

IN THE HIGH COURT OF JUSTICE

CLAIM NO. QB-2022-002577

KING'S BENCH DIVISION

Before: Mr Justice Julian Knowles

31st August 2023

B E T W E E N:

ESSO PETROLEUM COMPANY, LIMITED

Claimant

and

(1)SCOTT BREEN

**(2)THE PERSONS UNKNOWN WHO
ARE DESCRIBED IN ANNEX 1 TO
THE CLAIM FORM DATED 10
AUGUST 2022**

Defendants



**(A COPY OF ANNEX 1 TO THE CLAIM
FORM IS ATTACHED AS ANNEX 1 TO THIS
ORDER)**

ORDER

PENAL NOTICE

**IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD IN
CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR
ASSETS SEIZED.**

IMPORTANT NOTICE TO 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.**

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 to be in contempt of Court and may be imprisoned, fined or have their assets seized.

A Defendant who is an individual who is ordered not to do something must not do it herself or himself or in any other way. She or he must not do it through others acting on his behalf or on her or his instructions.

You have the right to ask the Court to vary or discharge this Order (which is explained below).

RECITALS

UPON the hearing on 13 February 2023 of the Claimant's claim for a final injunction
AND UPON the Claimant's application for substituted service on the First Defendant of the documents filed for the purpose of this final hearing, pursuant to CPR 6.15 and 6.27, dated 30 January 2023

AND UPON HEARING Counsel for the Claimant

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

AND FOLLOWING the Order of Julian Knowles J dated 14 February 2023

DEFINITIONS

1. In this Order:
 - (1) "DCO" means the Southampton to London Pipeline Development Consent Order 2020 (SI 2020 No 1099);
 - (2) "DCO order limits" means the order limits (and as the context requires, the land within the order limits) identified by the DCO;
 - (3) "the Southampton to London Pipeline Project" or "SLPP" means the programme of works and development authorised by the DCO;
 - (4) The "Claim Documents" means the documents listed in the First Schedule to this Order.
 - (5) The "SLP Website" means <https://www.slpproject.co.uk>.

INJUNCTION

2. Until 11:59pm on 31 December 2023, the First and Second Defendants must not do any of the acts listed in paragraph 3 of this order in express or implied agreement with any other person, and with the intention of causing damage to the Claimant by preventing or impeding construction of the Southampton

to London Pipeline Project.

3. The acts referred to in paragraph 2 of this order are:
 - (1) within the DCO order limits, damaging anything which is used or to be used in or in the course of the construction of the SLPP;
 - (2) within the DCO order limits, traversing any fence surrounding (or other physical demarcation of) any area of land which is used or to be used in or in the course of the construction of the SLPP;
 - (3) within the DCO order limits, digging any excavation or affixing or locking themselves to anything or any person;
 - (4) within the DCO order limits, erecting any structure;
 - (5) within the DCO order limits, spraying, painting, pouring, depositing or writing any substance on to anything which is used or to be used in or in the course of the construction of the SLPP;
 - (6) within the DCO order limits, obstructing construction of the SLPP by their presence or activities after having been requested by or on behalf of the Claimant or the police to cease and desist from such obstruction;
 - (7) whether within or without the DCO order limits, blocking or impeding access to any land within the DCO order limits.
 - (8) assisting any other person do any of the acts referred to in subparagraphs 3(1) to 3(7).
4. A Defendant who is ordered not to do something must not:
 - (A) do it himself/herself/themselves or in any other way.
 - (B) do it by means of another person acting on his/her/their behalf, or acting on his/her/their instructions.

VARIATION OR DISCHARGE

5. Any Defendant and any person interested in this Order may apply to vary or discharge this Order at any time upon giving not less than 24 hours' notice to the Claimant's solicitors at the email address set out later in this Order.
6. Any person applying to vary or discharge this Order must provide their full name and address (including an address for service) and must also apply to be joined as a named defendant to the proceedings at the same time.

7. The Claimant has liberty to apply to extend or vary this Order or to seek further directions.

SERVICE OF DOCUMENTS

8. The Claimant is given retrospective permission under CPR 6.15 and 6.27 to serve copies of the bundle for the hearing on 13 February 2023 and those witness statements pertaining to the hearing on the First Defendant by the following alternative methods:
 - (1) Sending the documents to ITN Solicitors (reference Simon Natas) by email;
 - (2) causing a direct message to be sent to the First Defendant's Instagram account explaining that copies of relevant documents can be viewed on the SLP Website; and
 - (3) causing a message to be tweeted, which includes the symbol "@" followed by the First Defendant's Twitter account explaining that copies of relevant documents can be viewed on the SLP Website.
9. Pursuant to CPR 6.15(4)(b), the documents referred to in paragraph 8 above are deemed to have been served on 6 February 2023.
10. The Claimant shall cause to be uploaded to the SLP Website copies of this Order.
11. Service of this Order on the First Defendant shall be effected, pursuant to CPR 6.15 and 6.27, in accordance with the steps set out at paragraph 8 above. Such service shall be deemed effective on the latest date on which all of the said steps shall have been completed or, if sooner, the date of actual notice of the document in question.
12. Service of this Order on the Second Defendant shall be effected pursuant to CPR 6.15 and 6.27 as follows:
 - (1) the Claimant shall cause to be uploaded a complete copy of the Claim Documents and this Order to the SLP Website and of the DCO with the "Works Plans" plans referred-to in DCO Schedule 11, para 2.2 which depict the DCO order limits;
 - (2) the Claimant shall cause to be affixed warning notices in locations which are accessible by the public at intervals not exceeding 5 kilometres along the full length of DCO order limits explaining:-

- the existence and nature of the Order;
- the existence of the proceedings;
- the potential consequences of breaching the Order;
- that the Order and the Claim Documents may be viewed at the SLP Website;
- that copies of the Order and the Court documents may be obtained from the Claimant's solicitors, whose contact details are: -

Eversheds Sutherland (International) LLP,

One Wood Street,

London,

EC2V 7WS

(Ref: Stuart Wortley tel: 020 7919 0969)

email: exxonmobil.service@eversheds-sutherland.com

- (3) the Claimant shall cause to be affixed 4 warning notices around the perimeter of each of the Claimant's construction compounds providing the same information as set out in the previous subparagraph;
 - (4) in respect of each email address listed in the Second Schedule, the Claimant shall cause an email message to be sent explaining that a copy of the Order and the Claim Documents may be viewed at the SLP Website;
 - (5) in respect of each Facebook page listed in the Second Schedule, the Claimant shall cause a message (a) to be posted and (b), where possible, to be sent by direct message to the said Facebook page, explaining that a copy of the Order and the Claim Documents may be viewed at the SLP Website; and
 - (6) in respect of each Twitter account listed in the Second Schedule, the Claimant shall cause a message (a) to be tweeted beginning with the symbol "@" followed by the Twitter account name and (b), where possible, sending a direct message to said Twitter account, explaining that a copy of the Order and the Claim Documents may be viewed at the SLP Website.
13. Such service shall be deemed effective on the latest date on which all of the said steps shall have been completed or, if sooner, the date of actual notice

of the document in question.

14. The Court will provide sealed copies of this Order for service by the Claimant's Solicitors.

COMMUNICATION WITH THE COURT

15. All communications to the Court about this Order should be sent to: King's Bench Division, Royal Courts of Justice Strand WC2A 2LL.
16. The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays). The telephone number is 020 7947 6000

COMMUNICATIONS WITH THE CLAIMANT

17. The Claimant's solicitors and their contact details are:

- (1) Stuart Wortley
Eversheds Sutherland (International) LLP
StuartWortley@eversheds-sutherland.com
07712 881 393
- (2) Nawaaz Allybokus
Eversheds Sutherland (International) LLP
NawaazAllybokus@eversheds-sutherland.com
07920 590 944

Dated 31 August 2023

First Schedule

(documents read by the court in considering the making of this Order)

In the course of considering the making of this Order, the Court read the following documents:

1. Claim form dated 10 August 2022
2. Application Notice dated 30 January 2023
3. Draft Order
4. Witness Statement of Jon Anstee De Mas dated 10 August 2022 and Exhibits
5. Second Witness Statement of Nawaaz Allybokus dated 02 September 2022 and Exhibits
6. Affirmation of Jon Anstee de Mas dated 25 August 2022 and Exhibits
7. Affirmation of Stuart Sherbrooke Wortley dated 31 August 2022 and Exhibits
8. Affirmation of Timothy John Sunderland dated 01 September 2022 and Exhibits
9. Witness Statement of Stuart Sherbrooke Wortley dated 04 September 2022
10. Affirmation of Lynn Gardner dated 05 September 2022 and Exhibit
11. Witness Statement of Hannah Shelley dated 05 September 2022
12. Witness Statement of Jane Suzanne Everest dated 05 September 2022
13. Affirmation of Varshita Narasah dated 19 September 2022 and Exhibit
14. Affirmation of Mark Edward Ions dated 16 September 2022 and Exhibit
15. Affirmation of Lynn Gardner dated 16 September 2022
16. Affirmation of Ghulam Rabbani dated 16 September 2022
17. Fourth Witness Statement of Jon Anstee de Mas dated 29 September 2022
18. Third Witness Statement of Nawaaz Allybokus dated 29 September 2022
19. Fifth Witness Statement of Jon Anstee de Mas dated 30 January 2023
20. Fourth Witness Statement of Nawaaz Allybokus dated 30 January 2023
21. Fifth Witness Statement of Nawaaz Allybokus dated 30 January 2023
22. Sixth Witness Statement of Nawaaz Allybokus dated 8 February 2023

23. Judgment of HHJ Lickley KC

24. Skeleton argument

Second Schedule

Group / Individual	Email contact (where available)	Social Media account
Extinction Rebellion South East	xrsoutheastmedia@gmail.com	Twitter: @XRSouthEastUK Facebook: Extinction Rebellion South East UK
Extinction Rebellion UK	press@extinctionrebellion.uk	Twitter: @XRebellionUK Facebook: Extinction Rebellion UK
XR Fleet Farnborough Camberley & Aldershot	xrffc2020@gmail.com	Twitter: @XR_FFC
Just Stop Oil	juststopoilpress@protonmail.com	Twitter: @JustStop_Oil Facebook: Just Stop Oil
Pipe Busters		Twitter: @StoptheSLP
FART		Facebook: "FART" Fast Action Response Team Screw You Mobile Crew
Stop Exxon SLP		Twitter: @EssoSlp

ANNEX 1

(description of persons unknown who are or may become defendants to these proceedings)

1. In this Annex:
 - (1) "DCO" means the Southampton to London Pipeline Development Consent Order 2020 (SI 2020 No 1099);
 - (2) "DCO order limits" means the order limits (and as the context requires, the land within the order limits) identified by the DCO and available on the National Planning website ;

[https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/projects/EN070005/EN070005-001463-2.2%20Work%20Plans%20\(1%20of%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/projects/EN070005/EN070005-001463-2.2%20Work%20Plans%20(1%20of%203).pdf)

[https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/projects/EN070005/EN070005-001464-2.2%20Works%20Plans%20\(2%20of%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/projects/EN070005/EN070005-001464-2.2%20Works%20Plans%20(2%20of%203).pdf)

[https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/projects/EN070005/EN070005-001465-2.2%20Works%20Plans%20\(3%20of%203\).pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/projects/EN070005/EN070005-001465-2.2%20Works%20Plans%20(3%20of%203).pdf)
 - (3) "the Southampton to London Pipeline Project" or "SLPP" means the programme of works and development authorised by the DCO.
2. Any person who does any of the acts listed in paragraph 3 of this Annex in express or implied agreement with any other person, and with the intention of causing damage to the Claimant by preventing or impeding construction of the Southampton to London Pipeline Project.
3. The acts referred to in paragraph 2 of this Annex are:
 - (1) within the DCO order limits, damaging anything which is used or to be used in or in the course of the construction of the SLPP;
 - (2) within the DCO order limits, traversing any fence surrounding (or other physical demarcation of) any area of land which is used or to be used in or in the course of the construction of the SLPP;
 - (3) within the DCO order limits, digging any excavation or affixing or locking themselves to anything or any person;
 - (4) within the DCO order limits, erecting any structure;
 - (5) within the DCO order limits, spraying, painting, pouring, depositing or writing any substance on to anything which is used or to be used in or in the course of the construction of the SLPP;
 - (6) within the DCO order limits, by their presence or activities otherwise obstructing the construction of the SLPP and who fail immediately to cease and desist from such obstruction when requested by or on behalf of the claimant or the police;

(7) whether within or without the DCO order limits, blocking or impeding access to any land within the DCO order limits.

(8) assisting any other person do any of the acts referred to in sub-paragraphs 3(1) to 3(7).