

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)

Before the Honourable Mr Justice Bourne

B E T W E E N :

- (1) THURROCK COUNCIL
(2) ESSEX COUNTY COUNCIL



-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

(230)-(262) OTHER NAMED DEFENDANTS AS LISTED AT SCHEDULE 1 TO THE CLAIM FORM

Defendants

ORDER

UPON the final hearing of the Claim against the remaining 26 Named Defendants

AND UPON hearing Caroline Bolton and Natalie Pratt of counsel for the Claimants, Jamie Burton KC on behalf of the 110th Defendant (Charles Philip Laurie) and no other Defendant appearing or being represented

AND UPON the Court granting an injunction by its order dated 31/10/24 for the reasons given in its judgment handed down on 30/10/24

AND UPON reading the written submissions of counsel for the Claimants and for the 110th Defendant in relation to costs

IT IS ORDERED:

1. The 10th, 27th, 34th, 35th, 60th, 70th, 71st, 83rd, 84th, 95th, 110th, 129th, 174th, 189th, 205th, 230th, 233rd, 237th, 241st, 242nd, 245th, 246th, 249th, 251st, 253rd and 256th Defendants (“the remaining Named Defendants”) shall pay 60 per cent of the Claimants’ reasonable costs of the Claim (arising after those dealt with by the Court’s order of 27 May 2022), to be assessed on the standard basis if not agreed. Those costs shall be apportioned between the remaining Named Defendants.
2. The parties have liberty to apply to vary the percentage mentioned in paragraph 1 hereof. If such application is made, then:
 - a. It must be filed and served by 20 December 2024.
 - b. If the application is agreed, then notice of the agreement must be filed and served by 10 January 2025.
 - c. If it is not agreed, the opposing party must file and serve a response by 10 January 2025.
 - d. The application(s) will be decided on paper.
3. The remaining Named Defendants shall, by 4pm on 19 December 2024, each make a payment on account of costs in the sum of £2,000.

REASONS

1. There is no good reason to depart from the rule that costs follow the event. The Claimants were the successful party and Mr Laurie was an unsuccessful party. It is not relevant that claimants in some other comparable cases did not apply for costs. Nor is it relevant that Mr Laurie has not breached the injunction. The Claimants obtained an order which Mr Laurie and others unsuccessfully opposed.
2. In this substantial litigation, the costs were not suitable for summary assessment and it was therefore not incumbent on the Claimants to provide a Statement of Costs.
3. The relevant costs are those arising after the costs dealt with by Simon J on his order of 27 May 2022. It is fair for these costs, like those ordered by Simon J, to be apportioned between the remaining named Defendants.
4. It is not appropriate to order those 26 Defendants to pay all of those costs. Some must have been incurred at a time when up to 275 named Defendants (albeit including the 26), and persons unknown, were still involved.
5. Nevertheless, it seems a fair assumption that the greater part of the relevant costs were incurred in relation to the hearing before me and, as the other named Defendants agreed to settle, it is fair to order the payment of an appropriate portion of those costs by the 26.
6. From the available information, a figure of 60 per cent of the costs incurred after the May 2022 order appears to be a just assessment of the responsibility of the 26, but that is inevitably on the basis of incomplete information. Rather than inviting yet further submissions before making this order, I have adopted the pragmatic solution of ordering the 60 per cent but with liberty to apply to vary that percentage.

7. The parties should bear in mind that a proportionate assessment of this kind will be broad-brush and not a matter of granular analysis. But if there are grounds for a significant variation, the parties are invited to reach agreement if possible. If asked, the Claimants should promptly share such information (e.g. as to the chronology of steps taken and costs incurred on the one hand and the reaching of settlements with named defendants on the other) as is reasonably necessary for consideration of the issue.
8. The timetable, with provision for any application (agreed or not) to be decided on paper, is designed to be consistent with the requirement of proportionality. It assumes reasonable co-operation between the parties.
9. It is just to order interim payments of amounts which are unlikely to exceed each individual's eventual liability, even having regard to the possibility of varying the percentage mentioned in paragraph 1 of the order.

Dated this 5th day of December 2024