

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

Claim No. QB-2022-001317

In the matter of an application for an injunction made pursuant to the Local Government Act 1972, s222 and the Highways Act 1980, s130(5)

B E T W E E N :

(1) THURROCK COUNCIL

(2) ESSEX COUNTY COUNCIL

Claimants

-and-

(1) MADELINE ADAMS

(2)-(222) OTHER NAMED DEFENDANTS AS LISTED AT SCHEDULE 1 TO THE CLAIM FORM

(223) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH THE FREE FLOW OF TRAFFIC ON TO, OFF OR ALONG THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM

(224) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES OR AFFIXING ANY ITEM TO ANY VEHICLE TRAVELLING ON TO, OFF, ALONG OR WHICH IS ACCESSING OR EXITING THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM

(225) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH VEHICULAR ACCESS TO, INTO OR OFF ANY PETROL STATION OR ITS FORECOURT WITHIN THE ADMINISTRATIVE AREA OF THURROCK (AS MARKED ON THE MAP AT ANNEXE 2 TO THE CLAIM FORM)

(226) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH VEHICULAR ACCESS TO OR FROM ANY PETROL STATION OR ITS FORECOURT WITHIN THE ADMINISTRATIVE AREA OF ESSEX (AS MARKED ON THE MAP AT ANNEXE 3 TO THE CLAIM FORM)

(227) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, BLOCKING, PREVENTING OR OTHERWISE INTERFERING WITH THE OFFLOADING BY DELIVERY TANKERS OF FUEL SUPPLIES AND/OR THE REFUELLING OF VEHICLES AT ANY PETROL STATION WITHIN THE ADMINISTRATIVE AREA OF THURROCK (AS MARKED ON THE MAP AT ANNEXE 2 TO THE CLAIM FORM)

(228) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, BLOCKING, PREVENTING OR OTHERWISE INTERFERING WITH THE OFFLOADING BY DELIVERY TANKERS OF FUEL SUPPLIES AND/OR THE REFUELLING OF VEHICLES AT ANY PETROL STATION WITHIN THE ADMINISTRATIVE AREA OF ESSEX (AS MARKED ON THE MAP AT ANNEXE 3 TO THE CLAIM FORM)

(229) PERSONS UNKNOWN WHO ARE TRESPASSING ON, UNDER OR ADJACENT TO THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM BY UNDERTAKING EXCAVATIONS, DIGGING, DRILLING AND/OR TUNNELLING WITHOUT THE PERMISSION OF THE RELEVANT HIGHWAY AUTHORITY

Defendants

EXHIBIT AA3/7

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Peter WRIGHT

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Strategic lead for highways

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 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:..... (witness) Date: 22/12/2022

Further to my statement provided on the 22nd NOVEMBER 2022, I wish to provide further clarification regarding the inspections carried out for the tunnel on ST CLEMENTS WAY.

Between TUESDAY 23RD AUGUST 2022 and MONDAY 5TH SEPTEMBER 2022, JUST STOP OIL PROTESTORS dug a tunnel beneath the road surface of ST CLEMENTS WAY, WEST THURROCK, ESSEX.

No formal assessments were made of the tunnel as it was possible to be able to physically see inside them, therefore no analytical structural assessments could be made on whether the road was safe to keep open or to close it. Traffic on ST CLEMENTS WAY was temporarily restricted to essential traffic only when there was a belief the PROTESTORS were excavating further into the carriageway. The restriction was applied because of the strategic nature of the road feeding into the fuel terminal and also CLS. A list of national/strategic important businesses was generated and managed by police. Daily inspections were also implemented whilst concerns around the additional tunnelling activity was assessed.

A collective decision was made at the Tactical Command Group about the options and managing the risk to the protestors, and managing the risk to road users. The risk to road users was relatively low considering the depth of possible excavation and also considering from

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previous experience how far the protestors had dug into the carriageway area. The risk to the broader society was deemed greater if the road remained closed.

Ground penetrating radar surveys were initially discussed and decided upon, I believe at either Silver or Gold Command level. We liaised with National Highways, and due to no one within Thurrock Highways being trained to use the equipment, National Highways provided a trained operative to use the equipment at both STONENESS ROAD and ST CLEMENTS WAY. Unfortunately without eyes inside the tunnel, we could not assess the structural integrity of the road and say that it was safe to use with complete certainty. This survey was carried out on the 25th AUGUST 2022 by Ringway Jacobs, who is the company that carried the survey out on behalf of National Highways. We asked them to provide a report, however what was provided was very minimal and I believe it contained some inaccuracies. At the time of the survey, a colleague spoke directly with the operative on site, it was then fed back to senior management at Thurrock Highways that the GPR was carried out and no abnormalities were identified. GPR was also carried out at the STONENESS ROAD site, and it identified a void under the carriageway, which was approximately 800mm below the road surface at the centre of the carriageway and extended towards the kerbline, in the direction of the tunnel entrance. The void allegedly went down to a depth of approximately 1.2 meters and approximately 800mm in width. The suggestion was that it was wide enough to accommodate 1.5 persons.

The surveyor was also unable to complete an accurate survey of the footway due to the presence of underground utility apparatus and the verge next to the tunnel entrance could not be surveyed as the ground needed to be flat in order to carry out an accurate survey.

At the time, as we believed there to be a void at STONENESS ROAD, the road remained closed to traffic, however ST CLEMENTS WAY remained open to traffic under two way lights as we had no evidence to suggest that they had excavated under the road as the survey had not identified any abnormalities.

Despite the alleged void, ultimately the GPR survey was found to be inaccurate. When the tunnel at STONENESS ROAD was vacated, our investigations concluded that the excavation had only just reached approximately the rear of the footway and had not reached the area of

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carriageway where the void allegedly was. With ST CLEMENTS WAY, no void had been detected, but in reality, there was a void but at the time we had no idea of how much had been excavated.

The daily inspections of the road surface were undertaken by the Highway Inspection Team and Highways Out of Hours service leading up to this. Their remit was to monitor for signs of carriageway cracking/movement. Although not a precise science, we were left with no option due to being unable to view inside the tunnel. Even when the protestor broke the surface of the carriageway, our view was partially restricted because they obstructed the hole to stop further investigation. However, it could be ascertained that this was the end of the tunnel and therefore felt that it did not need to extend into the both lanes and therefore a lane closure would be sufficient with the immediate area over the excavation closed off.

Due to STONENESS ROAD being closed, ST CLEMENTS WAY was the only access road. The road also leads to numerous businesses that are part of national infrastructure. Therefore, whilst the road was kept open but with restricted access, inspections were carried out regularly at approximately 4 hour intervals throughout the day (7.00 - 11.00 - 15.00 - 19.00) to ensure that there was no cracks, dips or other movement occurring. When these inspections were done, they were carried out by an inspector or an out of hours operative, who attended the site. They would assess the location of the tunnel and look at the road surface and check for any deterioration and surface defamation. Each inspection showed the road to be sound.

As a result of this incident, I can produce the following exhibit:
PW/15 – image of alleged tunnel site STONENESS ROAD.

I can confirm that this statement recorded via telephone with PC 79838 ROBINSON is a true and accurate account what was discussed and a true and accurate account of the events/facts. This statement I have made of my own freewill and I support the police in their investigation

Signature: Signature witnessed by:





