

## **Dale Farm travellers lose High Court eviction appeal. Bishops pleads for Essex travellers**



**Supporters have been strengthening the barricade at Dale Farm**

A last ditch attempt to prevent the eviction of families from the largest unauthorised traveller site in England has failed at the High Court.

Severely ill traveller Mary Flynn, 72, who lives at Dale Farm near Basildon, Essex, applied for an injunction to stop her eviction from the site where 80 families live.

Mrs Flynn suffers breathing problems and also uses an electric nebuliser.

But the case was rejected by judges at the High Court on Wednesday afternoon.

Basildon Borough Council gave a legal undertaking to review fresh medical evidence relating to 72-year-old Mary Flynn before proceeding against her.

From midnight, an order comes into force meaning Basildon Council will have legal powers to begin the evictions.

### **'Criminal conduct'**

Supporters of the travellers, including actress Vanessa Redgrave, listened as counsel Michael Paget said European law required that, where someone's home or home life was being interfered with, there should be an independent consideration by the courts of whether the action was proportionate.

He said Mrs Flynn, who has lived at the site for eight years, was very sick and there was medical evidence to show that her situation was highly relevant to any balancing exercise.



Vanessa Redgrave: 'Dale Farm

residents have not flouted the law"

Reuben Taylor, for Basildon Council, told the judge that Dale Farm was the largest unauthorised travellers site in the UK and was in the Metropolitan green belt where strict planning procedures applied to prevent development.

He said Mrs Flynn, who has been subject to an enforcement notice since October 2003, had been committing a criminal offence for nearly eight years and was effectively seeking an injunction to enable her to continue to flout the law.

He added: "In my submission the court should be very slow indeed to sanction criminal conduct in this way."

Mr Justice Kenneth Parker said a Court of Appeal hearing in 2009 about Dale Farm was of "crucial significance".

That court had concluded that the council's decision to enforce was entirely lawful.

Refusing the injunction he said the only aspect which gave him some concern was medical evidence received of significant deterioration in Mrs Flynn's condition since the Court of Appeal decision.

The judge was told by lawyers for the council that this fresh material would be considered before proceeding against her.

The judge refused permission to appeal although lawyers for the travellers can apply directly to the Court of Appeal.

### **'Death threats'**

Len Gridley, whose property backs onto Dale Farm, said the people who live there have made his life a misery.

"I don't want them there because of their anti-social behaviour to me and to the rest of the village," he said.

“We bought and paid for this land ourself”

Marianne McCarthy Resident

"I've had all the death threats, rubbish over the fence, abuse and everything else."

Tony Ball, leader of Basildon Council, said: "We are satisfied with today's High Court decision. We will now continue with our preparations for the clearance of Dale Farm.

"But this will take place only after we have informed the travellers of the intended date when the operation will begin.

"Direct action to clear Dale Farm is a last resort for the council and we take it reluctantly - but after almost 10 years of legal wrangling and exhausting the judicial process the travellers have left us with absolutely no choice."

Although the deadline for residents to leave voluntarily expires at midnight on Wednesday, forced evictions are expected to follow next month.

Families at the former scrapyard own their land but many do not have planning permission for homes, despite repeated applications.

### **'Put up fight'**

Although supporters are hopeful a peaceful solution can be found, residents believe the eviction could become confrontational.

Mother-of-two Mary O'Brien, who has lived on the site for 10 years, said: "If they come in with bulldozers we will put up a fight.

"All this will do is move us 50 yards down the road and it will be a huge waste of public money."

Two bishops and actress Vanessa Redgrave visited the site on Tuesday to support the residents.



Bishop of Chelmsford Stephen Cottrell and Catholic Bishop of Brentwood Thomas McMahon went on a pastoral visit and pleaded with authorities to think again about the eviction.

The Right Reverend Stephen Cottrell and Right Reverend Thomas McMahon met residents

Bishop McMahon said it was a "humanitarian" problem.

He called for more authorised sites and said: "They just do not seem to be available."

Long-term resident Marianne McCarthy said a whole community would be destroyed.

"I think it's just scandalous the way that we're getting treated," she said.

"We bought and paid for this land ourself. We are not squatting on it and we've done everything by the book and this is the outcome of it today."

Actress and human rights campaigner Vanessa Redgrave took time off filming *Song for Marion* to visit the site and said "lives will be ruined" if the planned eviction went ahead.

The Oscar-winning actress and UN ambassador said: "The whole situation is really about planning - there's no crime that has been committed.

"Evicting these families would be totally unreasonable and irresponsible."

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