

IN THE HIGH COURT OF JUSTICE

Claim No: HQ15 X00825

QUEENS BENCH DIVISION

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

Before Mrs Justice Patterson

On the 3rd day of March 2015

BETWEEN:

(1) HARLOW DISTRICT COUNCIL

(2) ESSEX COUNTY COUNCIL



-and-

- (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) WILLIW 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) PERSONS UNKNOWN

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED FIRST TO FIFTY THIRD 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 PAPERS AND HEARING THE APPLICATION FOR AN INTERIM INJUNCTION PENDING THE FINAL INJUNCTION HEARING

IT IS ORDERED THAT:

The First to the Thirty Fifth Defendants are Forbidden from:

- (1) Setting-up an encampment on 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.
- (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 Thirty Sixth Defendants are forbidden from:

- (4) Setting-up an encampment on the 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 for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia.
- (6) From 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.

The First to Thirty Sixth Defendants are forbidden from:

- (7) Remaining on the Land known as Cold Harbour Road, Harlow Essex CM19 5AD; Horsecroft Road, Harlow, Essex CM19 5 B2; Horsecroft Place Harlow, Essex, CM19 5B2 or leaving any caravans, Mobile homes, vehicles, animals or residential paraphernalia including litter and waste on the land known as Cold Harbour Road, Harlow Essex CM19 5AD; Horsecroft Road, Harlow, Essex CM19 5 B2; Horsecroft Place Harlow, Essex, CM19 5B2 after 9am on 5 March 2014.

The Land in this Order means:

- (8) For the First to the Thirty Fifth Defendants all land within the District of Harlow as marked in red on the Attached Map at Schedule 1 of this Order.
- (9) For the Thirty Sixth Defendant (Persons Unknown) all land marked on the map A and cycle tracks marked on map B attached to Schedule 2 of this Order. The land marked on map A is also identified in Schedule 2 as Sites 1-321.

- (10) 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. The Claimants have permission:
- (a) Pursuant to CPR Part 6.15, 6.26 and 6.27 to serve any of the Defendants with this Order between 6.30am and 8pm during the week and between 7am and 4pm on a Saturday.
 - (b) In the event that the Claimants are unable to personally serve any of the First to Thirty Fifth Defendants, pursuant to CPR Part 6.15 the Claimants shall be permitted to serve any of these Defendants that cannot be personally served, by affixing the Order to a caravan or mobile home or other vehicle of which it is reasonably believed is occupied by the Defendant, or, Defendants that the Claimants have been unable to personally serve.
- (11) 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).
- (12) Permission to amend the Claim Form and Application Notice issued on the 23 February 2015 to join the above named Nineteenth to Thirty Fifth Defendants pursuant to CPR Part 19.2 an amended copy of the Claim Form and Application Notice to be served with a copy of this Order.
- (13) The costs of the matter to be reserved.

GUIDANCE NOTES

Effect of this Order

- (14) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (15) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

Effect of this Order

It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

INTERPRETATION OF THIS ORDER

- (16) In this Order, where there is more than one Defendant (unless otherwise stated) references to “the Defendants” means each or all of them.
- (17) A requirement to serve on “the Defendants” means on each of them, (unless an Order of the Court specifies otherwise). The Order is, however, effective against any Defendant on whom it is served.
- (18) An Order requiring “the Defendants” to do or not to do anything applies to all Defendants.

COMMUNICATIONS WITH THE COURT

All communications to the Court about this Order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2 LL (020 7947 6010).