

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY DIVISION
PROPERTY, TRUST & PROBATE LIST
BETWEEN:

Claim No. PT-2025-001017

RWE Generation UK Plc

Claimant

- and -

**(1) PERSONS UNKNOWN WHO WITHOUT THE CLAIMANT'S PERMISSION ENTER OR REMAIN
UPON THE PREMISES DESCRIBED IN THE CLAIM FORM, OR WHO DAMAGE OR
DEFACE ANY OF THOSE PREMISES OR ANY PART OF THEM, FOR THE PURPOSES OF
PROTEST WHETHER IN SUPPORT OF ANY GREENPEACE CAMPAIGN OR OTHERWISE**

(2) Greenpeace UK Limited

(3) Greenpeace Limited

Defendants

NOTE OF REVIEW HEARING

BEFORE HIS HONOUR JUDGE RICHARD CARTER

LISTED FOR 21 OCTOBER 2026 AT 10:30AM

The hearing commenced at 10.35am. Appearing for the Claimant Timothy Morshead KC ("**TM**") and Jacqueline Lean before His Honour Judge Richard Carter ("**J**").

Preliminary Matters

1. The application was unopposed, subject to the letter from Greenpeace dated October 2026, and concerned the renewal of the injunction obtained at the Return Hearing on 24 October 2025.
2. The Court usher called the matter outside Court, as is appropriate in persons unknown proceedings. There was a null return: no attendance by any person unknown or by the named Defendants.

Notification and Service

3. TM addressed notification and service.
4. In relation to the Application Notice, TM referred to the Second Witness statement of Donal Kelly ("**DK2**") (paragraphs 26 to 33), which demonstrated full compliance with the Order made

at the Return Hearing. Steps carried out included the affixing of notices at all relevant sites, stating that the application had been made and where the application documents could be accessed in hard copy and online. The steps taken were confirmed as exceeding what the Order strictly required.

5. In relation to DK2 and the Second Witness Statement of William Jeffery ("**WJ2**"), TM noted that certificates of service filed at the Court confirmed that the evidence had been uploaded to the specified website and held in hard copy at the sites.
6. In relation to the Third Witness Statement of Donal Kelly, TM noted that certificates of service filed at the Court confirmed that the evidence had been uploaded to the specified website and held in hard copy at the sites, by way of inclusion in the hearing bundle, albeit with dates of service falling marginally outside the stipulated dates. J confirmed that the evidence was admitted.
7. In relation to service on the named Defendants, J and TM agreed the point was academic given their non-participation.

The Legal Framework

8. TM confirmed that the substantive test is that set out in *Wolverhampton CC v London Gypsies and Travellers* [2024] AC 983, as summarised by Ritchie J in *Valero Energy Ltd v Persons Unknown* [2024] EWHC 134 (KB).
9. J confirmed familiarity with the test.

The Return Hearing

10. TM reminded the Court of the position at the time of the original injunction by reference to the First Witness Statement of William Jeffery, in particular the "*Discussions with Greenpeace*" section of the statement, as context for the submissions on renewal.
11. TM drew the Court's attention to Trower J's findings at the Return Hearing, in particular his conclusion that there was a material risk of copycat protest activity, that individuals may loosely associate with Greenpeace as a springboard for their own unlawful activity without Greenpeace's authorisation and that trespass on power stations is inherently dangerous with consequences extending to the national grid and end-users of electricity.
12. TM submitted that the basis of the injunction was not contingent on Greenpeace's ongoing involvement: once the sites had become a target, the risk could not simply be reversed.

Updated Evidence — Continuing Justification for the Injunction

13. TM noted a housekeeping change in title arrangements: a leasehold interest had since been closed and was now held as part of the Claimant's freehold.
14. The substantive updating evidence was contained in WJ2, which addressed Greenpeace's continued public involvement in the evolution of its campaign. In particular, Greenpeace had published a celebratory article on its website titled "*We Won! The Great Gas Rip Off is finally ending*", in which it celebrated the outcome of the original incident (page 178 of the bundle).
15. TM further noted that WJ2 addressed the Claimant's own experience in Germany (paragraphs 20–21), that of other energy operators (paragraph 19) and that the risks to the safety of protestors and emergency services remained as originally described (paragraph 23). TM also drew the Court's attention to the continuing instability of the national grid.

16. J enquired whether the photo shown in the article titled *"We Won! The Great Gas Rip Off is finally ending"* (as contained in the bundle at page 178) showed the site and incident that led to the original application. TM confirmed this was correct.
17. TM referred the Court to material in the bundle concerning Greenpeace's website guidance on becoming a trained activist (starting on page 183). TM noted that whilst the language had been toned down from a previous iteration of the Greenpeace website, it continued to convey to prospective activists that they *"may need to defend [their] actions legally"*. TM notes that this effectively signalled the risk of unlawful activity such that the background threat remained real.
18. Addressing Greenpeace's letter to the Court, TM submitted that its objections were answered by the evidence already put before the Court, and that Trower J's concern regarding lone wolf operators inspired by Greenpeace but acting independently remained live.
19. The overall submission was that the injunction had worked — there had been no further protest activity on site — but the underlying circumstances had not changed in any material way so as to justify lifting the protections.

Named Defendants

20. TM noted that consideration had been given to joining one of the known protestors as a named Defendant but that RWE was content with the contractual undertaking the protestor had provided, which demonstrated that the protestor posed no further risk.

Judgment and Order

21. J confirmed that he was satisfied that the injunction should continue on review on the terms of the updated draft order. J approved the order.
22. J confirmed that a written judgment would follow.

The hearing ended at 11:07am.