

Neutral Citation Number: [2026] EWHC 2795 (BP)

Claim No: PT-2025-001017

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY DIVISION

PROPERTY, TRUST AND PROBATE LIST

Date: 30 October 2026

Between:

RWE GENERATION UK PLC **(Company Registration number 3892782**	**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** **(Company registration number 024633348)** **(3) GREENPEACE LIMITED** **(Company registration number 01314381)**	**Defendants**

- -

Mr Timothy Morshead KC and Ms Jacqueline Lean (instructed by **Osborne Clarke LLP**) for the **Claimant**

The Defendants did not attend and were not represented

Hearing dates: 21 October 2026

- -

Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

INTRODUCTION **2**

FACTUAL BACKGROUND **2**

SERVICE OF DOCUMENTS **3**

THE TEST TO BE APPLIED AT A REVIEW HEARING **4**
THE EVIDENCE **5**
DISCUSSION **6**
HOW EFFECTIVE THE ORDER HAS BEEN? 6
WHETHER ANY REASONS OR GROUNDS FOR ITS DISCHARGE HAVE EMERGED 6
WHETHER THERE IS ANY PROPER JUSTIFICATION FOR ITS CONTINUANCE 6
CONCLUSION **7**

His Honour Judge Richard Carter:

Introduction

1. The Claimant is a company registered in England and Wales under company number 3892782. It is part of the RWE group of companies and provides electricity generation to the GB Electricity System. It operates 10 gas-fuelled power stations within the UK, the largest six of which provide around 7000MW of operational capacity per day.

2. On 24 October 2025, Mr Justice Trower granted a final injunction ("the Injunction Order") against the Defendants following an interim order by Mr Justice Rajah on 3 October 2025. The Defendants were Greenpeace UK and Persons Unknown. The Third Defendant was added by the Order of Trower J.

3. Before the hearing on 24 October 2025, Greenpeace UK and Greenpeace Limited had agreed to the terms of undertakings ("the Undertakings"). The Court accepted those Undertakings (attached to the Injunction Order at Schedule 4), and no order was made against them. The Undertakings were to last for 12 months (i.e., to 24 October 2026) and, if there was full compliance, the claim as against them would be dismissed with no order as to costs. Both Greenpeace UK and Greenpeace Limited have complied, and therefore the claims against them will be dismissed (and they will be released from the Undertakings) on 24 October 2026.

4. On 21 October 2026, the matter came before me for the purpose of the First Review hearing in accordance with §3 of the Injunction Order. The Claimant was represented by Mr Morshead KC and Ms Lean. The Defendants did not attend, nor were they represented. At the end of the hearing, I ordered that the Injunction Order remain in full force and effect against the First Defendant – Persons Unknown ("PU") pending further annual review, with reasons to be provided. These are those reasons.

Factual Background

5. The Claimant is the freehold owner of each of the following premises which together form the Land:

   i) Staythorpe Power Station, Staythorpe, Newark, NG23 5RQ, as shown edged red on Plan 1 annexed to the Injunction Order ("Staythorpe Power Station");

   ii) Didcot Power Station, Didcot, Oxfordshire, OX11 7YU, as shown edged red on Plan 2 annexed to the Injunction Order ("Didcot Power Station");

   iii) Pembroke Power Station, Pembroke, West Pennar, Dyfed, SA71 5SS, as shown edged red on Plan 3 annexed to the Injunction Order ("Pembroke Power Station");

   iv) Little Barford Power Station, Little Barford, St Neots, Huntingdon, Cambridgeshire, PE19 6YT, as shown edged red on Plan 4 annexed to the Injunction Order ("Little Barford Power Station");

   v) Great Yarmouth Power Station, South Denes Road, Great Yarmouth, NR30 3PY, as shown edged red on Plan 5 annexed to the Injunction Order ("Great Yarmouth Power Station"); and

   vi) Kings Lynn Power Station, Kings Lynn, PE34 3RD, as shown edged red on Plan 6 annexed to the Injunction Order ("Kings Lynn Power Station").

6. National Grid Electricity Transmission Plc is registered leasehold proprietor of land at Staythorpe Power Station, Didcot Power Station and Kings Lynn Power Station. SSE Services Plc is registered leasehold proprietor of electricity sub-stations at Didcot Power Station. Eastern Power Networks is registered leasehold proprietor of land at Great Yarmouth Power Station and Kings Lynn Power Station. Parts of Kings Lynn Power Station are not in RWE freehold ownership, but the Claimant asserts it is a person entitled to sufficient possession or control of this area to entitle it to pursue a claim in trespass against the Defendants.

7. In 2025, Greenpeace launched a protest campaign against RWE, alleging it charged inflated prices on the National Grid. As part of that campaign, on 22 September 2025, eight protestors associated with Greenpeace UK entered the Claimant's facility at Staythorpe Power Station, probably by scaling the perimeter fence, and then scaled two of the 75m-high gas turbine stacks and displayed banners highlighting the Greenpeace UK campaign against the "Great Gas Rip-off" ("the Staythorpe Incident").

8. The incident received significant publicity in both the local and national press. The protestors were arrested and charged with offences. The trespass occurred despite Greenpeace representatives meeting with the Claimant's representatives on 16 September 2025 (at Greenpeace's request) and agreeing to a further meeting on 24 September 2025. Prior to the hearing before Mr Justice Rajah, Greenpeace had not ruled out further protests.

9. The Claimant contends that trespass on these sites is highly disruptive. They could cause the Claimant to cease operations to ensure the safety of protestors, resulting in losses in the millions for the Claimant and disrupting the national electricity system. Further, the Claimant points out that protestors face serious risks of harm when they trespass, including contact with high gas temperatures, exposure to hazardous chemicals, and falls from the stack towers.

10. Mr Justice Trower was satisfied that there was a compelling need for the injunction sought by the Claimant and continued the Order of Mr Justice Rajah (as amended). He noted in particular the following points:

    i) He considered that Greenpeace had been duplicitous in carrying out the protest while discussions were on-going.

    ii) The aims and statements on Greenpeace's website included material that could be said to incite the commission of criminal offences and, at least, warn activists of the risk of criminal convictions if they participate.

    iii) The publicity generated by the Staythorpe incident and Greenpeace's campaign would encourage others not necessarily affiliated with Greenpeace to target power stations in a similar way.

    iv) That sometimes there is no more than a loose connection between individuals who may or may not hold themselves out as Greenpeace activists but are not de facto affiliated and who utilise Greenpeace as a springboard for their own unlawful activities, even if not instructed by or authorised by Greenpeace.

    v) Trespassing on power stations is inherently dangerous and damages not only the Claimant but also the national grid and the interests of end users.

Service of Documents

11. Service on PU was provided for in the Injunction Order at §5 onwards. In summary, service is permitted by a combination of uploading a copy of the relevant documents to https://uk.rwe.com/injunction and affixing notices at or near the locations identified on the plans annexed to the Injunction Order. The Claimant's steps to serve the relevant documents are set out in the second witness statement of Donal Kelly dated 1 October 2026, together with notification to the third-party landowners. I am satisfied on

the basis of the evidence before me that service of the relevant documents has been effected in accordance with the Injunction Order.

The Test to be applied at a Review Hearing

12. In *Wolverhampton CC v London Gypsies & Travellers* [2024] 2 WLR 45 the Supreme Court gave the following guidance in relation to review hearings and indicated that such hearings:

"… 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 its continuance; and whether and on what basis a further order ought to be made"

13. In *Valero Energy Limited v. PU (2026 review)* [2026] EWHC 397 (KB), Mrs Justice Lambert DBE considered a (second) review and the recent case law. She referred to the decision of Mr Justice Ritchie in *HS2 v Persons Unknown* [2024] EWHC 1277 (KB) in which he stated:

"32. Drawing these authorities together, on a review of an interim injunction against PUs 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."

14. She also referred to the decision of Mr Justice Garnham in *Rochdale MBC v Persons Unknown* [2025] EWHC 1314 (KB):

"51. In my judgment, the correct approach is dictated by the Supreme Court's judgment in Wolverhampton and in particular in [225]. This is not a "tick box" exercise, but the matters on which evidence should be adduced and argument focused are (i) how effective the order has been: (ii) whether any reasons or grounds for its discharge have emerged; (iii) whether there is any proper justification for its continuance; and (iv) whether and on what basis a further order ought to be made. The parties should give full disclosure, supported by appropriate evidence, directed towards those questions.

52. There will be cases, such as Basingstoke, where an issue has emerged whether at the original hearing or in preparation for the renewed hearing, which needs to be addressed expressly at the renewal hearing. Whether that necessitates an expanded renewal hearing or what Ms Brimelow calls a de novo hearing will depend on the facts. The position may also be different where the application for injunctive relief is not made during the currency of the previous order, but after it has expired. But the guiding light will always be the Supreme Court's judgment in Wolverhampton."

15. Relevant to this review, Lambert J also referred to a press release issued by Just Stop Oil in March 2025, saying they would be "hanging up the hi vis" at the end of April 2025. Judges have had to consider whether the level of risk remained sufficient to continue various injunctions in light of the protestors' changed approach. She referred to the decision of Mr Justice Sweeting in *Esso Petroleum Company Limited v Persons Unknown* [2025] EWHC 1768:

25.. …However, as I have outlined above, the evidence shows, in my view, that this announcement cannot be taken as an unequivocal and final renunciation of direct action. The amorphous nature of the

group, combined with the past experience of similar unfulfilled statements by XR, and JSO's subsequent communications and activities, mean that it would be premature to rely on this announcement as a basis for amending or discharging the injunction. The risk of direct action by those connected with the JSO campaign remains real and imminent.

16. Lambert J also noted that there had been several reviews since Sweeting J's decision, including that of Mr Justice Bourne in *London City Airport v Persons Unknown* [2025] EWHC 2223 (KB) where he stated at §16:

"I accept that removing the injunctions at present would create a real risk of a resumption of activity at airports."

17. Mr Morshead referred the Court to the decision of Swift J in *Exolum Pipeline Systems Limited v Persons Unknown* [2025] EWHC 1913 (KB):

"14. The continuation of the Order made by Bennathan J has become necessary as orders of this type have themselves become features of what appear to be contests of attrition between activist organisations, such as Just Stop Oil, and any event or operation that those activists consider will, if disrupted, obtain publicity for and advance their cause. The attacks that Just Stop Oil undertakes are essentially opportunistic. As one or other target is made less accessible by orders such as the one now under consideration, activists will turn their attention somewhere else. The application to continue the Order made in 2022 rests on the premise that were this order to be discharged these terminals would once again be targeted and, having previously been the subject of an injunction, those terminals would be all the more an attractive target. Experience shows that such pessimism is warranted. I fear that, once made, the need for orders such as this one can almost become self-perpetuating, in that any decision to remove the order would, from the point of view of the activists, wave a flag above these terminals marking their return to the category of targets for disruption. Even though Just Stop Oil and other likeminded organisations may be opportunistic, experience shows that they are also persistent and will take any opportunity that presents itself."

The Evidence

18. The Claimant has provided updated evidence from Mr William Jeffery dated 1 October 2026. He refers to the following:

    i) No breach of the Injunction Order has occurred since it was made. He was unaware whether any other individual had attempted to trespass on any of the sites protected by the order. He contends this is evidence of the Injunction Order's efficacy and deterrent effect.

    ii) The trigger for the Staythorpe Incident was Greenpeace's campaign concerning gas-fired power generation which he states "…*remains an ongoing campaign*". This continues to attract public attention and concern and increases the risk of direct action.

    iii) Greenpeace has celebrated the Staythorpe Incident, in particular on its website. Exhibited to Mr Jeffrey's statement are pages from an article entitled "We won! The Great Gas Rip Off is finally ending". It includes the following:

        a) "Last week, the government listened to our calls for change, They announced a new policy to start delinking gas and electricity"

        b) "How we did it: People power vs. Big Gas… From a huge protest at the Staythorpe Gas Power Station…."

        c) A photograph from the Staythorpe Incident titled: "Greenpeace UK climbers scale two 75m-high chimney stacks at the UK's…"

d) "Is it perfect? Not yet…. What now? We've shown that the government will move if we push hard enough. Now let's keep the pressure on…"

iv) Mr Jeffrey also points to a guide on Greenpeace's website entitled "Becoming a trained Greenpeace activist" which encourages individuals to participate in "direct action". The wording has been amended since the Injunction Order but still makes it clear that legal action may be taken against activists (ie that they are engaging in criminal activity) and that direct uses "*creative tactics to disrupt their [the individuals'] operations and draw public attention to what they're [the individuals are] doing*".

v) Greenpeace and others have been holding ongoing protests against the Claimant. On 30 May 2026, Greenpeace and others held a protest against the Claimant's plans to erect a new gas-fired power station at Hamm, Germany, and the German government's plans to expand gas power stations. Both Greenpeace and Clean Energy Wire issued press releases about this protest, although there did not appear to be any "direct action" other than forming a human chain in front of the plant towers.

19. Greenpeace sent a letter to the Court dated 14 October 2026. Although it was not in the form of a witness statement, and despite Greenpeace soon ceasing to be a party on 25 October 2026, I considered its content. It is described as intended to inform the Court of a change of circumstance which "…removes any real and imminent risk if the sort of direct action at RWE's sites". The letter then refers to the press release on 12 May 2026, available on their website and referred to by Mr Jeffrey in his witness statement. It takes issue with Mr Jeffrey's statement that the campaign "…remains … ongoing" and specifically accuses the Claimant of not complying with its duty of full and frank disclosure. I do not accept that criticism – the Claimant has specifically referred to the press release reported on the website.

20. Further, I do not accept Greenpeace's assertion that the campaign has ended. That is not consistent with the extract at §18(d) above and Greenpeace's claim that further pressure will make the government move further.

Discussion

How effective the order has been?

21. I am satisfied that the Injunction Order has been effective. Although proving a negative, i.e., that further action has not occurred because of the order, is difficult, there has been no repetition of the Staythorpe Incident or similar direct action at any of the sites. Further, Greenpeace ceased its activism at the Claimant's sites because of the Order, and it can be assumed that it had a similar effect on its (and independent) activists. Finally, the evidence of other similar orders shows that they are generally effective in deterring such action.

Whether any reasons or grounds for its discharge have emerged

22. There has been no change in the case law since the Injunction Order, and no new legislation material to the factors the Court must consider. No evidence has been provided by activists or others affected by the Order to suggest that their right to protest has been curtailed. There is no reason therefore to revisit Trower J's findings at the return date hearing.

23. Although Greenpeace suggests in its letter that the Claimant has failed to give full and frank disclosure, I am not so satisfied. There is no good reason therefore to discharge the Injunction Order.

Whether there is any proper justification for its continuance

24. I am satisfied that there remains a real and tangible risk of direct action at the Claimant's sites. The mere fact that Greenpeace has declared a win does not reduce the risk that their activists, or activists inspired by them, will not engage in further direct action. Their cause continues, and there remains a

risk similar to that identified by Swift J in *Exolum*. Removing protection would encourage those inspired by Greenpeace's continuing call to action to stage a similar protest. Evidence that Greenpeace is specifically advertising the Staythorpe Incident as the cause of their 'massive win' only increases that risk.

Conclusion

25. As I indicated at the hearing, I am satisfied that nothing material has changed and that the risk which justified the making of the Injunction Order remains. Procedural and legal rigour has been "*observed and fulfilled*" (HS2 at [32]).

26. I have already approved the draft Order provided by Mr Morshead and the Injunction Order shall remain in effect pending a further review by this Court in no more than 12 months' time.