IN THE HIGH COURT OF JUSTICE QUEENS BENCH DIVISION

Claim No: HQ15X00825/ OB-2015-002380

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972 AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990

BEFORE THE HONOURABLE MR JUSTICE MURRAY

On the 12th day of June 2020

BETWEEN:

- (1) HARLOW DISTRICT COUNCIL
- (2) ESSEX COUNTY COUNCIL Claimants



-and-

- (1) WILLIAM MCGINLEY & 39 OTHER NAMED DEFENDANTS (LISTED IN SCHEDULE 1 ATTACHED TO THIS ORDER)
- (41) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE DISTRICT OF HARLOW

Defenda

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INJUNCTION ORDER

PENAL NOTICE

IF YOU THE WITHIN-NAMED FIRST TO FORTIETH DEFENDANTS OR PERSONS UNKNOWN DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD

IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

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 IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON HEARING counsel for the Claimants on notice to the Defendants

AND UPON reading the letter dated 11 June 2020 of Mr Chris Johnson of the Community Law Partnership on behalf of Friends, Family and Travellers (FFT), asking for an adjournment of the proceedings to allow for further time for FFT to consider the Claimants' application to vary the injunction in the above-named proceedings

AND UPON the Claimants having consented to the adjournment on the basis that the injunction is continued until 14 July 2020, with a hearing of the Claimants' application dated Monday 8 June 2020 to vary the injunction being relisted for hearing at 10.30am on Friday 10 July 2020 with a time estimate of 1 day.

IT IS ORDERED THAT UNTIL 14 July 2020:

The First to the Fortieth Defendants are forbidden from:

- 1. setting-up an encampment on any land within the district of Harlow unless authorised to do so by the owner of the Land;
- 2. entering and/or occupying any part of the Land for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia; and
- 3. bringing on to the Land or stationing on the Land any caravans/mobile homes other than when driving through the district of Harlow or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owner of the Land.

The Forty-first Defendant is forbidden from:

- 4. setting-up an encampment on any Land without written permission from the Local Planning Authority or planning permission granted by a planning inspector;
- 5. entering and/or occupying any part of the Land identified on the attached plan for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia; and
- 6. bringing on to the Land or stationing on the Land any caravans/mobile homes other than when driving through the district of Harlow or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land.

In this Order 'the Land' means:

7. In relation to the First to the Fortieth Defendants, all land within the District of Harlow as marked in red on the Attached Map at Schedule 2 of this Order.

- 8. For the Forty-first Defendant (Persons Unknown) all land marked on the map A and cycle tracks marked on map B attached in Schedule 3 of this Order. The land marked on map A is also identified in Schedule 3 as Sites 1-322.
- 9. Service of this Order shall be by affixing a copy of this Order contained in a transparent waterproof envelope in a prominent position on the Land.
- 10. Pursuant to CPR part 6.28, and further to the undertaking given by the Claimants as set out in Schedule A below, service of this Order on the First to Forty-first Defendants in the above-named proceedings is dispensed with.
- 11. This Order shall remain in force until midnight on the 14 July 2020.
- 12. The Defendants may each of them (or anyone notified of this Order) apply to the Court on 72 hours' written notice to the Court and the Claimants to vary or discharge this Order (or so much as it affects that person).
- 13. Costs reserved.

INTERPRETATION OF THIS ORDER

- 14. In this Order references to 'the Defendants' means any or all of them.
- 15. A requirement to serve on 'the Defendants' means on each of them. However, the Order is effective against any Defendant on whom it is served.
- 16. An Order requiring 'the Defendants' not to do anything applies to all Defendants.

COMMUNICATIONS WITH THE COURT

- 17. All communications with the Court about this Order should be sent to Room WG08, The Royal Courts of Justice, Strand, London, WC2A 2LL. The telephone number is 020 7947 6010. The offices are open between 10am and 4.30pm Monday to Friday.
- 18. Pursuant to CPR Part 40.7(1) this order takes effect from the date it was made, i.e. the date on the face of the Order. In the light of the Covid-19 pandemic the court staff are working remotely. In these circumstances a sealed order (as required under CPR Part 40.2(2)(b)) will be served within 7 days of the court office of the Queen's Bench

Division or Administrative Office returning to normal, i.e. non-remote working.

SCHEDULE 1

Full List of Defendants

- (1) WILLIAM McGINLEY
- (2) JOSIE McGINLEY
- (3) BRIDIE McGINLEY
- (4) WILLIE McGINLEY
- (5) BRIDGET McGINLEY
- (6) BRIDGET McGINLEY
- (7) LISA McGINLEY
- (8) NULA McGINLEY
- (9) SIMON McGINLEY
- (10) MICHAEL McGINLEY
- (11) PATRICK DONOVAN
- (12) CAROLINE DONOVAN
- (13) DANIEL DONOVAN
- (14) ALISHA DONOVAN (O'BRIEN)
- (15) LUCY MALONEY
- (16) PHILOMENA ROCHFORD
- (17) KATIE TORREN
- (18) MADONNA O'DRISCOL
- (19) MICHAEL DOHERTY
- (20) MARK DOHERTY
- (21) SIMON DOHERTY
- (22) BEN WALKER
- (23) HARRY McDONAGH
- (24) WILLIE TORRENCE
- (25) MIRANDA TORRENCE
- (26) MARTIN TORRENCE
- (27) SEAN MALONE
- (28) BARBARA STOKES
- (29) MARGRET McGINLEY
- (30) BEN McGINLEY
- (31) CHRISTOPHER McGINLEY
- (32) ANNE McGINLEY
- (33) PATRICK McGINLEY
- (34) JOHN MAUGH
- (35) MICHAEL McDONAGH
- (36) ROSE SMITH
- (37) MARY KEEANE
- (38) MICHAEL KENNAN
- (39) MARTIN MONGAN
- (40) CHRISTOPHER MONGAN
- (41) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE DISTRICT OF HARLOW

SCHEDULE 2

FRENTON-ON-SEA

Harlow

Property and Facilities Management

Civic Centre

The Water Gardens

Harlow

Essex CM20 1WG

Tel. 01279 446176

Fax. 01279 446639

Essex Districts and Boroughs

Date:

10th February 2015

Drawn By:

MS Drawing No:

1:200000 at A2

SCHEDULE 3

a.

1-1

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St		34526.01	15251.63	8625.283	12921.83	9157.647	9152.251	4554,729	2483.905	3461.647	3399.244	25908.53	34514.04	13401.1	3971.054	146		16341.69	6101,977	3360.173	11992.4	- 3	basis	10155.37	13265.52	2179.021	5235.247	2144.299	41110.64	76,17509	3289.779	4966.425	5326.709	3864.575	3689 007	15501.09	2734.718	7163.202	6872.232	23694.32	90661.23	2677.082	3898.798		2892.743		. 5	945.361	7526.01	13634,57
St	210517.5				210509.3	211231.4	210261.7	209930.7	209920.8	209921.5	209832,3		208932.3		15	209020		208990.5	208921.4	208968	208996.5	208866.2	208663.3	208930.6	20 4	208481.2	208060.4	208005.1	206989.7	207059.2	207302.9	207591.8	207643.8	207456.4	2080902	207724.3	208267	208298.5	208391.3	208709.1	209100.7	209066.8	208597.7	208002.6	208443.3	208539	208294.6	208094.8	207640.9	207259
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252 Land O	253 15	254	255	256	257	258	259	260 1st	261 1st	262 1st lar	263 1st	264 1st	265 1st	266 1st	267 Land O	268 Land O	569	270	271 Other	272 Land O	273 Land O	274 Land O	275 2nd	276 1st	277 2nd	278 Other	279	280	281	282	283	284	285	787	288	291 2nd	292 1st	293 1st	294	295	296	298	299	300	301	302	303	304	305
Playing Field	Previously Occupied	Previously Occupied	Likely to be Occupied	Likely to be Occupied	Playing Field	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Previously Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Likely to be Occupied	Previously Occupied	Likely to be Occupied	Previously Occupied	Previously Occupied	Likely to be Occupied	Likely to be Occupied	Playing Fleld	Likely to be Occupied	Previously Occupied	Previously Occupied	Previously Occupied	Newhall	Newhall	Newhall	Newhall	Newhall	Newhall	Newhall							
353.218 90	228.262 No Deed Packet - 1st Transfer	180.13 EX572489	658,051 EX675537	123.073 EX659068	261.982 EX727210	1084.666 EX750453	1891.678 EX728210	1327.532 903	281.634 947	1199,485 903	503,491 903	182.537 3	316.704 799/862	672.833 867	899.226 163	213,75 80	324.966 EX561849	785.113 EX500326	162,601 983	543.405.264A	223.894 264	648.336 198	669.914 899	357.933 No Deed Packet - 1st Transfer	268.196 No Deed Packet - 2nd Transfer	273.28 982	532,712 EX854619	247,679 ECC Owned	338.027 ECC Owned	450.67 ECC Owned	354.67 EX686403	99,358 EX8550/9	333,600 EXB88403	261.607 Highway Verge	323.199 Highway	356.272 2nd Transfer	134,968 903	525,233 793	655,643 Highway Verge	225.406 EX572460	228.285 EX150785	8139,526 Pinnacles Industrial Estate	757.416 Newhall	2104.152 EX759381			1005.096 EX75746	629.071 EX346186	60/2/3 EX626023
	1869.882	1699.024	3196.01	795.31	4108.22	24245.31	67571.08	22884.06	4848.473	22348.27	10797.64	2038.41	5678.389	7322,264	34539.86	2763.838	902.5099	26577.21	1256.878	15231.46	2496.319	8562.711	9930.953	6548,423	2464.512	4588.217	6164.158	2923.135	4608.883	5901.5	1625.323	2727.04	443.058	507.642	27.696	2308.514	658.442	15746.09	2574.376	1037,162			-			-	-		180/1.2
	209362.8	209388.2	209263.5	209383.2	209666.3	209237.2	209704.3	209709.2	209611.8	209687.1	209534.9	209743.5	209779.6	209934.6	211076	210833.2	211688.8	211880	211911.4	212003.5	212178.4	211236.9	211186.6	211394.5	211751.5	211787.6	211388	212022.4	212091.3			210041	209195.6	209652.2	209692.2	209848.1	S. Salara	-	Carte	-14					1.				4,101117
			7		Ŋ		548609.2	-	545478.2	545161.9	545395	Ŋ	546149	N			546121.8	545575.8	547233	547260.5	547231.3	547459.8	547901.4	547904	548275.8	546973.2	546395.2	547179.7	547177.3	547124.9	244/35.6	E44641 6	542753.6	546975.9	546986.2	546272.8	545426.2	544271.3	544685.8	544420.8	544431.5					547339.3		54/833.8	
255	256	257	258	259	260	261	262	263	264	592	366	267	268	569	270	271	272	273	274	275	276	277	278	273	280	281	282	283	784	582	280	200	290	291	292	295	596	297	298	28	300	305	303	304	305	306	307	9 6	5

310			7407.661	344.365 ECC		Likely to be Occupied.	306
311				118,693 EX853345	Sumners Hatch	Car Park	307
312	544190.8	209151.2		100.214 EX851410 Passmores House	Passmores House	Previously Occupied	308
313				254.652 EX853287		Car Park	309
314		210691	866.086	134.107 EX852185		Car Park	310
315	- "	210262.2	11011.09	534.702 EX681174		Car Park	311.
316		210189.6		184,225 EX483153			312
317	544545.3	211252.3	1795.36	324.532 189		Car Park	313 Land Originally
318				165.007 EX147163			314
319				353,848 EX83740		y Occupied	315
320	544247.1	209082.3	1636.888	373.578 EX859553		Previously Occupied	316
321	545137.4	208917.8	3920.778	708.391 EX572483		Previously Occupied	317
6		0.4634	02.002.00	May John Colons Colons Colons	Arrow Park, Edinburgh Way, Harlow (CM20 2DE) Owner: Harlow Logistics		9.5

SCHEDULE A

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A copy of this Order will be posted on the First Claimant's website and Facebook page.