

CLAIM NO: HQ16X00618

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

IN THE MATTER OF
Section 187B of the Town and Country Planning Act 1990

BEFORE THE HONOURABLE MR. JUSTICE NICOL

DATED 11th March 2016

B E T W E E N :-

THE BROADS AUTHORITY

Claimant

-and-

- (1) ROGER WOOD**
- (2) CAYENNE MARINE LIMITED**

Defendants

ORDER FOR AN INTERIM INJUNCTION

PENAL NOTICE

IF YOU THE WITHIN NAMED:

- (1) ROGER WOOD**
- (2) CAYENNE MARINE LIMITED**

**DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT
AND LIABLE TO IMPRISONMENT OR FINED OR YOUR ASSETS SEIZED**

IMPORTANT

Notice to the Defendants

You should read terms of the order and the guidance notes very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this order you may be found guilty of contempt of court and may be sent to prison or fined. In the case of a corporate defendant, it may be fined, its directors may be sent to prison or fined or its assets may be seized.

THE INJUNCTION ORDER

An application was made today, the 11th March 2016, by Counsel for the Claimant to Mr Justice Nicol. The First Defendant appeared in person, on behalf of both Defendants. Mr Justice Nicol heard the Application, and read the Witness Statement listed in Schedule A, and the written submissions made by the parties.

As a result of the application

IT IS ORDERED THAT, until trial or further order :

In relation to the land and riverbank at the western end of Thorpe Island, Norwich NR7 0 TH, and shown as Sites 1 and 2 on the Plan attached to this Order ("the Land") the Defendants whether by themselves or by instructing, encouraging or permitting any other person must not:

1. moor additional vessels, other than the 19 present on 10 March 2016, in the basin in site 1, and the two other named vessels notified by the Defendants to the Claimant by 15th March 2016;
2. construct or install additional pontoons, other than the two present on 18 February 2016, in the basin in site 1;
3. moor additional vessels along the riverbank (site 2), other than the five present on 10 March 2016; there shall be no breach of this provision if a vessel is moored anywhere on site 2 for less than 4 days, and the defendants shall maintain records of arrivals and departures, and shall make those records available to the Claimant upon reasonable request;
4. move any vessels moored in site 1 to moor in site 2;
5. Use the vessels moored in site 1 and site 2 for residential use, other than the four on site 1 and the three on site 2 present on 10 March 2016; there shall be no breach of this provision if a vessel is moored anywhere on site 2 for less than 4 days;
6. Use any vehicles or motorhomes for residential use on the land in site 1; there shall be no breach of this provision if a vehicle or motorhome is moored parked for less than 4 days.

THE COSTS OF THE CLAIM

AND IT IS FURTHER ORDERED THAT

The Claimant's costs of the Application be reserved.

GUIDANCE NOTES

Effect of this Order

1. 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.
2. 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.

Variation or discharge of this Order

The Defendants (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person) but anyone wishing to do so must first give 48 hours notice, in writing or by fax, to the Claimant's legal representatives. Except that the hours between 5pm on any Friday and 9am on any Monday cannot be counted as part of the 48 hours period.

Parties other than the Claimant and Defendant

1. 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

1. In this Order the words "the Land" means the Site 1 and 2, as shown on the Plan attached to this Order.
2. In this Order, where there is more than one Defendant, (unless otherwise stated) references to "the Defendant" means both or all of them.
3. A requirement to serve on "the Defendant" means on each of them. However, the Order is effective against any Defendant on whom it served.

4. An Order requiring “the Defendant” 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 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6000). The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday (excluding Bank Holidays).

Schedule A

Witness Statements:-

The Claimant relied on the following Witness Statement:-

1. Cally Smith, dated 18th February 2016.

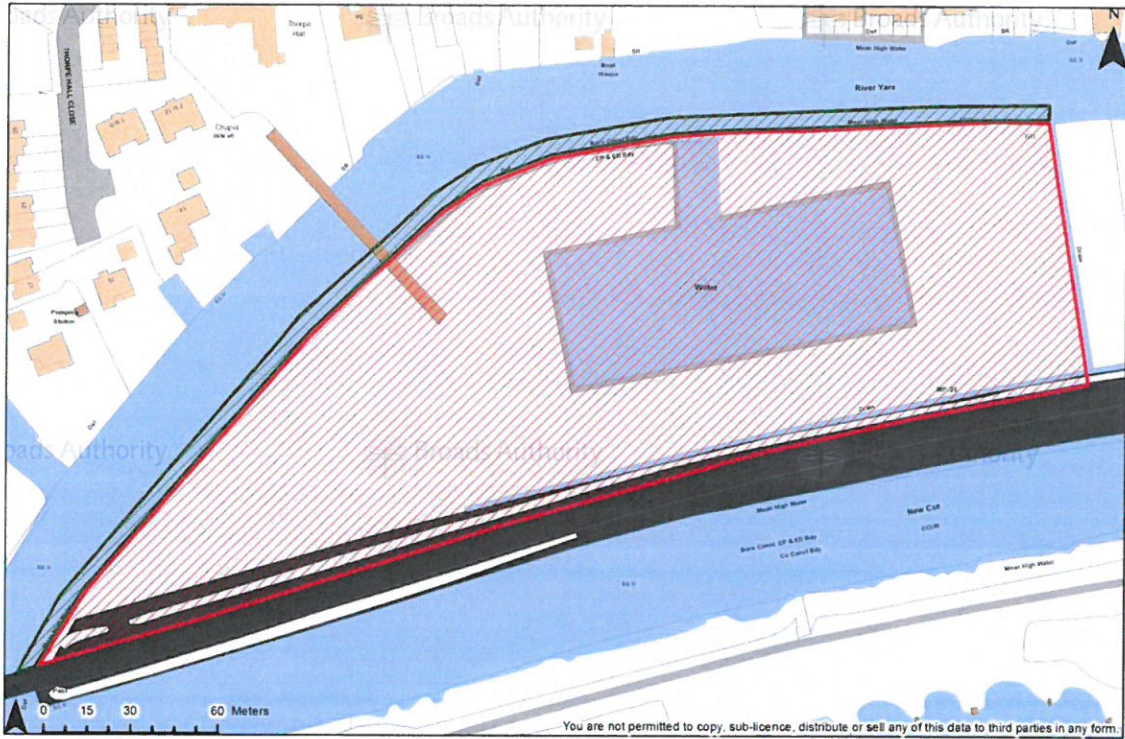
Name and Address of Claimant's Legal Representatives

The Claimant's Legal Representative is:-

Mr Steven Bell
NPLAW
County Hall
Martineau Lane
Norwich
Norfolk NR1 2DH

Tel: 01603 222012
DX: 135926 Norwich 13
Ref: SB/48856

**PLAN ATTACHED TO THE ORDER
CLAIM NO:**



Site 1 THORPE ISLAND
Site 2 Plan of sites to accompany section 187B Pleadings 26/01/2015