million litres of flammable liquids, including unleaded petrol, diesel, and fuel additives. The Terminal is pipeline fed and there are eight vehicle loading gantries, which allow approximately 220 daily road loadings.
10. Operators at the Terminal are therefore required to have and keep under review, major accident prevention policies, safety reports and emergency plans (internal and external).
11. In addition, Warwickshire Fire and Rescue Service has prepared an operation plan for the Terminal. The said plan provides *inter alia* for “controlled items” (mobile phones, cigarettes, lighters, paging units, matches etc.) that must be handed in at the Terminal Control Room and

may not be carried or used within the Terminal due to the potential presence of explosive atmospheres.

The Defendants

12. Between 1 April 2022 and 10 April 2022, the Defendants have engaged, in the locality of the Terminal, in protests against the production and use of fossil fuels. Such protests have been characterised by disorder, breaches of the criminal law and public nuisance, including unlawful attempts to obstruct the activity of the Terminal and that of its distribution partners. The protests are believed currently to be organised by individuals or groups operating under the auspices of 'Just Stop Oil', which is a loose coalition of individuals and protest groups working together with the aim of ensuring that the Government commits to halting new fossil fuel licensing and production.

13. The First to Eighteenth Defendants have been arrested by Police due to their conduct while participating in one or more of the protests that have taken place at the Terminal, particularised at paragraphs 12-23 below.

14. The participants in the said protests are transient and mobile. The highly transient nature of the protesting community renders it difficult for the Claimant or the police to identify participants in any significant numbers, unless they have been arrested. Different participants attend different protests in different locations, and in large numbers. If one group only were to be subjected to injunctive relief, this would make little practical difference to the problem as other people would simply attend in its place.

15. Accordingly, it has not been possible to identify participants and spectators in sufficient numbers and with sufficient particularity to take proceedings against named individuals at this stage, other than the First to Eighteenth Defendants.

The Alleged Conduct

16. The Defendants attend the Terminal at all hours of the day and night with the aim of causing serious disruption to its operations. In doing so, they are engaging in tortious and criminal behaviour which is both anti-social and dangerous and which amounts to a public nuisance.

PARTICULARS

- a. Gluing themselves to the carriageway providing access to the Terminal, thereby causing nuisance and creating a danger to road users and themselves.
- b. Breaking into the Terminal compound by sawing through gates, thereby causing damage to, and trespassing on private land.
- c. Using mobile phones within the Compound to make video films of their activities, including while standing on top of oil tankers and storage tanks and next to fuel transfer equipment, thereby endangering public safety and causing a significant risk of fire and / or explosion.
- d. Attempting to access the Terminal compound by abseiling from a road bridge.
- e. Climbing onto storage tanks containing unleaded petrol, diesel, and fuel additives, thereby trespassing and causing a risk of fire and explosion.
- f. Interfering with oil tankers, including by scaling and affixing themselves onto the roof, and by letting air out of the tyres.
- g. Attempting to burrow under the highway serving the Terminal, close to pipelines serving the terminal, thereby causing nuisance and a risk to public safety, damaging the Claimant's land, and creating a danger to road users and themselves.

- h. Obstructing the public highway and the entrances to the Terminal.
 - i. Causing obstruction to the business of the Terminal, and thereby the supply of fuel to petrol forecourts across the West Midlands.
 - j. Creating a real risk of harm both physical and psychological to other highway users, employees of the Terminal, the emergency services, and local residents
 - k. Creating a public nuisance and annoyance.
- 1. Breaching bail conditions requiring them to stay away from the Terminal

17. On 05:00 on 01 April 2022, the Fifth, Thirteenth, Fourteenth, Seventeenth and Eighteenth Defendants were arrested on suspicion of conspiracy to cause public nuisance. Later that day, approximately 40 Defendants arrived at the Terminal, glued themselves to the road and sat in the main entrance roadway. This forced traffic to a standstill and allowed the protestors to climb onto the oil tankers. The Seventh Defendant was arrested on suspicion of vehicle interference for letting air out of the tyres of the stationary lorries. As a result, distribution operations at the site were suspended until 20:30, by which point 42 arrests had been made.

18. At approximately 19:30 on 02 April 2022, 40 protestors attended the Terminal. They blocked the main entrance, glued themselves to the carriageway, and locked onto each other. A number of the protestors also climbed on top of oil tankers. As a result of this protest, distribution operations were suspended at the site. The Defendants remained on the site until 00:00 on 03 April 2022 before dispersing. A total of 68 arrests were made as a result of this protest.

19. At 05:40 on 05 April 2022, 4 Defendants were arrested at the Terminal for offences under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992.

20. At 07:30 on 05 April 2022, 20 Defendants attended the Terminal, locked onto each other, and glued themselves to the carriageway. The Twelfth and Sixteenth Defendant sat on top of fuel tanker vehicle VRM MV70VNW, causing the vehicle to remain stationary, thereby obstructing the road. The police arrested the Twelfth and Sixteenth Defendant on suspicion of vehicle interference and criminal damage, and the Second and Third Defendant on suspicion of an offence under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992. 6 other Defendants were also arrested.

21. At 11:30 on 05 April 2022, a second wave of 40 Defendants targeted Junction 9 and Junction 10 of the M42, where they climbed aboard oil tankers as they moved slowly off the slip roads. Operations at the Terminal were suspended for a third time, and the resulting tailbacks encroached on the M42. The police were unable to regain control until 14:30 at which point 78 arrests had been made.

22. At 00:30 on 07 April 2022, a small group of Defendants approached the main entrance to the Terminal and attempted to glue themselves to the carriageway. When the Police were deployed to remove these Defendants, a second group of 40 Defendants approached the Terminal from the fields to its rear. They used a saw to break through an exterior gate, and then scaled the fences to access the compound. Once on site, the Defendants locked themselves onto to a number of different fixtures including:
 - (i) The tops of three large fuel storage tanks containing unleaded petrol, diesel and fuel additives,
 - (ii) Two insecure cabs of fuel tankers
 - (iii) The tops of two fuel tanker
 - (iv) The floating roof a large fuel storage tank
 - (v) A half-constructed fuel storage tank

23. As a result of this protest, a large policing operation was initiated, utilising a variety of specialist teams and working alongside staff from the Terminal and the fire service. That notwithstanding, the Terminal was not clear of Defendants until approximately 17:00 hours. 127 arrests were made on this occasion, including of the Second and Third Defendant for aggravated trespass.

24. At 10:50 on 09 April 2022, 4 Defendants attempted to glue themselves to the carriageway at the main entrance of the Terminal. Three were arrested immediately. Thereafter the First Defendant was arrested for trying to abseil from a road bridge at the junction of Pitt Hill into the north side of the Terminal site.

25. At 15:30 on 09 April 2022, the Defendants deposited a caravan to the side of the road on Piccadilly Way, which is a road to the south of the Terminal. 20 Defendants glued themselves to the sides and top of the caravan, whilst further Defendants attempted to dig a tunnel under the road via a false floor inside the caravan. The approximate dimensions of this tunnel are 700m x 700m square with a depth of 1.2 metres.

26. At 02:00 on 10 April 2022, the police entered the caravan and arrested six Defendants including the Fourth, Sixth, Tenth and Eleventh Defendants. A further 22 Defendants were arrested from outside the caravan.

27. That notwithstanding, Defendants continued to target the site throughout 10 April 2022. Their conduct included scaling tankers and gluing themselves to the carriageway. By the end of the day 180 arrests had been made.

28. This conduct is tortious and constitutes a public nuisance. It is also criminal, but the criminal law is unable to provide adequate remedies to control it.

Effect of the Alleged Conduct

29. The aforementioned conduct is tortious, criminal and constitutes a public nuisance. The protests have caused, and continue to cause, a significant nuisance, disturbance, annoyance and expense to residential occupiers and the commercial activities of the Terminal, both of which are situated within the Claimant's area.

PARTICULARS OF HARM, LOSS AND DAMAGE

- a. The presence of the Defendants within the Terminal, using mobile phones, poses a serious risk of fire and / or explosion involving up to 405 million litres of flammable liquids.
- b. The Terminal has had to cease operations on several occasions due to the risk posed by unauthorised persons within the compound, causing financial loss.
- c. Drivers of lorries accessing the Terminal have been caused nuisance by the Defendants scaling and locking onto their vehicles.
- d. Petrol forecourts across the West Midlands region have suffered fuel shortages. As a result, the Claimant has given mutual aid to Nuneaton and Bedworth Borough Council due to fuel shortages in order to allow essential statutory services to keep running.
- e. Warwickshire County Council has suffered damage to its land, the cost of dealing with which has been £3,189.95. Those costs account for the attendance at the land by a County Highways Officer out of hours, attendance at the land by Balfour Beatty, the costs involved in arranging for the land to be closed on an emergency basis and for works to remedy the damage caused to Highway land both temporarily and permanently.

- f. People living, working and travelling in the district, including residents nearby the Terminal, have been adversely affected by road closures, and the significant police operations.
- g. All those within the Claimant's borough are at risk in the event of any major emergency or incident at the Terminal.

Alternative Remedies Sought

30. The Claimant, Valero Energy Limited (a stakeholder in the Terminal) and the Warwickshire Police, have attempted to prevent or curtail the risk to public safety of activities described above. The following principal steps have been taken but have not been effective to prevent or even curtail the conduct complained of.

PARTICULARS

- (i) An injunction was obtained by Valero Energy Limited on 21 March 2022, in respect of various sites on which they operate in the UK. That injunction related only to part of the Terminal, that part being the area within which Valero operates. An amended interim order was made on 11 April 2022, covering the same part of the Terminal.
- (ii) On 11 April, the Court made a non-party disclosure order against *inter alia* the Chief Constable of Warwickshire Police, requiring the disclosure to Valero of the names of protestors who have been arrested in order to aid enforcement of the Injunction. As a private litigant, however, Valero are unable to obtain a power of arrest attached to its Order. Paper committal is therefore the only available means of enforcement even where Defendants can be identified.
- (iii) To date, Valero's injunction has not proven effective to stop the behaviour complained of. Indeed, the behaviour and public nuisance has worsened since 21 March, leading the authority to

bring this claim. Valero supports the Claimant in making this claim.

- (iv) Warwickshire Police have drawn officers from across the force, and other regional forces, to police the Terminal day and night. 180 arrests have been made as a result of the Defendants actions, and those arrested have been released under investigations or, in some case, on conditional bail. Those arrested and released have in many cases participated in further protests at the Terminal and have been arrested again, in some cases more than once (including the Second and Third Defendants).
- (v) The Police have concluded that their powers under the criminal law are insufficient to prevent further public nuisance and criminal acts or to protect the public. The resource implications for the police in relation to the current level of policing the protests at the terminal are very considerable and they support this application.
- (vi) While the Claimant in principle has power to make a Public Spaces Protection Order under the Anti-social Behaviour Crime and Policing Act 2014, Part 4 Chapter 2, the process for doing so is lengthy and involves public consultation. The sanction for breach is financial only, usually resulting in a fixed penalty notice or prosecution, the former of which is unlikely to provide any deterrent and the latter of which is a lengthy process. This matter is urgent and the Claimant does not consider a PSPO to provide any realistic alternative to this Claim.

31. Accordingly, the Defendants threaten and intend to continue the behaviour complained of unless restrained by this Court.

32. Further, for the reasons set out above, the Claimant believes that the conduct complained of includes a significant and immediate risk of harm

to the inhabitants of its borough, local residents, workers at or visiting the Terminal, other road users, police and council officers and members of the public, so that it is necessary for a power of arrest pursuant to s.27, Police and Justice Act 2006 to attach to paragraph 1 of the draft injunction attached to these Particulars of Claim.

33. The Claimant has undertaken proportionality and equality impact assessments under the Human Rights Act 1998 and the Equality Act 2010, and considers that the relief sought in this claim is necessary, proportionate, justified and appropriate, and in conformity with the rights of protestors under the human rights and equality legislation.

AND THE CLAIMANT CLAIMS:

1. Injunctive relief and powers of arrest.
2. Interim injunctive relief and powers of arrest in the form of the attached draft Orders.
3. Further or other relief
4. Costs.

JONATHAN MANNING
CHARLOTTE CROCOMBE

Dated: 13 April 2022

STATEMENT OF TRUTH

I believe(s) that the facts stated in this Particulars of Claim 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: *Annie Ryan*
Position: *Principal Solicitor, NWBC*
Date: *13/4/22*

Filed on behalf of the Claimant

S Maxey

First Witness Statement

13 4 2022

Exhibits SM1 – SM4

Claim No:

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) ELIZABETH SMAIL
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) ANDREW WORSLEY
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

WITNESS STATEMENT OF STEVEN MAXEY

I, STEVEN MAXEY, of The Council House, South Street, Atherstone, CV9 1DE, Solicitor and Local Government Officer WILL SAY AS FOLLOWS:

1. I am employed by North Warwickshire Borough Council (“the Council”) as the Chief Executive. In addition to being the Council’s statutory Head of Paid Service, I am the Council’s representative on the Strategic Coordinating Group of the Warwickshire Local Resilience Forum (“the LRF”). I am duly authorised on behalf of the Council to make this witness statement.
2. Save where the source of my knowledge is expressly stated the facts set out in this witness statement are from within my own knowledge and are true. Where they are outside my direct knowledge they are true to the best of my knowledge, information and belief.
3. On Friday 1st April 2022, I became aware via the LRF that a number of protestors had gathered outside the Kingsbury Oil Terminal (the “Terminal”). The events since the 1st April are set out in the statement by the Warwickshire Police.

The Terminal

4. The Terminal is situated in North Warwickshire and is a COMAH site. COMAH is an abbreviation of the Control of Major Accident Hazards Regulations 2015 (SI 2015/483), as amended. A COMAH site is one that stores a sufficient quantity of dangerous substances to fall into the definition of an 'Upper Tier' or 'Lower Tier' site. The Terminal is an Upper Tier site, one of only two in Warwickshire, reflecting that it is one of the biggest oil terminals in the country. As stated in the COMAH External Emergency Plan, the Terminal has 50 storage tanks with a storage capacity of around 405m litres of flammable liquids. It is close to a significant number of residential properties, as shown on the map attached to this statement as exhibit SM1.

The protests

5. Prior to the 1st April, intelligence had been received that major oil protest were planned at a number of similar facilities by protestors. I am aware from direct conversations prior to the start of the protests that one of the operators at the Terminal, Valero Energy, had obtained an interim injunction pre-emptively and I attach that to this statement as exhibit SM2. I am also aware that that interim Order was amended by this Court on 11 April 2022, and I attach a copy of the amended injunction as Exhibit SM3.
6. My understanding it that this injunction was intended to provide a disincentive for protestors, however from 1st April it became clear that no such effect had occurred. Indeed, between 1 and 11 April, the behaviour of the protestors has consistently worsened and become bolder and more dangerous.
7. Through meetings of the LRF, the Police provided updates on how the protests were progressing and the details of this are set out in a separate witness statement provided by Warwickshire police. The protests were declared a major incident by the Police, but not a multi agency incident for the rest of the LRF partners.
8. This however changed on the evening of 6th April/early morning of 7th April. As set out in the Warwickshire Police witness statement, a group of between 40 and 50 protestors went to the Terminal and gained access inside of the compound. The protestors therefore had unfettered access to the storage tanks, which clearly represents a major explosion and fire risk, not least as reports to the LRF stated that the protestors where extensively using mobile phones within the compound, creating videos for their promotional posts.
9. I am told by Barnaby Briggs, the Assistant Chief Fire Officer for Warwickshire Fire and Rescue Service that the use of mobile phones in the vicinity of this facility is extremely dangerous. In an email to me dated 8 April 2022, he said this:

“if you consider that the public are instructed not to use a mobile phone whilst filling their car you can understand how concerned I am at the fact that Just Stop Oil's own publicity pictures show that they have been using phones from the top of tankers and next to fuel transfer equipment. I don't think they have any understanding of the level of risk they are posing to themselves or others through their actions.

“Our Operational plans for [the Terminal] all state; *“All controlled items (mobile phones, cigarettes, lighters, paging units, matches etc.) should be handed over at the Terminal Control Room.....due to the potential presence of explosive atmospheres.”* but of course our crews will only go in through designated gates.”

10. The incident on 6-7 April therefore has changed the position significantly with regard to public safety and risk of significant environmental pollution. Whilst the protestors were removed over the next day or so, the risk to the public and the environment is clearly unacceptable. As set out in the witness statement by the Warwickshire Police, there was a further serious incident on 9th and 10th April, when, in summary, protestors brought a fortified caravan close to the site and attempted to tunnel under the highway in order to prevent the oil tankers from using it.

This application

11. Whilst the Council supports the right of individuals to protest lawfully and exercise the right to freedom of speech and expression, these protests have gone beyond the exercise of those rights. The Council is fully aware of the Human Rights Act 1998 and in particular the Article 10 and 11 rights to freedom of assembly and freedom of expression.
12. The Council has also considered the Public Sector Equality duty contained within section 149 of the Equality Act 2010.
13. I have carried out a proportionality assessment under the Human Rights Act and an Equality Impact Assessment under s.149, Equality Act. I have also considered both issues in combination especially with regard to the high importance to be given to the right to freedom of expression of which the right to protest forms an important part. Copies of these assessments are exhibited at SM4.
14. Nonetheless, I have concluded that it is right for the Council to use its powers to seek an injunction with a power of arrest to seek to control the locations in which and the manner in which the current protests at the Terminal are conducted. In reaching this conclusion, I have sought to strike a balance between the rights of the protestors and the rights of the community within the North Warwickshire area to be kept safe from the risk of a major emergency at the terminal and to be protected from nuisance, criminality and anti-social behaviour that has characterised these protests

15. My reference to the community within North Warwickshire is a reference to all the people within the borough who are affected in different ways, including staff at the Terminal, workers from other companies who attend there for their jobs, local residents, and businesses, all of whom are affected by the disruption. I also include other road users who have been affected by protestors on motorway slip roads and other highways causing blockages by their dangerous activities, members of the emergency services who are required to attend the Terminal on a daily basis and who would be forced to deal with the consequences of a fire or explosion there, the protestors themselves whose safety is at risk and all those other members of the public in the borough who are affected by the disruption and whose safety would be compromised by an emergency the Terminal.
16. I have taken into account the interests of all the inhabitants of the borough for the Council to do all it can to re-establish a safe and law-abiding environment at the particularly sensitive location of the Terminal.
17. I have also taken into account that this injunction and power of arrest is not intended to prevent the right of protestors to attend area around the Terminal and conduct a peaceful and lawful protest. The injunction seeks to establish a buffer zone in the immediate area surrounding the Terminal to prevent further attempts art incursions into the compound itself or serious damage to the roads (public and private) by which the Terminal is accessed. I am seriously concerned that the immediate environs of the Terminal is not a safe place for protests. On the M42 side of the Terminal, there is a railway line and Ministry of Defence land used as rifle ranges. To the other side are Piccadilly Way and Trinity Road which have been the locations for major disruption from protestors including by tunnelling, and gluing themselves to the carriageway, climbing on oil tankers while using their phones and obstructing the entrances to the Terminal itself.
18. The other aspect of the injunction sought seeks to prevent the protestors from undertaking the most dangerous and unlawful activities to which the draft refers and which are set out in summary above and in the police witness statements.
19. I would respectfully state that the activities of the protestors to date, and which this Order seeks to restrain, are those which are do not amount to peaceful or legitimate forms of protest but are dangerous acts of public nuisance, anti-social behaviour and criminality which should be restrained. The protestors article 10 and 11 rights are not absolute but are qualified and, as set out in my assessments, I consider that the

need to protect the health, rights and freedoms of other members of the community and to prevent crime and disorder in the present case form a legitimate aim, and that the remedy sought in this claim is necessary in a democratic society and is proportionate, just and reasonable.

20. Some residents living in close proximity to the Terminal; the villages of Kingsbury and Piccadilly have approximately 8000 residents and many thousands more would be impacted by the wider impacts, for example the catchment area for the River Tame includes Birmingham, Solihull, Sandwell, Walsall, Tamworth, Nuneaton and Hinckley. There are also 8 statutory sites of special scientific interest, 7 Local Nature Reserves and 27 non-statutory sites of local importance.
21. I consider it to be expedient for the protection and promotion of the interests of the inhabitants of North Warwickshire that this application is made, for the reasons set out above.

Power of Arrest

22. I would also ask for a power of arrest to be attached to the provisions of the Order sought, if granted. I believe that the statutory conditions for the grant of a power of arrest are met – as there is clearly a significant risk of significant harm to other people in the area. Moreover, effective enforcement will require the ability to arrest protestors acting dangerously quickly to remove them from the location and restore order. Moreover, it is necessary to bring those accused of breaching the Order before the Court quickly so as to reinforce the deterrent aspect of the Order. I do not think that paper committal applications would have anything like the same impact on the protestors.
23. It is clear from the reports to the LRF from the Police that their current powers and the effect of the current injunction, are seriously deficient in ensuring that the risks of unauthorised, and hostile, access to the Terminal compound, are reduced to an acceptable level. The Council therefore is extremely concerned that as a result the risks to public safety and environmental damage are unacceptable, to the extent that an injunction backed with a power of arrest, in the terms set out in this application, should be granted.
24. I have considered whether the Council's power to introduce a Public Space Protection Order would be a satisfactory alternative to this application. I do not believe that this is the case.

(i) A PSPO requires consultation and publicity before it is made (s.72(3), Anti-social Behaviour Crime and Policing Act 2014), which is likely to take many weeks in relation to an issue such as this.

(ii) The only penalties for breach are financial (ss.67 and 68) – either a prosecution leading to a maximum penalty of a level 3 fine, or a fixed penalty notice. I do not consider that either penalty would be an adequate deterrent in the context of these activities.

Notice

25. As stated above I have had discussions with the Police and Fire and Rescue Service (as part of the LRU and otherwise) each of which fully supports this application and regard it, as I do as urgent. I have also had discussions with Valero who remain extremely concerned about the safety of the Terminal notwithstanding their own injunction and fully support this application. Warwickshire County Council also support this application. They are the local highways authority. A statement by Mr Morris has been filed in support, in respect of the tunnelling incident on 10/11 April 2022.

26. The Council received from the Police, yesterday evening (12 April), details of 18 people who had been arrested at the protests (referred to in the police officers statements exhibited to the statement of Asst Chief Constable Smith). I have given instructions for attempts to me made to notify those people today that we intend to come to court tomorrow to seek an Order. I regard this matter as so urgent that the application cannot wait until full notice has been given. I am concerned that there will be another major incident over the Easter weekend and that protection needs to be in place before then. I am also concerned that making this application on a full inter parties basis, before an order was in force, would lead to more violent and dangerous activities in the period before the matter came before the court.

27. For all of these reasons, I respectfully request that this Court grant the interim Orders sought.

STATEMENT OF TRUTH

I believe that the facts 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:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Dated: 13th April 2022

(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM1 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Filed on behalf of the Claimant

Steven Maxey

First Witness Statement

Exhibit SM1

Claim No:

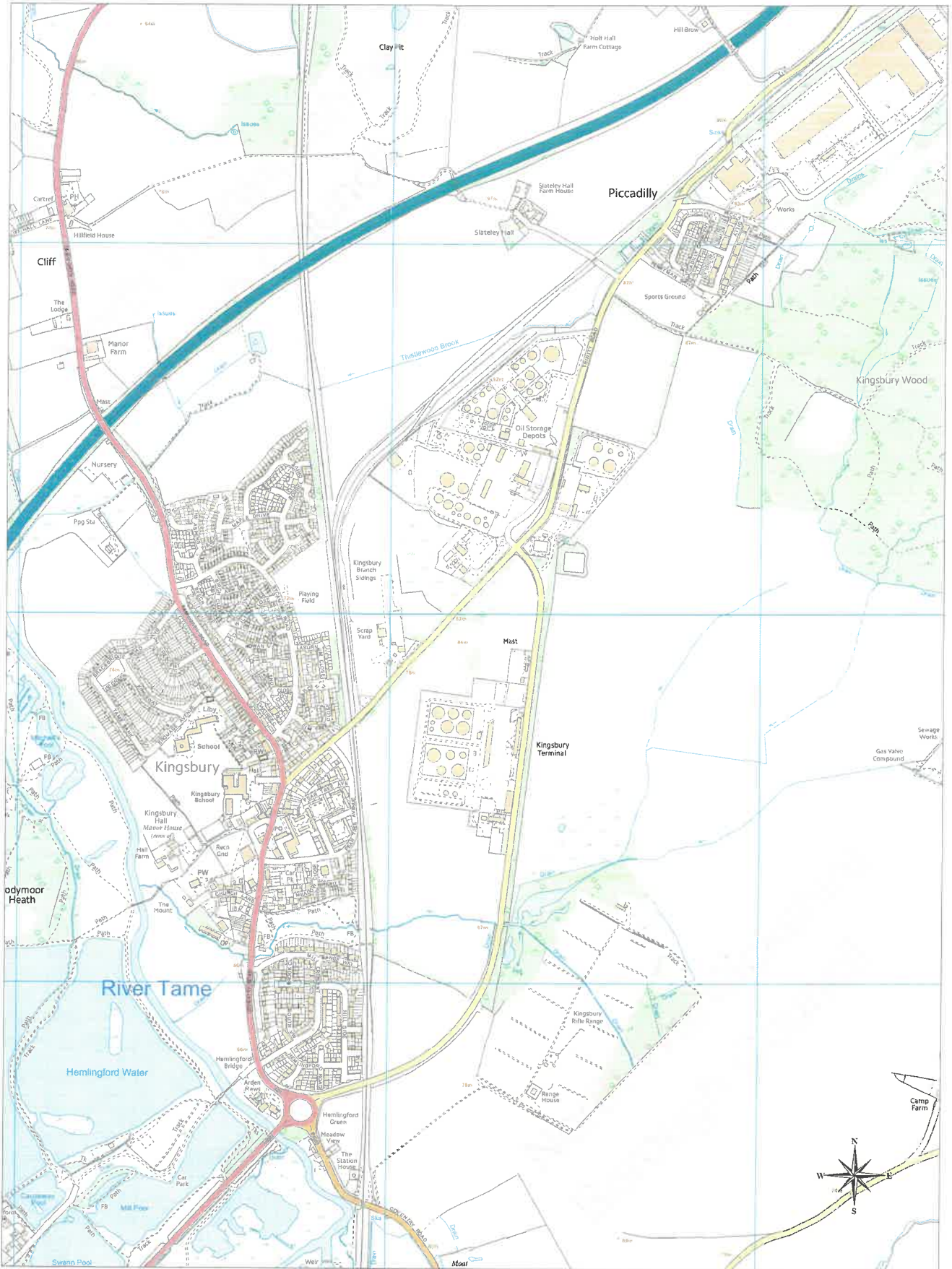
BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) ELIZABETH SMAIL
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE



**North Warwickshire
Borough Council**

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Ordnance Survey 100017910



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date: 11/04/2022	Scale: 1:10000

Filed on behalf of the Claimant

Steven Maxey

First Witness Statement

Exhibit SM2

Claim No:

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
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- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE

(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM2 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

IN THE HIGH COURT OF JUSTICE.
QUEENS BENCH DIVISION

CLAIM No: QB-2022-000904

Before: Mr. Justice Butcher

On: 21 March 2022

BETWEEN

**VALERO ENERGY LIMITED
VALERO LOGISTICS UK LIMITED
VALERO PEMBROKESHIRE OIL TERMINAL LIMITED**



-and-

**QB-2022-000904
Sub Event ID: 3**

**(1) PERSONS UNKNOWN ENTERING OR THREATENING TO ENTER AND
REMAIN WITHOUT THE CONSENT OF THE CLAIMANT(S) ON THE LAND
KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER
TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF
TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH
TERMINAL AND MORE PARTICULARLY DESCRIBED BELOW AS THE
CLAIMANTS' LAND**

**(2) PERSONS UNKNOWN CAUSING OR THREATENING TO CAUSE
BLOCKADES, OBSTRUCTIONS AND/OR PREVENT THE FREE FLOW OF
TRAFFIC AND INTERFERE WITH THE PASSAGE BY THE CLAIMANTS
AND THEIR AGENTS, SERVANTS, EMPLOYEES, LICENSEES, INVITEES
WITH OR WITHOUT VEHICLES AND EQUIPMENT TO, FROM , OVER AND
ACROSS THE ROADS IN THE VICINITY OF THE LAND INFORMALLY AS
PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY
TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL,
PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL IN**

**CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE JUST STOP
OIL AND/OR EXTINCTION REBELLION AND/OR INSULATE BRITAIN
AND/OR YOUTH SWARM MOVEMENTS**

Defendants

ORDER

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS
ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER
YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING
WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF
THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

IMPORTANT NOTICE TO THE DEFENDANTS

**This Order prohibits you from doing the acts set out in this Order. You should read it
very carefully. You are advised to consult a solicitor as soon as possible. You have the
right to ask the Court to vary or discharge this Order.**

UPON the Claimants' Application by Application Notice for a quia timet injunction dated 21
March 2022 (the "Application")

AND UPON READING the Application and the witness statements of Adrian Rafferty, David Blackhouse and David McLoughlin dated 18 March 2022.

AND UPON hearing Myriam Stacey QC and Joel Semakula for the Claimants

AND UPON the Claimants undertaking to file the claim and application and the note of this hearing and pay the relevant court fees by the end of the next working day after the sealing of this Order

AND UPON the Claimants indicating that they will provide to any defendant copies of further evidence or other documents filed in these proceedings upon request from time-to-time at an email address provided to the Claimants and place all such documents online to be publicly accessible

AND UPON the Court accepting the Claimants' undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a defendant and the Court finds that the defendant ought to be compensated for that loss

AND UPON the Claimants undertaking to identify and name defendants and apply to add them as named defendants to this Order as soon as reasonably practicable

AND UPON the Claimants confirming that this Order is not intended to prohibit lawful protest around the Claimants' Land which does not endanger, slow, obstruct, or prevent the free flow of traffic onto or along the Access Roads defined in paragraph 1.2 of the Order nor to prevent lawful use of the Access Roads by any person

IT IS ORDERED THAT:

1. For the purposes of this Order,

1.1 the "Claimants' Land" means all of the property referred to and defined in paragraph 2.1 hereof;

1.2 the “Access Roads” means those parts of the roads in the vicinity of the Claimants’ Land which provide access to each of the sites forming the subject of the Claimants’ Land and the location and extent of which are more particularly shown for illustration purposes coloured variously red, yellow and blue on the plans annexed hereto at Annex I to this Order.

Injunction in force

2. With immediate effect until trial, or further Order in the meantime the Defendants and each of them are forbidden from:

2.1 Entering or remaining upon any part of the following property:

- a) that part of the First Claimant’s freehold property informally known as ‘Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, title to which is registered at HM Land Registry under title number CYM613413, the extent of which is shown outlined on the overlay plans exhibited hereto in Annex A (“**Pembroke Oil Refinery**”);
- b) the First Claimant’s leasehold property informally known as ‘Tanker berthing jetties at Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, title to which is registered at HM Land Registry under title number CYM614801, the extent of which is shown outlined on the overlay plans exhibited hereto in Annex B (“**Pembroke Oil Refinery Jetties**”);
- c) the Second Claimant’s freehold property informally known as ‘Manchester Terminal’ situated at Trafford Wharf Road, Trafford, title to which is registered at HM Land Registry under title numbers GM12948, GM681405, GM681406, GM783767, LA296722, LA331236 and LA182975 and the

extent of which is shown outlined on the overlay plans exhibited hereto in Annex C (the “**Manchester Oil Terminal**”);

- d) the Second Claimant’s freehold land informally known as ‘Kingsbury Terminal’ at Plot B Trinity Road, Kingsbury, Tamworth, title to which is registered at HM Land Registry under title number WK471878 and the extent of which is which is shown outlined on the overlay plans exhibited hereto in in Annex D (the “**Kingsbury Oil Terminal**”);
- e) the Second Claimant’s leasehold land informally known ‘Plymouth Terminal’ at Cattedown Road, Cattedown, Plymouth title to which is registered at HM Land Registry under title number DN313194 the extent of which is shown outlined on the overlay plans exhibited hereto in Annex E (the “**Plymouth Oil Terminal**”);
- f) the Second Claimant’s leasehold land informally known as ‘Cardiff Terminal’ at Valero Refinery, Roath Dock, Rover Way, Cardiff CF10 4US, title to which is registered at HM Land Registry under title number CYM801292 and the extent of which is shown outlined on the overlay plans exhibited hereto in Annex F (the “**Cardiff Oil Terminal**”);
- g) the Second Claimant’s leasehold land informally known as ‘Avonmouth Terminal’, Avonmouth Dock, Bristol title to which is registered at HM Land Registry under title number BL116644 the extent of which is shown outlined on the overlay plans exhibited hereto in Annex G (the “**Avonmouth Oil Terminal**”); and
- h) the Third Claimant’s leasehold land informally known as ‘Valero Pembroke Oil Terminal’, Waterston, Milford Haven title to which is registered at HM Land Registry under title number CYM287387 the extent of which is shown

outlined on the overlay plans exhibited hereto in Annex H (the **“Pembrokeshire Terminal”**);

- 2.2 Blocking any entrance to the Claimants’ Land and/or otherwise impeding access to or enjoyment of the Claimants’ Land;
- 2.3 Damaging any part of the Claimants’ Land;
- 2.4 Blocking, endangering, slowing down, preventing, or obstructing the free passage of traffic onto or along those parts of the Access Roads between the points marked on the plans at Annex I which provide access to the Claimants’ Land;
- 2.5 Affixing themselves to any other person or object on the Claimants’ Land or the aforesaid parts of the Access Roads;
- 2.6 Erecting any structure on the Claimants’ Land or on the aforesaid parts of the Access Roads;
- 2.7 Abandoning any vehicle or item on the aforesaid parts of the Access Roads or doing any other act thereon which might impede access or cause an obstruction;
- 2.8 Refusing to leave the aforesaid parts of the Access Roads when asked to do so by a police constable, when causing an obstruction pursuant to paragraphs 2.2 and 2.4 – 2.7;
- 2.9 Causing, assisting or encouraging any other person to do any act prohibited by 2.1 to 2.8 above;
- 2.10 Continuing any act prohibited by paragraphs 2.1 to 2.9 above

Service

3. Pursuant to CPR r.6.15, r.6.27 and r. 81.4(c) and (d), the steps taken by the Claimants to serve the Claim Form, the application for an interim injunction dated 18 March 2022 (the “Application”), the witness statements of Adrian Rafferty, David Blackhouse and David McLoughlin dated 18 March 2022 with their exhibits and any Order made and the notice of the hearing of the Injunction Application (together “the Claim Documents”) on the Defendants shall be dealt with as follows:
 - 3.1 The Claimants shall affix sealed copies of the Claim Documents in transparent envelopes in at least two location within Pembroke Refinery, Manchester Terminal, Kingsbury Terminal, Plymouth Terminal, Cardiff Terminal, Pembrokeshire Terminal and Avonmouth Terminal.
 - 3.2 The Claimants shall position (four) 4 signs, at conspicuous locations along each of Angle Road; the emergency services access road at Pembroke Refinery; Churchill Way; Trafford Wharf Road; Trinity Road; Piccadilly Way; the privately owned road at the Kingsbury Terminal; Oakfield Terrace Road; Rover Way; Holesmouth Road; King Road Avenue; and 5th Street which are approximately 1.5m x 1m in size, advertising the existence of this Order (together with a map of the relevant site of at least A2 size).
 - 3.3 The Claimants shall upload electronic copies of the Claim Documents (in PDF form) to an electronic folder on the “Dropbox” website and shall include the link to the Dropbox folder and the Claimants’ solicitors’ contact details on each of the aforesaid signs.
 - 3.4 The Claimants shall email a copy of the Order to the email addresses set out in the Appendix hereto.
4. The taking of such steps set out at paragraph 3 shall be good and sufficient service of this Order on the First and Second Defendants and each of them.
5. The Court will provide sealed copies of this Order to the Claimants’ solicitors for service (whose details are set out below).

Further directions

6. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately by emailing valero.service@shoosmiths.co.uk.
7. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
8. The Claimants have liberty to apply to extend or vary this Order or for further directions.
9. The return date hearing is fixed for 11 April 2022 at 10:30AM.
10. No acknowledgment of service, admission or defence is required by any party in advance of the return date of the Injunction Application.
11. Costs reserved.

Communications with the Claimants

12. The Claimants' solicitors and their contact details are:

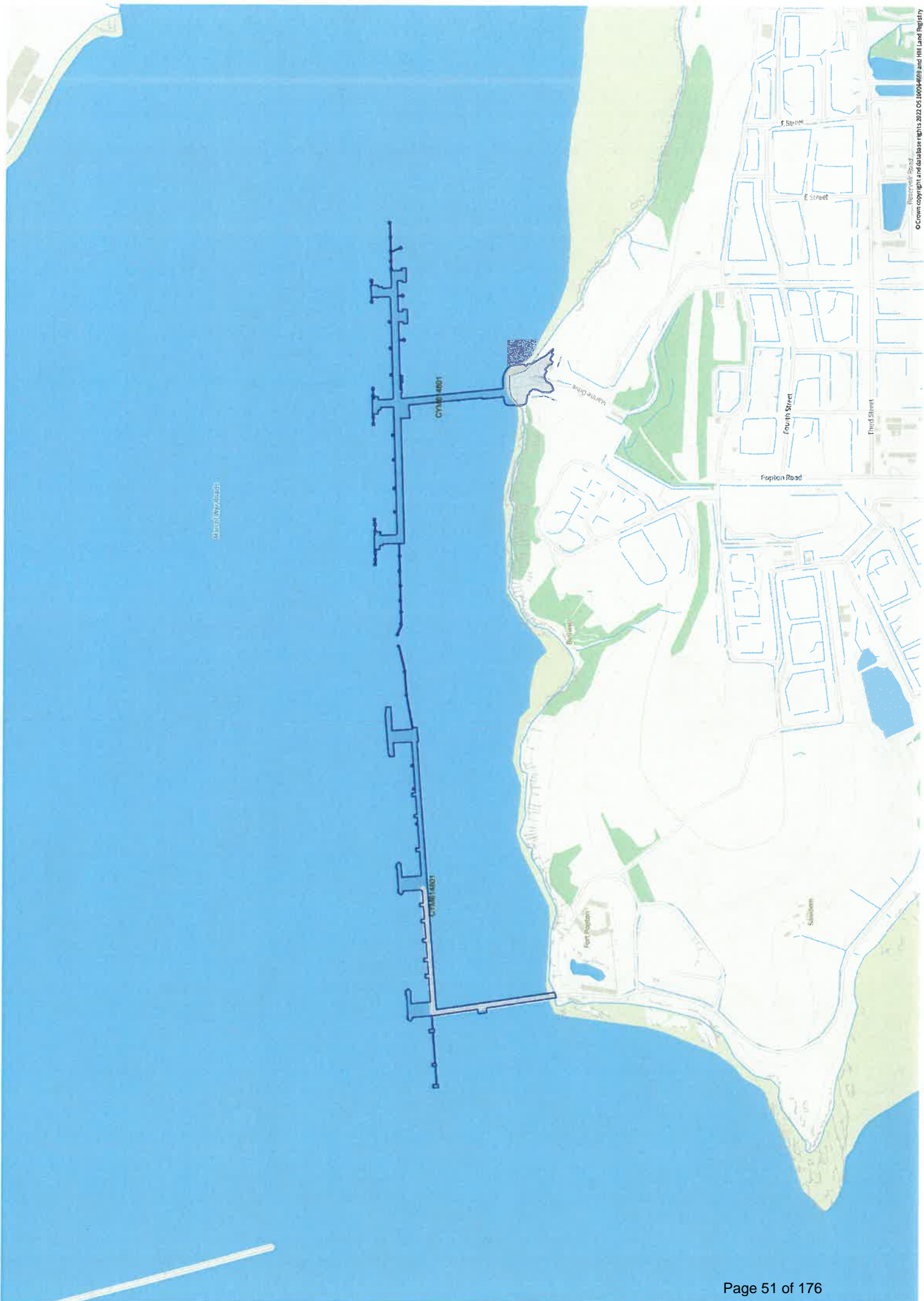
Shoosmiths LLP
2 Colmore Square
38 Colmore Circus Queensway
Birmingham
B4 6SH
(Ref: M-996090)
E: valero.service@shoosmiths.co.uk
T: 03700863000

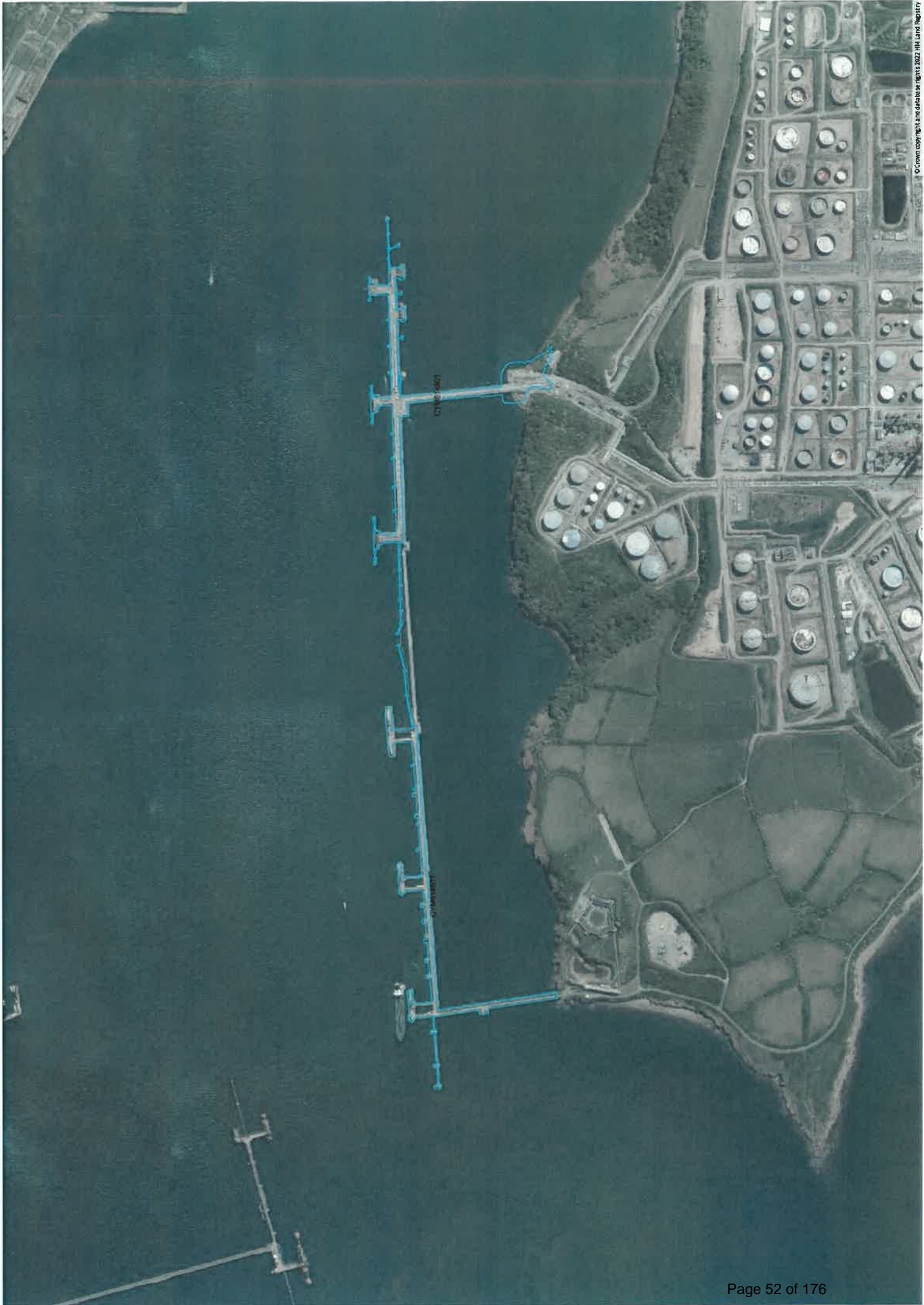
Dated: 21 March 2022

ANNEXURE A

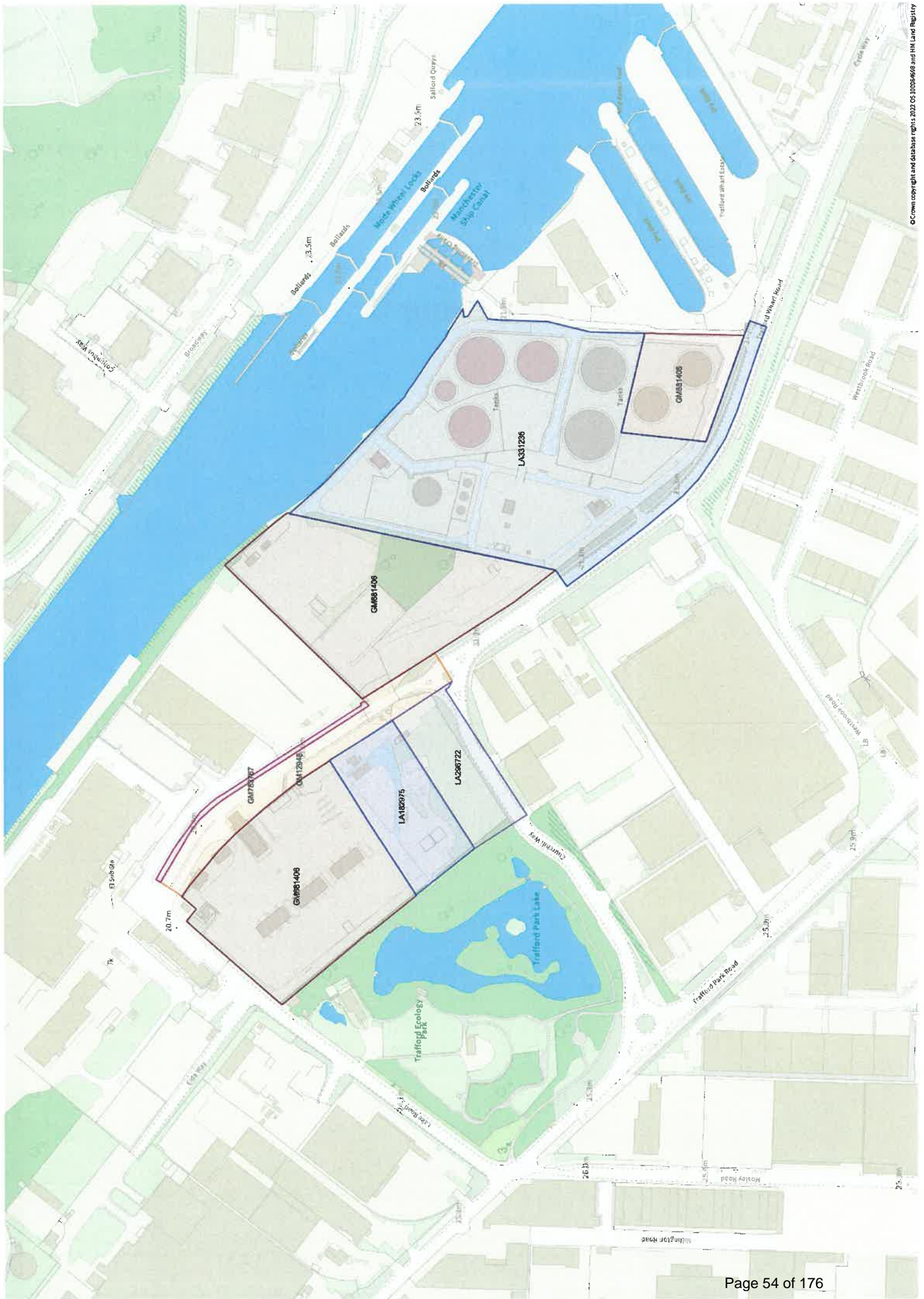


Annexure B





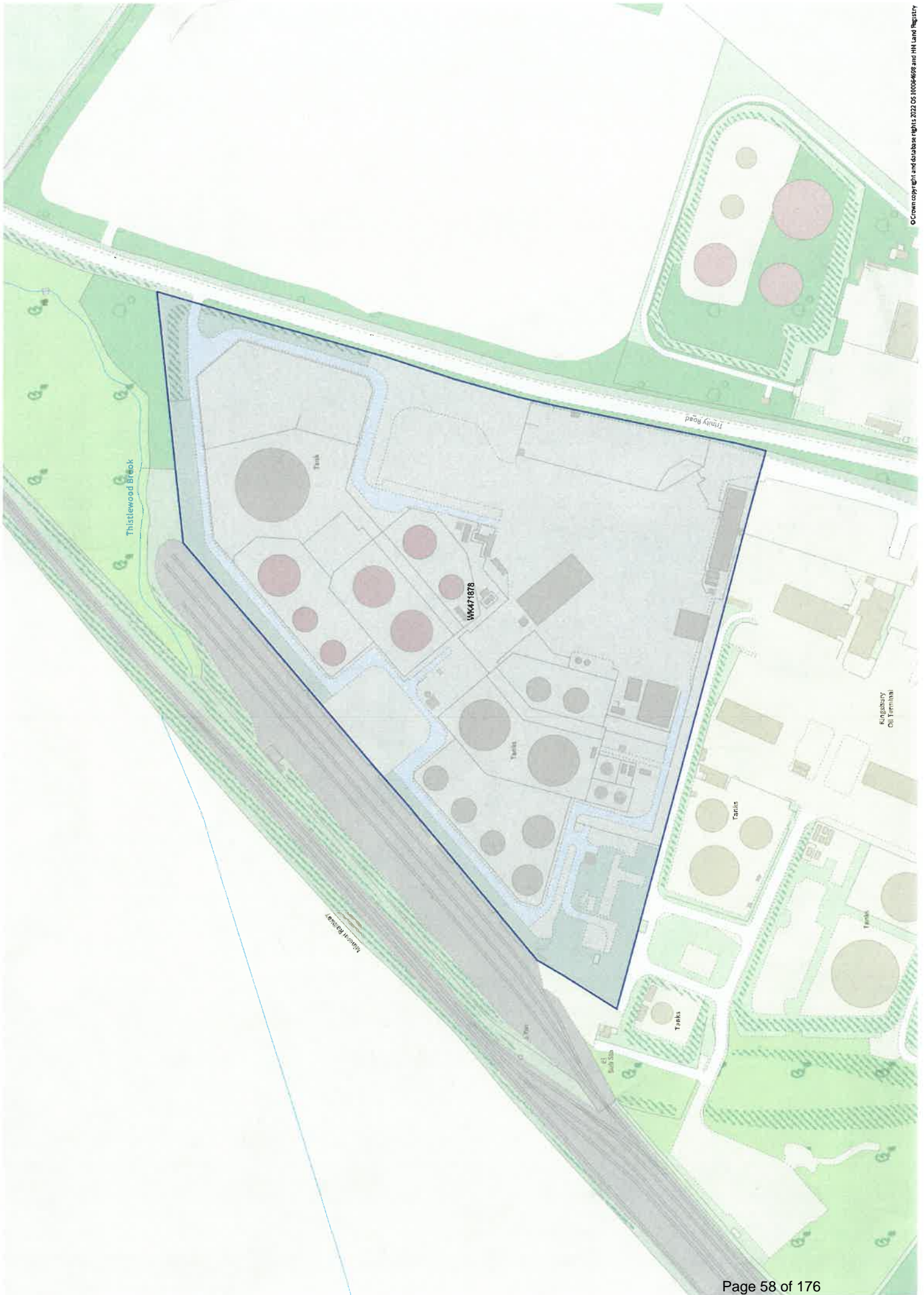
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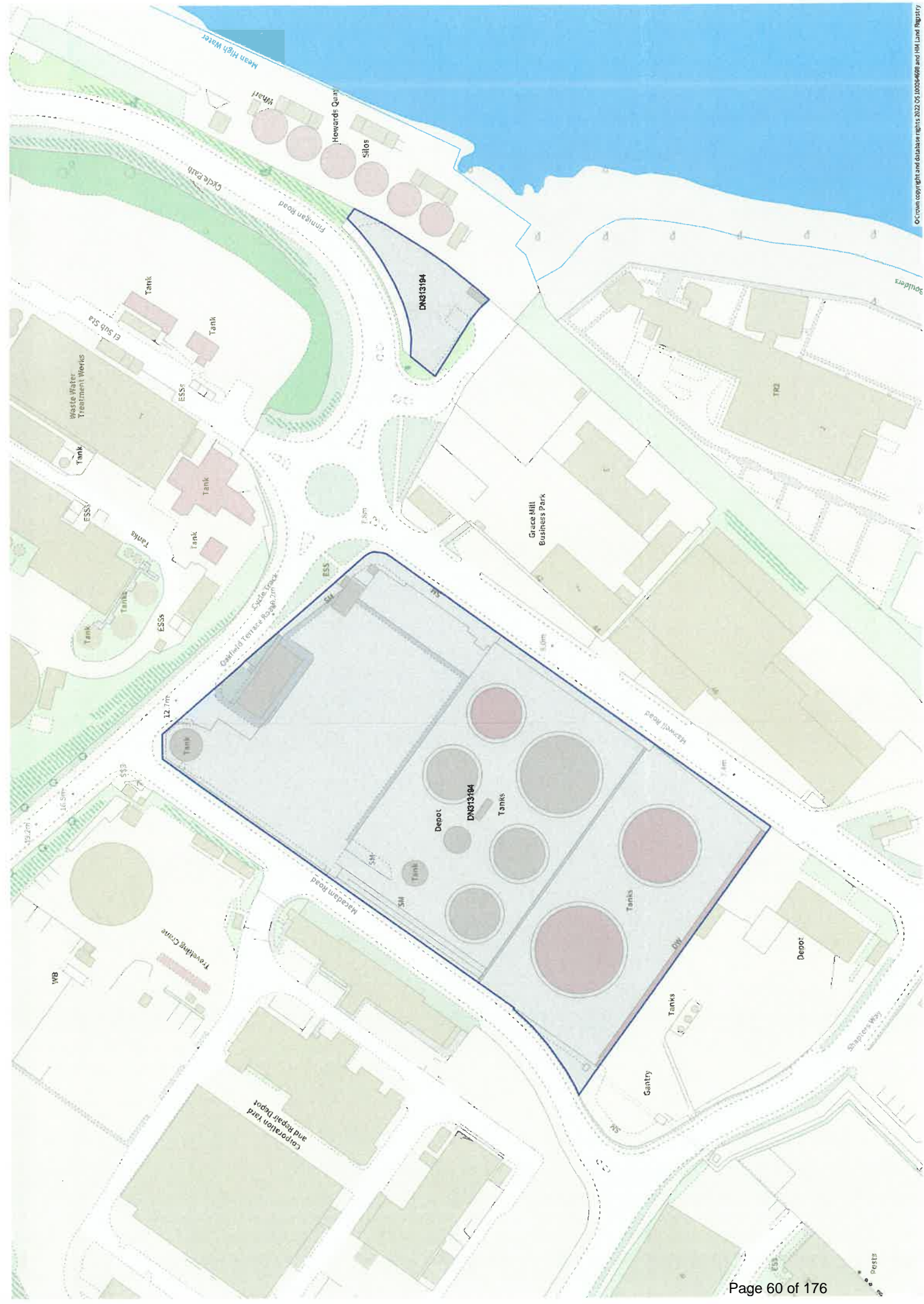


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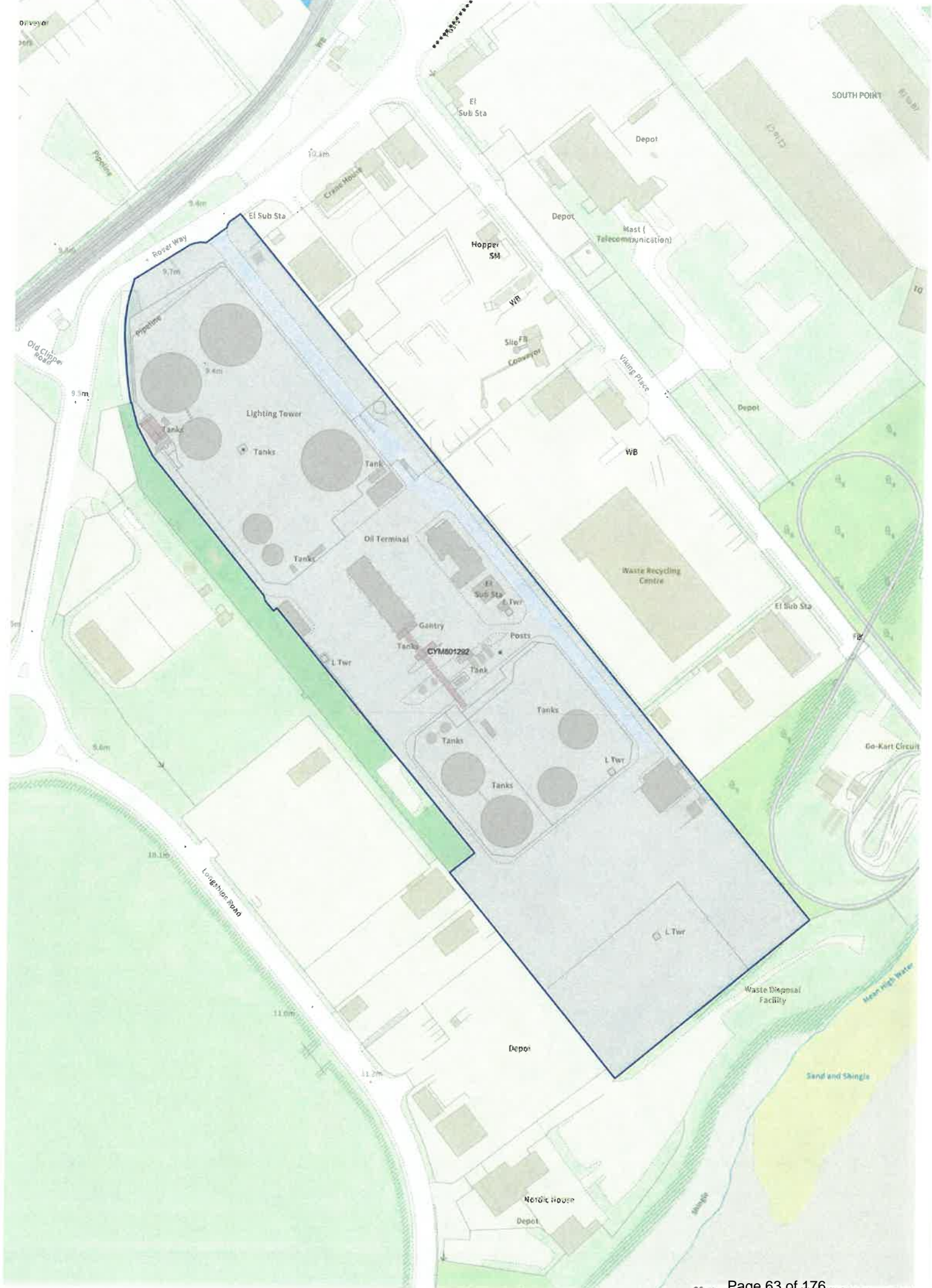


Annexure E





Annexure F





Annexure G





BL11064

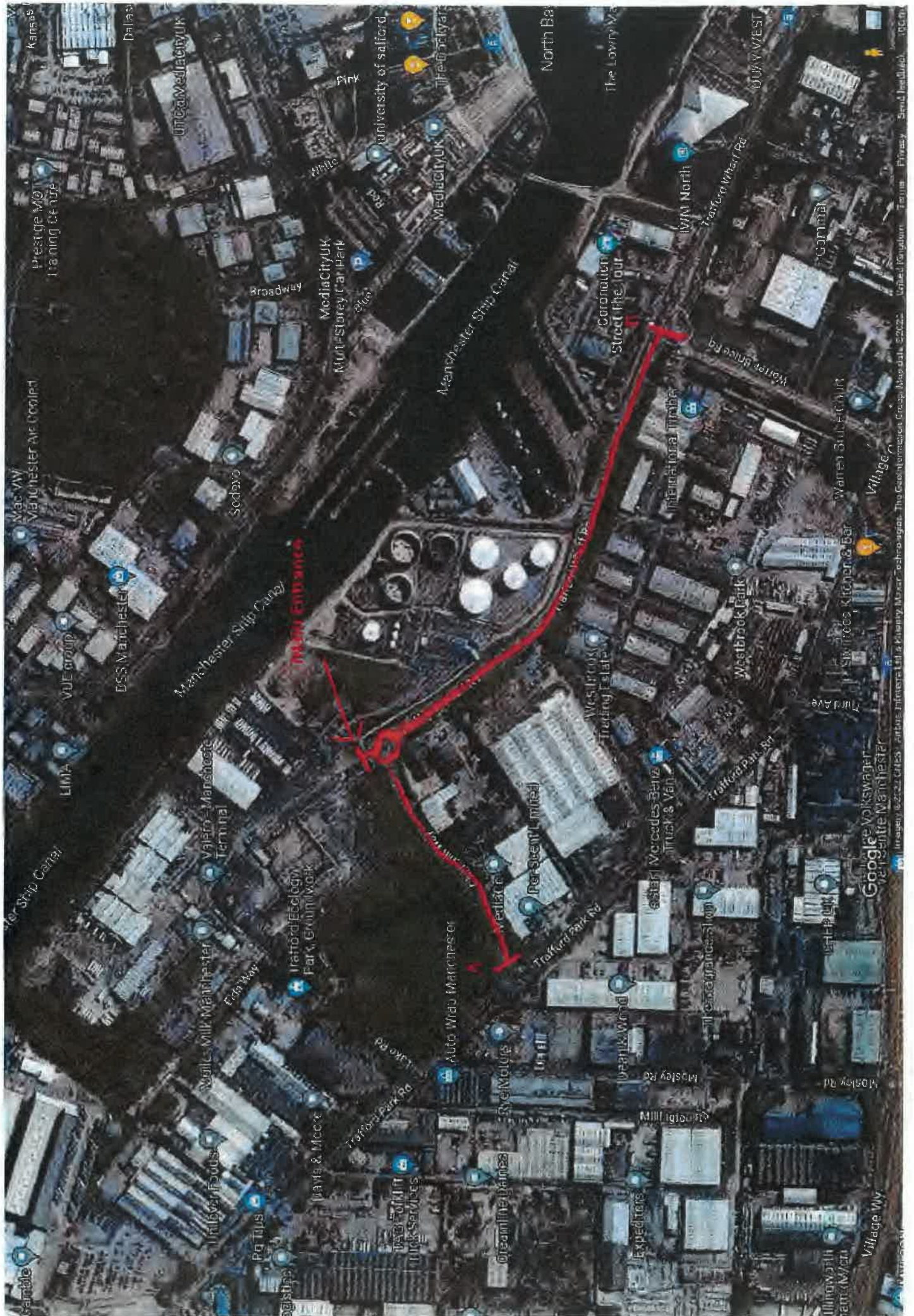
Annexure H

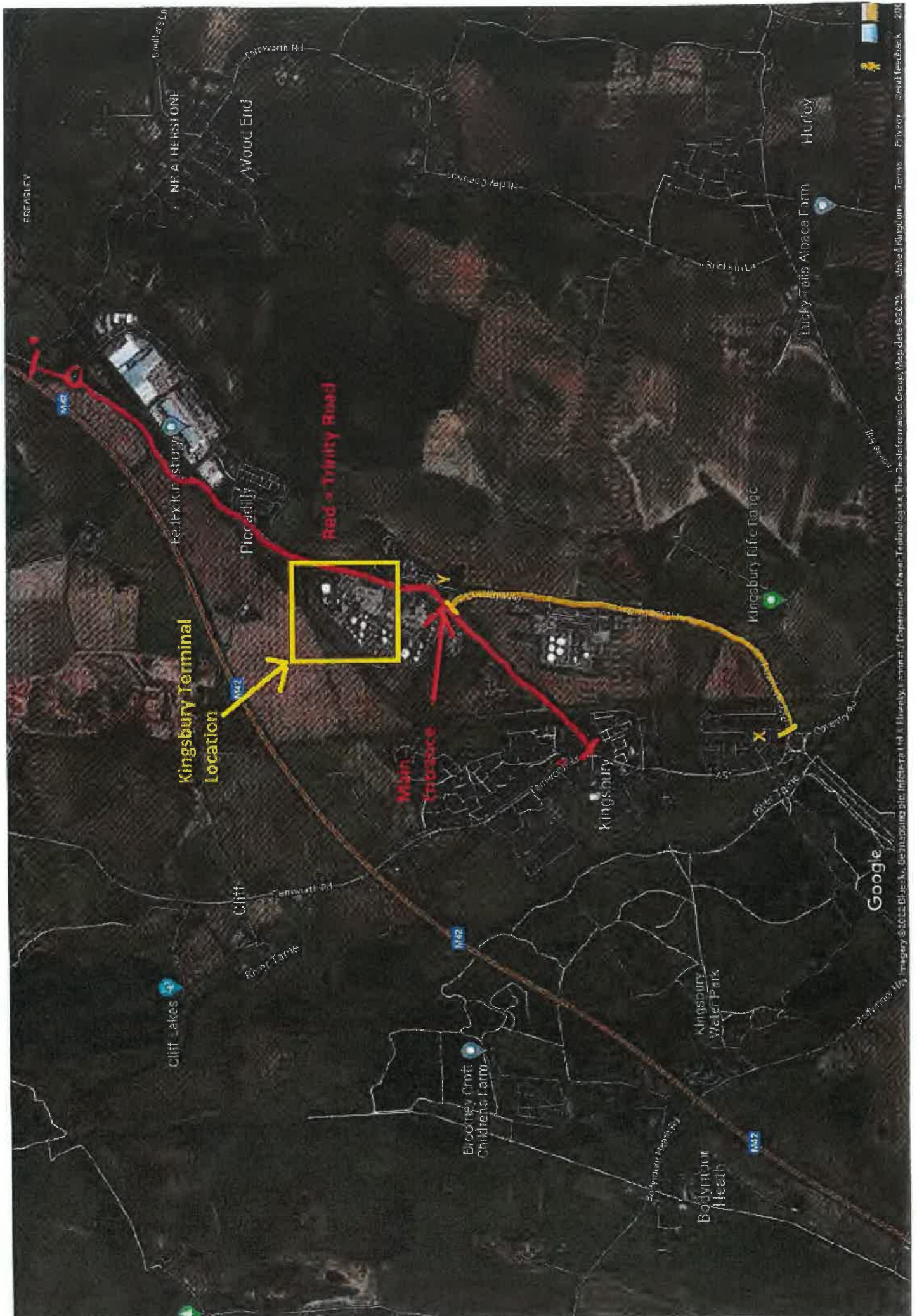


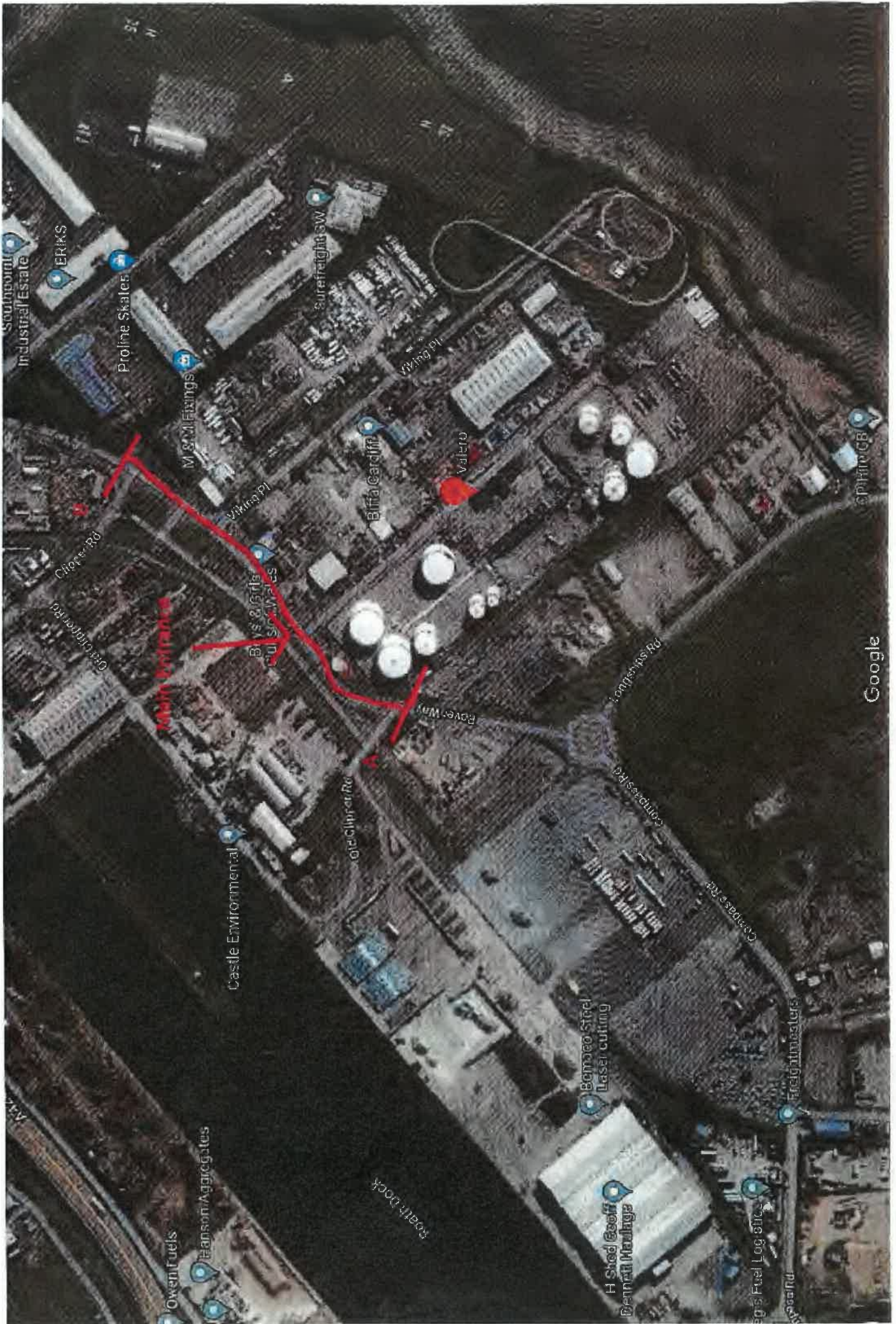


Annexure I











Yellow = Valero Premises

Google

Filed on behalf of the Claimant

Steven Maxey

First Witness Statement

Exhibit SM3

Claim No:

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) ELIZABETH SMAIL
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE

(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM3 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

IN THE HIGH COURT OF JUSTICE.
QUEENS BENCH DIVISION

CLAIM No: QB-2022-000904

Before Mr Justice Bennathan

On: 11 April 2022

BETWEEN

(1) VALERO ENERGY LIMITED
(2) VALERO LOGISTICS UK LIMITED
(3) VALERO PEMBROKESHIRE OIL TERMINAL LIMITED



-and-

QB-2022-000904

- (1) PERSONS UNKNOWN ENTERING AND REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL AND MORE PARTICULARLY DESCRIBED IN THE ORDER OF 11 APRIL 2022 AS THE CLAIMANTS' LAND**
- (2) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS AND/OR PREVENT THE FREE FLOW OF TRAFFIC AND INTERFERE WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, EMPLOYEES, LICENSEES, INVITEES WITH OR WITHOUT VEHICLES AND EQUIPMENT TO, FROM, OVER AND ACROSS THE ROADS IN THE VICINITY OF THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE JUST STOP OIL AND/OR EXTINCTION REBELLION AND/OR INSULATE BRITAIN AND/OR YOUTH CLIMATE SWARM (ALSO KNOWN AS YOUTH SWARM) MOVEMENTS**

Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

UPON the Claimants' Application by Application Notice for a further anticipatory injunction dated 6 April 2022 (the "Application")

AND UPON READING the documents set out in the First Schedule to this Order

AND UPON hearing Toby Watkin QC for the Claimants

AND UPON the Claimants giving the undertakings set out in the Second Schedule to this Order

AND UPON the Claimants confirming (for the avoidance of doubt) that this Order is not intended to prohibit lawful protest in the vicinity of the Claimants' Land which does not breach the terms of this Order, nor does the order seek to prevent lawful use of the Access Roads by any person.

IT IS ORDERED THAT:

Order of 21 March 2022

1. The interim injunctions set out within paragraph 2 of the Order of 21 March 2022 is discharged and replaced by the interim injunctions contained in paragraph 3 of this Order.

Definitions

2. For the purposes of this Order,

2.1 the “**Claimants’ Land**” means all of the property referred to and defined in paragraph 3.1 hereof;

2.2 “**Site**” means the Claimants’ site at any location, forming part of the Claimants’ Land and identified in paragraph 3.1 of this Order, and which is either (i) from time to time wholly or substantially enclosed or bounded by walls, gates, fences, barriers, hedges, bodies of water or other man-made or natural boundary features or (ii) forms private roads and car parks outside of such enclosure or boundary feature;

2.3 the “**Access Roads**” means those parts of the roads in the vicinity of the Claimants’ Land which provide access to each of the sites forming parts of the Claimants’ Land, the location and extent of which are more particularly shown for identification purposes coloured variously red, yellow and blue on the plans annexed hereto at Annex I to this Order.

Injunction

3. With immediate effect until 23:59 on Friday 21 January 2023, unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from doing the following:

3.1 Entering or remaining upon any part of the following property without the Claimants’ permission:

- a) the First Claimant’s Site informally known as ‘Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, the general location and extent of which is shown outlined in red on the plan exhibited hereto in Annex A (“**Pembroke Oil Refinery**”);
- b) the First Claimant’s Site, informally known as ‘Tanker berthing jetties at Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, the general location and extent of which is shown outlined in blue on the exhibited hereto in Annex B (“**Pembroke Oil Refinery Jetties**”);

- c) the Second Claimant's Site, informally known as 'Manchester Terminal' situated at Trafford Wharf Road, Trafford, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex C (the "**Manchester Oil Terminal**");
- d) the Second Claimant's Site, informally known as 'Kingsbury Terminal' at Plot B Trinity Road, Kingsbury, Tamworth, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex D (the "**Kingsbury Oil Terminal**");
- e) the Second Claimant's Site informally known 'Plymouth Terminal' at Oakfield Terrace Road, Cattedown, Plymouth, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex E (the "**Plymouth Oil Terminal**");
- f) the Second Claimant's Site informally known as 'Cardiff Terminal' at Valero Refinery, Roath Dock, Rover Way, Cardiff CF10 4US, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex F (the "**Cardiff Oil Terminal**");
- g) the Second Claimant's Site informally known as 'Avonmouth Terminal', Avonmouth Dock, Bristol, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex G (the "**Avonmouth Oil Terminal**"); and
- h) the Third Claimant's Site informally known as 'Valero Pembroke Oil Terminal', Waterston, Milford Haven, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex H (the "**Pembrokeshire Terminal**");

3.2 Blocking any entranceway to the Claimants' Land;

- 3.3 Damaging any part of the Claimants' Land;
- 3.4 Affixing themselves to any other person or object on or otherwise to the Claimants' Land or the aforesaid parts of the Access Roads;
- 3.5 Erecting any structure on the Claimants' Land or on the aforesaid parts of the Access Roads;
- 3.6 Abandoning any vehicle or item on the aforesaid parts of the Access Roads;
- 3.7 Tunnelling under or using or occupying existing tunnels under the aforesaid parts of the Access Roads with the intention of preventing their use;
- 3.8 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 3.1 to 3.3.7 above;

Amendment of Claim Form

4. Permission is granted to the Claimants to amend the descriptions of the Defendants upon the Claim Form to the descriptions which are set out in the Third Schedule to this Order.

Disclosure against non-party

5. Pursuant to CPR 31.17, the Chief Constables listed in the Fourth Schedule shall as soon as reasonably practicable upon request by the Claimants give disclosure by provision of copy of documents in the following classes to the Claimants:
 - 5.1 documents identifying the names and addresses of any person who has been arrested or is arrested by one of their officers in the course of, or as a result of the protests which are the subject of these proceedings at the Claimants' Land or on the Access Roads, in relation to conduct which may constitute a possible breach of the injunctions granted in these proceedings;
 - 5.2 arrest notes and other photographic material relating to possible breaches of the injunctions granted in these proceedings;
6. The duty of disclosure imposed by paragraph 5 of this Order shall be a continuing one, and shall continue until 1 June 2022.

7. Without the permission of the Court, the Claimants shall make no use of any document disclosed by virtue of paragraph 5 of this Order, other than one or more of the following uses:
 - (i) applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;
 - (ii) investigating, formulating and pleading and prosecuting any claim within these proceedings arising out of any alleged disruptive protest at any of the Claimants' sites which are (or become) the subject of these proceedings;
 - (iii) use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any order made within these proceedings.

8. Until further order, the address and address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.

Service

9. Pursuant to CPR r.6.15, r.6.27 and r. 81.4(2)(c) and (d), the Claimants will take the following steps by way of service of the amended Claim Form, this Order and the documents listed in the First Schedule to this Order excluding the original Claim Form (the "**Claim Documents**") upon the First and Second Defendants:
 - 9.1 The Claimants shall position signs which are approximately 1.5m x 1m in size at each main entrance of Pembroke Oil Refinery, Manchester Oil Terminal, Kingsbury Oil Terminal, Plymouth Oil Terminal, Cardiff Oil Terminal, Pembrokeshire Terminal and Avonmouth Oil Terminal, advertising the existence of this Order and of the injunction prohibiting entry to the Site without the consent of the Claimants; and

 - 9.2 The Claimants shall position 4 (four) signs, at conspicuous locations along each of Angle Road; the emergency services access road at Pembroke Oil Refinery; Churchill Way; Trafford Wharf Road; Trinity Road; Piccadilly Way; the

privately owned road at the Kingsbury Oil Terminal; Oakfield Terrace Road; Rover Way; Holesmouth Road; King Road Avenue; and 5th Street which are approximately 1.5m x 1m in size, advertising the existence of this Order and the prohibitions upon obstructing the Access Roads (together with a map of the relevant site of at least A2 size identifying the extent of the Access Roads relating to that particular Site); and

9.3 The Claimants shall upload electronic copies of the Claim Documents (in PDF form) to an electronic folder on the “Dropbox” website and shall include the link to the Dropbox folder and the Claimants’ solicitors’ contact details on each of the aforesaid signs; and

9.4 The Claimants shall email a copy of this Order to the email addresses set out in the Appendix hereto.

10. The taking of such steps set out at paragraph 9 shall be good and sufficient service of this Order, and of the Claim Documents, upon the First and Second Defendants and each of them.

11. The Court will provide sealed copies of this Order to the Claimants’ solicitors for service (whose details are set out below).

12. The deemed date of service of the Claim Documents shall be the date of the relevant certificate of service on completion of the steps described at paragraph 9.

Further directions

13. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants’ solicitors immediately by emailing valero.service@shoosmiths.co.uk.

14. Any person applying to vary or discharge this order must provide their full name and address, and address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.

15. The Claimants have liberty to apply to extend, vary or discharge this Order, or for further directions.
16. No acknowledgment of service, admission or defence is required by any party until further so ordered.
17. This Order will be reconsidered at a hearing to be listed between 11 January 2023 and 21 January 2023 to determine whether there is a continued threat which justifies continuation of this Order.
18. Costs reserved.

Communications with the Claimants

19. The Claimants' solicitors and their contact details are:

Shoosmiths LLP
2 Colmore Square
38 Colmore Circus Queensway
Birmingham
B4 6SH
(Ref: M-996090)
E: valero.service@shoosmiths.co.uk
T: 03700863000

Dated: [11 April 2022]

First Schedule

Documents considered by the Court at the hearing:

1. Claim Form
2. Application notice dated 5 April 2022 and draft minute of proposed order
3. Witness statement of Adrian Rafferty, dated 18 March 2022
4. Redacted witness statement of David Blackhouse, dated 18 March 2022
5. Witness statement of David McLoughlin, dated 18 March 2022
6. Witness statement of Kate McCall, dated 18 March 2022
7. Witness statement of David Blackhouse, dated 5 April 2022
8. Witness statement of Kate McCall, dated 6 April 2022
9. Witness statement of Laurence Matthews, dated 6 April 2022

Second Schedule

Undertakings given by the Claimants to the Court:

1. To file the amended Claim Form and the note of this hearing by the end of the next working day after the sealing of this Order.
2. To provide to any named defendant copies of further evidence or other documents filed in these proceedings upon request from time-to-time at an email address provided to the Claimants and place all such documents online to be publicly accessible via Dropbox link
3. To comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a defendant and the Court finds that the defendant ought to be compensated for that loss.
4. To seek to identify and name defendants and apply to add them as named defendants to this Order as soon as reasonably practicable.

Third Schedule

Amended description of the Defendants:

- “(1) PERSONS UNKNOWN ENTERING AND REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL AND MORE PARTICULARLY DESCRIBED IN THE ORDER OF 11 APRIL 2022 AS THE CLAIMANTS’ LAND**
- (2) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS OF TRAFFIC AND INTERFERE WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, EMPLOYEES, LICENSEES, INVITEES WITH OR WITHOUT VEHICLES AND EQUIPMENT TO, FROM, OVER AND ACROSS THE ROADS IN THE VICINITY OF THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE JUST STOP OIL AND/OR EXTINCTION REBELLION AND/OR INSULATE BRITAIN AND/OR YOUTH CLIMATE SWARM (ALSO KNOWN AS YOUTH SWARM) MOVEMENTS”**

Fourth Schedule

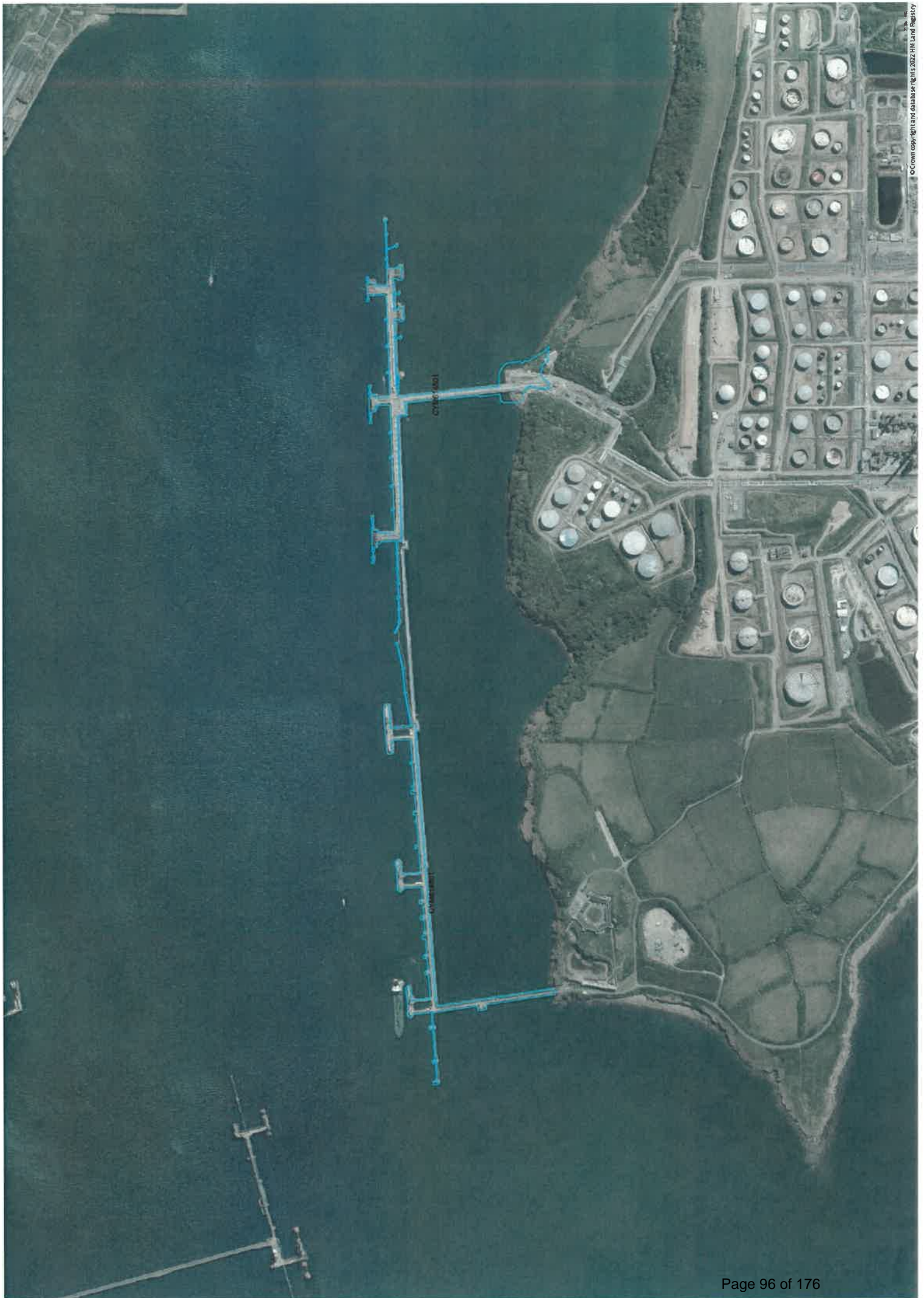
The Chief Constables:

1. The Chief Constable of Devon & Cornwall Police
2. The Chief Constable of Dyfed-Powys Police
3. The Chief Constable of Avon & Somerset Police
4. The Chief Constable of Greater Manchester Police
5. The Chief Constable of South Wales Police
6. The Chief Constable of Warwickshire Police

ANNEXURE A
("Pembroke Oil Refinery")



ANNEXURE B
(“Pembroke Oil Refinery Jetties”)



ANNEXURE C
("Manchester Oil Terminal")



ANNEXURE D
("Kingsbury Oil Terminal")



ANNEXURE E
("Plymouth Oil Terminal")

ANNEXURE F
("Cardiff Oil Terminal")



ANNEXURE G
(“Avonmouth Oil Terminal”)



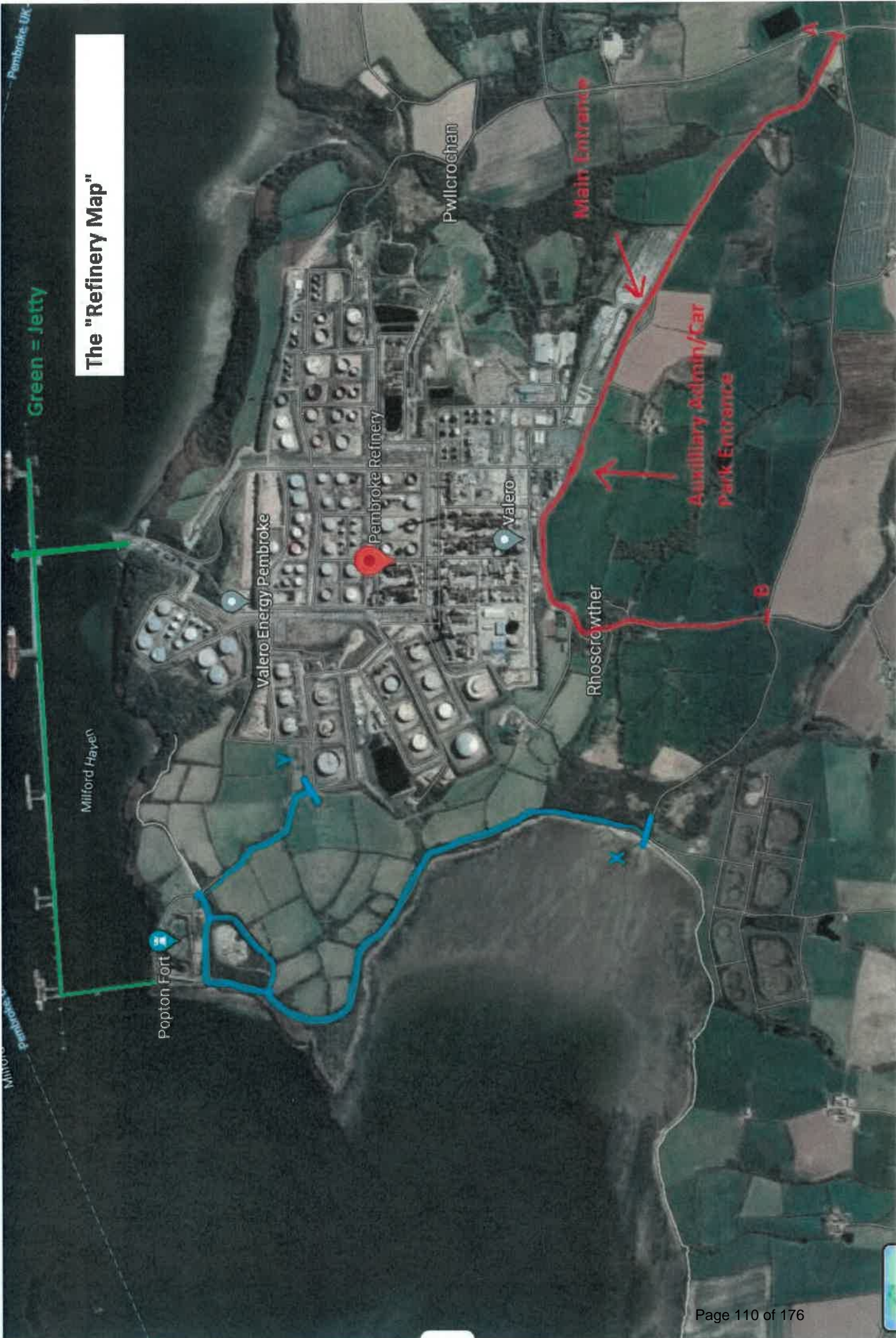
ANNEXURE H
(“Pembrokeshire Terminal”)



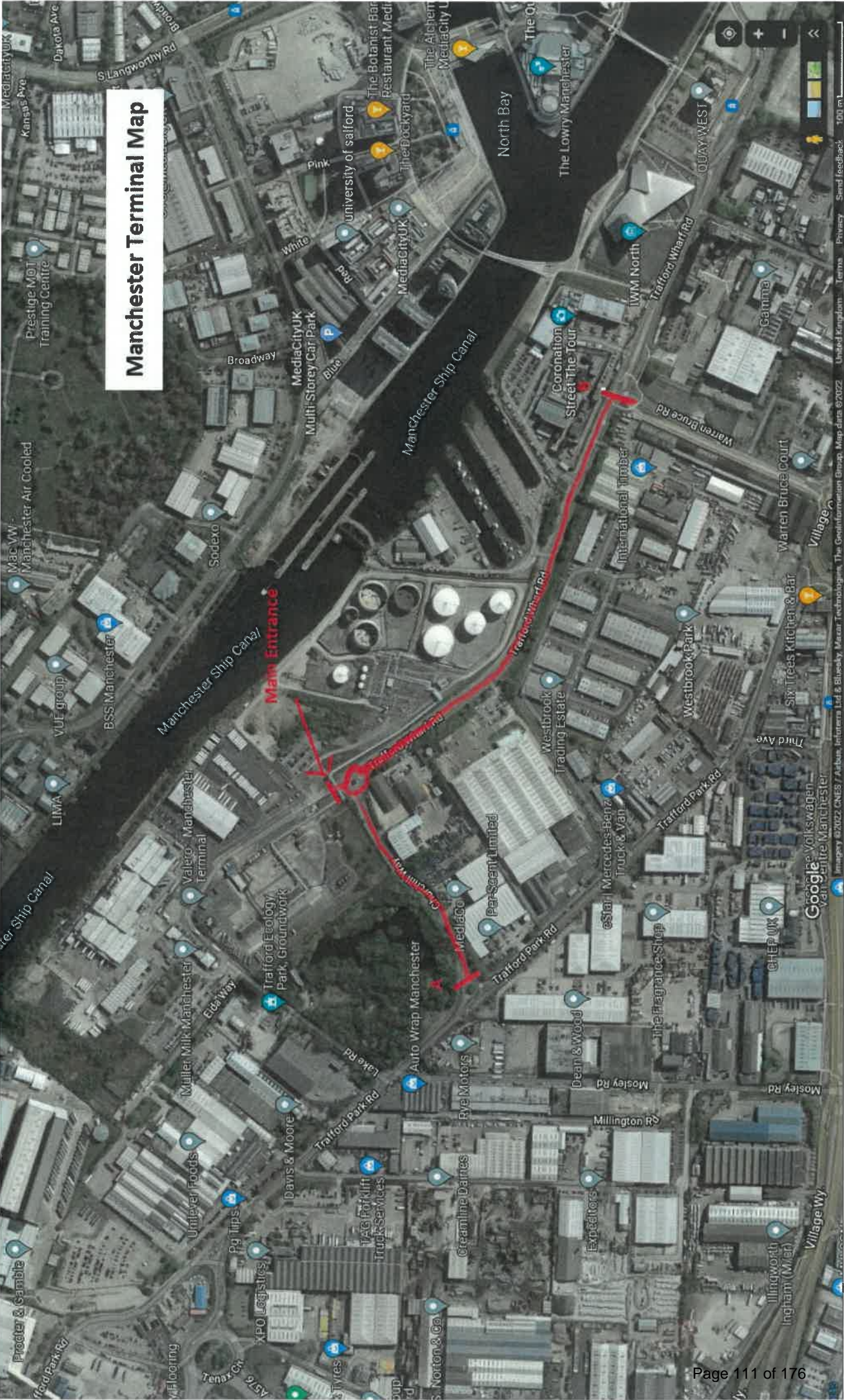
ANNEXURE I
("Access Roads")

The "Refinery Map"

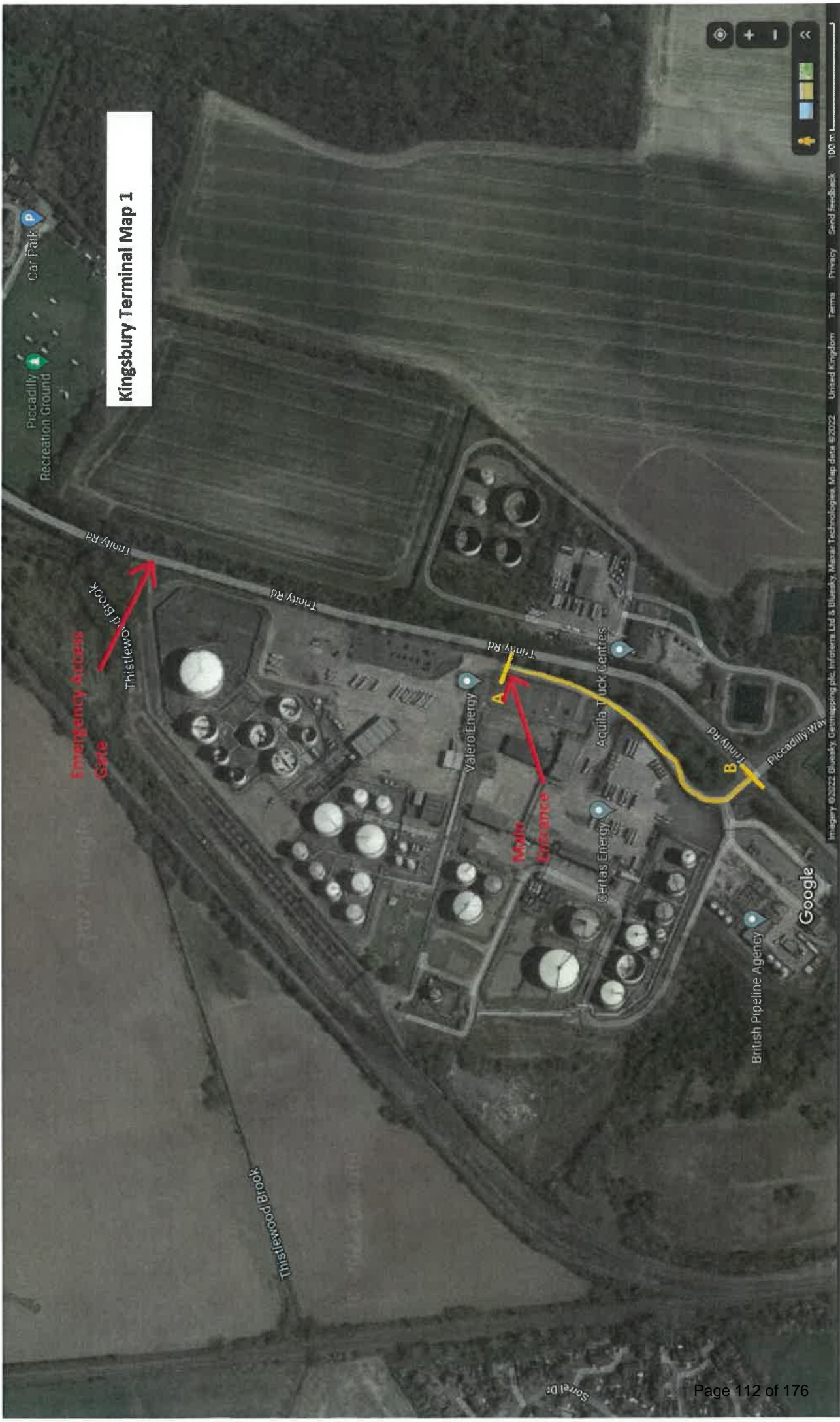
Green = Jetty



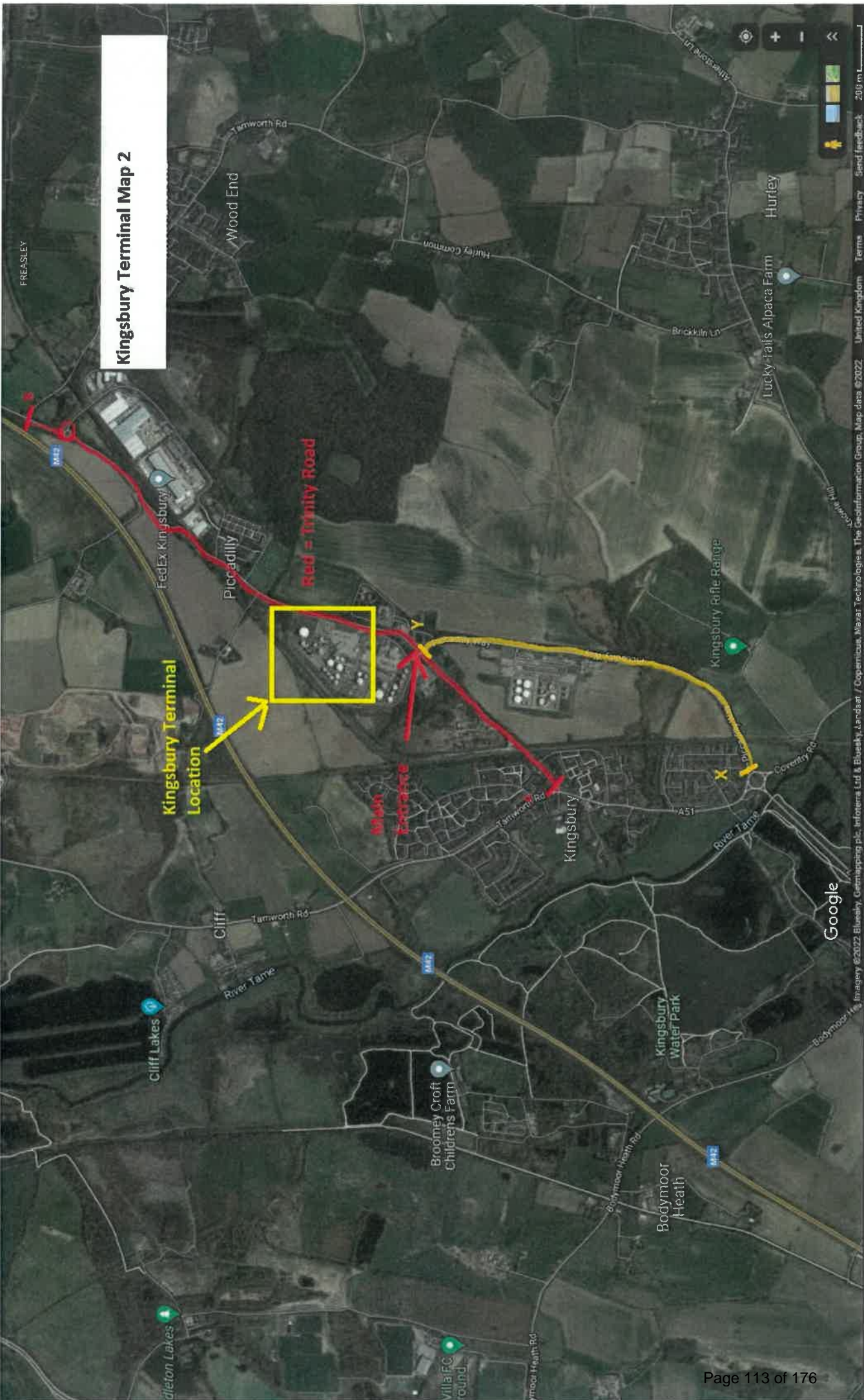
Manchester Terminal Map

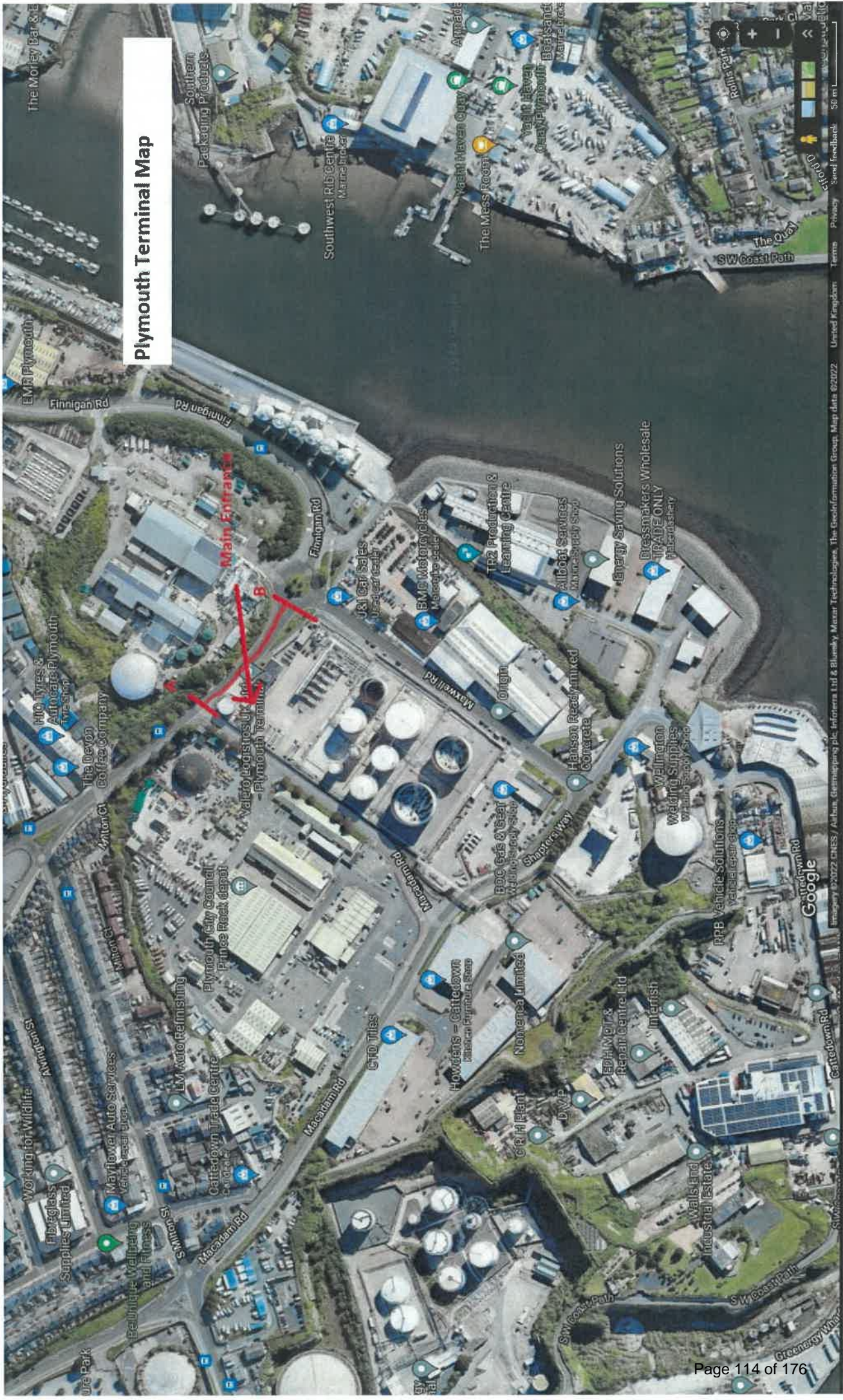


Kingsbury Terminal Map 1



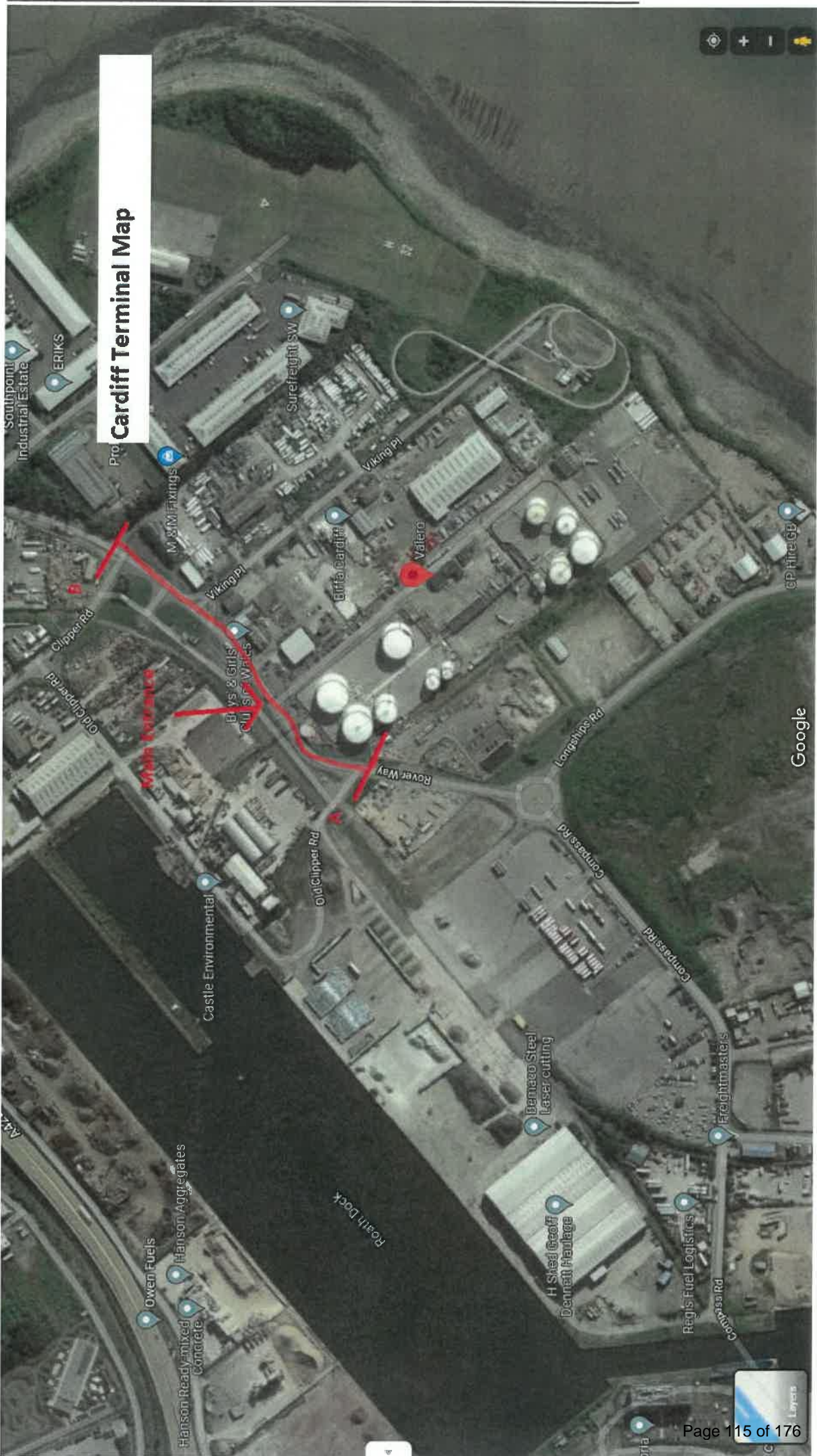
Kingsbury Terminal Map 2





Plymouth Terminal Map

Cardiff Terminal Map



Avonmouth Terminal Map 2

Yellow = Valero Premises



Pembrokeshire Terminal Map



Appendix

Extinction Rebellion UK

- (i) enquiries@extinctionrebellion.uk
- (ii) press@extinctionrebellion.uk
- (iii) xrvideo@protonmail.com
- (iv) xr-action@protonmail.com
- (v) xraffinitysupport@protonmail.com
- (vi) xr-arrestwelfare@protonmail.com
- (vii) artsxr@gmail.com
- (viii) xr-CitizensAssembly@protonmail.com
- (ix) xr.connectingcommunities@gmail.com
- (x) xrdemocracy@protonmail.com
- (xi) xmotables@gmail.com
- (xii) integration@rebellion.earth
- (xiii) xr-international@protonmail.com
- (xiv) xr-legal@riseup.net
- (xv) press@extinctionrebellion.uk
- (xvi) xr-newsletter@protonmail.com
- (xvii) xr-peoplesassembly@protonmail.com
- (xviii) xrpoliceliasion@protonmail.com
- (xix) rebelringers@rebellion.earth
- (xx) xr.regenerativeculture@gmail.com
- (xxi) xr-regionaldevelopment@protonmail.com
- (xxii) RelationshipsXRUK@protonmail.com
- (xxiii) xr.mandates@gmail.com
- (xxiv) socialmedia@extinctionrebellion.uk
- (xxv) xrsocialmediaevents@gmail.com
- (xxvi) eventsxr@gmail.com
- (xxvii) xrbristol.regional@protonmail.com
- (xxviii) xrcymru@protonmail.com
- (xxix) xr.eastengland@protonmail.com
- (xxx) xlondoncoord@gmail.com
- (xxxi) XRMidlands@protonmail.com
- (xxxii) xme@protonmail.com
- (xxxiii) support@xrnorth.org
- (xxxiv) xmi@rebellion.earth
- (xxxv) xrscotland@gmail.com
- (xxxvi) XR-SouthEastRegionalTeam@protonmail.com
- (xxxvii) xr.regional.sw@protonmail.com
- (xxxviii) talksandtraining.xrbristol@protonmail.com

- (xxxix) xrcymrutalksandtraining@gmail.com
- (xl) eoexrtnt@protonmail.com
- (xli) xrlondoncommunityevents@gmail.com
- (xlii) xrmidlandstraining@protonmail.com
- (xliii) XRNE.training@protonmail.com
- (xliv) xrnw.training@gmail.com
- (xlv) xryorkshire.training@gmail.com
- (xlvi) xrni.tt@rebellion.earth
- (xlvii) talksandtrainings.scotland@extinctionrebellion.uk
- (xlviii) xrtse@gmail.com
- (xlix) xrsw.trainings@gmail.com

Just Stop Oil

- (i) Ring2021@protonmail.com
- (ii) juststopoil@protonmail.com

Youth Climate Swarm

- (lii) youthclimateswarm@protonmail.com

Insulate Britain

- (liii) Ring2021@protonmail.com
- (liv) iblegal@protonmail.com

Filed on behalf of the Claimant

Steven Maxey

First Witness Statement

Exhibit SM4

Claim No:

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
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- (11) PAUL RATHBY
- (12) HOLLY ROTHWELL
- (13) ELIZABETH SMAIL
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE

(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM4 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a wavy line that ends in a large, circular loop.

Human Rights Act Assessment

Summary of the facts leading to the action.

On 01 April 2022, the Warwickshire Local Resilience Forum notified me that a number of protestors were gathering outside Kingsbury Oil Terminal.

On 01 April 2022, approximately 40 protestors attended the Terminal in possession of various devices and glue to lock themselves on to each other, vehicles, or infrastructure. They climbed on oil tankers, glued themselves to the road and sat in the main entrance roadway.

On 02 April 2022, 40 protestors attended the main entrance to the Terminal, glued themselves to the carriageway and locked onto each other, thereby blocking the entrance. Protestors continued to arrive throughout the day, and some climbed on travelling oil tankers. This activity continued into the early hours of 03 April 2022.

At 07:30 on 05 April 2022, protestors again attended the main entrance of the Terminal, and blocked access by locking themselves onto each other and gluing themselves to the carriageway. Again, further protestors attended throughout the day, and the tailback of tankers resulted in the M42 becoming blocked. Protestors then climbed onto the oil tankers. As a result of this disruption, the Terminal had to suspend operations for a period of time.

At 00:30 on 07 April 2022, a small group of protestors distracted the police by gluing themselves to the carriageway at the main entrance of the Terminal. Further protestors then broke entry to the exterior gate of the Terminal and gained access to the compound. Whilst inside, protestors climbed onto the tops of three large fuel storage tanks containing unleaded petrol, diesel and fuel additives; two insecure cabs of fuel tankers locking themselves in with keys; the tops of two fuel tankers; onto the floating roof of another large fuel storage tank; and into a half-constructed fuel storage tank. They also used various lock on devices to secure themselves to the structures. The site was not cleared of protestors until 17:00.

At 10:50 on 09 April 2022, four protestors glued themselves to the carriageway serving the main entrance to the terminal. At 15:30, further protestors deposited a caravan to the south of the terminal, and locked themselves onto the roof and sides. Protestors within the caravan

then used the false floor to start digging a tunnel under the carriageway and into the Terminal compound.

As a result of these protests, the Warwickshire Police have made over 180 arrests.

Description of the action proposed

North Warwickshire Borough Council proposes to obtain an injunction against each of the protestors that have been arrested, and persons unknown threatening to enter the Kingsbury Terminal, and / or obstruct and / or prevent the operations of the terminal.

Who will be affected by the proposed action?

All persons seeking to protest outside the Kingsbury Terminal.

Which Convention Rights are engaged?

Articles 10 and 11.

Will the action proposed involve a restriction of those Convention Rights?

Yes

Are the Convention Rights involved absolute or limited?

Limited – both articles confer qualified rights

What is the legal basis for restricting the engaged Convention Rights by the action proposed?

Section 222 of the Local Government Act 1972, section 130 of the Highways Act 1980, s.1 Localism Act 2011 and section 17 of the Crime and Disorder Act 1998

What is the legitimate aim of the restriction proposed?

To ensure the safe operation of Kingsbury Oil Terminal, and to protect public safety, the prevention of disorder and crime, for the protection of health, the prevention of environmental damage and the protection of the rights and freedoms of others, currently compromised by the dangerous and anti-social behaviour and public nuisance arising from the protests which this legal action seeks to prevent.

Why is the restriction necessary in a democratic society?

To prevent:

- Fire or explosion involving up to 400m litres of flammable liquids.
- Nuisance to the local people and area

To protect:

- The rights of those in the local areas to peaceful enjoyment of their properties per Art 8 and Article 1, Protocol 1 of the ECHR
- Staff working at the Terminal and others, including tanker drivers, whose work requires them to go there
- People living, working and travelling in the district, including residents nearby the Terminal, who are currently adversely affected by the unlawful and anti-social behaviour referred to above, and who would be seriously affected by any fire or explosion, or any other serious incident compromising of the safety of the Terminal.
- Supplies of fuel to the wider West and East Midlands areas which the further disruption to the operation of the Terminal will compromise

The following means of resolving this matter have been attempted:

- An injunction by Valero on 21 March 2022 in respect of their land within the Terminal, without a power of arrest
- Arrests and release on bail by North Warwickshire Police for suspected criminal offences, including aggravated trespass, offences under Trade Union and Labour Relations (Consolidation) Act 1992, vehicle interference and criminal damage.

Unfortunately, neither of these methods have had any effect. The protests have commenced and then escalated since 21 March 2022, and those arrested have in many cases participated in further protests at the Terminal and arrested again. The risk now posed is so serious that no lesser measures are appropriate.

How can it be demonstrated that the restriction is no more than necessary to achieve the legitimate aim?

The injunction sought does not seek to prevent the protestors from exercising their right to free speech, expression and the right to protest.

The terms of the injunction sought are designed to allow the continuation of lawful protest while restricting only the nuisance and anti-social behaviour referred to above. The order will be sought for a period of 2 years, with a review after 12 months, which is considered proportionate, especially since the activities aimed at are only consisting of anti-social behaviour and a public nuisance.

This legal action is proportionate and necessary to protect the local community and peaceful protestors from the serious conduct currently being perpetrated and the risk of a serious incident that could potentially cause catastrophic effects across the authority's entire district and beyond.

The injunction does not seek to prevent free speech, expression or the right to protest. This action by the authority was not contemplated until the behaviour at the protest became dangerous and anti-social and created a public nuisance. The current activities at the Terminal are unacceptable and create a highly significant public safety and environmental risk, including by unauthorised and unsupervised (and potentially hostile) access being gained to a site with 400m litres of inflammable material, by undermining the foundations of the highway and by the other activities which have caused a danger to road-users, staff at the terminal, tanker drivers and other workers attending the terminal, and other local people.

There is a need to re-establish a law-abiding environment at the Terminal, and protect health, public safety and the rights and freedoms of the community, and of those who wish to protest lawfully.

The behaviour of those who continue to participate in the activities referred to above adversely impacts the rights of others including residents' Art.8 and Article 1 of Protocol 1, rights. Potentially, Article 2 rights are also engaged, in respect of which the state has positive obligations.

Equality Impact Assessment

Section	Legal Services – Chief Executive's Division	Officer responsible for the assessment	Steve Maxey	
Name of action to be assessed	Application for High Court Injunction with attached power of arrest to stop dangerous anti-social behaviour associated with oil protests at Kingsbury Oil Terminal	Date of Assessment	12/4/22	Is this a new or existing action? New action
1	Briefly describe the aims, objectives and purpose of the action.	<p>The injunction will assist the Council and Warwickshire Police to address the dangerous and anti-social behaviour and public nuisance that is associated with protests taking place at Kingsbury Oil Terminal and believed to be organised by the protest group "Just Stop Oil" (a coalition of a number of individuals and other known protest groups). Such behaviour includes protestors gluing themselves to the road, breaking into Kingsbury Oil Terminal and affixing themselves onto storage tanks of dangerous liquids including diesel, unleaded petrol, and fuel additives, abseiling from bridges, blocking motorway slip roads, climbing on to moving oil tankers, undermining the highway by digging holes adjacent to it, and otherwise blocking and disrupting the highway.</p>		
2	Are there any associated objectives of the action? Please explain.	<p>The injunction will contribute towards reducing the risk of unauthorised and unsupervised access to the Oil Terminal, and of dangerous and anti-social activity around it, thereby reducing the public safety and environmental damage risk.</p> <p>Having oil products stored in large quantities inherently involves risk, but this is usually managed by the operators. This situation has created a significantly increased risk to the local community and the people of North Warwickshire. The site is an Upper Tier site within the COMAH Regulations (the Control of Major Accident Hazards Regulations 2015 (SI 2015/483), as amended) as it contains dangerous substances as defined within the Regulations and the relevant authorities are therefore required to ensure dangerous hazard in respect of these substances are managed. The Regulations acknowledge that the property of a dangerous substance intrinsically pose a potential for creating damage to human health or the environment</p>		
3	Who is intended to benefit from this action, and in what way?	<p>Residents in the immediate vicinity (Kingsbury and Piccadilly) and the wider community and population of North Warwickshire, particularly those who would be impacted by air borne</p>		

	<p>contamination, those in the River Tame catchment area. The River Tame is about half a mile from the site and has a number of tributaries that run adjacent to the site. There are 8 Sites of Special Scientific Interest, 7 Local Nature Reserves and 27 areas of local environmental importance (including 13 areas of registered common land, 8 Sites of Importance for Nature Conservation (SINC's), 4 country parks, an area of Forestry Commission woodland and Merevale Hall registered park and garden) within 10 kilometres of the site would also benefit</p> <p>Those who work at the terminal would benefit from the ending or reduction of activities that are dangerous and cause a nuisance and disruption. Road and motorway users would benefit from the removal of potentially dangerous activity on highways nearby. All those living and working in the district would benefit from the restoration of order at the site, allowing police to resume other activities, and generally fostering a peaceful environment.</p> <p>As set out in the Police statements, the impact on the resources available to this relatively small force is significant, and resulting in a reduction in policing activity generally in North Warwickshire.</p> <p>There have been a number of cases of fuel shortages in the immediate area and some businesses have been effected; for example North Warwickshire Borough Council has given mutual aid to Nuneaton and Bedworth Borough Council due to fuel shortages in order to allow essential statutory services to keep running.</p>
<p>4 What outcomes are wanted from this action?</p>	<p>To reduce the risk of danger, harm and disruption to the community arising from the conduct and behaviour of the Just Stop Oil protestors at the Terminal, thereby reducing the public safety and environmental damage risk from this upper tier COMAH site.</p> <p>It is hoped that lawful and peaceful protest will be restored by the prevention of the unlawful and dangerous activities.</p>
<p>5 What factors/forces could contribute/detract from the outcomes?</p>	<p>An injunction was obtained by Valero Energy Limited in respect of their land within Kingsbury Terminal on 21 March 2022. An amended interim order was made on 11 April 2022. This injunction does not have a power of arrest attached to it, only covers part of the site, and does not involve an exclusion zone. To date, it has not proven effective to stop the behaviour complained of. Indeed, the behaviour and public nuisance has worsened since 21 March, leading the authority to consider taking the legal action in question.</p>

	<p>Since Valero obtained an injunction, protestors have unlawfully gained access to the Terminal once and actively tried to tunnel under the highway and into the Terminal compound on another occasion. The Terminal currently holds 400m litres of flammable material.</p> <p>Despite the best efforts of the Police, including repeat arrests, the present measures are currently ineffective at ensuring the safety and security of Kingsbury Terminal and therefore of the local population in the district. Due to the Terminal being an 'upper tier site' for the purposes of the Control of Major Hazards Regulations 2015, it is imperative that the site is secured as soon as possible.</p> <p>As set out in the Police's witness statements, their powers have been tried and are not sufficient to restore the risks at the site to an acceptable level. The Crown Prosecution Service have been asked to consider charging for more serious offence but have advised that the threshold tests within their guidance can not be met.</p> <p>The prevention of unlawful and dangerous activities will restore lawful and peaceful demonstration to the site, which is acknowledged as being a legitimate aim in a democratic society.</p>		
6 Who are the main stakeholders in relation to the action?	The stakeholders are North Warwickshire Borough Council, Warwickshire County Council, Local Parish and Town Councils, Warwickshire Police and site operators	7 Who implements the policy, and who is responsible for the action?	North Warwickshire Borough Council will apply for the injunction. Warwickshire Police will be leading on the enforcement of the injunction.
8 Are there concerns that the action could have a differential impact on racial groups?		No	<p>Please explain.</p> <p>The injunction is aimed at preventing unacceptable safety and environmental risks arising from the behaviour of protestors which is impacting negatively on local communities. The injunction is not targeted at any specific groups defined in the protected characteristics and there is no evidence to suggest the measures in the application will differentially affect any particular protected group.</p>

9	Are there concerns that the action could have a differential impact due to gender?		No	The injunction is aimed at all persons. See the answer to question 8.
What existing evidence (either presumed or otherwise) do you have for this?				
10	Are there concerns that the action could have a differential impact due to disability?		No	The injunction is aimed at all persons. See the answer to question 8 See comments above
What existing evidence (either presumed or otherwise) do you have for this?				
11	Are there concerns that the action could have a differential impact due to sexual orientation?		No	The injunction is aimed at all persons. See the answer to question 8 See comments above
What existing evidence (either presumed or otherwise) do you have for this?				
12	Are there concerns that the action could have a differential impact due to age?		No	The injunction is aimed at all persons. See the answer to question 8 See comments above
What existing evidence (either presumed or otherwise) do you have for this?				
13	Are there concerns that the action could have a differential impact due to faith, religion or belief?		No	The injunction is aimed at all persons. See the answer to question 8 See above
What existing evidence (either presumed or otherwise) do you have for this?				

<p>14 Are there concerns that the action could have a differential impact due to them having dependants/ Caring responsibilities?</p>	<p>No</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>15 Are there concerns that the action could have a differential impact due to them having an offending past?</p>	<p>No</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>16 Are there concerns that the action could have a differential impact due to them being trans-gendered or transsexual?</p>	<p>No</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>17 Are there concerns that the action could have a differential impact due to socio-economic reasons?</p>	<p>No</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>18 Could the differential impact identified in 8 – 17 amount to there being the potential for adverse impact in this action?</p>	<p>No</p>	<p>The injunction will have a positive impact for the local communities who live, work or travel through the borough of North Warwickshire. By preventing dangerous and anti-social behaviour and incidents arising from protests, public safety will be improved and the harmful impacts from anti-social behaviour described above will be reduced. In addition, the restoration of lawful and peaceful protest, in a safe environment, will be a further positive impact.</p>

19 Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	Y	N	Not applicable. In the event that an adverse impact could be identified, the importance of the safety issues is such that the measure is considered justifiable in any event.
20 Should the policy action to a full assessment?		No	
21 Date Full assessment to be completed by.	Date Not applicable		

Comments

The reason for taking action is to protect all those within the authority's district and reduce the danger of a serious incident which could seriously affect the entire local area, as well as to establish a peaceful and safe environment where lawful protest can be undertaken. These issues are considered so important that they would justify any adverse impact on individuals with protected characteristics even if such impacts could be identified, which is not the case. The behaviour it is sought to restrain is likely to be having an adverse impact on various individuals and groups with protected characteristics, although this cannot currently be quantified.

A separate Human Rights Act proportionality assessment has been carried out. In summary, it concluded that whilst the rights to free speech, expression and protests are engaged, the proposed Injunction and power of arrest is a proportionate and reasonable proposal to help protect the wider community from public safety risks and is in the best interests of the wider community, including those who wish to protest lawfully.

The injunction does not seek to prevent free speech, expression or the right to protest and an injunction by the Council was not contemplated until the behaviour at the protest became dangerous and anti-social. The current activities at the Terminal are unacceptable and create a highly significant public safety and environmental risk, by having unauthorised and unsupervised (and potentially hostile) access to a site with 400m litres of inflammable material, by undermining the foundations of the highway and by the other activities which have caused a danger to road-users, staff at the terminal, tanker drivers and other local people..

There is a need to protect the rights of these people, and of those who wish to protest lawfully. The behaviour of individuals who participate in the activities referred to above including breaching the compound, are adversely impacting on the rights of others including residents Art.8 rights to peaceful enjoyment of their property, and Article 1 of Protocol 1, as well as potentially their right to life.

Signed (Completing Officer) : ...Steve Maxey.....

Date : ...12/4/22.....

IN THE HIGH COURT OF JUSTICE

Claim No:

QUEEN'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

B E T W E E N:

(1) NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

-and-

**(1)
(2) PERSONS UNKNOWN**

Defendants

WITNESS STATEMENT OF JEFF MORRIS

I, JEFF MORRIS, of Shire Hall, Market Place, Warwick, CV34 4RL WILL SAY as follows:

- 1) I am employed as a Delivery Lead for Warwickshire County Council's Client Services, County Highways Service (County Highways). The facts detailed below are either within my own personal knowledge or have been ascertained from Warwickshire County Council's files and I am duly authorised to make this statement on the behalf of Warwickshire County Council.

- 2) I make this statement in support of the Claimant's application under Section 222 of the Local Government Act 1972 for an Injunction prohibiting the Defendants to prevent protestors from organising or participating in protests within close

proximity to Kingsbury Terminal, Piccadilly Way, Kingsbury, Tamworth (the terminal), and prevent them participating in protests that cause a nuisance, risk, loss or harm to others within the locality of the terminal.

- 3) As part of my employment responsibilities, I act as Client Manager in respect of all land that is Highway maintainable at public expense within the County of Warwickshire (Highway land). Part of Warwickshire County Council's duties, as a Highways Authority is to ensure that Highway land is maintained in a fit state for public use and kept free from obstruction.
- 4) On 9 April 2022 at 18.55 hours, County Highways received a telephone call from Warwickshire Police in respect of protest activity being carried out in and around the vicinity of the terminal. Warwickshire Police were seeking the assistance of Warwickshire County Council in arranging for the closure of Piccadilly Way (which is Highway land) due to reports of protestors digging a hole in a grass verge.
- 5) At 22.00 hours County Highways received a further telephone call from Warwickshire Police requesting that an Officer from the Service attend land at Piccadilly Way (the land). Police reported that the land had been damaged by the digging of a hole and a request was made that a safety/subsidence inspection was conducted. Roy Crowley, a County Highways Engineer, attended the land that same evening and observed a container situated on the verge of the land covered by a caravan body which appeared to have had its wheels removed. At that point it appeared that Police Officers were attempting to gain access to the caravan and as it was still in situ, Mr Crowley was unable to inspect the reported damage to the land.
- 6) As a result of this incident, County Highways arranged for an emergency closure of the land spanning from a roundabout located to the west of the land (Coventry Road Roundabout, Kingsbury) to a junction on to Trinity Road, Kingsbury, to the north of the land.

- 7) On 10 April 2022 at 11:40 hours, County Highways received a further telephone call from Warwickshire Police. On that occasion, Warwickshire Police advised that they had gained access to the caravan/container situated on the land and that protestors were in situ in the hole that had been dug in the land. Warwickshire Police asked that County Highways inspect the land for damage once the hole had been vacated. However, an inspection could not ensue as the caravan remained in situ on the land with persons unknown being in occupation of the roof and glued to the caravan.
- 8) That evening at 19:20 hours County Highways received notification from Warwickshire Police that the caravan situated on the land had been removed. Arrangements were made for a manual operative (Rob King) from Balfour Beatty, Warwickshire County Council's contractor for Highway maintenance, to conduct a visit to the land. Mr King was able to carry out a visual inspection of damage to the Highway. Photographs were taken of the damage to the land which I hereby refer to as Exhibit JM/1. It was noted that a hole had been dug in the land with approximate dimensions of 700mm x 700mm square with a depth of 1.2 metres. Instructions were provided to Balfour Beatty to fill the hole and to remedy the damage caused to the land.
- 9) At 22:15 hours that evening County Highways received confirmation that the hole had been filled and the land was rendered safe for reopening. However, the damage has led to the land being undermined and on a permanent basis the hole will need to be re-excavated as the kerb base will need supporting with concrete.
- 10) The total anticipated costs to the taxpayer as a result of this incident are anticipated to be in the region of £3189.95. Those costs account for the attendance at the land by a County Highways Officer out of hours, attendance at the land by Balfour Beatty, the costs involved in arranging for the land to be closed on an emergency basis and for works to remedy the damage caused to Highway land both temporarily and permanently.
- 11) Any damage to Highway land is dangerous to members of the public for obvious reasons. However, Warwickshire County Council has concerns about damage of

this nature being caused in the close vicinity of an oil terminal. This is particularly so because if land is being excavated there is a very real danger that utilities mains could be struck which could lead to a major fire or explosion.

STATEMENT OF TRUTH

I believe that the facts 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.

A handwritten signature in black ink, appearing to be 'J. J. M. O'Sullivan', written over a dotted line. The signature is stylized and somewhat illegible.

Signed

Dated: 12 April 2022

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



10 Apr 2022 20:59
52.56093, -1.67346





10 Apr 2022 22:16
52.56091, -1.67351

RESTRICTED (when complete)

Page 1 of 5

WITNESS STATEMENT

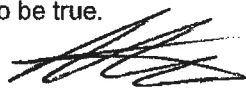
(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN: Statement of: Benjamin David Smith
Age if under 18: 0/18

Occupation: T/Assistant Chief Constable

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

 ACC 1618

Date: 10/04/22

I am the above named person and have worked as a police officer for Warwickshire Police for the last 18 years. I am currently Temporary Assistant Chief Constable with responsibility for Local Policing, but I am also Gold Commander, and the senior policing lead, for the response to protest activity linked to the Kingsbury Oil Terminal. Warwickshire Police, in terms of forces nationally, is a relatively small force. It has 1050 officers currently policing a population 570,000 people spread across an area just under 2,000 sq km.

Prior to 1st April 2022, I had received a number of briefings on Just Stop Oil, who are a protest group and describe themselves as a coalition of groups working together to ensure the Government commits to halting new fossil fuel licensing and production.

In responding to protest, the police have two main duties; to not prevent, hinder or restrict peaceful protest; and in certain circumstances, take reasonable steps to protect those who want to exercise their rights peacefully.

As Gold for the operation I wrote a strategy with the overall aim being:

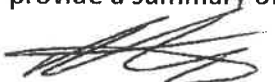
to provide an impartial and proportionate policing response to protests in relation to the lawful activities at Kingsbury Oil Terminal, protecting life and minimising the risk of harm to all those connected to it.

Although plans were made to police potential protest activity linked to Just Stop Oil, the scale and frequency of the activity that has been experienced over the last 10 days has created a real challenge for the force and indeed UK policing. In addition it is important to make clear that although policing has a duty to protect the rights of those who wish to protest peacefully, the Just Stop Oil protest activity has not been peaceful or lawful. The group has engaged in direct unlawful action to prevent the lawful activity of the oil depot and its distribution partners.

At the time of writing there have been 180 arrests in Warwickshire alone.

I will now provide a summary of the protest activity the force has dealt with since 1st April.

Signature:

 ACC 1618

Signature witnessed by:

2017

Ben Smith/04/22

RESTRICTED (when complete)

Page 2 of 5

Statement of: Benjamin David Smith

URN: **31st March – 1st April**

Approximately 40 protestors attended the site at Kingsbury in possession of various devices to lock on to each other, vehicles or infrastructure. They were also in possession of glue to glue themselves to the carriageway. The protestors stopped and then climbed on oil tankers, glued themselves to the road and sat in the main entrance roadway. Distribution operations at the site were suspended and a significant police operation was instigated. 42 arrests were made and distribution operations at the site recommenced at 2030hrs.

2nd April – 3rd April

At approximately 1930hrs, 40 protestors attended the Kingsbury site, blocking the main entrance. They glued themselves to the carriageway and locked onto each other. A number also climbed on top of oil tankers. Protest activity continued throughout the night and into 3rd April. Distribution Operations at the site were suspended and only partially re-opened at 1730hrs. Protestors remained at the site till 0000hrs before dispersing. Total arrest numbers at 68.

5th April

At 0730 hrs, 20 protestors attended the site and blocked the main entrance, again locking onto each other and gluing themselves to the carriageway. Operations at the depot were suspended. 10 arrests were made and the site was operational by 1100hrs.

A second wave of protestors attended the site at 1130hrs and targetted Junction 9 and Junction 10 of the M42, climbing onto oil tankers as they moved slowly off the slip roads. Operations at the depot were suspended and some tailbacks encroached onto the M42, creating risk to other road users. The protestors were removed and roads reopened at 1430hrs, with operations recommencing at the site. Total arrest numbers at 78.

7th April

At 0030 hrs, a small group of protestors approached the main entrance to the site and attempted to glue themselves to the carriageway. While police resources were distracted, 40 protestors approached across the fields to the rear of the site. They sawed through an exterior gate and scaled the fences to gain access to the oil terminal. Once on site, the protestors dispersed to a number of different locations including: the tops of three large fuel storage tanks containing unleaded petrol, diesel and fuel additives; two insecure cabs of fuel tankers locking themselves in with keys; the tops of two fuel tankers; onto the floating roof of another large fuel storage tank; into a half constructed fuel storage tank. They also used various lock on devices to secure themselves to the structures.

Signature: 

ACC 1618

Signature witnessed by:

2017

Ben Smith/04/22

RESTRICTED (when complete)

Page 3 of 5

Statement of: Benjamin David Smith

URN:

An extremely complex and challenging policing operation was initiated, utilising a variety of specialist teams, working alongside staff from the oil terminal and the fire service. The site was cleared of protestors by approximately 1700hrs. Total arrest numbers at 127.

9th April – 10th April

At 1050hrs, 4 protestors arrived at the main entrance and attempted to glue themselves to the carriageway. Three were arrested immediately. A short while later a male was arrested trying to abseil from a road bridge over Trinity Road to the north of the site, attempting to block the road. At 1530hrs, a caravan was deposited at the side of the road on Piccadilly Way, to the South of the site and 20 protestors glued themselves to the sides and top of the caravan. It was discovered that occupants within the caravan were attempting to dig, via a false floor, a tunnel under the road which would have blocked it for a considerable period. The caravan was forcibly entered at 0200hrs on the 10th April and 6 occupants arrested. An additional 22 were arrested from outside the caravan. Protestors continued to target the site on the 10th April, scaling tankers and gluing themselves to the carriageway. By the end of the day the total arrest numbers was at 180.

It is also important to note that Kingsbury has not experienced a constant level of peaceful or lawful protest. The protest activity has manifested as periods of high intensity, high volume and unlawful protest, followed by no protest over the next 24 hours. The activity has been highly coordinated, specifically targetted, and immediately unlawful in nature.

Policing Operation

The scale and duration of the policing operation has been one of the most significant that I have experienced in my career. Large numbers of officers, drawn from right across the force, have been deployed to Kingsbury day and night since the 1st April. This has meant that we have had to scale down some non-emergency policing services, including those that serve North Warwickshire. Although core policing services have been effectively maintained across the County during this period, the protests have undoubtedly impacted on the quality and level of the policing services that we are able to deliver. Officers who may have ordinarily been policing the communities of North Warwickshire, the road networks of North Warwickshire, or supporting victims of crime in North Warwickshire have had to be redeployed to support the policing operation linked to Kingsbury. It has also meant that we have had to bring in additional officers from other regional forces, in addition to more specialist teams such as working at heights teams and protest removal teams. All of these will come at significant additional cost to the force and ultimately the public of Warwickshire.

Community Impact

Signature:  Acc 1618

Signature witnessed by:

2017

Ben Smlth/04/22

RESTRICTED (when complete)

Page 4 of 5

Statement of: Benjamin David Smith

URN:

The impact on the local community has been substantial. There have been almost daily road closures of the roads around the oil terminal which has created disruption and inconvenience. The M42 has also been disrupted on occasions as a result of the protest activity. There has been a significant policing presence since the 1st April which I am sure has created a level of fear and anxiety for the local community. The policing operation has also extended into unsociable hours, with regular essential use of the police helicopter overnight disrupting sleep. The reckless actions of the protestors has also created increased risk of potential fire or explosion at the site which would likely have catastrophic implications for the local community including the risk of widespread pollution of both the ground, waterways and air. Finally, the actions of the protestors has impacted the supply of fuel to petrol forecourts in the region leading to some shortages, impacting upon not only local residents but the broader West Midlands region.

Investigation

A significant police investigation is underway to deal with all those protestors who have been arrested as part of the operation. Although large numbers of arrests have been made, the offences for which they can be arrested (obstruction of the highway etc) are generally low level and summary only offences which means the criminal justice options can be limited. We have also utilised bail conditions to try and prevent protestors returning to the site but these have largely proved to be unsuccessful with many of the protestors already being arrested multiple times from the Kingsbury site. Even when protestors breach their bail conditions, unless arrested for a further substantive offence, that are merely dealt with for the original offence for which they were arrested prior to the bail conditions being set. As stated, these are low level summary offences and therefore charge and remand in custody is not an option open to us. We have considered other potential options, including attempting to seek a threshold test charge on conspiracy offences on the evening of the 10th April. This did not meet the CPS bar, and therefore the detainees were bailed again with conditions. Other potential police powers have been considered but none that we are aware of would give us the weight of severity that would allow us to seek a charge and remand in custody. An injunction would allow us to put the detainee immediately before a court to seek a remedy which may help to disrupt the enduring unlawful protest cycle that we currently find ourselves in.

Warwickshire Police would be fully supportive of this injunction as we consider that it would be expedient for the promotion or protection of the interests of the inhabitants of the local area. A power of arrest would allow my officers to deal with protestors effectively and robustly and then place them immediately before the court. We have considered all other options This may then provide some deterrent to the ongoing unlawful behaviour and may help to protect the local community from the tortuous ordeal that they are currently experiencing.

Signature:


 ACC1618

Signature witnessed by:

2017

Ben Smith/04/22

RESTRICTED (when complete)

Statement of: Benjamin David Smith

URN:

I have grave concerns for public safety should the behaviour of the protestors continue in its current form. The Kingsbury site is an extremely hazardous site where the very presence of certain items and clothing on site is restricted because of the potential dangers of explosion or fire. The protestors have had no regard for their own or others safety with actions including the use of mobile phones on site (strictly prohibited), the scaling and locking on to very volatile fuel storage tanks, the tunnelling activity in close proximity to high pressure fuel pipes, and the forced stopping, and then scaling, of fuel tankers on the public highway. Not only does this cause unacceptable levels of risk to themselves and the public, it also puts my officers in significant danger as they have to attempt to remove them from the places they have decided to put themselves.

To support this application I have provided exhibit BDS1, which is a selection of Section 9 statements from my officers who have been at Kingsbury Oil Terminal and witnessed the protest activity first hand. I also exhibit BDS2, which are a number of video clips which illustrate the unlawful activity that the protestors are engaging in.

 ACC1618

Signature:  ACC1618

Signature witnessed by:

2017

Ben Smith/04/22

IN THE HIGH COURT OF JUSTICE

Claim No:

QUEEN'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

BETWEEN:

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

AND

- (1) MR DAVID BALDWIN
- (2) MR THOMAS BARBER
- (3) MS MICHELLE CADET-ROSE
- (4) MR TIM HEWES
- (5) MR JOHN HOWLETT
- (6) MR JOHN JORDAN
- (7) MS CARMEN LEAN
- (8) MS ALISON LEE
- (9) MS AMY PRITCHARD
- (10) MR STEPHEN PRITCHARD
- (11) MR PAUL RAITHBY
- (12) MS HOLLY ROTHWELL
- (13) MS ELIZABETH SMAIL
- (14) MR JOHN SMITH
- (15) MR BEN TAYLOR
- (16) MS JANE THEWLIS

(17) MR ANTHONY WHITEHOUSE

(18) MR ANDREW WORSLEY

(19) PERSONS UNKNOWN PRESENT ON PUBLIC OR PRIVATE LAND IN THE LOCALITY OF THE LAND KNOWN AS KINGSBURY OIL TERMINAL, TRINITY ROAD, OR PICCADILLY WAY, TAMWORTH, IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

(20) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS OF TRAFFIC, INTERFERENCES WITH THE PASSAGE OF LAWFUL VISITORS TO KINGSBURY OIL TERMINAL AND OTHER ROAD USERS ALONG ROADS IN THE LOCALITY OF KINGSBURY OIL TERMINAL (INCLUDING BUT NOT LIMITED TO TRINITY ROAD AND PICCADILLY WAY, TAMWORTH), OR DAMAGE TO LAND (INCLUDING ROADS), BUILDINGS OR STRUCTURES IN THE LOCALITY OF KINGSBURY OIL TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

Defendants

This is the exhibit BDS1 referred to in the Witness Statement of ACC Benjamin Smith

Signed  ACC 1618

Dated 14/04/22

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2012 , Part 27

URN: [] [] [] []

Statement of: **PC FLETCHER**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Police Constable 1338**

This statement (consisting of1..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: **03/04/2022**

On Sunday 3rd April 2022, I was on duty in full police uniform as call sign YJ9A. I was assisting with patrols for multiple groups protesting around oil terminals, Kingsbury, Warwickshire.

I was informed of 2 persons whom had blocked Trinity Road causing a fuel tanker to have to stop just after a blind bend. These 2 persons then climbed onto the cab of the tanker, bearing the registration FX17KLK and remained sat on the roof. I attended in support of the hights removal officers.

Once on scene, I activated my body worn video and asked both to come down off the tanker. They told me no. I explained they were committing an offence by remaining on the roof as they were causing an obstruction of the highway. I then asked if there was anything I could reasonably say or do to get them to come down and I was told no. I provided a final warning if they did not come down, they would be removed by the hights team and arrested. They still refused to come down.

At 0319hrs, I told both of the protesters that they were under arrest for obstructing the highway. I said; 'YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED, SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE.' I explained their arrests were necessary to allow a prompt and effective investigation into the offence and to prevent a further obstruction of the highway.

Both were then removed by the hights removal team.

The first male provided his first name to me only as Samuel, but refused to provide any further details.

The second refused all details.

Both males were then transported to Nuneaton police custody by a transport van, whilst I remained at scene.

I produce my body worn video from this interaction as AF/01.

Signature:

1338

Signature Witnessed by:

N/A

Witness Details

Home Address: Leek Wootton Police Station Post Code: CV346RN
 Home Tel No: Work Tel No: Mobile Tel No:
 Email Address: Adam.fletcher1@warwickshire.police.uk Preferred means of contact:
 Name of Parent/Guardian Contact Tel No:
 Best time to contact: Ethnicity Code (16+1):
 Gender Male Date & Place of Birth: Former Name:

Does the Witness have any inconvenient dates for court? No

If "Yes" provide details

Witness Care (please tick or type in box provided)

- a) Is the witness willing to attend court? Yes If 'No', include reason(s) on form MG6
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case). If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases. No
- d) Does the witness have any particular needs? No
 If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

Witness Consent - For Witness Completion

	Yes	No	N / A
a) The Victim Personal Statement scheme (victims only) has been explained to me:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) I have been given the Victim Personal Statement leaflet:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c) I have been given the tear-off leaflet "Giving A Witness Statement to the Police..."	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Witness Signature: _____ Print Name: PC FLETCHER

Parent/Guardian/appropriate adult Signature: _____ Print Name: _____

Address and telephone number if different from above:

Statement Taken By (print name): Self Station: Leek Wootton

Time and Place Statement Taken: 28/03/2022

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 2190 Howells

Age if under 18: 018

Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 07/04/2022

I am PC 2190 HOWELLS of Warwickshire Police and I am currently based at Coleshill Police Station.

On Thursday 7th April 2022 I was on duty, in full uniform and driving a marked police patrol car with the call sign PA503 in company with my colleague PC 2216 CORLESS.

At approximately 00:30hrs on the above date I was requested to attend Kingsbury Oil Terminal, Trinity Road, Kingsbury in relation to Op HYRAX.

It was reported that a number of protesters had attended and had breached the perimeter and began locking on to the fuel silo's and other equipment.

At 0640hrs on the same day and date I was made aware that there were 2 female protesters who had locked themselves onto the equipment. In company with PRT the females were cut free.

At 0645hrs I said to a female who I now know to be Alison LEE, 20/06/1958. 'YOU ARE UNDER ARREST ON SUSPICION OF AGGREGATED TRESSPASS' caution, I explained that the necessity of the arrest was to prevent any further offences. She was placed into handcuffs in a front stack. She refused to cooperate and stated she would not move. She was assisted by officers and removed to the marked police van.

She was searched by a West Midlands Police officer where she was found to have on her, 2 x tubes of super glue and a pair of long nosed pliers. At 0653hrs I said to her 'YOU ARE FURTHER ARRESTED ON SUSPICION OF GOING EQUIPPED TO CAUSE CRIMINAL DAMAGE' caution.

The items were seized, and I can reference these as JH/02, they have been booked into the property system, seal number M17189531, property reference number N2/009195/22

The arrest was captured on BWV, this has been downloaded and I can exhibit this as JH/03 and the further arrest is JH/04

A photograph of LEE was taken and I can exhibit this as JH/05

The prisoners were conveyed to Nuneaton Custody by TST officers where there detention was authorised.

Signature: 

Signature witnessed by:

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: Dc 1410 Burcham

Age if under 18: 0/18

Occupation: Detective Constable

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true

Signature: *Jennifer Burcham* 1410

Date: 11/04/2022

I am Detective Constable 231410 Jennifer BURCHAM based at Rugby reactive CID, forming part of WARWICKSHIRE CONSTABULARY.

On Monday 11th APRIL 2022 I formed part of a team of officers working on OPERATION HYRAX, WARWICKSHIRE POLICE's response to the JUST STOP OIL protests. As part of my role, I viewed the JUST STOP OIL website and watched the video entitled 'The Butler's joined the Looters in the House' / Kingsbury, UK/ 10 April 2022'. I watched this video from 0900 hours to 0930 hours on 11th April and identified four males and a female who have been arrested by WARWICKSHIRE POLICE.

One male identifies himself as Stephen PRITCHARD at the very beginning of the video. PRITCHARD was arrested on 10th APRIL 2022 at 02:20 for conspiracy to commit criminal damage. He is observed in this video to assist other persons in digging and drilling a hole in the ground. This hole forms part of the road to the Kingsbury Oil Depot. They have begun causing this criminal damage from within the constraints of a caravan. This caravan has been adapted to enable the individuals to dig into the ground from within the caravan, having removed some of the flooring to gain access.

PRITCHARD explains at the beginning of the video that they 'are digging a tunnel under a road that is next to an oil depot'. PRITCHARD is also seen in the hole using instruments to dig further down. PRITCHARD goes onto say "WHY AM I DOING THIS, COS THE GOVERNMENT, IS NOT DOING WHAT IT SHOULD BE DOING, IT'S BREAKING THE SOCIAL CONTRACT, IT IS NOT PROTECTING PEOPLE OF THIS COUNTRY'. PRITCHARD then goes onto list several examples of this.

Signature: *Jennifer Burcham* 1410

Signature witnessed by: N/A

2017

Burcham, Jenny 1410/04/22

RESTRICTED (when complete)

Page 2 of 4

Statement of: Dc 1410 Burcham

URN: Op Hyrax

From this video I have used a snipping tool to take an image of PRITCHARD whilst inside the caravan. I have placed this image in PRITCHARD's electronic folder within the OPERATION HYRAX folder on the J Drive.

I exhibit this image as JB.01 – Stephen Pritchard Just Stop Oil Video snip.

Whilst PRITCHARD is talking, there is a second male kneeling next to him at the top of the hole. This male I have identified as Paul RAITHBY. I have identified RAITHBY by viewing the custody images of persons in NUNEATON custody from today's date. Paul RAITHBY has had an image taken from within custody and from this picture I can identify him as the male in the Just Stop Oil video. Within the video, you do not see RAITHBY digging but he assists another male who is in the hole digging, in an attempt to create said tunnel. He assists them by moving a bucket to allow for an item to be removed. RAITHBY is seen sitting with his legs into the hole, with the rest of him on the floor of the caravan. This briefly shows how deep the hole is. From what I can see and hear of the video, I do not believe RAITHBY speaks.

RAITHBY was arrested on 10th APRIL 2022 at 10:50 hours, for conspiracy to cause a public nuisance and conspiracy to commit criminal damage. I have used the snipping tool once more to take an image of RAITHBY. I have placed this image in RAITHBY's electronic folder within the OPERATION HYRAX folder on the J Drive. RAITHBY is the male on the right hand side of the image. He is next to PRITCHARD (who wears a checked shirt)

I exhibit this image as JB.02 – Paul Raithby Just Stop Oil Video snip.

The third identified male within the clip is Tim HEWES. This male is a reverend and wears his dog collar in the first part of the video. The first time HEWES is clearly seen and heard, he is sat down and says "SO I AM HERE WITH JUST STOP OIL, AND I AM LOKCED ONTO A LUMP OF CONCRETE AND POLICE ARE OUTSIDE TRYING TO WORK OUT HOW TO GET US OUT".

The second time we see and hear HEWES is further in the video, when the dog collar is not visible, where he is asked by a male who says his name is 'Sean', 'REVERENED DO YOU HAVE ANY LAST WORDS BEFORE THE CAMERA GOES?' The first part of what TEWES

Signature: 

2017

Signature witnessed by: N/A

Burcham, Jenny 1410/04/22

RESTRICTED (when complete)

Page 3 of 4

Statement of: Dc 1410 Burcham

URN: Op Hyrax

says is inaudible, but becomes clear from '...WHILE WE'RE DOING THE GOVERNMENTS WORK FOR THEM, WHICH IS PROTECTING OUR FAMILIES, PROTECTING THE PLANET AND JUST STOPPING FUCKING OIL'. TEWES is located within the hole that he has helped dig, he is identified as 'Reverend' by 'Sean'.

TEWES was arrested on 10th APRIL 2022 at 14:44, for conspiracy to cause a public nuisance and conspiracy to commit criminal damage. I have used the snipping tool to take two (2) images of HEWES. I have placed these images in HEWE's electronic folder within the OPERATION HYRAX folder on the J Drive.

I exhibit these images as JB.03A – Tim HEWES Just Stop Oil Video snip – Vicar clothing and JB.03B – Tim HEWES Just Stop Oil Video snip – Hole.

The fourth male in the clip, is the male identified as John JORDAN, AKA 'Sean'. This male is observed within the clip on top of the caravan, stating 'HELLO MY NAME IS SEAN AND I AM HERE WITH JUST STOP OIL, WE ARE ON THE TENTH DAY OF OUR CAMPAIGN HAVING STARTED ON 1ST APRIL. WE ARE CURRENTLY SAT ON TOP OF A CARAVAN, CAN SEE WE ARE VERY WELL STOCKED WITH FOOD, WE'VE STILL GOT PEOPLE DOWN BELOW, IN THE TUNNEL AND IT'S A BEAUTIFUL DAY TO JOIN IS IN CIVIL RESISTENCE'. It is then that the camera pans around and shows HEWES in the hole and JORDAN aka Sean asks the reverend for a comment which is detailed in the previous page.

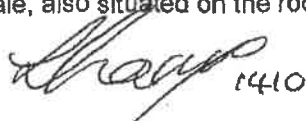
John JORDAN was arrested on 10th APRIL 2022 at 14:44 for conspiracy to commit criminal damage.

The image taken of John JORDAN from Nuneaton custody as observed by myself matches the male identifying himself as 'Sean' on the video. I have taken a snippet of JORDAN, 'Sean' from the video. I have placed this image into JORDAN'S electronic folder within the OPERATION HYRAX folder on the J drive.

I exhibit this image as JB.04 – John JORDAN Just Stop Oil video snip.

Whilst JORDAN aka Sean is on the roof of the caravan he shows two further persons, a male and a female, also situated on the roof. It is whilst he comments on food provisions that

Signature:



2017

Signature witnessed by: N/A

Burcham, Jenny 1410/04/22

RESTRICTED (when complete)

Page 4 of 4

Statement of: Dc 1410 Burcham

URN: Op Hyrax

these persons are seen, with the female waving at the camera. Once police approach the caravan, a male voice, which is possibly that of JORDAN'S informs police that they have now glued themselves to the roof. Persons glued include the male and female. I believe these persons to be Ben TAYLOR and Amy PRITCHARD. I cannot hear TAYLOR or PRITCHARD say anything on the video. I once again have observed the images of these two from custody and compared them to the video. I have obtained a snip of them from the video, whilst on the roof of said caravan.

I exhibit this image as JB.05 – Ben TAYLOR and Amy PRITCHARD Just Stop Oil Video – Snip. Like the other images, I have added this exhibit image to both TAYLOR's and PRITCHARD'S folder on the J Drive.

Both TAYLOR and Amy PRITCHARD have been arrested for conspiracy to cause a public nuisance and to commit criminal damage. TAYLOR was arrested at 14:44 and PRITCHARD at 14:24 both on SUNDAY 10th APRIL 2022.

The Just Stop Oil video is four (4) minutes and thirty (30) seconds long and has been uploaded to their own website. The persons detailed within this statement were arrested on Sunday 10th APRIL 2022 as a result of the actions shown in the video, and were transported to Nuneaton Custody.

Signature:


1410

2017

Signature witnessed by: N/A

Burcham, Jenny 1410/04/22

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2012 , Part 27

URN:

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Statement of: PC Pete Hayes

Age if under 18 (if over insert "over 18"): Over 18

Occupation: Police Constable

This statement (consisting of2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 01/04/2022

I am a Police Constable with Warwickshire Police currently based at Warwickshire Police HQ, Leek Wootton on the Operational Policing Unit. I am an advanced driver, trained in the use of Tactical Pursuit and Containment and Stinger. I am a Family Liaison Officer and a Licensed Police Search Officer. I am a qualified trainer and operator of LTI Speed guns and VASCAR speed enforcement systems.

At 05:00hrs on 1st April 2022 I had been tasked to a potential public disorder at Kingsbury Oil Terminal. As part of this a Ford Transit Luton van registration CX15 NWV was stopped on Tamworth Rd, Kingsbury. In the rear of the vehicle there was a large quantity of timber, climbing ropes and food stuffs which the occupants freely admitted was for a tree house and encampment. Also in the rear of the vehicle were 4 separate lock on devices. Having spoken to the Silver commander I arrested all of the occupants from the vehicle at 05:00hrs. None made any relevant statement and all were placed under CAUTION.

I said the same to each occupant "I AM ARRESTING YOU ON SUSPICION OF CONSPIRACY TO CAUSE PUBLIC NUSIANCE. CAUTION."

They gave their details as:

Ms Elizabeth SMAIL BN. 26.06.59 was the driver of the van

Mr Joshua SMITH. BN 08.03.93

Mr Andrew WORSLEY BN 16.09.45

Mr Joe HOWLETT BN. 05.05.90

Signature:



Signature Witnessed by:

N/A

Witness Statement

Continuation of Statement of PC 120 Pete Hayes

Date: 01/04/2022

The final prisoner was arrested at 05:12hrs having been seen to be dropped off from the same vehicle a minute before it was stopped on Tamworth Rd. He returned to the van on Tamworth Rd and was then arrested

Mr Anthony WHITEHOUSE BN 20.09.51

All of the interaction with these persons was captured on Body Worn Video that I exhibit as PH/01

Signature: 

Signature Witnessed by: N/A

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 1377 HOWELL

Age if under 18: Over 18

Occupation: Police officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 08/04/2022

I am PC 1377 HOWELL of Warwickshire Police, currently based at Leamington Spa Police Station.

On Thursday 7th April 2022 I was on duty, in uniform, under call sign YC1377. I was attached to the Policing operation at Kingsbury Oil Terminal in response to targeted protests at the site.

At approximately 0815 hours I attended the terminal site, located off TRINITY ROAD and was briefed regarding the current situation. To which I was informed that incursions had taken place overnight by numerous protestors who had secured themselves, using lock on devices, across the site.

At 1250 hours I attended land belonging to WARWICKSHIRE OIL SUPPLIES LTD, and travelled to the what3words location: ///mainly.tone.stage alongside PC 2158 KNIGHT.

At this location I have met a Protest Removal Team (PRT) from Staffordshire Police, who have been situated next to a lorry tractor and trailer unit. The trailer unit was a fuel tanker, under the name of 'FUEL OILS GROUP LTD'. The VRM of the tractor unit was 'OIL5052'.

I have liaised with the PRT who have informed me that two protestors were present in the interior cab of the tractor unit and had secured themselves inside using a lock on device.

Signature: 

Signature witnessed by: N/A

2017

Howell, Callum 1377/04/22

RESTRICTED (when complete)

Page 2 of 3

Statement of: PC 1377 HOWELL

URN:

Due to this I have climbed up the offside of the tractor unit and spoken to the protestors inside. Present in the driver seat was a white female who I now know to be Michelle CADET-ROSE bn: 14/08/1965.

Present in the passenger seat of the tractor unit was a white male who I now know to be Thomas BARBER bn: 26/02/1960.

I have outlined a 5-step appeal to both BARBER and CADET-ROSE to request that they voluntarily remove themselves from the interior and outlined the implications of not doing so.

Both have not complied with this request.

At 1301 hours I have stated to BARBER and CADETROSE 'I AM PLACING YOU UNDER ARREST ON SUSPICION OF AGGRAVATED TRESPASS'. "YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION, WHEN QUESTIONED, SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE".

I have informed BARBER and CADET-ROSE of the necessity for their arrests and the grounds for their arrest.

I have then handed over to the PRT who have safely removed BARBER and CADET-ROSE from the cab after cutting the lock-on device open.

Both BARBER and CADET-ROSE have not complied with Police requests at anytime and had to be carried into our Police vehicle.

Following from their removal I have seized the lock-on device as **Exhibit CSH/01**. I have produced a photo exhibit of the lock-on device as **CSH/01A**.

Following their arrest, I have conveyed them to WATLING STREET Custody block, Staffordshire alongside PC 2158 KNIGHT and PC 1383 WILLIAMS. This was alongside two other persons in custody from the site, arrested by other officers.

Signature:



2017

Signature witnessed by: N/A

Howell, Callum 1377/04/22

RESTRICTED (when complete)

Statement of: PC 1377 HOWELL

URN:

Both BARBER and CADETROSE's detention was subsequently authorised under the following custody references:

BARBER: C22004334

CADETROSE: C22004337

I am also producing the following exhibits in my statement:

CSH/02- BWV footage of arrest of BARBER and CADET-ROSE**CSH/03-** still images of BARBER**CSH/04-** still images of CADET ROSE

All physical exhibits have been booked under PMS ref: S5/009265/22

Signature: 

2017

Signature witnessed by: N/A

Howell, Callum 1377/04/22

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2012 , Part 27

URN: [] [] [] []

Statement of: **Chloe JASPER**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Police Constable 1828**

This statement (consisting of2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____

Date: **5th April 2022**

I am the above named officer and I am currently based at Leamington Spa on the Leamington Safer Neighbourhood Team. On Tuesday 5th April 2022, I was on duty at 0700 in full duty and was instructed to attend the Kingsbury Oil plant on Trinity Road, Kingsbury. There had been several days of protesting where the entrances had been blocked, preventing the workers from the plant arriving and leaving.

When I arrived at Kingsbury Oil at 0750 hours, I could see that there were in excess of 15 protestors all lying on mats blocking the entrance. It appeared that some of the group were glued to the ground with one of their hands. Others appeared to be using a long tube to chain themselves to one another.

We formed a line in front of the protestors and waited until further direction. Many of the workers had come out and were standing near to the group and there was a male filming and documenting the scene.

At some point later that morning, the protestor removal team arrived. They were using a solution to free several of the group that had glued their hands to the ground. At approximately 1000 hours I approached a male and female who were chained together by their arm in a tube. These protestors were asked several times if they would self release, by this specialist team, but they refused. I asked them again if they would release themselves and they told me that they wouldn't. I asked their names, but they refused to tell me. At 1005 hours I said "I am arresting you under section 241 of the Trade Union Act". "CAUTION". I told them that their arrest was necessary to prevent further obstruction of the highway. They made no reply.

The removal team managed to free them from the tube and they were brought to the van where I was now waiting with another of the females that had been detained.

The first nominal was a white female. She was wearing a black woolly hat, a purple rain coat, black waterproof trousers and grey walking boots. I have since found out that her name is Michelle Cadet-Rose.

Signature: _____

Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Chloe JASPER

Date: 05/04/2022

The second nominal was a white male. He was wearing a khaki over coat and blue jeans. He was also wearing dark walking boots and glasses. I have since found out that his name is Thomas Barber. When he was searched in custody by PC 1942 Croshaw, a tube of fast action super glue was found in his possession. This was placed in an evidence bag seal no M26091854.

We conveyed a total of 6 prisoners to Nuneaton Custody and we arrived at approximately 1045 hours. We had a long wait whilst the others were booked in. Once Michelle was booked in I had no further dealings with either prisoner.

Signature: 

Signature Witnessed by: N/A

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN: Error! Bookmark not defined.

Statement of: Jonathon DUNN

Age if under 18: ~~Over 18~~ Occupation: ~~Police Constable~~

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.


Signature:  Date: 05/05/2022

This statement is in regards to the detainment of two females and a male on Tuesday 5th April 2022 at 05:40 hrs, 06:12 hrs and 07:00 hrs. And the subsequent arrest of these individuals under suspicion of being in breach of article 241 of the Trade Unions and Labour act. I will name these individuals as unnamed male, unnamed female 1 and unnamed female 2 for the duration of this statement.

On Tuesday 5th April 2022 at around 05:30 hrs I was on uniformed full mobile patrol in company with PC 2250 PATTERSON. I had attended the KINGSBURY OIL DEPOT, KINGSBURY, B78 2HA. This was in relation to a staged protest for the Just Stop Oil Group. At 05:40 hrs I was alerted to the presence of a female that was in violation of 241 of the Trade Unions and Labour Act in which she was blocking the highway and thus stopping the workers from going to work.

I would describe this female as white, around 50-60 yrs old, with blond hair, of skinny build, wearing a bobble hat with a black/ dark blue insulated jacket.

I approached this female and identified myself and I asked her if she was willing to move, this female then refused to do this by remaining silent. I then stated that she was in violation of the above act, should she not move then she would be arrested. This unidentified female (1) then refused to answer me. I therefore stated "YOU ARE UNDER ARREST FOR VIOLATION OF

Signature: 
2017

Signature witnessed by: Error! Bookmark not defined.

Patterson, Lily 2250/04/22

RESTRICTED (when complete)

Statement of:

URN:

SECTION 241 OF THE LABOUR ACT" [caution] reply: no reply. "THE NECESSITY OF YOUR ARREST IS TO PREVENT AN OBSTRUCTION OF THE HIGHWAY" I was then accompanied by PS 1362 TYLER in which he stated that we did not wish to use force on the female but if she didn't get up we would have to. Sgt TYLER then stated is there "ANYTHING I CAN REWASONABLY SAY OR DO TO MAKE YOU COMPLY WITH MY REQUEST" to which the female gave no answer. Myself and Sgt TYLER then lifted the female by both arms as she has gone completely limp being passive resistant. I carried out this act under 117 PACE 1984 and Section 3 Criminal Law Act 1967.

I then identified a further individual who was also in violation of the same law, this was an unidentified male, I approached him and asked if he would move of the carriage way in a simple appeal to which he refused, I asked him if there was anything I could do to make him move, he then refused saying that we should facilitate taxis for a female. I then warned him that I would arrest him if he didn't move, two which he refused. I then stated at 06: 12 hrs, "YOU ARE UNDER ARREST FOR VIOLATION OF 241 OF THE LABOUR ACT AND NOT LETTING PEOPLE GO TO WORK" [Caution] reply: no reply. I then stated "YOUR ARREST IS NESSCARY IN ORDER TO PREVENT AN OBSTRUCTION OF THE HIGHWAY".

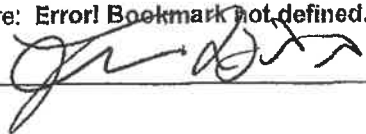
I would describe this male a white, around 50-60 yrs old, with white hair, of skinny build, wearing a woolly hat, wearing a green jacket and brown jumper with blue over trousers.

I then appealed to the male stating that I did not wish to lay hands on him, and would he make his way to the marked police van, he refused I then stated "IS THERE ANYTHING I CAN SAY OR DO TO MAKE YOU COMPLY WITH MY REQUEST" the male refused thus myself Sgt TYLER and two other officers lifted the male to the nearby police van where he went in. I caried out my sue of force under Section 117 PACE 1984 and Section 3 Criminal law act 1967.

I then identified a further female how violated the same law I approached this female and requested she move, to which she refused, I then stated that she can facilitate her protest

Signature: Error! Bookmark not defined.

2017



Signature witnessed by:

Patterson, Lily 2250/04/22

RESTRICTED (when complete)

Page 3 of 3

Statement of:

URN:

next to the road, to which she refused. I stated that she was in violation of the above law, and I would be arresting her if she didn't move. She refused further.

I would describe this female as white, with brown hair, around 50-60 yrs old, skinny in build of 5'7" tall. She wore a navy-blue waterproof jacket, a black pair of over trousers.

I then stated at 07:00 hrs, "YOU ARE UNDER ARRESTED FOR BREACHING SECTION 241 OF THE LABOUR ACT AND NOT LETTING PEOPLE GO TO WORK" [caution] reply: no reply. I then stated "YOUR ARREST IS NESSACARY IN ORDER TO PREVENT AND OBSTRUCTION OF THE HIGHWAY, WOULD YOU BE WILLING TO PROVIDE YOUR NAME AND DETAILS?" the female refused and I stated "A FURTHER NECESSITY IS TO ASCERTAIN YOUR NAME AND DETAILS".

The female then stood up and went to the nearby parker marked police car. My colleague PC PATTERSON then performed a search of the female under section 32 PACE 1984. And she was conveyed to Nuneaton Custody.

All the above individuals were conveyed to Nuneaton custody, and their detention was authorised by PS POWELL. None of the above nominals provided there name and details to myself or any other officers they spoke to.

I exhibit the body worn of the whole incident as JMD/01 (A-B).

Signature: ~~Blank~~ not defined.

2017

Signature witnessed by:

Patterson, Lilly 2260/04/22

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 2164 STALLARD

Age if under 18: Over 18

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 05/04/2022

I am Police Constable 2164 STALLARD for Warwickshire Police, I am based at Bedworth Police station working for the Harm Hub.

I make this statement in relation to the subsequent arrest of Jane THEWLIS 02/05/1962 and Holly ROTHWELL 09/03/1985

On TUESDAY 5TH APRIL 2022 I was crewed with PC 2035 JONES and PC 1369 SMITH. This in relation to protests happening in KINGSBURY TAMWORTH. I was there to ascertain and deter any criminality and help with a policing presence in the area.

At approximately 10:00 hours I arrived on KINGSBURY ROAD TAMWORTH where some of the protests were happening. From what I could see at the time, THEWLIS and ROTHWELL were sitting on top of a fuel/oil tanker vehicle VRM MV70VNW. Due to this, the vehicle remained stationary causing an obstruction to the road. THEWLIS and ROTHWELL were holding a sign of "SAVE THE OIL". I lead to the opinion that these were involved in the protest. Supervision had then arrived on scene to ascertain any steps going forward to prevent and escalate the situation from getting any worse.

From here I spoke to SGT 1170 WALLINGTON on the next steps going forward. SGT WALLINGTON had agreed for me to speak with THEWLIS and ROTHWELL to try and resolve and prevent any further criminality to get them both to come down from the tanker. SGT WALLINGTON also stated to me that THEWLIS and ROTHWELL had stopped the tanker vehicle and climbed on top of it causing x2 cable pipes connected to fall off. Due to this I spoke to both THEWLIS and ROTHWELL to ask them if they were willing to leave the area on their own will. They refused and remained on top of the tanker. I further asked if there was anything I could reasonably do to for them to liaise and cooperate with me, they still both refused. I then warned them that they were committing additional offences which could lead to them being arrested. They understood this however remained on top of the tanker.

Signature:



Signature witnessed by:

RESTRICTED (when complete)

Statement of: PC 2164 STALLARD

URN:

Arrangements were then made for other officers to conduct an initial dynamic risk assessment to get THEWLIS and ROTHWELL down from the tanker safely. Officers situated a ladder with a harness connected to the tanker to prevent any injury to help with the release of them. Whilst they still remained on top of the tanker, officers lead them to eventually come down.

At 13:17 hours I arrested both females for Section 241 Trades Union Act, Vehicle Interference, and suspicion of criminal damage to the tanker. I relayed the Police CAUTION and necessity to prevent further obstruction of the highway and to ascertain name and address.

Both females were escorted to NUNEATON CUSTODY where their detention was authorised. I had no further dealings with them at this point.

My Body Worn video was activated during the time, I exhibit this as CS/01.

I further took X3 pictures of the tanker with the pipes being misplaced when climbed on top.

I further exhibit these as CS/02 booklet.

Signature: 

Signature witnessed by:

RESTRICTED (when complete)

Page 1 of 2

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 2346 BLAND

Age if under 18: Over 18

Occupation: PC

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 10/04/2022

I am PC 2346 BLAND of Warwickshire Police and work out of BEDWORTH POLICE STATION.

On 10th April 2022 I was deployed to Kingsbury Oil Terminal to work on Op HYRAX at 07:00.

During the day I was based on Piccadilly Way, Kingsbury, standing outside a caravan which had 3 protestors on top of it and 2 protestors underneath the caravan who had attempted to tunnel underneath the road. One male on top of the caravan told me that his name was Shaun and said he was 25 years of age, however he refused to give me any more details about who he was. I would describe this male as a white male, slim build, with ginger hair and a beard who wore glasses. I cannot say how tall he was due to him being at a height and sitting on top of the caravan for most of the time, however I would not say that he was over 6ft tall. He was wearing an orange high vis vest with a navy waterproof hoodie underneath with a front pocket which looked to be like a built-in bum bag.

The other 2 protestors on top of the caravan failed to engage with me throughout the whole day. One of these was a white male, slim build, with brown curly mid length hair. He was wearing a blue waterproof coat, with navy trousers and green wellies. I would say that this male was approximately 6ft tall and looked to be in his early 30's.

The other protestor that was on top of the caravan was a white female with long brown hair. She wore a dark woolie beanie hat and was wrapped in a light grey blanket for the majority of the day. I would say that this female was approximately 5ft8 in height and also looked to be in her 30's.

Looking at the caravan from the outside, I would describe it as a cream caravan with a green trimming around it. All of the windows had been blocked up with what appeared to be wooden panels. On the outside of the caravan there was writing on the side saying "JUST STOP OIL" in orange writing, and at the back of the caravan there was an orange banner attached from the top also saying "JUST STOP OIL". When going inside of the caravan, it looked to be completely ripped apart, and could see that all of the insides of the caravan had been ripped out and thrown outside on to the grass verge and down the bank.

Signature:



Signature witnessed by:



Bland, Jodie 2346

RESTRICTED (when complete)

Page 2 of 2

Statement of: PC 2346 BLAND

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From what I could see, the hole that had been made by the 2 males that were inside of it was around 1 meter in width, 1 meter deep and approximately 1 meter under the pavement/road. I spoke to both of the males who were in the hole who both told me their first names and ages. One male told me that his name was Paul and said that he was 59 years old. I would describe this male as a white male, with brown/grey curly hair with a beard and he wore a helmet when inside of the hole.

The other male told me that he was a 71-year-old retired priest and that his name was Tim. During the day Tim asked me to go into his bag which was labelled TIM, to get his medication out for Angina, after speaking with the inspector on duty, I got this medication out of his grey backpack which is when I saw that it was labelled 'Tim HEWES'. My body worn camera was activated when giving him this medication and the time was noted in my pocket note book. I would describe Tim as an elderly male, who wore a dark cap when inside the hole. I would say that Tim was approximately 5ft 10 and wore knitted looking jumper and waterproof trousers. When Tim came out of the hole at his own accord, he said "LETS DO THIS PROPERLY" and put his priests collar on. When speaking with Tim throughout the day he explained that he had to dig under the road to stop the tankers coming through so that he could save his grandchildren as they would have no life in 10 years if this was to continue. After realising that the males had not actually dug much further than the pavement, the road was reopened to the tankers which Tim appeared to be angry about and said "I AM FUCKING FUMING, I HAVE TO START DIGGING AGAIN" which is when he used a small screw to start picking away at the soil. Tim got upset and appeared to cry when I told him that he had not dug much further from the pavement and that the tankers would be allowed to continue down the road. Shortly after, at approximately 18:30 a crew who I believe to be the tactical support team came to speak to Tim, which is when he decided to come out of the hole.

Whilst on the scene I took some photos and a video which I exhibit as JB/06 who is a male who I now know to be Tim Hewes in hole in the ground, JB/07 2X photographs of 3 protestors on top of caravan. I also exhibit the video I took as JB/08 of the caravan and surroundings.

When leaving the scene after the final protestor was arrested, I seized 1 hand lock on tube which I exhibit JB/04 and 2 roles of duck-tape which I exhibit as JB/05.

After this, I had no further dealings with the protestors.

I exhibit my Body Worn Video as JB/09 and this was activated at various times throughout the day.



Signature: J. Bland

Signature witnessed by: N/A

2017

Bland, Jodie 2346/04/22

RESTRICTED (when complete)

Page 1 of 2

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: Oliver Pike

Age if under 18: Over 18

Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 03/04/2022

I am Police Constable 21776 Oliver Pike of West Mercia Police, currently based at Malvern Police Station.

On the 2nd April 2020 I was on duty and in full police uniform answering to the call sign YK1. I was deployed as part of Operation HYRAX for Mutual Aid to Warwickshire Police regarding the protestors at the Oil Refinery in KINGSBURY.


As part of my role I was stationed at PICADILLY WAY, KINGSBURY monitoring some protestors from the Stop the Oil Group. Whilst during my role an unknown female was sat in front of an Oil Tanker, VRM FX17 KUB that was stationary on PICADILLY WAY. As there was other protestors on top of this tanker it could not move. However a second tanker had arrived and was wishing to pass the first tanker but this female would not move out of the public highway to allow this tanker to pass.

I explained that if she did not move she would be arrested. This female was arrested for obstructing a Public Highway at 22:50 hours as this female was stopping a tanker from moving on a Public road. I then cautioned the female and she gave no reply, I gave the Code G necessity for her arrest as protecting a person from harm and ascertaining this females details as she refused to provide me with her name and date of birth and stated that she would tell the custody sergeant and not myself.

I then handed this female over to a Warwickshire Police Officer who transported her to custody where her detention was authorised.

I would describe this female as white, approximately 45-50 years old, 5ft8 wearing outdoor clothing and distinctly she had broken her shoulder and was wearing a cast.

I can exhibit my Body Worn Video as OP/02, I had no further dealing with this female.

Signature: 

Signature witnessed by:

Date/Time Started: 03/04/2022 01:36:09

Date/Time Finished: 03/04/2022 01:50:51

Formal/Status: Digital Master - 308F0D87B6154E21F3EE9226E1E846DBB5B75C39D80472E09172C1EC3E762330

2013

Pike, Oliver/04/22

RESTRICTED (when complete)

Statement of: Oliver Pike

URN:

Signature:

Signature witnessed by:

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 2204 DICKEN

Age if under 18: 0'18

Occupation: Police officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date:

This statement is made in relation to the arrest of a protester at TRINITY RD, KINGSBURY on FRIDAY 1st APRIL 2022 at 07:05hrs on suspicion of vehicle interference.

On FRIDAY the 1st APRIL 2022 I have been on uniformed mobile patrol in a marked police vehicle, Call sign PA513.

On Friday the 1st April 2022, I have attended the road closure at TRINITY RD, with the junction of EDGE HILL due to there being a number of protesters that have been sat in the road causing an obstruction. The protesters have been engaging with officers while I have remained on the closure.

A Articulated fuel tanker with a registration of NK64 VFC has stopped on the main road as it has been heading back towards the fuel depot. AS the lorry has been stopped stationary on the highway a number of protesters have boarded the tanker. More protesters have left the road blockage further down the road and have then gathered to the front and rear of the tanker.

Protesters have then distributed themselves on the cab of the lorry and along the walkway on the top. There have been other protesters that have been milling around the sides of the lorry by the wheels and by the valve on the tyres and another's that have been attempting to unplug the air lines that are situated behind the cab.

Words of advice has been offered to all the persons involved in relation to the safety of this practice and the safety of the other protesters that have been sat in front of the vehicle. This appears to have stopped them and they have moved away from the lorry.

When I have looked again there has been one of the females that has been tampering with the valves on the lorry's tyres has been back and you could hear air being let out of the tyres valve again. Once again the female has been warned in relation to her behaviour and asked to move away from the vehicle.

The scene has been dynamic and with lots of people milling around it has been hard to keep tabs on all the people that have been moving around.

I have next become aware of the female again crouched by the rear wheels of the lorry and pressing the valve, air could be heard escaping from the valve. The female has been taken hold of and asked to move away from the wheel. She has had a small plastic bag in her hand that has contained a quantity of small round seeds.

At 07:04 the female has been arrested on suspicion of vehicle interference and "CAUTIONED". And given the necessity has been to prevent further damage to property. The females back pack has been removed and she has been placed in the rear of a marked police vehicle. She has provide her details as Carmen LEAN.

The female has been transported to Leamington custody by PC 2288 GREENWAY and booked in and I have had no further contact with the female,

Signature: 

Signature witnessed by:

2017

RESTRICTED (when complete)

Statement of: Pc 2204 DICKEN

URN:

I would describe the female as a white female approximately 25 years old. The female has been wearing a overcoat and water proof trousers and a hat.

The following items have been exhibited in relation to this investigation.

JWD/01 – BVW of attendance at the scene and the arrest of the suspect.

JWD/02 – Image of the seeds the suspect has had in her hand at the time of arrest taken in custody.



Signature:

Signature witnessed by:

2017

Hilton, Scott 2177/04/22

RESTRICTED (when complete)

Page 1 of 2

WITNESS STATEMENT

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: Scot RAMSELL

Age if under 18:

Occupation: Police Sergeant 1087

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 9-4-22

I am Police Sergeant 1087 RAMSELL of Warwickshire Police and I am currently based at BEDWORTH POLICE STATION.

At 0700 hours on Saturday 9th April 2022 I was on duty covering the KINGSBURY OIL TERMINAL site as part of a large scale operation as part of the Just Stop Oil campaign, which began on Friday 1st April 2022.

I was there as a Public Order Public Safety Adviser for Insp 947 WEBB.

At 15:50 hours on the same date I was travelling in a marked police vehicle with INSP WEBB in the direction of PICADILLY along TRINITY ROAD to reports of a male, possibly on an overbridge, which was at the junction of PIT HILL.

Upon arriving at the junction of PIT HILL [which is locally named 'PICADILLY'] and TRINITY ROAD I could see that there was a white male on the wrong side of the overbridge. I stopped my police vehicle and walked up the embankment to the disused railway bridge over TRINITY ROAD and I passed a bag of climbing equipment and as I got closer to the male I could see he was on the wrong side of the bridge.

At this point vehicles had started to slow down and stop as they could see a male was on the wrong side of the bridge.

I approached the male, who I now know to be David BALDWIN date of birth 09/09/1975 of 5 Greenfield Road, Stonesfield, Witney, Oxfordshire, OX29 8EQ. BALDWIN said to be "I AM NOW GOING TO ABSEIL DOWN OFF THIS BRIDGE" to which I immediately grabbed BALDWIN and I was joined by INSP WEBB who also grabbed the male and we brought him to the correct side of the bridge and at 16:00 hours I said to him "I AM ARRESTING YOU FOR WILFUL OBSTRUCTION OF THE HIGHWAY" to which he made no reply. BALDWIN was fully compliant throughout the arrest process and was conveyed to custody by PC 0050 RAMSAY and 1156 BULL, his detention was authorised by PS 1967 GRIFFTHS.

Signature: 

Signature witnessed by:

2017

RESTRICTED (when complete)

Statement of: Scot RAMSELL

URN:

As a result of the incident I have seized the following items from BALDWIN

- 1. CLIMBING EQUIPMENT, which I refer to as Police Item SR/1

These items have been subsequently been booked into the Warwickshire Police Property System under the reference N2/009310/22.



Signature:



Signature witnessed by:

IN THE HIGH COURT OF JUSTICE

Claim No:

QUEEN'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

BETWEEN:

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

AND

- (1) MR DAVID BALDWIN
- (2) MR THOMAS BARBER
- (3) MS MICHELLE CADET-ROSE
- (4) MR TIM HEWES
- (5) MR JOHN HOWLETT
- (6) MR JOHN JORDAN
- (7) MS CARMEN LEAN
- (8) MS ALISON LEE
- (9) MS AMY PRITCHARD
- (10) MR STEPHEN PRITCHARD
- (11) MR PAUL RAITHBY
- (12) MS HOLLY ROTHWELL
- (13) MS ELIZABETH SMAIL
- (14) MR JOHN SMITH
- (15) MR BEN TAYLOR
- (16) MS JANE THEWLIS

(17) MR ANTHONY WHITEHOUSE

(18) MR ANDREW WORSLEY

(19) PERSONS UNKNOWN PRESENT ON PUBLIC OR PRIVATE LAND IN THE LOCALITY OF THE LAND KNOWN AS KINGSBURY OIL TERMINAL, TRINITY ROAD, OR PICCADILLY WAY, TAMWORTH, IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

(20) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS OF TRAFFIC, INTERFERENCES WITH THE PASSAGE OF LAWFUL VISITORS TO KINGSBURY OIL TERMINAL AND OTHER ROAD USERS ALONG ROADS IN THE LOCALITY OF KINGSBURY OIL TERMINAL (INCLUDING BUT NOT LIMITED TO TRINITY ROAD AND PICCADILLY WAY, TAMWORTH), OR DAMAGE TO LAND (INCLUDING ROADS), BUILDINGS OR STRUCTURES IN THE LOCALITY OF KINGSBURY OIL TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

Defendants

This is the exhibit BDS2 referred to in the Witness Statement of ACC Benjamin Smith

Signed  ACC 1618.....

Dated 14/04/22.....

Exhibit number: BDS2

Exhibiting officer: ACC 1618 Benjamin Smith

Date: 14/04/2022

Signature:  ACC 1618

Description: A number of video clips illustrating unlawful activity by Just Stop Oil protestors.

<https://youtu.be/1sSHK0GwsOk>

Just Stop Oil – No More Oil and Gas