

MORGAN & BAKER
v.
HINTON ORGANICS (WESSEX) LIMITED

ORDER

BEFORE His Honour Judge Seymour QC, sitting as a Deputy Judge of the High Court on 21 December 2007 at the Royal Courts of Justice, Strand, London WC2.

UPON reading the letters to the Court from the Environment Agency (“the Agency”) and Bath & North East Somerset Council (“the Council”) dated 21 November, 26 November, and 4 December 2007 and the witness statements of Mr Hayden of 19 December 2007 and Ms Horrill of 18 December 2007.

AND UPON hearing counsel for the Agency and the Council, counsel for the Claimants, and counsel for the Defendant.

IT IS ORDERED THAT:

1. The interim injunction order of 9 November 2007 be discharged.
2. In relation to the costs of this application:
 - (i) Pursuant to CPR rule 48.2 the Agency and the Council (“the added parties”) be joined as parties for the purposes of costs only.
 - (ii) The Claimants do pay the costs of the added parties.
 - (iii) The costs of the added parties, in total, are summarily assessed in the sum of £5,130 plus VAT on counsel’s fees if that VAT cannot be reclaimed by the added parties.

3. Further, the Defendant's costs of the Claimants' application for the interim injunction (including the costs of the hearing on 9 November 2007 and today) be paid by the Claimants on the standard basis, to be assessed if not agreed.

21 December 2007