



Neutral Citation Number: [2025] EWHC 207 (KB)

Case No: QB-2022-000904

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 03/02/2025

**Before :**

**MRS JUSTICE HILL DBE**

**Between :**

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

**Claimant**

**- and -**

- (1) PERSONS UNKNOWN WHO, IN CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE 'JUST STOP OIL' OR 'EXTINCTION REBELLION' OR 'INSULATE BRITAIN' OR 'YOUTH CLIMATE SWARM' (ALSO KNOWN AS YOUTH SWARM) MOVEMENTS ENTER OR REMAIN WITHOUT THE CONSENT OF THE FIRST CLAIMANT UPON ANY OF THE 8 SITES

**Defendant**

- (2) PERSONS UNKNOWN WHO, IN CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE 'JUST STOP OIL' OR 'EXTINCTION REBELLION' OR 'INSULATE BRITAIN' OR 'YOUTH CLIMATE SWARM' (ALSO KNOWN AS YOUTH SWARM) MOVEMENTS CAUSE 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 8 SITES**

**(3) MRS ALICE BRENCHER AND 16 OTHERS**

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**Katharine Holland KC and Yaaser Vanderman** (instructed by **CMS Cameron McKenna Nabarro Olswang LLP**) for the **Claimant**  
The **Defendants** did not attend and were not represented

Hearing date: 24 January 2025

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**Approved Judgment**

This judgment was handed down remotely at 12:00pm on 3<sup>rd</sup> February 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MRS JUSTICE HILL

**Mrs Justice Hill DBE:**

**Introduction**

1. The Claimants are three companies who are part of a large petrochemical group called the Valero Group. They own or have a right to possession of a series of sites in England and Wales which include oil refineries and terminals, defined for the purposes of this litigation as the “8 Sites”.
2. The Defendants are Persons Unknown connected with Just Stop Oil, Extinction Rebellion, Insulate Britain and Youth Climate Swarm (defined as the “4 Organisations”) who (i) trespass or stay on the 8 Sites; (ii) block access to the 8 Sites or otherwise interfere with the access to the sites by the Claimants, their servants, agents, licensees or invitees; and (iii) who have been involved in suspected tortious behaviour or whom the Claimants fear will be involved in tortious behaviour at the 8 Sites and the relevant access roads.
3. On 26 January 2024, Ritchie J granted the Claimants a final injunction against the Defendants to last 5 years, for the detailed reasons he gave in *Valero Energy Ltd v Persons Unknown* [2024] EWHC 134.
4. Ritchie J’s order, amended under the slip rule on 5 February 2024, made provision for the injunction to be reviewed once a year, no later than the anniversary of the 26 January 2024 order, or as close to that date as was convenient to the court.
5. By an application notice dated 21 November 2024, the Claimants sought a review hearing. The application was argued by the Claimants’ counsel at a hearing before me on 24 January 2025. None of the Defendants attended or were represented at the hearing.

**The factual background**

6. Ritchie J set out the factual background in detail in his judgment at [1]-[45].
7. In summary, between 1 and 7 April 2022 a number of environmental activists undertook direct action at the Kingsbury Terminal (one of the 8 Sites: see Ritchie J’s judgment at [4]) and on the adjoining access roads. This led to approximately 48 individuals being arrested by the Warwickshire Police at and around that site. Further protest activity took place at and around the Kingsbury Terminal between 9 and 15 April 2022, leading to around 38 arrests.
8. This conduct was part of a nationwide campaign. Similar direct action occurred at a number of other oil terminals and refineries as well as associated sites. These actions were combined with statements demonstrating a commitment to disrupt indefinitely the oil industry until the Defendants’ demands were met.
9. As a result, injunctions were granted to a number of other entities involved in the energy industry. Since these injunctions have been granted, the direct action has largely ceased. Instead, environmental activists have turned their attention to other related targets which are not protected by injunctions.

10. The Claimants brought this claim to avoid the potentially very serious health and safety and environmental consequences of the Defendants' actions, as well as other serious consequences for the public. They relied on witness statements from, among others, David Blackhouse (European regional security manager for Valero International Security), David McLoughlin (a director employed by the Valero Group responsible for directing operations and logistics across all of the 8 Sites) and Emma Pinkerton (one of their solicitors). Ritchie J accepted all the evidence provided by the Claimants: see his judgment at [22], [25]-[44] and [46]-[37].

### **Service issues**

11. The third witness statement of Jessica Hurle dated 29 February 2024 explained how Ritchie J's order had been served.
12. In respect of the First and Second Defendants and those named Defendants for whom the Claimants did not have a postal address, the order was served by the Claimants using the alternative methods set out in the order. In respect of those named Defendants for whom the Claimants did have a postal address, the order was served pursuant to the usual methods set out in CPR Part 6.
13. The First and Second Defendants were deemed served on 15 February 2024. Those named Defendants in respect of whom the Claimants did not have a postal address were deemed served on 9 February 2024. Those named Defendants in respect of whom the Claimants did have a postal address were served between 10 and 14 February 2024.
14. The sixth witness statement of Anthea Adair dated 15 January 2025 described how the documents relating to the review application (namely the application notice and supporting evidence and the hearing notice, together with a cover letter confirming where various documents could be found) were served.
15. In respect of the First and Second Defendants and those named Defendants for whom the Claimants did not have a postal address, these documents were served by the Claimants using the alternative methods set out in the order of Master Cook dated 7 June 2023. In respect of those named Defendants for whom the Claimants did have a postal address, they were served pursuant to the usual methods set out in CPR Part 6.
16. The First and Second Defendants were deemed served on 9 January 2025. Those named Defendants in respect of whom the Claimants did not have a postal address were deemed served on 7 January 2025. Those named Defendants in respect of whom the Claimants did have a postal address were served between 3 and 9 January 2025.
17. Ritchie J ordered that the hearing bundle for a review hearing must be served not less than 7 days before the review hearing. The order of Master Eastman sealed on 1 December 2023 provided alternative methods for serving the hearing bundles.
18. The hearing bundle for this review hearing was served and filed on 16 January 2025. There was a question mark over whether it had, in fact, been filed 2 minutes late. Out of an abundance of caution the Claimants filed an application for relief from sanctions dated 22 January 2025. This was supported by the seventh witness statement of Anthea Adair of the same date.

19. For the reasons given in an *ex tempore* judgment at the start of the hearing, to the extent that the Claimants required relief from sanctions I granted it. I did so, in summary, because, applying the well-known test in *Denton and ors v TH White Ltd and ors* [2014] EWCA Civ 906, [2014] WLR 3926 at [40], this was neither a serious nor significant failure; it occurred due to some technical issues with the uploading process due to the size of the bundle; and it had not caused any prejudice to the Defendants or impacted on the litigation.

### **The legal framework**

20. In *Wolverhampton City Council and others v London Gypsies and Travellers and others* [2024] 2 WLR 45 at [225] the Supreme Court observed that review hearings of this kind:

“...will give all parties an opportunity to make full and complete disclosure to the court, supported by appropriate evidence, as to how effective the order has been: whether any reasons or grounds for its discharge have emerged; whether there is any proper justification for continuance; and whether and on what a basis a further order ought to be made.”

21. In *HS2 v Persons Unknown* [2024] EWHC 1277 (KB), Ritchie J considered how the Court should approach its task at such a hearing:

“32. Drawing these authorities together, on a review of an interim injunction against PUs [Persons Unknown] and named Defendants, this Court is not starting *de novo*. The Judges who have previously made the interim injunctions have made findings justifying the interim injunctions. It is not the task of the Court on review to query or undermine those. However, it is vital to understand why they were made, to read and assimilate the findings, to understand the sub-strata of the *quia timet*, the reasons for the fear of unlawful direct action. Then it is necessary to determine, on the evidence, whether anything material has changed. If nothing material has changed, if the risk still exists as before and the claimant remains rightly and justifiably fearful of unlawful attacks, the extension may be granted so long as procedural and legal rigour has been observed and fulfilled.

33. On the other hand, if material matters have changed, the Court is required to analyse the changes, based on the evidence before it, and in the full light of the past decisions, to determine anew, whether the scope, details and need for the full interim injunction should be altered. To do so, the original thresholds for granting the interim injunction still apply.”

22. In *Arla Foods v Persons Unknown* [2024] EWHC 1952 at [128], Jonathan Hilliard KC (sitting as a Deputy Judge of the High Court) described the annual review process as:

“...allow[ing] a continued assessment of whether circumstances have changed so as make the continuation of the injunction appropriate.”

23. Earlier this year, in *Transport for London v Persons Unknown and Others* [2025] EWHC 55 (KB) (“*TfL*”) at [54]-[57], Morris J took a similar approach. At [55], he observed that:

“TfL has already provided detailed evidence at a full trial and the Court has, on two occasions, already made a full determination of the issue of risk and the balance of interests. In my judgment, in those circumstances there needed to be some material change in order to justify a conclusion that the Final Injunctions should not continue.”

### **The evidence, submissions and decision**

24. In support of the application the Claimants relied on the evidence filed to date, set out in some detail in Ritchie J’s judgment, as well as updating evidence in the form of the sixth witness statement of Mr Blackhouse dated 20 November 2024 (“DB6”) and the sixth witness statement of Ms Pinkerton dated 19 November 2024 (“EP6”).

25. Ritchie J made the following finding as to the level of risk on the basis of the evidence available to him on 26 January 2024:

“64. In my judgment the evidence shows that the Claimants have a good cause of action and fully justified fears that they face a high risk and an imminent threat that the remaining 17 named Defendants (who would not give undertakings) and/or that UPs [Unknown Persons] will commit the pleaded torts of trespass and nuisance at the 8 Sites in connection with the 4 Organisations”.

26. He went on to find that the Defendants did not have a realistic defence to the claim; that the balance of convenience and justice weighed in favour of granting the final injunction to the Claimants; and that damages would not be an adequate remedy for the Claimants: [65]-[70].

27. He was also satisfied that the various procedural requirements set out in the case law were satisfied by the injunction proposed: [71]-[78].

28. I take these findings as my starting point, in accordance with the legal framework summarised above.

29. The updating evidence served in support of the review application, which I accept, makes clear that there exists a continued threat of trespass and nuisance at the 8 Sites.

30. Mr Blackhouse provided further evidence of the continuing threat, vulnerability and risks, in particular at paragraphs 4.1-5.4 of DB6. For example, he referred to the fact that from his regular meetings with the police and local resilience forums in the areas where the Claimants have assets, his understanding is that the threat remains the same. He also referred to information received from the National Police Coordination Centre to the effect that the threat level remains the same.

31. As Ms Pinkerton explained in paragraphs 5.1-5.7 of EP6, none of the Defendants have contacted the Claimants to say that they no longer intend to carry out direct action at the Sites. There have also been many instances of direct action by environmental activists, notably Just Stop Oil and Extinction Rebellion, across the country in relation to the energy industry. This included a nationwide campaign planned and orchestrated by Just Stop Oil to carry out direct action at airports in the summer of 2024. Statements have continued to be made about the need for direct action and related conduct in respect of fossil fuel extraction and production.
32. Ms Pinkerton highlighted that courts have continued to grant or renew injunctions on the basis of the same continuing threat: see, for example, *Shell v Persons Unknown* [2024] EWHC 3130 (KB) at [101]-[113], where on 5 December 2024 Dexter Dias J held that there remained a real and imminent risk of direct action by the named Defendants and Persons Unknown in relation to Shell's Haven oil refinery and other sites.
33. In light of this evidence, I accept the Claimants' submission that nothing material has changed in the evidence since Ritchie J made his order. In particular, as explained above, there remains a continued threat of direct action at the 8 Sites. This is supported by the fact that, as far as the Claimants are aware, no injunction originally granted to an energy company as a result of the direct action in April 2022 has been discharged on the basis of a finding that the level of threat has diminished.
34. The evidence suggests that direct action at the 8 Sites has diminished. However the courts have repeatedly held in this context that evidence of this kind is not evidence that the threat has dissipated; rather, it is evidence that the injunctions have had their intended effect: see, for example, Ritchie J's judgment in this case at [64] and *Shell* at [111]-[112].
35. There has been no material change in the case law since Ritchie J's judgment.
36. As to new legislation, Ritchie J considered the new offences in the Public Order Act 2023 before making the order: see his judgment at [66]. In any event, courts have repeatedly accepted that these offences do not materially alter the position or serve to diminish the threat of continued action: see, for example, *Drax Power Ltd v Persons Unknown* [2024] EWHC 2224 (KB), at [24] and [28] (Ritchie J); *North Warwickshire Borough Council v Persons Unknown* [2024] EWHC 2254 (KB) at [88] (HHJ Emma Kelly, sitting as a Judge of the High Court); and *TfL* at [37]-[38] and [58]-[67] (Morris J).
37. In accordance with her duty of disclosure Ms Holland KC drew my attention to the fact that in *Shell*, Dexter Dias J observed that the new legislation is a "material change". However, he went on to hold that it remains "evidentially unclear what material impact it has on deterring future protest and to what extent it operates on the minds of those who would protest against Shell"; and that the mere existence of the new offences in and of themselves could not affect the analysis on risk of continued threat: [132] and [140].

## **Conclusion**

38. I have reviewed and used as my starting point the findings Ritchie J made and the evidence that was before him, as he made “a full determination of the issue of risk and the balance of interests” (*TfL* at [55]).
39. Having considered the updating evidence and more recent legal developments, I am satisfied that nothing material has changed. The risk still exists as before and the Claimants remain rightly and justifiably fearful of unlawful attacks. Procedural and legal rigour has been “observed and fulfilled” (*HS2* at [32]).
40. For all these reasons, I approve the draft order sought by the Claimants. Ritchie J’s order will remain in effect, to be reviewed again in one year.