

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

CLAIM No: QB-2019-000777

WEDNESDAY 6<sup>th</sup> MARCH 2019

Mr Hugh Mercer QC sitting as a Deputy Judge of the High Court

IN THE MATTER OF A PART 8 CLAIM

AND IN THE MATTER OF

- (1) S.187B TOWN & COUNTRY PLANNING ACT 1990
- (2) S.222 LOCAL GOVERNMENT ACT 1972
- (3) S.130 HIGHWAYS ACT 1980
- (4) TRESPASS TO LAND



BETWEEN

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON  
THAMES

CLAIMANT

AND

- (1) PERSONS UNKNOWN POSSESSING OR OCCUPYING LAND
- (2) PERSONS UNKNOWN DEPOSITING WASTE OR FLYTIPPING ON LAND

DEFENDANTS

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INJUNCTION ORDER

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**PENAL NOTICE**

If you, Persons Unknown, disobey this Order or instruct or encourage others to breach this Order you may be held to be 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 to breach the terms of this Order may also be held to be in contempt of Court and may be imprisoned, fined or have their assets seized.**

**UPON HEARING COUNSEL FOR THE CLAIMANT AND THERE BEING NO NOTICE TO THE DEFENDANTS**

**AND UPON THE READING THE PAPERS AND HEARING THE APPLICATION FOR AN INTERIM INJUNCTION ORDER PENDING THE FINAL PART 8 CLAIM FOR AN INJUNCTION ORDER**

**AND UPON READING THE WITNESS STATEMENT LISTED AT APPENDIX A TO THIS ORDER**

**AND UPON ANY PERSON FROM THE GYPSY AND TRAVELLER COMMUNITY WHO WISHES TO ATTEND THE HEARING OF THE PART 8 CLAIM IF THEY WISH TO DO SO**

**AND UPON THE CLAIMANT UNDERTAKING TO THE COURT TO FORTHWITH NOTIFY THE LONDON GYPSY AND TRAVELLERS GROUP OF THE TERMS OF THIS ORDER**

**IT IS ORDERED THAT, UNTIL THE HEARING OF THE PART 8 CLAIM OR FURTHER ORDER as follows:**

1. The Defendants are prohibited from entering, occupying or setting up encampment for residential purposes (temporary or otherwise) (including with vehicles, caravans, mobile homes or residential paraphernalia) on any parts of the land ("the Land") identified on Maps 1-18 attached hereto ("the Maps") at sites numbered 1, 3 to 31, 33 to 102 & 104 to 131 listed on the Schedule attached hereto ("the Schedule"), without the prior written permission of the Council including, where necessary

#### **APPLICATION TO VARY OR DISCHARGE THIS ORDER**

4. Any person who is presently a Person(s) Unknown (or any person notified of this Order) and who wishes to identify themselves and be joined as a named Defendant to this Claim may apply to the Court to be so joined on 72 hours' notice to the Court and to the Claimant, and/or to vary or discharge this Order (or part of it) including upon the basis of their personal circumstances (including grounds of hardship or health).

#### **DIRECTIONS FOR HEARING OF PART 8 CLAIM**

5. The Claimant shall file (and serve upon any named Defendants joined to this claim) further evidence in support of this Claim by not later than 7 days prior to the hearing of the Claim. Such evidence shall include:
  - (a) evidence of title and evidence of service in accordance with the terms of this Order;
  - (b) further evidence of the specific incidents relied upon as to unlawful incursions and fly-tipping and the risks of such future potential incursions or fly-tipping;
  - (c) further evidence as to the welfare considerations of gipsies and travellers who may be affected by the terms of the final order sought, including the interests of travellers wishing to come into the Borough;
  - (d) evidence as to any enforcement action taken in pursuance of this Order, including informal enforcement measures

#### **DATE OF HEARING OF PART 8 CLAIM**

6. The hearing of the Part 8 Claim, at which hearing this Order shall be reconsidered shall be listed on the first available date after 6<sup>th</sup> May 2019.

permission from the Local Planning Authority or planning permission granted by a Planning Inspector.

2. The Defendants are prohibited from bringing onto the said Land or stationing on the Land any caravans or mobile homes (other than if driving through the London Borough of Richmond Upon Thames, or in compliance with the Parking Orders regulating the use of car parks, or with the express written permission of the owners of the Land).

### **Meaning of Land in this Order**

For the avoidance of doubt, the Land in this Order means all land within the London Borough of Richmond Upon Thames listed as 1, 3 to 31, 33 to 102 & 104 to 131 on the Schedule to this Order and identified on the Maps attached to this Order.

### **DIRECTIONS FOR SERVICE OF THIS ORDER & PART 8 CLAIM**

3. Service of this Order and Part 8 Claim shall be effected at each of the sites referred to in the Schedule by affixing copies of this Order (as opposed to an original sealed Order) contained in transparent waterproof envelopes or laminated copies in a prominent position at each of the entrances to the Land together with a Notice that a copy of the Part 8 Claim Form and Notice of Hearing and supporting evidence can be obtained from the South London Legal Partnership at 67c St Helier Avenue, Morden SM4 6HY or may be viewed at the offices of the London Borough of Richmond Upon Thames, Civic Centre, 44 York Street, Twickenham TW1 3BZ during normal Council opening hours and on the Council's website. The Notice shall set out a summary of the effect & duration of this Order, the rights of any persons affected by the Order to apply to vary or discharge the Order, and that the Order will not apply to persons who have been granted prior written permission to occupy part of the Land by way of negotiated stopping.

## **DURATION OF THIS ORDER**

7. This Order shall remain in force until the hearing of the Part 8 Claim or until further order.

## **COSTS**

8. The costs of this application be reserved.

## **TRANSCRIPT**

9. A transcript of the Court's judgment on this application shall be made available to the parties at public expense.

## **GUIDANCE NOTES**

### **Effect of this Order**

10. A Person Unknown Possessing or Occupying and / or Depositing Waste on Land (or anyone notified of this Order) who is an individual who is ordered not to do something must not do it by 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.
11. 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**

12. It is 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/her assets seized.

### **UNDERTAKINGS**

13. The Claimant will serve a copy of this Order in a transparent waterproof envelope or laminated copy in a prominent position at all the entrances to the Land on each of the sites numbered 1, 3 to 31, 33 to 102 & 104 to 131 identified on the attached Schedule & Maps with a notice that a copy of the supporting evidence can be obtained from the South London Legal Partnership at 67c St Helier Avenue, Morden SM4 6HY or may be viewed at the offices of the London Borough of Richmond Upon Thames, Civic Centre, 44 York Street, Twickenham TW1 3BZ during normal Council opening hours or on the Council's website.
14. 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.
15. The Claimant will notify the London Gypsy and Travellers Group of the terms of this Order and of the Hearing Date.

### **COMMUNICATIONS WITH THE COURT**

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

### **SCHEDULE OF WITNESS STATEMENTS**

- (1) Witness Statement of Mr Roland Copley dated 28 February 2019

Alpha Road Open Space	1	Hampton Cemetery	46	Pasthouse Common	91
<del>Around Close Wildlife Site</del>	2	Hampton Common	47	Petersham Common	92
Ashburnham Road Car Park (Back Lane)	3	Hampton Village Green	48	Petersham Lodge Woods	93
Ashburnham Road Car Park (St Richards Court)	4	Hatherop Park	49	Pools on the Park Car Park	94
Barn Elms Playing Field	5	Heathfield Recreation Ground	50	Queen Elizabeth Walk (Parks)	95
Barnes Common	6	High Street Car Park	51	Radnor Gardens	96
Barnes Common Cricket	7	Holly Road Car Park	52	Raleigh Road Recreation Ground	97
Barnes Common Football	8	Holly Road Recreation Ground	53	Richmond Cemetery	98
Barnes Green	9	Hounsby Heath	54	Richmond Green	99
Barnes Old Cemetery	10	Jubilee Gardens	55	Richmond Old Cemetery	100
Beaufort Court Playground	11	Kew Green	56	Richmond Riverside	101
Bell Hill Recreation Ground	12	<del>Kew Meadows Park Car Park</del>	57	Riverside Drive Open Space	102
Bennet Close Car Park	13	Kew Station Forecourt Car Park	58	<del>Riverside Drive Playground</del>	103
Berms Alley	14	King Georges Field	59	Riverside Ham Street	104
Beveree Wildlife Site	15	Kings Field	60	Rocks Lane Car Park	105
Broom Road Recreation Ground	16	<del>Kneller Gardens</del>	61	Rocks Lane Recreation Ground	106
Buccleugh Gardens	17	Kneller Road	62	Sandy Lane Recreation Ground	107
Bucklands Open Space	18	Langdon Park	63	Sheen Common	108
Burnell Avenue Open Space	19	Leg O Mutton	64	Sheen Common Woods	109
Cambridge Gardens	20	Linear Walk	65	Sheen Lane Car Park	110
Carlisle Park	21	Manor Road Recreation Ground	66	Small Profits Dock	111
Castlenau Recreation Ground	22	Maple Close Open Space	67	St Albans Riverside	112
Cedar Road Car Park	23	Marsh Farm Road Car Park	68	Suffolk Road Recreation Ground	113
Chase Green	24	Mears Walk	69	Tangley Park Road Car Park	114
Cholmondey Walk	25	Mereway Nature Park	70	Taylor Close Car Park	115
Church Street Car Park	26	Mill Road Open Space	71	Teddington Cemetery	116
Copse, The	27	Moorhead & Bandy Recreation Ground	72	Teddington Pool Car Park	117
Crane Park	28	Mortlake Green	73	Terrace Gardens	118
Craneford Way Recreation Ground	29	Murray Park	74	Terrace Walk & Field	119
Diamond Jubilee Gardens	30	Nelson Road Car Park	75	Thames Bank	120
East Sheen Cemetery	31	North Lane Car Park (East)	76	The Avenue Car Park	121
<del>Elmfield House</del>	32	North Lane Car Park - (West)	77	The Strathmore Centre Car Park	122
Frairs Lane Car Park	33	North Sheen Recreation Ground	78	Trowlock Island Car Park	123
Grove Gardens	34	Nursery Green	79	Twickenham Cemetery	124
Grove Road Gardens	35	Oak Avenue Local Nature Reserve	80	Twickenham Green	125
Ham Avenues	36	Oak Lane	81	Udney Hall Gardens	126
Ham Common	37	Old Bridge Street Car Park	82	Vine Road Recreation Ground	127
Ham Common Woods	38	Old Deer Park	83	Warren Gardens	128
Ham Lands	39	Old Deer Park Car Park	84	Westerley Ware Recreation Ground	129
Ham Riverside Highway Verge	40	Old Mortlake Burial Ground	85	York House Car Park	130
Ham Riverside Pitches	41	Orleans Gardens	86	York House Gardens	131
Ham Sports Frontage	42	Orleans House Gardens	87		
Ham St Car Park	43	Pages Green	88		
Ham Street - Ham Centre Highway Verge	44	Palewell Common & Fields	89		
Ham Village Green	45	Palewell Common Woods	90		

© Park Open Space

LBRUT Boundary







London Borough of Richmond upon Thames - Parks/ Open Spaces/ Car Parks



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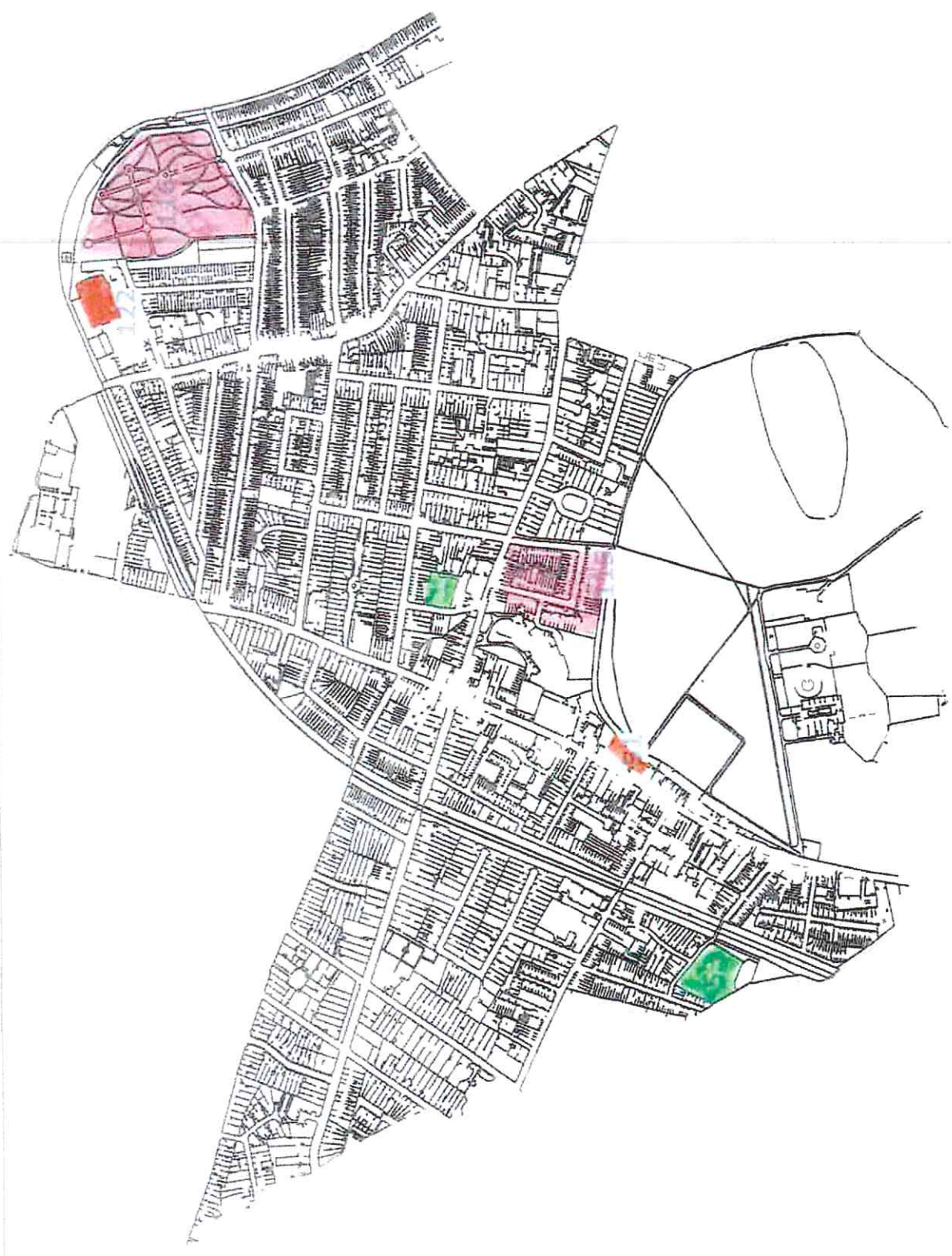






FULWELL AND HAMPTON HILL

London Borough of Richmond upon Thames - Parks/ Open Spaces/ Car Parks

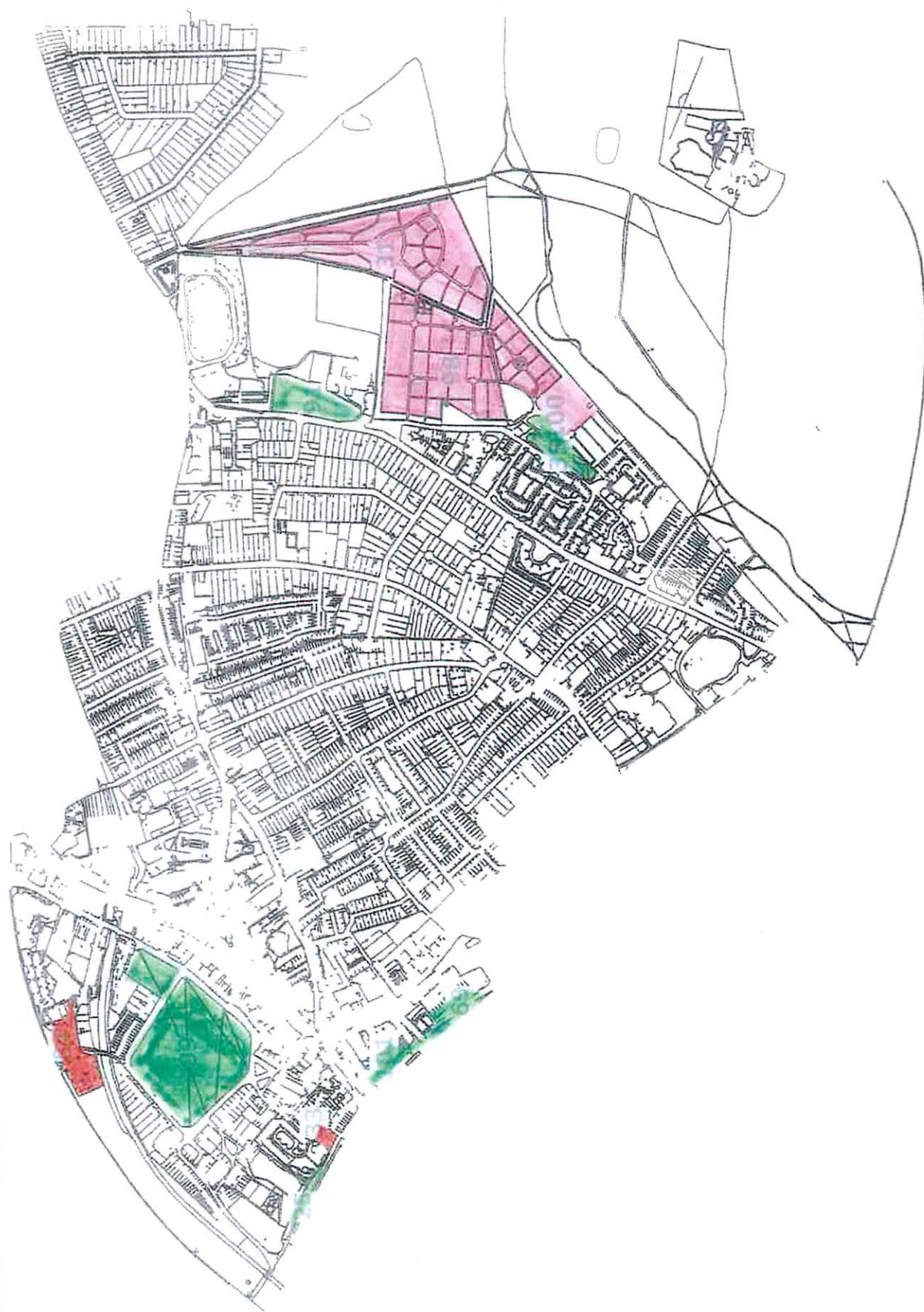


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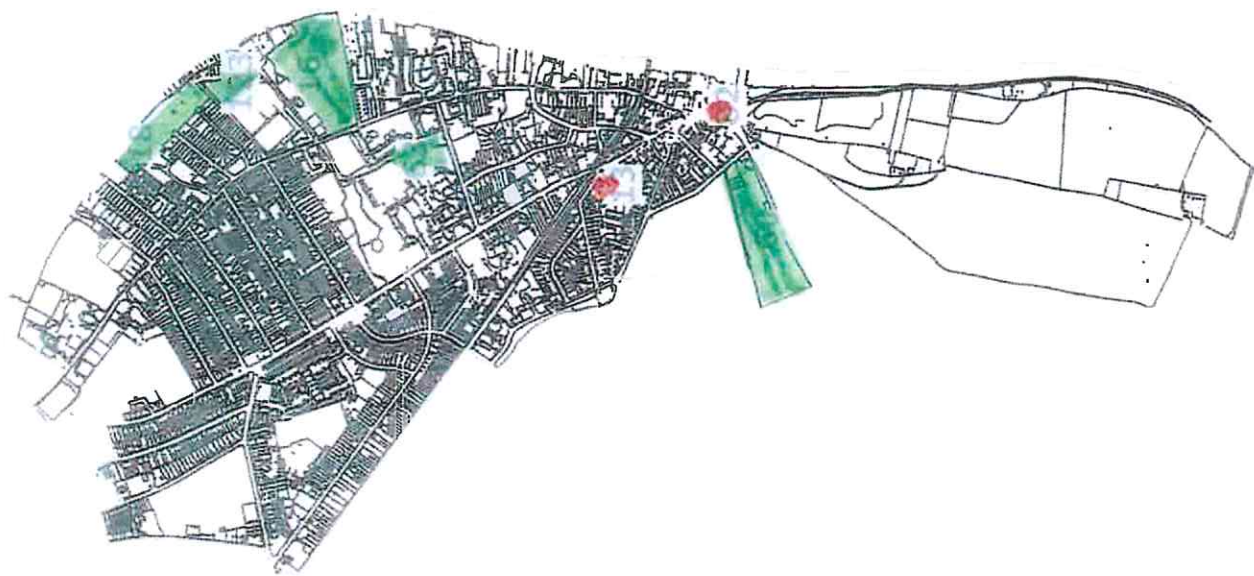
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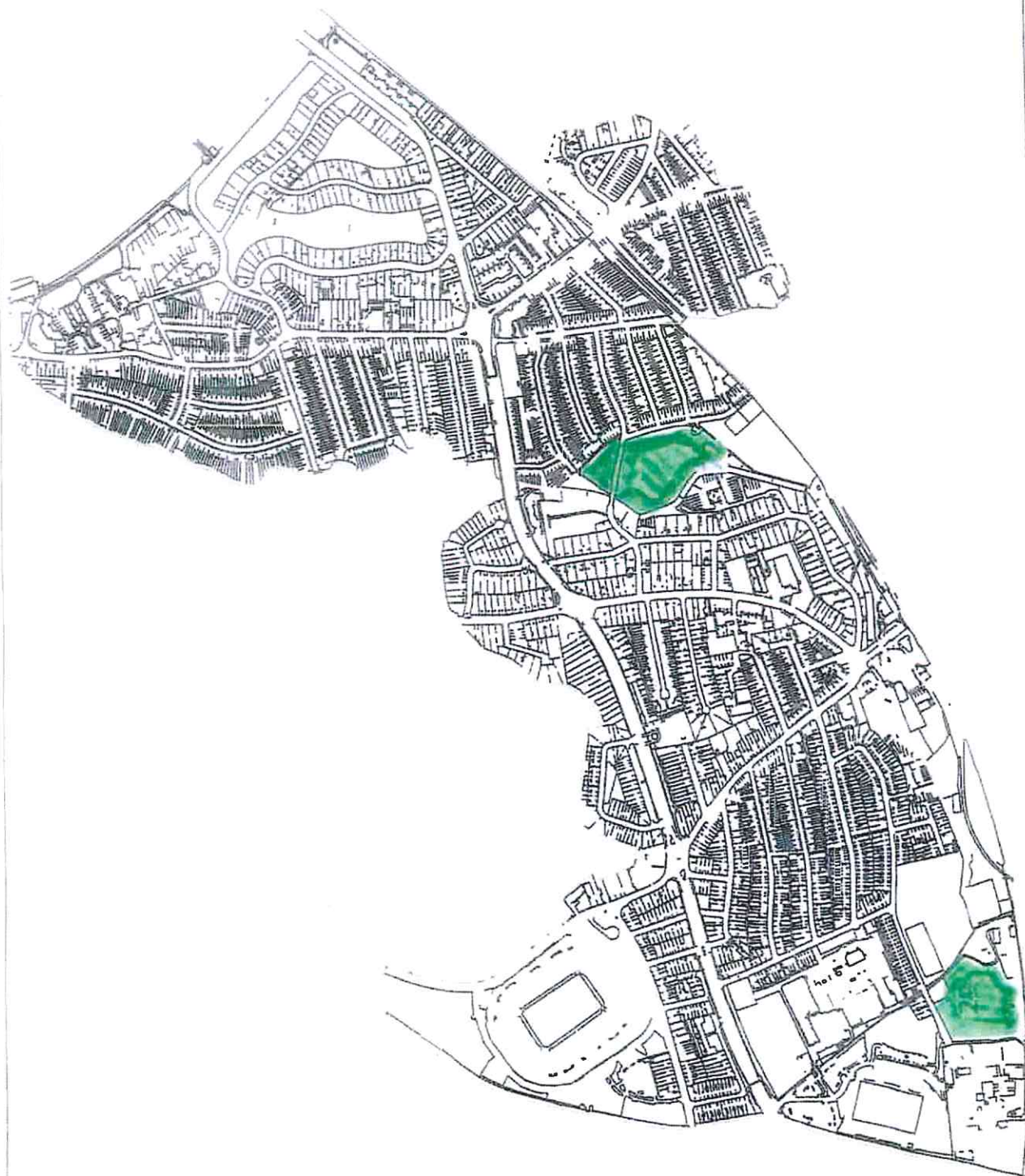
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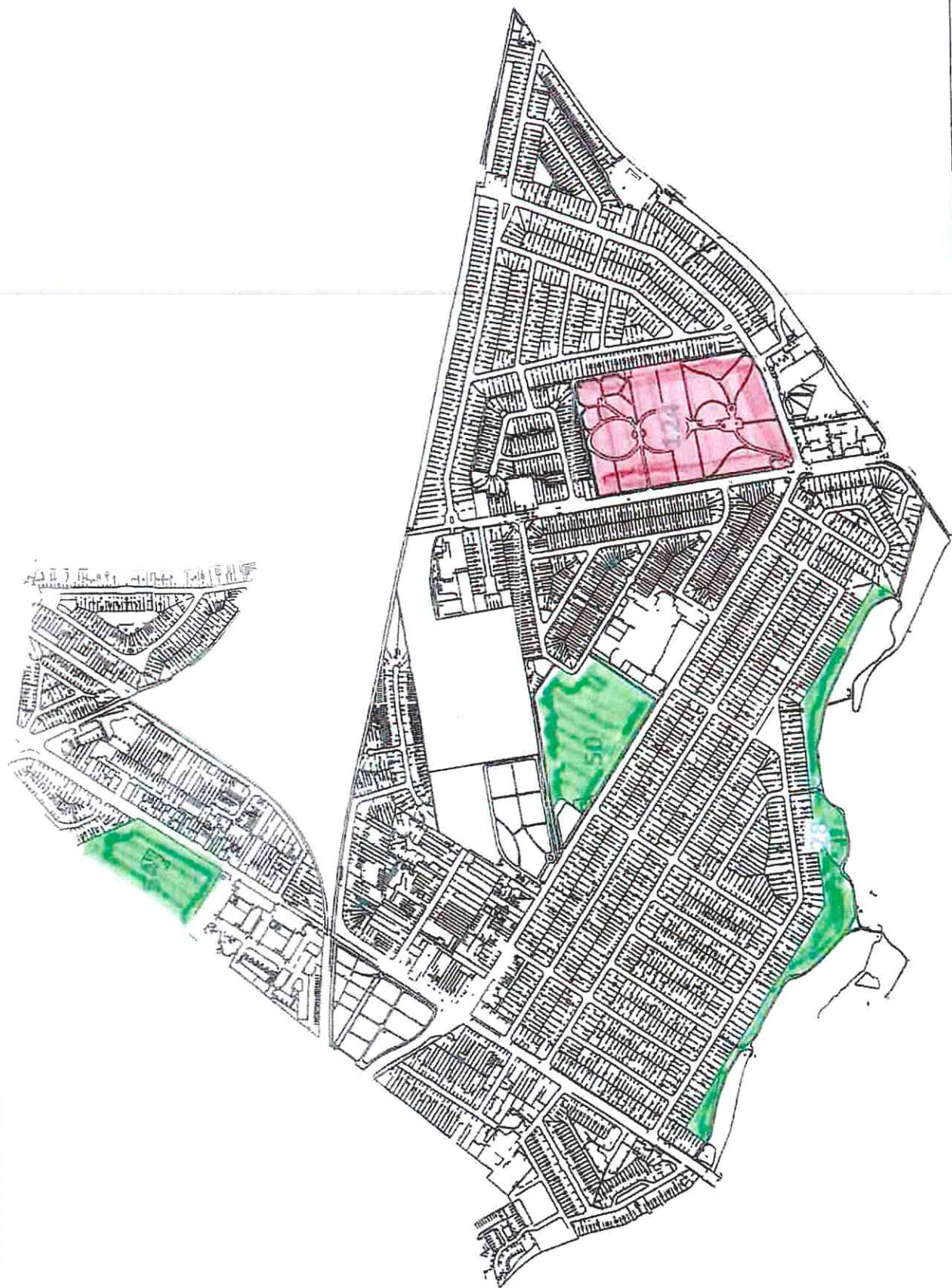


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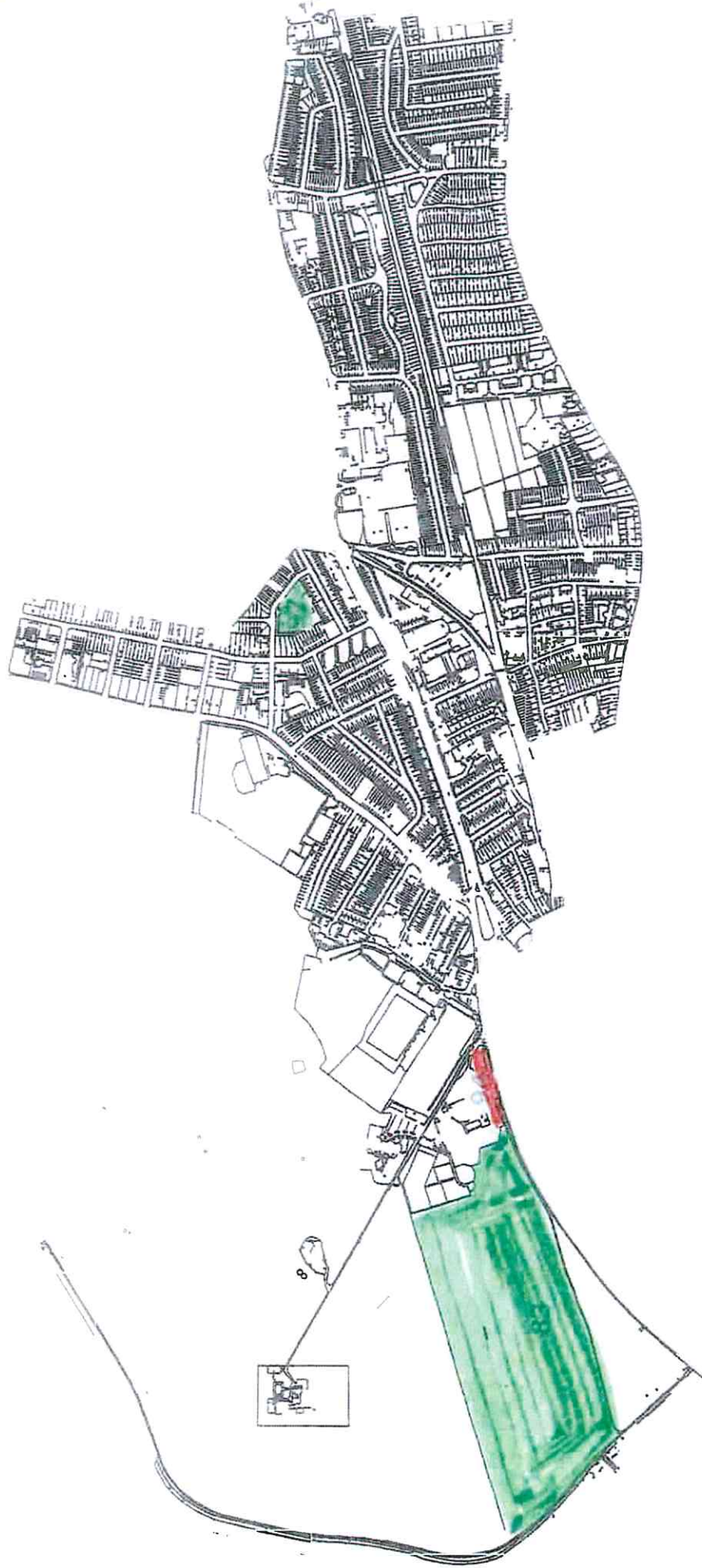




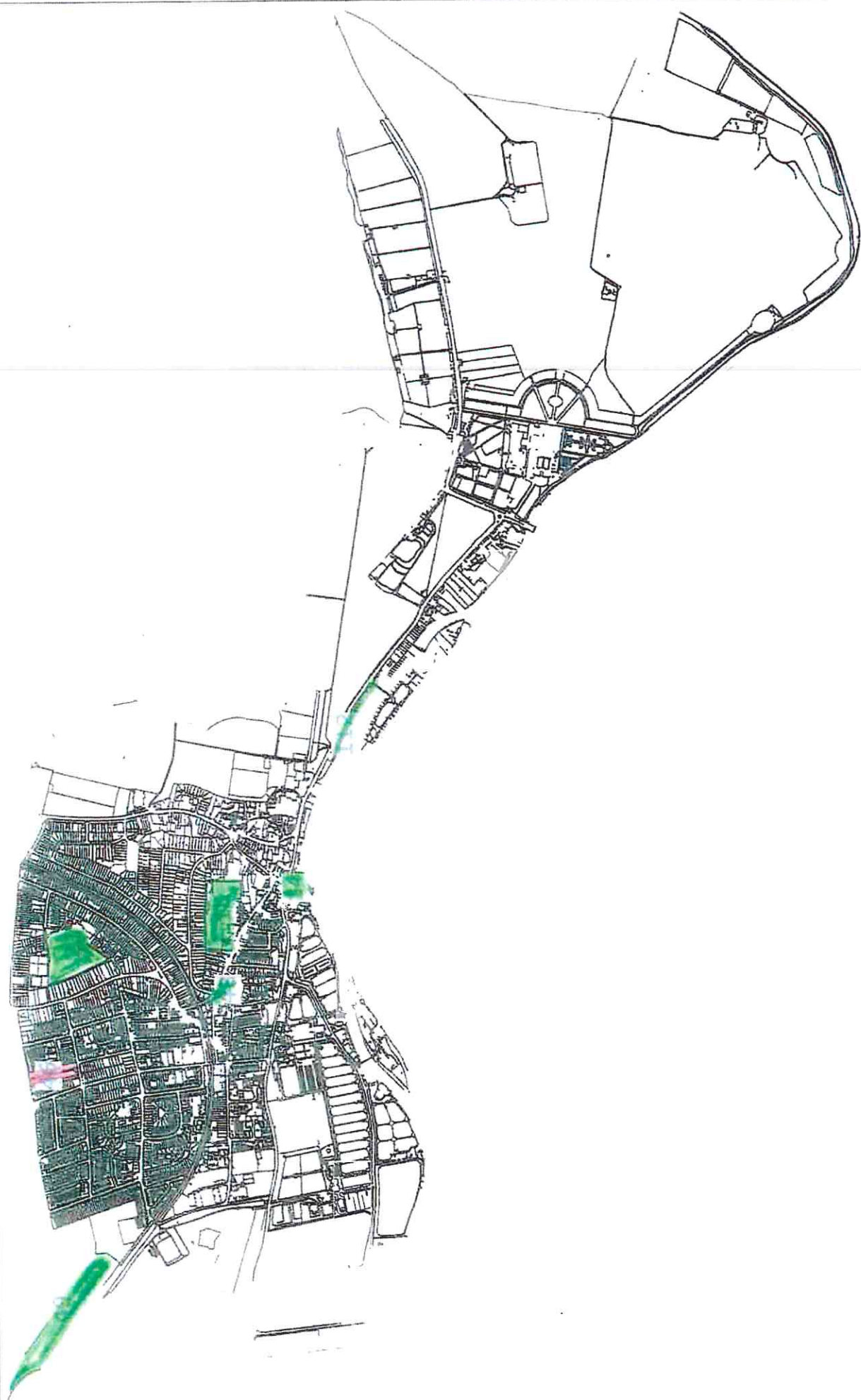
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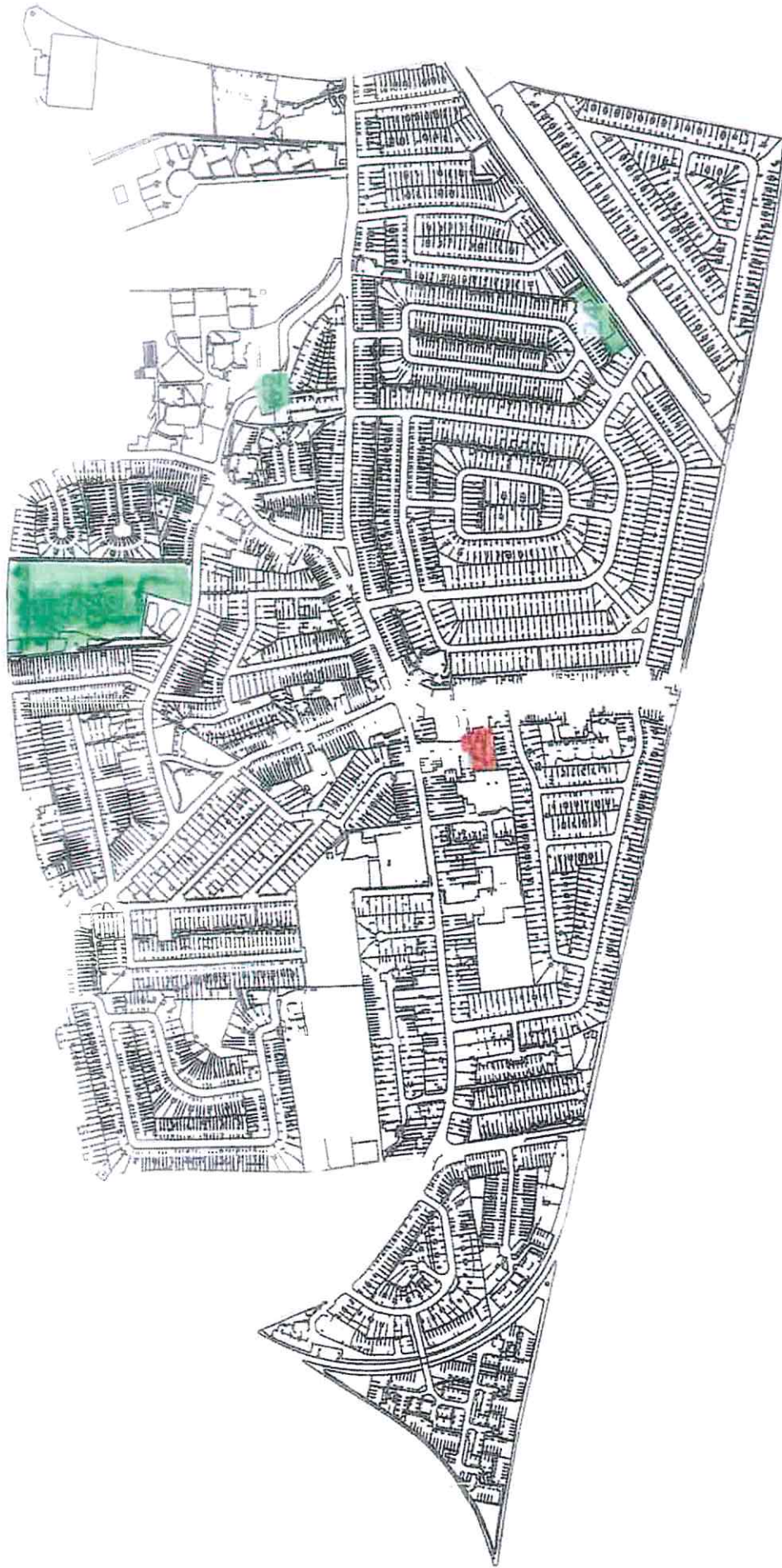
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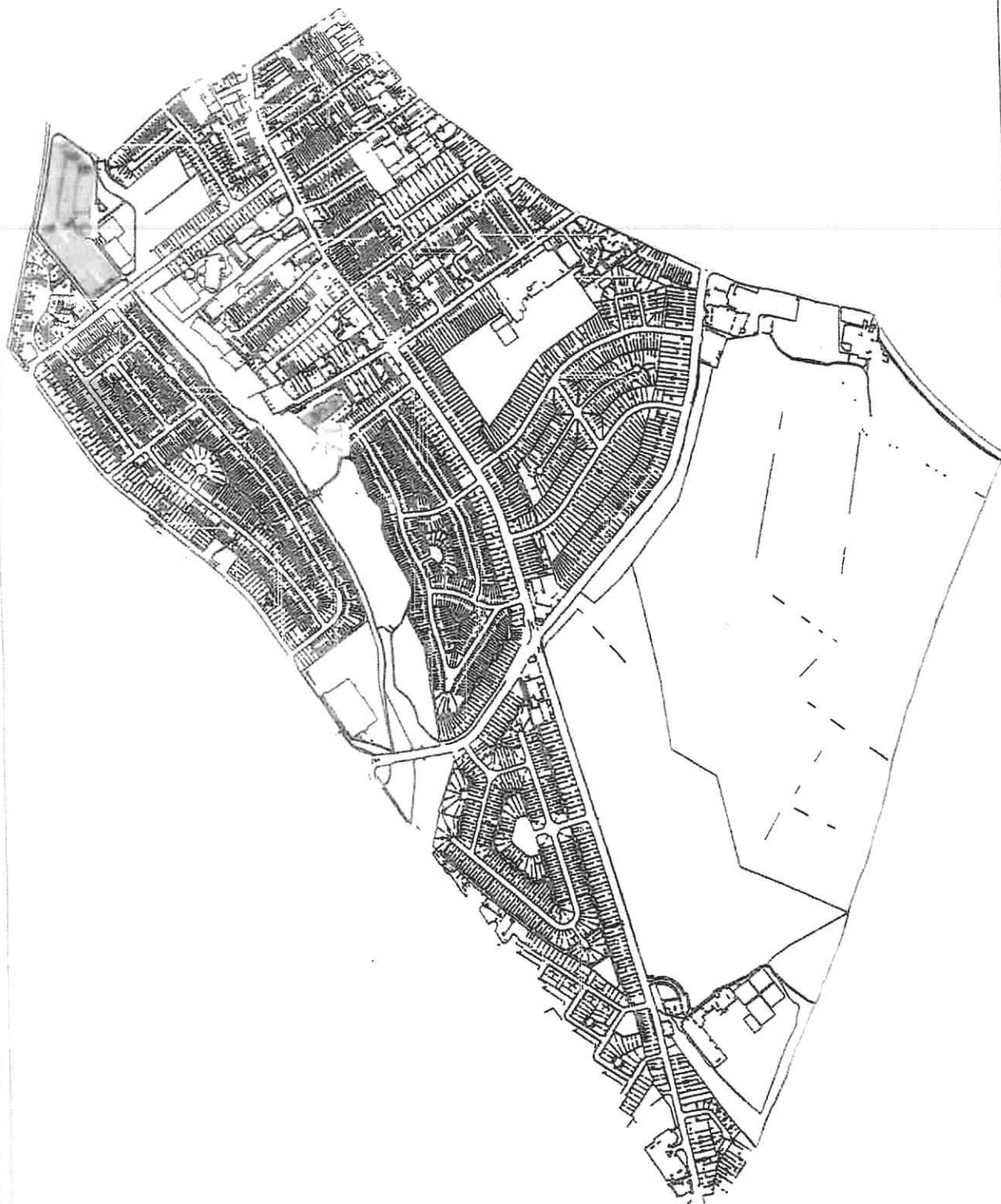


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## **LONDON BOROUGH OF RICHMOND**

### **NOTICE OF INJUNCTION ORDER**

**TAKE NOTICE** that the High Court of Justice, by Order sealed on 13<sup>th</sup> March 2019, has granted an Injunction prohibiting persons from entering, occupying or setting up encampment upon this land for residential purposes, and from bringing any caravans or mobile homes or other vehicles onto this land, otherwise than in accordance with regulations for lawful parking.

A copy of this Order and accompanying schedule and maps is contained in this envelope, and is lawfully served in accordance with the terms of the Order and Civil Procedure Rules 55.6.

This Order shall remain in force until 13<sup>th</sup> May 2019 when it will be reconsidered by the Court at the following hearing

**At** High Court of Justice, Strand, London WC2A 2LL

**On** 13<sup>th</sup> May 2019, at Not Before 10.00am

Any persons affected by this Order may apply to the Court to vary or discharge this Order and may attend the hearing of the application as set out above.

Full copies of the Claim Form, supporting evidence, and the Order itself can be inspected at the offices of the London Borough of Richmond upon Thames at Civic Centre, 44 York Street, Twickenham, TW1 3BZ during normal Council opening hours and can also be viewed on the Council's website at [www.richmond.gov.uk](http://www.richmond.gov.uk).

Copies can also be obtained from the Council's solicitors at South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, SM4 6HY (Ref: BB/2644/2)

This Order shall not apply to persons who have obtained prior written permission from the Council to occupy the land by way of negotiated stopping. Any such requests should be made through the Council's solicitors.