

WEDNESDAY 3RD APRIL 2019

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

HC-2017-002125

BEFORE LORD JUSTICE LONGMORE
AND LORD JUSTICE DAVID RICHARDS
AND LORD JUSTICE LEGGATT

B E T W E E N

1. JOSEPH BOYD
2. JOSEPH CORRE

APPELLANTS /
DEFENDANTS

- and -

1. INEOS UPSTREAM LIMITED
2. INEOS 120 EXPLORATION LIMITED
3. INEOS PROPERTIES LIMITED
4. INEOS INDUSTRIES LIMITED
5. JOPHN BARRIE PALFREYMAN
6. ALAN JOHN SKEPPER
7. JANETTE MARY SKEPPER
8. STEVEN JOHN SKEPPER
9. JOHN AMBROSE HOLLINGWORTH
10. LINDA KATHARINA HOLLINGWORTH

RESPONDENTS /
CLAIMANTS

- and -

FRIENDS OF EARTH

INTERVENER

UPON HEARING Ms Heather Williams QC, Ms Blinne Ni Ghralaigh and Ms Jennifer Robinson of Counsel on behalf of Appellant, Ms Stephanie Harris QC and Stephen Simblet of Counsel on behalf of the Second Appellant. Mr Alan MacLean QC and Mr Jason Pobjoy of Counsel on behalf of the Respondents and Mr Henry Blaxland QC and Mr Stephen Clark of Counsel on behalf of the Interveners by way of written submissions

IT IS ORDERED THAT:

1. The appeal is allowed, to the extent set out in paragraphs 2 and 3 below.
2. The injunctions made against the Third Defendant and against the Fifth Defendant are discharged and the claims against the Third and Fifth Defendants are dismissed.



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3. The injunctions made against the First Defendant and against the Second Defendant are maintained, pending remission to the court below for reconsideration as to whether interim relief should be granted in the light of section 12(3) of the Human Rights Act 1998, and, if it is so granted, what temporal limit is appropriate.
4. The order made by Mr Justice Morgan dated 12 December 2017 is to be varied, in that:
 - i) paragraphs 9 and 10, and Schedules 20 and 22, are to be deleted;
 - ii) the plans in Schedules 4 to 11 of the order are to be redrawn so as to remove any parts coloured purple;
 - iii) the notices contained in Schedules 12 to 19 of the order are to be varied so as to:
 - a) substitute the plans in those notices with ones in the format referred to in the preceding sub-paragraph, i.e. with the purple parts removed; and
 - b) remove the text at the second bullet point of schedules 12 and 19 and the third bullet point of schedules 13 to 15 and 18, namely the reference to land in purple and the list of activities included there.
5. The Respondents are required to produce new notices in a format complying with the provisions of paragraph 4 above, and within 3 working days of the making of this order, to:
 - i) give notice and service of this order and of the revised 12 December 2017 order, including the revised plans, pursuant to paragraphs 11 and



12 of the revised 12 December 2017 order;

ii) give notice and service of this order and of the revised 12 December 2017 order, including the revised plans, to the potentially interested parties listed at Schedule 21 of the revised 12 December 2017 order, in the manner specified in paragraph 13(i) and (ii) of that order; and

iii) publish the judgment of this court on the First Claimant's website.

6. The Appellants must, within 14 days of the date of the sealed order, file brief written submissions as to the costs of these proceedings, together with a draft of the order as to costs which they seek.
7. The Respondents must, within 14 days thereafter, file brief written submissions in response, together with a draft of the order as to costs which they seek.
8. The Appellants may within 3 working days thereafter respond briefly, if so advised, to the Respondents' submissions on costs, following which the court will make its order as to costs on the papers.



(The Court sat on 5th March 2019 from 10.30 to 16.22 and on 6th March 2019 from 10.14 to 12.45)

By the Court

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ORDER

Copies to:

Chancery Division
DX 160040
Strand 4

Bhatt Murphy Solicitors
DX 46806
Dalston
Ref: MAO/3371-1-0/7789

Fieldfisher
DX 823
Cde
Ref: HFW/RP6/64340-00002/64719725

Leigh Day
DX 53326
Clerkenwell
Ref: REC/166713/1

* This order was drawn by A Marie Smith (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to A Marie Smith, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is