

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**BIRMINGHAM DISTRICT REGISTRY**

**Claim No C90BM276**

**BEFORE His Honour Judge Rawlings sitting as a Judge of the High Court**

**26 October 2016**

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

**MALVERN HILLS DISTRICT COUNCIL**

**Claimant**

**- and -**

**(1) MR ANDREW TIDMARSH**

**(2) MS ELIZABETH MARY ADAMS**

**(3) GRIMLEY OVAL RACEWAY LIMITED**

**(4) PERSONS UNKNOWN**

**Defendants**



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**INTERIM INJUNCTION**

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**PENAL NOTICE**

**IF YOU (1) MR ANDREW TIDMARSH (2) MS ELIZABETH MARY ADAMS (3) GRIMLEY OVAL RACEWAY LIMITED OR (4) PERSONS UNKNOWN, DISOBEY 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 THE RESPONDENTS 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**

Before His Honour Judge Rawlings sitting as a Judge of the High Court at the High Court of Justice, Queen's Bench Division, Birmingham District Registry, Bull Street, Birmingham on 26<sup>th</sup> October 2016.

UPON hearing Counsel for the Claimant and Counsel for the First to Third Defendants.

AND UPON reading the Witness Statements / Affidavits / Pleadings listed in Schedule 1 to this order.

### **INTERIM INJUNCTION**

#### **IT IS ORDERED that:-**

1. Until the First to Third Defendants implement an appropriate noise mitigation scheme which restricts noise to a limit of 45 dB LAeq15minutes and 55 dB LAmax as measured at the boundary with Vine Cottage, Walton Road, Grimley, WR2 7LR, without the express prior written consent of the Claimant, all of the Defendants either by themselves or by instructing or encouraging or permitting any other person be forbidden from:
  - i. Operating, conducting, engaging or participating in motor vehicle races, practice events, promotional events or corporate driving experience days at the Grimley Raceway, A443, Grimley, Worcester, WR2 6 which are capable of causing nuisance or annoyance to any person residing, visiting or otherwise lawfully present in the locality.
2. This interim injunction shall come into force at 0.01 hours on 31<sup>st</sup> October 2016 and shall remain in force until the conclusion of the trial of this action (including judgment) or further order of the court.

### **COSTS OF THE APPLICATION**

3. The costs of this Application are to be costs in the case.

#### **INTERPRETATION OF THIS ORDER**

4. In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".
5. Where there are two or more Defendants then (unless the contrary appears)
  - (a) References to "the Defendant" mean both or all of them;
  - (b) An Order requiring "the Defendant" to do or not to do anything requires each Defendant to do or not to do it;

#### **THE EFFECT OF THIS ORDER**

6. 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.
7. 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**

8. 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 imprisoned, fined or have their assets seized.

#### **SERVICE OF THIS ORDER**

9. Pursuant to CPR r. 81.8(2), the Court dispenses with personal service of this interim injunction on the First to Fourth Defendants.

10. The Claimant is permitted to serve the First to Third Defendant by:-

- a. Sending a copy of the interim injunction by first class post to:
  - i. The First Defendant – 139 Meadway Road, Worcestershire, WR5 1NA;
  - ii. The Second Defendant – 102 Tewkesbury Road, Longford, GL2 9BT;
  - iii. The Third Defendant – 162 Hucclecote Road, Hucclecote, GL3 3SH; and
- b. Sending a copy of the interim injunction by first class post to the First to Third Defendant's Solicitors, VHS Fletchers Solicitors.
- c. The interim injunction shall be deemed served upon the First to Third Defendants on the second day after it is posted to them and their Solicitors provided that day is a business day or, if not, the next business day after that day.

11. The Claimant is permitted to serve the Fourth Defendants by:-

- a. Erecting a sign adjacent to the entrance of Grimley Raceway, Grimley, Worcestershire stating that a High Court injunction prohibiting motorsport noise causing nuisance or annoyance is in force in the area; and
- b. Attaching a copy of the interim injunction, waterproofed in transparent plastic, to the front gates and gate post at Grimley Raceway, Grimley, Worcestershire.
- c. The steps noted at paragraph 11(a) and (b) above shall not be taken until after 0.01 hours on 31<sup>st</sup> October 2016. The interim injunction shall be deemed served upon the Fourth Defendants immediately once both steps have been taken.

**NAME AND ADDRESS OF CLAIMANT'S SOLICITORS**

Sofia Ali  
Malvern Hills District Council  
Council House  
Avenue Road

Malvern, WR14 3AR

01684 86 2251

**COMMUNICATIONS WITH THE COURT**

All communications to the Court should be sent to the High Court of Justice, Queen's Bench Division, Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS. The offices are open between 10 am and 4.00 pm Monday to Friday.

## SCHEDULE 1

The Judge read the following Witness Statements/Affidavits/Pleadings before making this Order:

- 1) Peter Michael Maloney dated 13<sup>th</sup> September 2016,
- 2) Ann Di Pascale dated 9<sup>th</sup> September 2016,
- 3) Michelle Heather Lowe dated 8<sup>th</sup> September 2016,
- 4) Janine Burton dated 12<sup>th</sup> Septembers 2016,
- 5) Juliet Sparkes dated 12<sup>th</sup> September 2016,
- 6) Ian Plant dated 12<sup>th</sup> September 2016, and
- 7) The Particulars of Claim dated 4<sup>th</sup> October 2016.