

**IN THE COUNTY COURT
HELD AT SOUTHEND**

CLAIM NO.:

In the matter between:

SOUTHEND-ON-SEA CITY COUNCIL

Claimant

And

Defendants

1. **UNLAWFUL OCCUPIERS OF TWO TREE ISLAND**
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. **PERSONS UNKNOWN WHO MAY IN FUTURE ENTER OR OCCUPY TWO TREE ISLAND FOR THE PURPOSE OF UNLAWFUL OCCUPATION, RESIDENCE, CAMPING, OR SLEEPING IN VEHICLES**

PARTICULARS OF CLAIM

1 PARTIES AND INTRODUCTION

- 1.1 The Claimant is Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ER. The Claimant brings this claim pursuant to section 222 of the Local Government Act 1972, which empowers the Council to initiate civil proceedings where expedient for the promotion or protection of the interests of its inhabitants.

- 1.2 The Claimant is the freehold owner of the land known as Two Tree Island Nature Reserve (“the Land”). Official copy entries of the Land Registry title register and plans exhibited marked ‘A’.
- 1.3 The Eighth Defendant are persons unknown (“newcomers”) who may in the future enter or occupy the Land for the purpose of residential occupation, camping, sleeping in vehicles, or stationing caravans, vehicles or structures intended for occupation.
- 1.4 The inclusion of newcomer Defendants is necessary and lawful pursuant to the Supreme Court judgment in *Wolverhampton City Council & Others v London Gypsies & Travellers & Others* [2023] UKSC 47, which confirmed the Court’s jurisdiction to grant newcomer injunctions where strict safeguards are met.

2 PURPOSE OF THIS APPLICATION

- 2.1 The Claimant seeks an order restraining ongoing trespass by current unlawful occupiers and preventing future unlawful occupation by newcomers.
- 2.2 The Land is intended solely for public recreational access, conservation and environmental management. It is not authorised for any form of residential occupation, camping, or vehicle-based dwelling.
- 2.3 The Land lies within an Environment Agency designated flood risk zone. Occupation in vehicles exposes the occupants to severe danger in the event of tidal flooding.

3 LEGAL BASIS FOR APPLICATION

- 3.1 The Claimant relies on the following laws and principles as the legal basis for which it brings this application:
 - 3.1.1 Common law trespass.
 - 3.1.2 Section 222 Local Government Act 1972.
 - 3.1.3 CPR Part 8 and Practice Direction 8A.
 - 3.1.4 The principles governing newcomer injunctions affirmed by the Supreme Court in *Wolverhampton CC v LGT* [2023] UKSC 47,

specifically the five principles governing newcomer injunctions articulated in that case.

3.2 The Witness Statement of Daniel DeBond and exhibits, are included in the bundle of documents for this claim is to be used in support of this application.

4 TRESPASS AND UNLAWFUL OCCUPATION BY CURRENT OCCUPIERS

4.1 The First, Second, Third, Fourth, Fifth, Sixth and Seventh Defendants have brought vehicles onto the Land and are residing or remaining there without licence, permission, or lawful authority, and are therefore committing trespass at common law.

4.2 Between December 2024 and February 2026, the Claimant received and observed repeated reports of:

4.2.1 waste accumulation (including human waste),

4.2.2 fires (including two caravan fires),

4.2.3 intimidating behaviour,

4.2.4 interference with access barriers,

4.2.5 entrenched occupation.

4.3 These matters are evidenced in the Witness Statement of Daniel De Bond and exhibits DDB01–DDB43.

4.4 As a result of the conduct, the Claimant issued Notices to Vacate to identified unlawful occupiers on 28 January 2026.

4.5 The Claimant further affixed a Notice on 28 January 2026 at the entrance to the Land addressed to all occupiers requiring them to vacate

4.6 Some of the initial occupiers did vacate the Land, however not all did, and accordingly the Claimant issued and served a Final Notice to Vacate to those Defendants still in unlawful occupation of the Land on 07 February 2026.

4.7 In both circumstances, these Notices were issued by hand to the unlawful occupiers and affixed to their vehicles.

- 4.8 Several Defendants left temporarily but returned within days, and others refused to leave. These events demonstrate persistent and deliberate trespass and the failure of non-court remedies.
- 4.9 Despite the issuance of those Notices, the unlawful occupiers have failed to vacate the Claimant's Land. This shows persistent, deliberate, and ongoing trespass that ordinary non-litigious measures have been unable to address.

5 RISK OF FUTURE TRESPASS BY NEWCOMERS

- 5.1 The Claimant has taken measures to prevent future Newcomers from occupying the Land. However, the Land has attracted repeated unlawful occupation by individuals arriving in vehicles over an extended period.
- 5.2 This recurring pattern demonstrates that, without newcomer relief, the Claimant faces a continuing cycle of trespass, exposing the public and future newcomers to significant dangers, including fire and flooding.
- 5.3 The Supreme Court in *Wolverhampton CC v LGT* has confirmed that injunctions may lawfully be made against newcomers where safeguards are applied and where other remedies have proved inadequate.
- 5.4 The Supreme Court has expressly recognised the need for newcomer injunctions in cases where:
- 5.4.1 trespass is a recurring problem,
 - 5.4.2 groups move from one site to another,
 - 5.4.3 traditional remedies are inadequate,
 - 5.4.4 protection of the public interest requires forward looking relief.
- 5.5 The Claimant is therefore compelled to seek relief not only against the present occupiers but also against future unknown individuals intending to commit the same prohibited acts.
- 5.6 The Claimant submits that the five safeguards outlined in *Wolverhampton CC v LGT* are met insofar as:
- 5.5.1 There is persistent trespass, fire, waste and risk which justify the compelling need for the relief sought.

- 5.5.2 The Claimant will serve and publicise the injunction by posting laminated (redacted where applicable) copies at all access points. Further liberty to apply to vary or discharge the order on 48 hours' notice is provided.
- 5.5.3 The Claimant has made full and frank disclosure by presenting all material facts known to it.
- 5.5.4 The order prohibits unlawful occupation-related activities and is thus narrowly tailored.
- 5.5.5 The notices and other deterrence have failed and there is no other suitable remedy.
- 5.7 The application for the injunction therefore meets the Supreme Court's requirements for newcomer relief.

6 HARM CAUSED AND RISKS

- 6.1 Whilst the Defendants were in unlawful occupation the Claimants received complaints of fires, significant waste and sanitation concerns and nuisance to the public, which interfered with the Claimant's management of the Land. There was also repeated breach of the Council's warnings.
- 6.2 The harm is substantial, ongoing and irreparable. Damages would not be an adequate remedy.
- 6.3 The presence of the unlawful occupiers and potential future newcomers is also of concern due to the risk of flooding at the Land.
- 6.4 There is a real and continuing risk that both the current Defendants and newcomers will cause further irreparable harm unless restrained.

7 NECESSITY AND PROPORTIONALITY

- 7.1 The Claimant respectfully submits that it is necessary and proportionate to grant this application for an Injunction Order to prevent ongoing trespass, future trespass by newcomers, prevent further fires, waste and disorder, and to protect the safety of those in unlawful occupation from the risk of floods.

- 7.2 The Claimant has considered the rights of the Defendants under Article 8 ECHR.
- 7.3 The Claimant submits that any interference with those rights is justified, necessary, and proportionate because:
- 7.3.1 The Defendants are committing trespass.
 - 7.3.2 The Injunction addresses a pressing need to protect life and property from fire and flood risk.
 - 7.3.3 It protects the rights of the wider public to access and enjoy the Land.
 - 7.3.4 It preserves recreational rights and does not restrict normal public use.
 - 7.3.5 There is no less restrictive measure reasonably available.
- 7.4 The Claimant has undertaken welfare checks when issuing the notices, and it is respectfully submitted that based on those welfare checks, there is no reason why the Court should not grant the relief sought.
- 7.5 The injunction is targeted solely at occupation-related conduct and does not interfere with the Defendants' right to freedom of movement or peaceful assembly beyond what is strictly necessary.


8 RELIEF SOUGHT

The Claimant respectfully applies to the Court for an injunction in the terms contained in the draft order accompanying this application.

Statement of Truth

The Claimant believes that the facts stated in this Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised by the Claimant to sign this statement.

Signed: 

Date: 17th April 2026

(Claimant's Solicitor)

Full name: Elsie Anakwue

Name of Claimant's Solicitor's Firm: **Southend-on-Sea City Council**

Position or office held: Principal Solicitor

(if signing on behalf of firm or company)