

IN THE HIGH COURT OF JUSTICE

Claim No. HQ18X03041

QUEEN'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972 AND
SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND
SECTION 130 HIGHWAYS ACT 1980

BETWEEN:

THE LONDON BOROUGH OF CROYDON

Claimant

-and-

PERSONS UNKNOWN OCCUPYING THE LAND
AND / OR DEPOSITING WASTE ON THE LAND
(as defined in this Order)

Defendant



FINAL INJUNCTION ORDER

PENAL NOTICE

IF YOU PERSONS UNKNOWN OCCUPYING THE LAND (AS DEFINED IN THIS ORDER) 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 PERSONS UNKNOWN OCCUPYING THE LAND 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.

THE ORDER

UPON hearing Mr S. Woolf of Counsel on behalf of the Claimant, and the Court hearing from Ms. Debby Kennett the Chief Executive of the London Gypsies and Travellers Group;

AND UPON notice of this hearing having been given in the order of 18 July 2018 which was fixed in prominent positions on the Land, available in Libraries in the Borough and published on the Claimant's website;

AND UPON reading the witness statements listed at Appendix A to this Order;

IT IS ORDERED THAT:

The Defendants as Persons Unknown Occupying the Land (as defined in this Order) are forbidden, until midnight on 16 October 2021, from:

- (1) Setting-up an encampment on any Land identified on the attached maps ("MB/3" and "MB/4") on sites totalling 213 and numbered 1 to 221 and on Land identified on Map ("MB/5") at sites numbered 1 to 12 without written permission from the Planning Authority of the London Borough of Croydon, or, planning permission granted by a planning inspector;
- (2) Entering and/or occupying any part of the Land identified on maps ("MB/3" and "MB/4") on sites totalling 213 and numbered 1 to 221 and on Land identified on Map ("MB/5") at sites numbered 1 to 12 for residential purposes (temporary or otherwise) including caravans, mobile homes, vehicles, and residential paraphernalia;
- (3) Bringing on to the Land identified on maps ("MB/3" and "MB/4") on sites totalling 213 and numbered 1 to 221 and on Land identified on Map ("MB/5") at sites numbered 1 to 12 or stationing on the Land any caravans/mobile homes other than if driving through the London Borough of Croydon or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land.
- (4) From bringing on to the Land identified on maps ("MB/3" and "MB/4") on sites totalling 213 and numbered 1 to 221 and on Land identified on Map ("MB/5") at sites numbered 1 to 12 any vehicle whether for the purposes of disposal of waste and materials or otherwise, other than when driving through the London Borough of Croydon or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land.
- (5) The Land in this Order means all the land within or in the possession and control of the London Borough of Croydon as marked on maps ("MB/3" and "MB/4") on sites totalling 213 and numbered 1 to 221 and on Land identified on Map ("MB/5") at sites numbered 1 to 12

- (6) Service of this Order shall be deemed served pursuant to CPR 6.27 by affixing a copy of this Order as opposed to an original contained in a transparent waterproof envelope in a prominent position at each of the entrances to the Land identified on each of the maps ("MB/3" and "MB/4") on sites totalling 213 and numbered 1 to 221 and on Land identified on Map ("MB/5") at sites numbered 1 to 12
- (7) No order as to Costs.

GUIDANCE NOTES

Effect of this Order

- (8) A Person Unknown Occupying the Land (as defined in this Order) who is an individual who is ordered not to do something must not do it him or herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.
- (9) 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

- (10) 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.

UNDERTAKINGS

- (11) The Claimant will serve a copy of this Order in a transparent waterproof envelope in a prominent position at all the entrances to the Land identified on each of the maps ("MB/3" and "MB/4") on sites totalling 213 and numbered 1 to 221 and on Land identified on Map ("MB/5") at sites numbered 1 to 12
- (12) The Claimant will place a copy of this Order together with the evidence served in support and the Part 8 Claim Form on the Claimant's website.

COMMUNICATIONS WITH THE COURT

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

APPENDIX A

1. Witness Statement of Chris McAvoy dated 17th July 2018;
2. Witness Statement of Mohammed Basith dated 17th July 2018;
3. Witness Statement of Barry Lambton dated 17th July 2018
4. Witness Statement of Anthony Guntrip dated 17th July 2018
5. Witness Statement of Harry Michael Mellor dated 31st July 2018
6. Witness Statement of John Andrew Ingram dated 1st August 2018
7. 2nd Witness Statement of Mohammed Basith dated 4th October 2018
8. Witness Statement of Graham Woodcock dated 4th October 2018
9. 2nd Witness Statement of Chris McAvoy dated 4th October 2018
10. 3rd Witness Statement of Mohammed Basith dated 5th October 2018
11. Witness Statement of Mason McIlroy dated 5TH October 2018
12. Witness Statement of Stephen Wingrave dated 4th October 2018