

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Claim No. QB-2022-001317

**In the matter of an application for an injunction made pursuant to the Local Government Act 1972, s222 and the Highways Act 1980, s130(5)**

B E T W E E N :

(1) THURROCK COUNCIL

(2) ESSEX COUNTY COUNCIL

**Claimants**

-and-

(1) MADELINE ADAMS

(2)-(222) OTHER NAMED DEFENDANTS AS LISTED AT SCHEDULE 1 TO THE CLAIM FORM

(223) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH THE FREE FLOW OF TRAFFIC ON TO, OFF OR ALONG THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM

(224) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, AND WITHOUT THE PERMISSION OF THE REGISTERED KEEPER OF THE VEHICLE, ENTERING, CLIMBING ON, CLIMBING INTO, CLIMBING UNDER, OR IN ANY WAY AFFIXING THEMSELVES OR AFFIXING ANY ITEM TO ANY VEHICLE TRAVELLING ON TO, OFF, ALONG OR WHICH IS ACCESSING OR EXITING THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM

(225) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH VEHICULAR ACCESS TO, INTO OR OFF ANY PETROL STATION OR ITS FORECOURT WITHIN THE ADMINISTRATIVE AREA OF THURROCK (AS MARKED ON THE MAP AT ANNEXE 2 TO THE CLAIM FORM)

(226) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING, PREVENTING OR OTHERWISE INTERFERING WITH VEHICULAR ACCESS TO OR FROM ANY PETROL STATION OR ITS

**FORECOURT WITHIN THE ADMINISTRATIVE AREA OF ESSEX (AS MARKED ON THE MAP AT ANNEXE 3 TO THE CLAIM FORM)**

**(227) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, BLOCKING, PREVENTING OR OTHERWISE INTERFERING WITH THE OFFLOADING BY DELIVERY TANKERS OF FUEL SUPPLIES AND/OR THE REFUELLING OF VEHICLES AT ANY PETROL STATION WITHIN THE ADMINISTRATIVE AREA OF THURROCK (AS MARKED ON THE MAP AT ANNEXE 2 TO THE CLAIM FORM)**

**(228) PERSONS UNKNOWN, WHO ARE FOR THE PURPOSE OF PROTESTING, BLOCKING, PREVENTING OR OTHERWISE INTERFERING WITH THE OFFLOADING BY DELIVERY TANKERS OF FUEL SUPPLIES AND/OR THE REFUELLING OF VEHICLES AT ANY PETROL STATION WITHIN THE ADMINISTRATIVE AREA OF ESSEX (AS MARKED ON THE MAP AT ANNEXE 3 TO THE CLAIM FORM)**

**(229) PERSONS UNKNOWN WHO ARE TRESPASSING ON, UNDER OR ADJACENT TO THE ROADS LISTED AT ANNEXE 1 TO THE CLAIM FORM BY UNDERTAKING EXCAVATIONS, DIGGING, DRILLING AND/OR TUNNELLING WITHOUT THE PERMISSION OF THE RELEVANT HIGHWAY AUTHORITY**

**Defendants**

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**EXHIBIT AR4/2 REFERRED TO IN THE  
FOURTH WITNESS STATEMENT OF ADAM RULEWSKI  
DATED 25 JANUARY 2023**

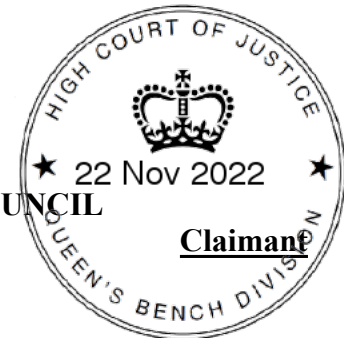
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**In the matter of an injunction sought pursuant to the Town and Country Planning Act 1990, s187B and the Local Government Act 1972, s222**

**The Honourable Mrs Justice Ellenbogen DBE**  
**22 November 2022**

**B E T W E E N :**

**ROCHDALE METROPOLITAN BOROUGH COUNCIL**



**QB-2017-005202**

**-and-**

**(1) SHANE HERON**  
**(2)-(89) OTHER NAMED DEFENDANTS**  
**(90) PERSONS UNKNOWN (BEING MEMBERS OF THE TRAVELLING**  
**COMMUNITY WHO HAVE UNLAWFULLY ENCAMPED WITHIN THE**  
**BOROUGH OF ROCHDALE)**  
**(91) TOMMY JOYCE**  
**(92) ALAN JOHN JOYCE (also known as ALAN JOSEPH "BIRDIE" JOYCE)**  
**(93) PERSONS UNKNOWN forming unauthorised encampments in the Metropolitan**  
**Borough of Rochdale**

**Defendants**

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**ORDER**

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**UPON** the Claimant's claim seeking final injunctive relief pursuant to the Town and Country Planning Act 1990, s187B and the Local Government Act 1972, s222 ('the Claim') coming on for trial

**AND UPON** the Claimant's applications, each dated 7 November 2022, seeking permission (i) to rely upon the sixth witness statement of Adrian Graham, dated 3 November 2022; and (ii) to discontinue proceedings against the First, Sixty-Fourth to Sixty-Sixth, Sixty-Eighth to Seventieth, Seventy-Third to Seventy-Fifth, Seventy-Seventh to Seventy-Ninth, Eighty-First to Eighty-Fifth and the Eighty-Eighth and Eighty-Ninth Defendants and seeking to amend the name of the Twentieth Defendant

**AND UPON** the Claimant seeking permission at the hearing also to discontinue proceedings against the Fourth, Fourteenth, Fifteenth, Fifty-Ninth, Sixtieth and Seventy-First Defendants

**AND UPON** Counsel for the Claimant informing the Court that the appeal to the Supreme Court of the United Kingdom in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046), in which the Claimant is a Respondent, has been expedited, of the Supreme Court's own motion, with a provisional listing date of 8 and 9 February 2023, but with the prospect that it will be heard later that month, and that the outcome of that appeal may dispose of part of these proceedings

**AND UPON** Counsel for the Claimant bringing to the Court's attention the judgment in *Cuciurean v Secretary of State for Transport and HS2 Limited* [2022] EWCA Civ 1519, dated 17 November 2022, and informing the Court that the principles in that case are likely to be of relevance to these proceedings and to be considered by the Supreme Court in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046)

**AND UPON** Counsel for the Claimant seeking the adjournment of the Claimant's applications dated 7 November 2022 and its further application to discontinue proceedings against additional Defendants, were the trial of this matter to be adjourned

**AND UPON** it appearing to the Court that all extant abovementioned applications; all other applications (if any) required to bring the Claim to trial as soon as reasonably practicable after the Supreme Court's judgment in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046) has been handed down; and all then necessary and appropriate further case management orders, should be considered by a Judge of the High Court following the Supreme Court's judgment (subject to the views of that judge following his or her consideration of the file)

**AND UPON** the Court considering the file and hearing Caroline Bolton and Natalie Pratt of Counsel for the Claimant

**AND UPON** the Defendants neither appearing nor being represented

## **IT IS ORDERED THAT:**

### **Directions**

1. The trial of the Claim be adjourned pending the Supreme Court's judgment in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046). It is not reserved to Ellenbogen J.
2. Solicitors for the Claimants shall write to the Court within 28 days of judgment in the abovementioned appeal being handed down, notifying the Court that it has been handed down and:
  - a. setting out the Defendants against whom it then intends to proceed; the final relief which will be sought against each such Defendant; and a list of the issues to be determined at trial;
  - b. providing all necessary and appropriate draft directions and orders, leading to trial on the earliest practicable date thereafter; and

- c. making all additional applications (if any) required to enable the trial to take place on the earliest practicable date thereafter.
3. As soon as reasonably practicable thereafter, and, in any event, no later than 35 days after the Supreme Court's judgment in *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* (UKSC 2022/0046) has been handed down, the file shall be placed before a Judge of the High Court for consideration of all necessary and appropriate orders and directions, including in connection with: (1) the abovementioned currently extant applications (namely, to discontinue proceedings against certain Defendants; amend the name of the Twentieth Defendant; and rely upon the sixth witness statement of Adrian Graham); and (2) any further applications made by the Claimant under paragraph 2(c) above. It will be for the judge who reviews the file at that stage to determine whether an interim hearing is required, or whether it is appropriate to deal with all matters then outstanding on the papers.
4. For the avoidance of doubt, and subject to further order in the meantime, the interim injunction order in these proceedings, made by Garnham J on 19 February 2018 and sealed on the following day, shall continue throughout the period during which the trial of the Claim is adjourned.

#### **Service of this Order**

5. The Claimant is permitted to serve the Ninetieth and Ninety-Third Defendants (Persons Unknown) with this order by affixing copies (as opposed to the original) of the order in a transparent envelope in a prominent place on each of the sites in relation to which (1) an interim injunction has been granted; and (to the extent different) (2) a final injunction will be sought. The deemed date of this order shall be one working day after service has been completed in accordance with this paragraph.

#### **Liberty to Apply**

6. Each of the Defendants (and anyone else notified of this order) may apply to the Court, on 72 hours' written notice to the Court and to the Claimant's solicitors, to vary or discharge this Order (or so much of it as affects that person).

#### **Costs**

7. Costs in the case.