IN THE HIGH COURT OF JUSTICE Claim Number: QB-2020-002112 QUEEN'S BENCH DIVISION IN THE MATTER OF S222 LOCAL GOVERNMENT ACT 1972 AND S187B TOWN AND COUNTRY PLANNING ACT 1990 Before Mr Justice Robin Knowles On the 18th day of June 2020 BETWEEN (1) TEST VALLEY BOROUGH COUNCIL (2) HAMPSHIRE COUNTY COUNCIL (3) TEST VALLEY BOROUGH COUNCIL (4) TEST VALLEY BOROUGH COUNCIL (5) Claimants

-and-

(1) ALBERT BOWERS & EIGHTY-EIGHT OTHER NAMED DEFENDANTS IN SCHEDULE 1 OF THE CLAIM FORM

(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF TEST VALLEY

Defendants

ORDER

UPON HEARING Counsel for the Claimants without notice to the Defendants

AND UPON reading the Second Witness statement of Karen Dunn in support of this application

IT IS ORDERED THAT:

- The interim injunction application shall be listed before a Judge on 28 July 2020 at 10.30am to allow three clear days between service of the proceedings and the hearing date for the application for an interim injunction. There shall be a ¹/₂ day time estimate.
- 2. Pursuant to CPR Part 6.14, 6.15, 6.26 and 6.27 the Claimants have permission to serve the named Defendants between 6.30 am and 8 pm during the week and 7am and 4pm on a Saturday. Copies (as opposed to originals) of the Claim Form and Application Notice served on a Saturday will be deemed served on the second working day after the date of service and copies (as opposed to originals) of claim form and application notice served after 4.p.m. on a working day shall be deemed served on the second working day after the date of service.
- 3. In the event that the Claimants are unable to effect personal service on the 1st to 89th Defendants, pursuant to CPR 6.14 and 6.15 the Claimants shall be permitted to serve any such Defendants by leaving a copy (as opposed to an original) of the application notice, claim form, draft order (very plainly marked as a draft) and this order in a clear transparent envelope and affixing the same to a caravan, mobile home or other vehicle, or to the front door of any residential premises which in each case is reasonably believed to be owned or occupied by the said Defendants, or by putting such copy documents through the letter box of any such residential premises. Any such copy documents served by this method will be deemed served the second working day after service of the application notice and claim form.
- 4. The Claimants shall be permitted pursuant to CPR 6.27 to serve the evidence in support of the Claim and application for an interim injunction by providing a digital link to the evidence contained on the

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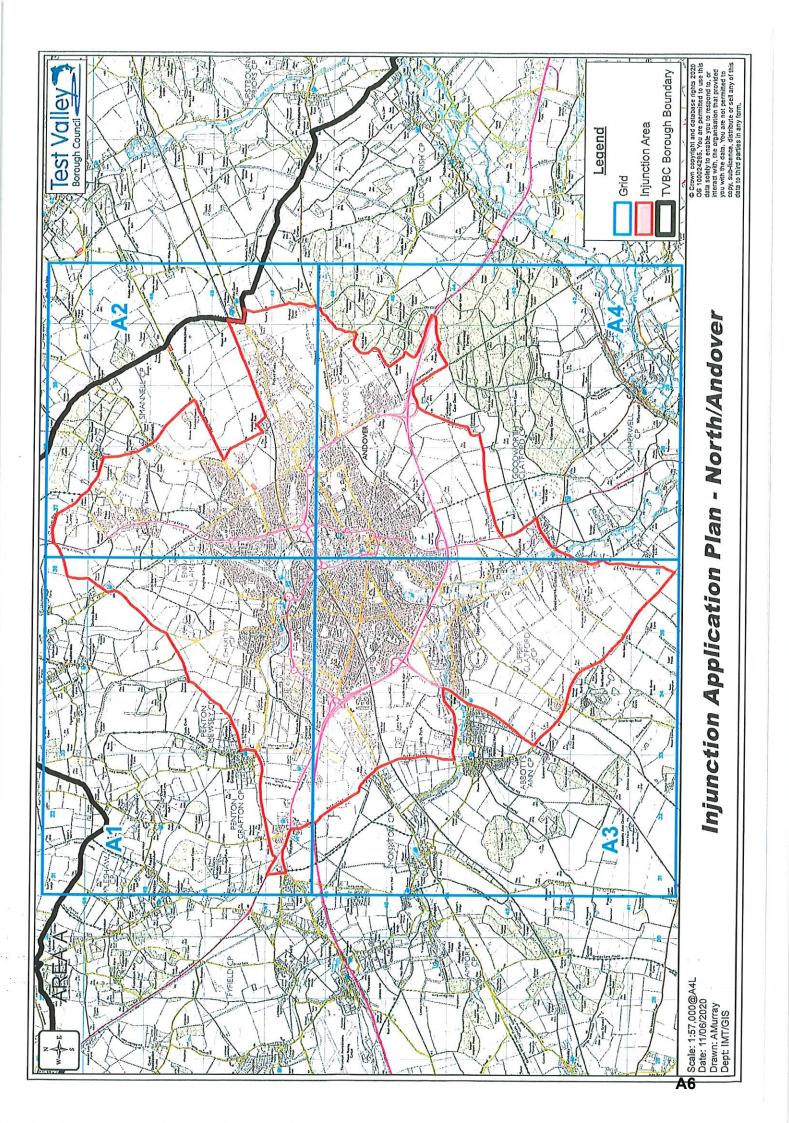
First Claimant's website and shall provide any Defendant who requests copies of the same within 5 working days of receipt of such request, and shall have a copy of all evidence relied upon in these proceedings available for inspection at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ between the hours of 10am and 4pm Monday to Friday, excluding public holidays. Notice of the digital link to this evidence shall be included in a covering letter and placed in the same clear transparent envelope referred to in paragraph 3 above and shall be served with the documents referred to in paragraph 2 and 3 above.

- The Claim Form and applications shall be deemed served on Persons Unknown (Forming Unauthorised Encampments Within the Borough of Test Valley) (90th Defendant) pursuant to CPR 6.14, 6.15, 6.26 and 6.27 by
 - Affixing copies (as opposed to originals) of the Claim Form, Application Notice and draft Order (very plainly marked as a draft) and this order in a transparent envelope in a prominent position on or close to all adopted highway entry points within the area marked with a red line and marked as Area A in Schedule 1 of this Order with a notice in the form of a covering letter to Persons Unknown (Forming Unauthorised Encampments Within the Borough of Test Valley) that a copy of the supporting evidence can be obtained from or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ;
 - (ii) Affixing 50 copies (as opposed to originals) of the Claim Form, Application Notice and draft Order (very plainly marked as a draft) and this order approximately equidistant to each other, as far as is reasonably practicable, around the perimeter of the area marked with the red line and marked

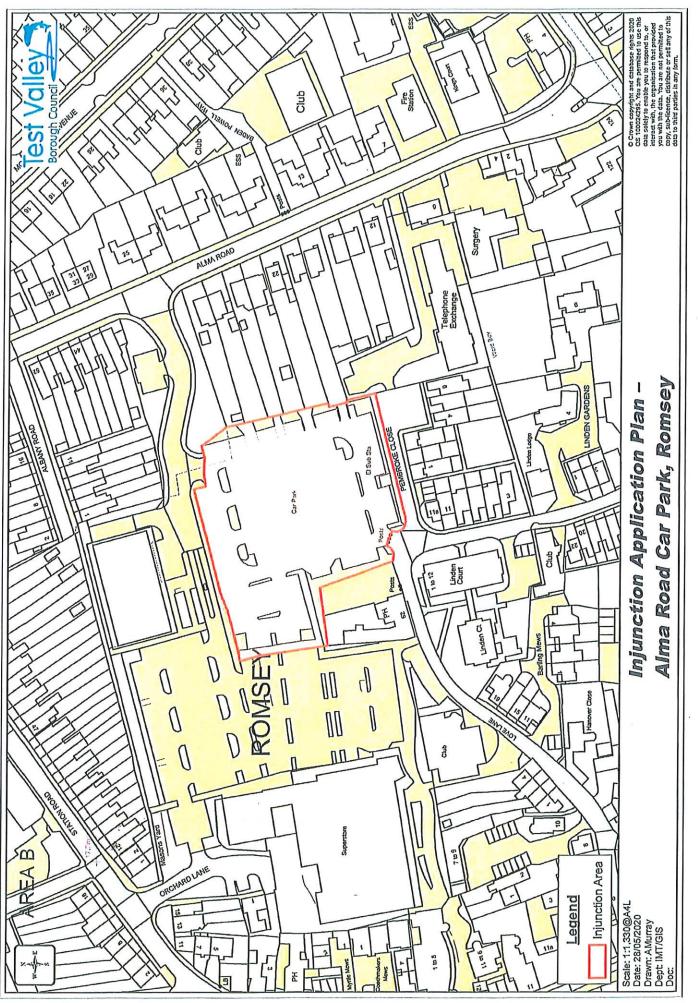
as Area A (but inside the boundary where the boundary is marked through a road or waterway or is otherwise inaccessible) on the map attached to Schedule 1 of this Order, with a notice to Persons Unknown (Forming Unauthorised Encampments Within the Borough of Test Valley) that a copy of the supporting evidence can be obtained from or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ;

- (iii) For the additional areas of Land marked Area B on the map attached to Schedule 2 of this Order by affixing copies (as opposed to originals) of the Claim Form, Application Notice and draft Order (very plainly marked as a draft) and this order on a prominent position on Land with notice to Persons Unknown (Forming Unauthorised Encampments Within the Borough of Test Valley) that a copy of the supporting evidence can be obtained from or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ
- 6. The Defendants shall acknowledge service of the claim form 21 days after the date of deemed service.
- 7. The Claimants have permission to serve the Defendants with a sealed copy of this order (as opposed to an original).

SCHEDULE 1



SCHEDULE 2



A8

N24				Name of court			laim no.	
Application notice			Fee account n (if applicable)				f. no.	
		ting this form please read the	2	PBA0083481		H W		
not	es for guidance	form N244Notes.		Warrant no.				
Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: https://www.gov.uk/government/ organisations/hm-courts-and-tribunals-service/ about/personal-information-charter			(if applicable) Claimant's name (including ref.) Test Valley Borough Council (1) Hampshire County Council (2) Defendant's name (including ref.) 1. Albert Bowers and 88 other name out in the attached schedule (90) Persecutive Date 1. Th JL&el2022020			dants set		
1.	What is vour na	ime or, if you are a legal repre	esentative,	the name of y	our firm?	1 m	N'S BENCH	DIVIS
		orough Council					B-2020-00	2112
2.	Are you a	✓ Claimant Other (please specify)	Defend	dant	🗌 Legal Repi	resen	tative	
3.	What order are	al representative whom do yo you asking the court to mak s seek an injunction pursua untry Planning Act 1990. T ction 10	e and why ant to Sec	? tion 222 Loca	l Government nction are set	Act 1 out in	1972 and 18 n the witness	7B of the s statements
4.	Have you attac	hed a draft of the order you a	are applyin	ig for?	Ves		🗌 No	
5.	. How do you want to have this application dealt with?			at a hearing	g	without	a hearing	
					at a teleph	one h	learing	
6.	How long do ye	ou think the hearing will last	?		Hours		Minu	ites
	Is this time esti	mate agreed by all parties?			Yes		✓ No	
7.	Give details of any fixed trial date or period							
8.	What level of Judge does your hearing need?			High Court				
9.	. Who should be served with this application?			Defendants	1-90			
9a.	a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.		the n 9.	Test Valley E Hurst, Weyh Hampshire, S	ill Ro	ad, Andover		
					DX 123080 /	AND	OVER 6	

10. What information will you be relying on, in support c	of your applicat	ion?		
the attached witness statem				
the statement of case				
✓ the evidence set out in the b	oox below			
If necessary, please continue on a separate sheet.				
Witness statements and exhibits of; 1. First witnes statement of Karen Dunn, 3. Witness statement of Taylor, 5. Witness statement of Lorraine Cooper, statement of Rod Mason, 8. Witness statement of 10. Witness statement of Dominic Harding, 11. W of PC Mark Potter, 13. Witness statement of Ben A, 15. Witness statement of Anonymous Resident	f Nicholas Wa 6. Witness sta Tracey Wilso itness stateme Hamilton, 14.	ite, 4. Witness statement of Inspector Chris tement of Boyce Jeffrey, 7. Witness n, 9. Witness statement of Lorna Taylor, ent of Ian Hodson, 12. Witness statement Witness statement of Anonymous Resident		
Statement of Truth				
(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.				
Signed KaaDMM . Dated 18.06.2020 Applicant('s legal representative)('s litigation friend)				
Full name Test Valley Borough Council				
Name of applicant's legal representative's firm Karen Louise Dunn				
Position or office held Head of Legal and Democratic Services (if signing on behalf of firm or company)				
11. Signature and address details				
Signed KAADAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA		18.06.2020		
Position or office held <u>Head of Legal and Democratic Services</u> (if signing on behalf of firm or company)				
Applicant's address to which documents about this applie	cation should b	e sent		
Test Valley Borough Council, Beech Hurst, Weyhill		lf applicable		
Road, Andover, Hampshire, SP10 3AJ	Phone no.	01264 368401		
	Fax no.			
	DX no. DX 123080 ANDOVER 6			
Postcode S P 1 0 3 A J	Ref no.			

E-mail address kdunn@testvalley.gov.uk

Claim no:

IN THE HIGH COURT

QUEENS BENCH DIVISION

BETWEEN:

(1) TEST VALLEY BOROUGH COUNCIL (2) HAMPSHIRE COUNTY COUNCIL

Claimants

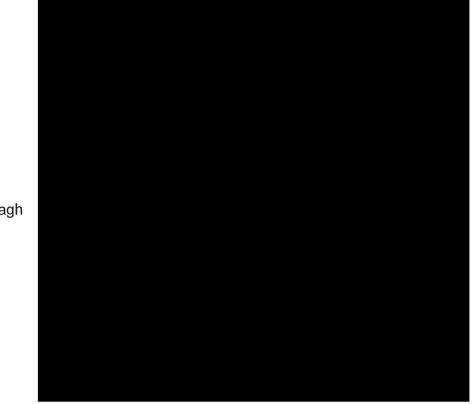
-and-

(1) ALBERT BOWERS AND 88 NAMED DEFENDANTS LISTED IN THE SCHEDULE ATTACHED TO THE CLAIM FORM (90) PERSONS UNKNOWN

Defendants

SCHEDULE 1 – List of Defendants

- (1) Albert Bowers
- (2) Ann McDonagh
- (3) Annie Mcdonagh
- (4) Anthony Jones
- (5) Anthony McDonagh
- (6) Barbara Mcdonagh
- (7) Billy Harbour
- (8) Brian Davis
- (9) Cathal Mckenna
- (10) Charlie McDonagh
- (11) Christopher McDonagh
- (12) Crimea McDonald
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- (14) Darren Smith
- (15) Dennis Booth
- (16) Dennis Sheridan
- (17) Denny Quilligan
- (18) Donna Marie Smith
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- (20) Edward McDonagh



(21)) Frank Loveridge
(22) (23)) Frankie Loveridge) Frederick Bowers
(25) (26)	Gouri Shanker Asposa Henry Loveridge Isabell Lee Jabus Smith
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(60)	Michael McDonagh

A12

- (61) Michael McDonagh
- (62) Michael O'Driscoll
- (63) Natasha Cuparic
- (64) Nathan Crawt
- (65) Niamh Rainey
- (66) Paddy Price
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- (85) Tristan Beaumont
- (86) William Williams
- (87) Willie McDonagh
- (88) Winnie McDonagh
- (89) Winnie McDonagh



N24		#	Name of cour High Court (rt of Justice Queen	Claim no.	
Application notice				Fee account no. Help with Fees – Ref. no		
		ting this form please read the	PBA0083481	Н	W F	
not	es for guidance	form N244Notes.	Warrant no. (if applicable)			
Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: https://www.gov.uk/government/ organisations/hm-courts-and-tribunals-service/			Claimant's na (1) Test Val Council Defendant's	name (including ref.)	cil (2) Hampshire County	
apo	out/personal-ii	nformation-charter	out in the a	out in the attached Schedule (90) Participation Unknow		
			Date	1 11	h Juae 2020	
1.	What is your na	me or, if you are a legal representa	ive, the name of	your firm?	DE BENCH DINIS	
1.		orough Council			QB-2020-002112	
	Test valiey D				Sub Event ID: 3	
2.	Are you a	☑ Claimant	fendant	Legal Repres	sentative	
	2	Other (please specify)				
	e 8					
	If you are a lega	al representative whom do you rep	resent?			
3.	The Claimant	you asking the court to make and seeks a order permitting alterna ached draft order and witness sta	ive service purs	uant to CPR Part I Dunn.	6.14, 6.15, 6.26 and 6.27	
4.	Have you attac	hed a draft of the order you are ap	blying for?	Ves	🗌 No	
5.	How do you wa	ant to have this application dealt w	ith?	🗌 at a hearing	without a hearing	
				🗹 at a telephor	ne hearing	
6.	How long do y	ou think the hearing will last?		Hours	20 Minutes	
	ls this time esti	mate agreed by all parties?		Yes	V No	
7.	Give details of	any fixed trial date or period				
8.	What level of J	udge does your hearing need?		High Court		
9.	Who should be	e served with this application?		90 Defendants	3	
9a	. Please give the claimant or de	e service address, (other than detail fendant) of any party named in que	s of the estion 9.	See attached	Schedule	

1

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10. What i	information will	you be relying on	, in support of	your application?
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🖌 the attached witness statement

the statement of case

the evidence set out in the box below

If necessary, please continue on a separate sheet.	· · · · · · · · · · · · · · · · · · ·	
Statement of Truth		
(I believe) (The applicant believes) that the facts stated in this section (and an	y continuation sheets) are tr	Je.
Signed Kaen DHUN.	Dated 17.06.2020	
Applicant('s-legal representative)('s litigation friend)	Dated	
Full name Karen Louise Dunn		
Name of applicant's legal representative's firm For the Claimant		
Position or office held Head of Legal and Democratic Services		
(if signing on behalf of firm or company)		

11. Signature and address details

Signed

Kanan Dhan.

_____ Dated _____17.06.2020

Applicant('s legal-representative's)('s litigation friend) Position or office held <u>Head of Legal and Democratic Services</u>

(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

If applicable		
Phone no.	01264 368401	
Fax no.		
DX no.	DX 123080 ANDOVER 6	
Ref no.		
	Fax no. DX no.	

E-mail address kdunn@testvalley.gov.uk

Claim no:

IN THE HIGH COURT

QUEENS BENCH DIVISION

BETWEEN:

(1) TEST VALLEY BOROUGH COUNCIL (2) HAMPSHIRE COUNTY COUNCIL

Claimants

-and-

(1) ALBERT BOWERS AND 88 NAMED DEFENDANTS LISTED IN THE SCHEDULE ATTACHED TO THE CLAIM FORM (90) PERSONS UNKNOWN

Defendants

SCHEDULE 1 – List of Defendants

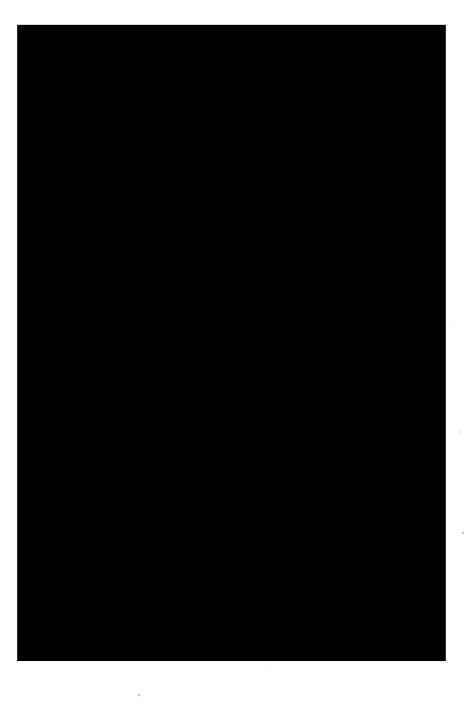
Albert Bowers (1)Ann McDonagh (2) Annie Mcdonagh (3) Anthony Jones (4) Anthony McDonagh (5) (6)Barbara Mcdonagh **Billy Harbour** (7)**Brian Davis** (8) **Cathal Mckenna** (9) (10) Charlie McDonagh (11) Christopher McDonagh (12) Crimea McDonald (13) Darren Lee (14) Darren Smith (15) Dennis Booth (16) Dennis Sheridan (17) Denny Quilligan (18) Donna Marie Smith (19) Dylan Mcdonagh (20) Edward McDonagh

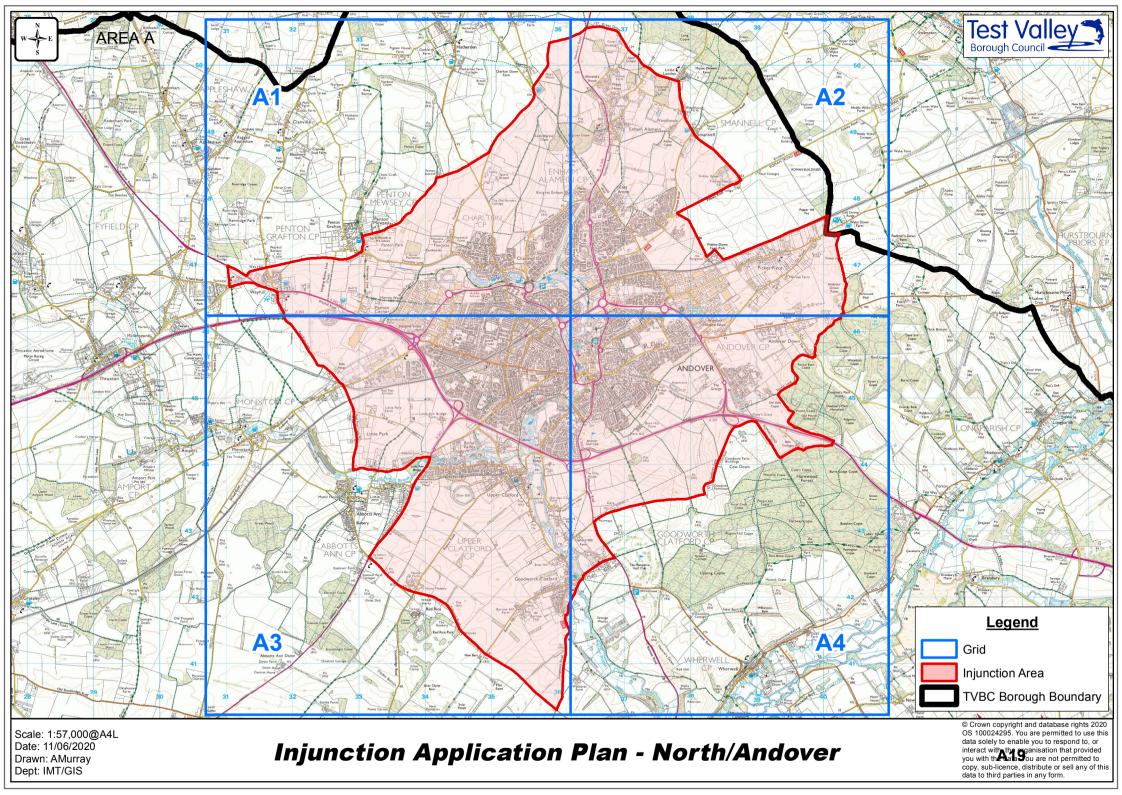


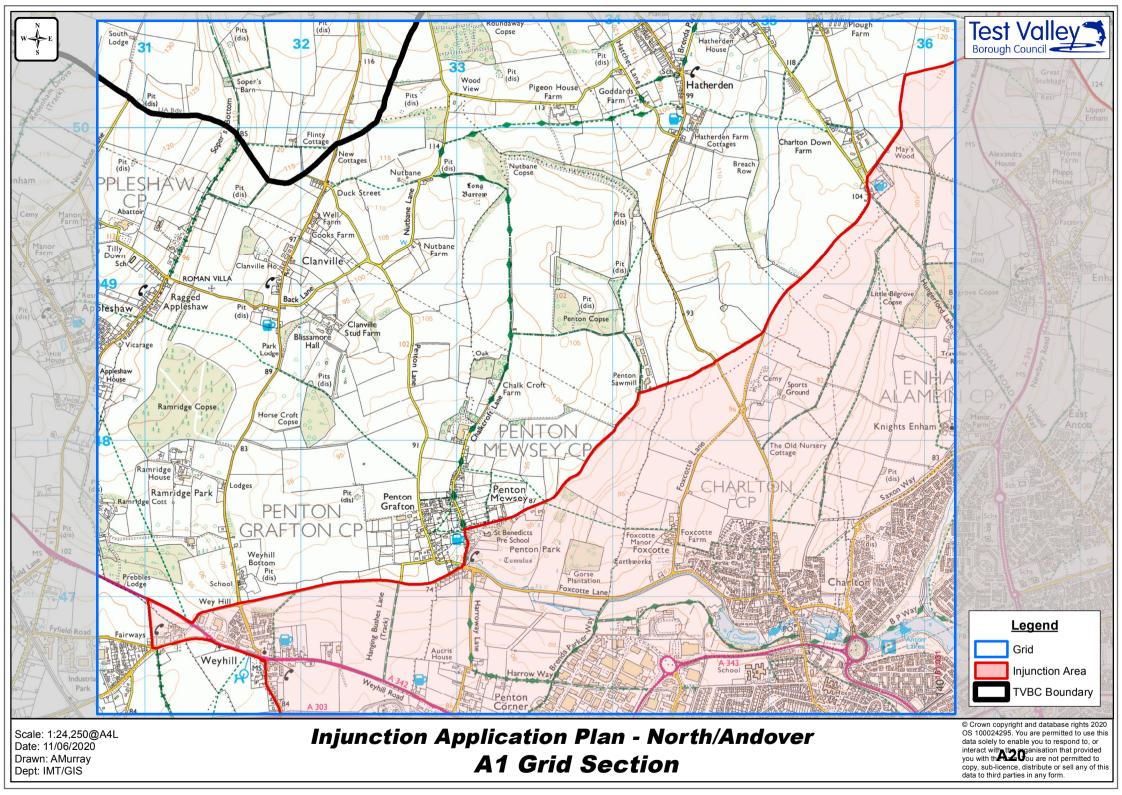
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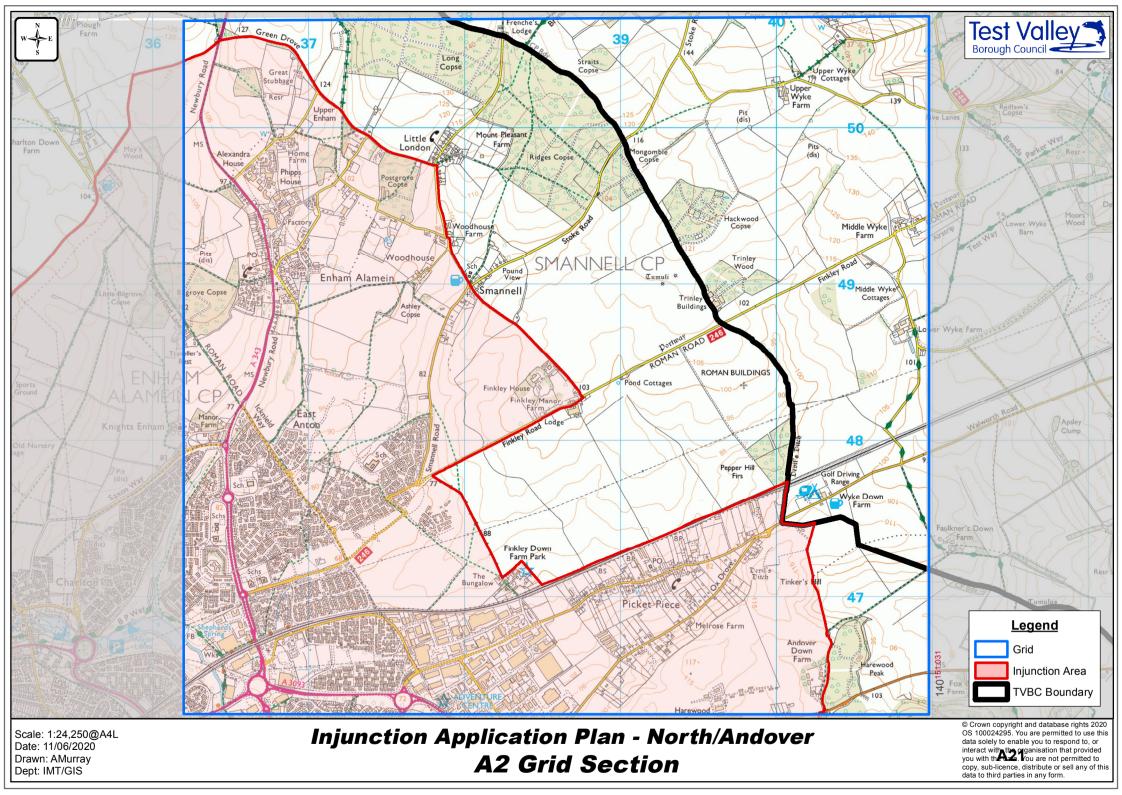
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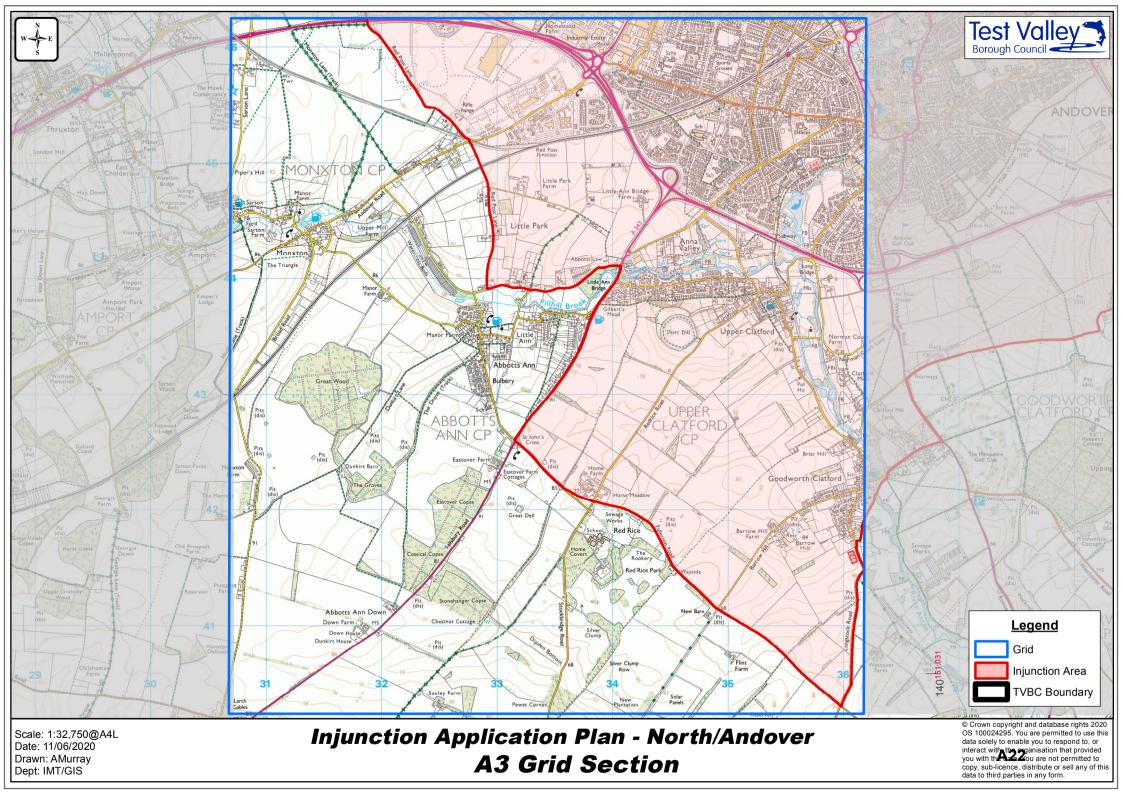
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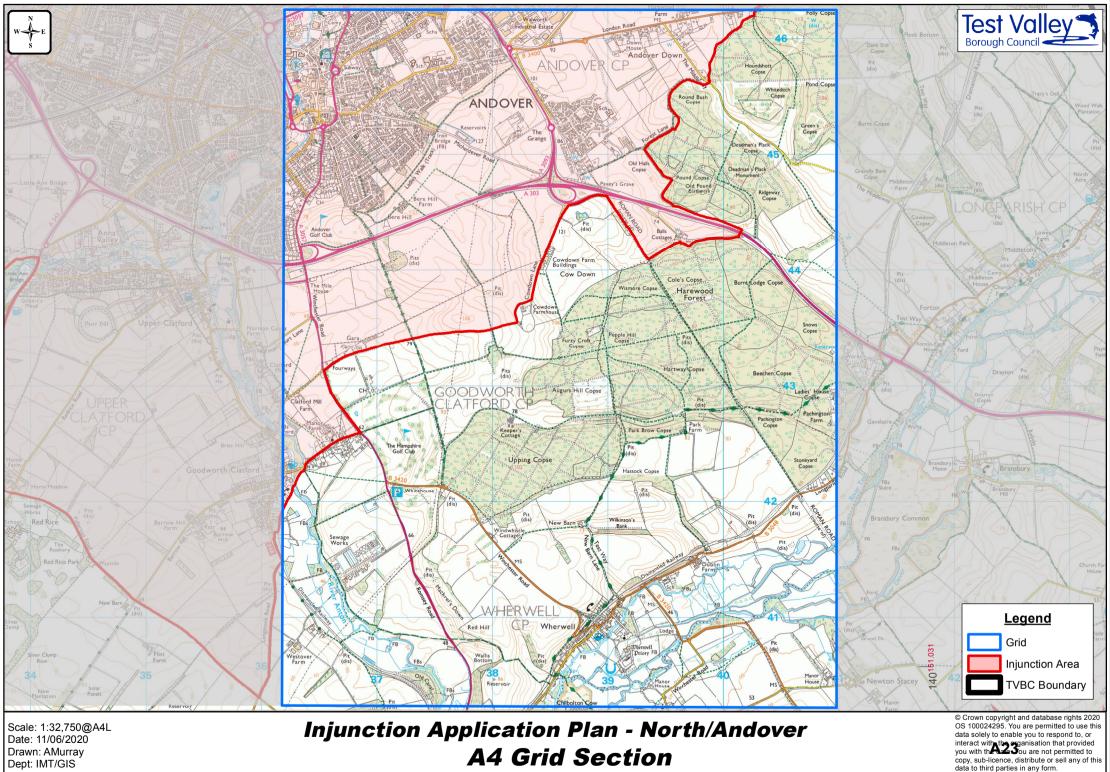


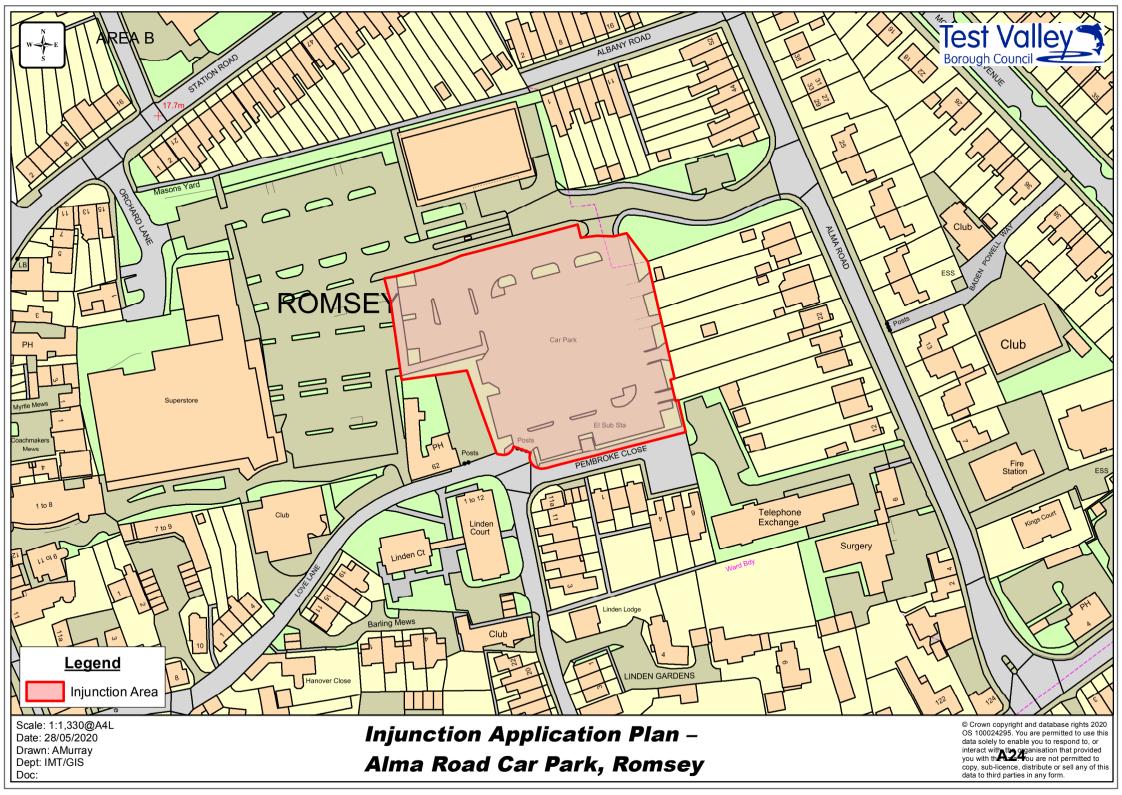














Claim Form (CPR Part 8)

In the High Court of Queen's Ben	
Claim no.	
Fee Account no.	PBA0083481
Help with Fees - Ref no. (if applicable)	HWF

Claimant

(1) TEST VALLEY BOROUGH COUNCIL
 Beech Hurst, Weyhill Road, Andover, SP10 3AJ
 (2) HAMPSHIRE COUNTY COUNCIL
 The Castle, Winchester, Hampshire, SO23 8UJ



Defendant(s)

(1) Mr ALBERT BOWERS
(2) 88 OTHER NAMED DEFENDANTS listed in Schedule 1 of the Claim Form
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF TEST VALLEY

Does your claim include any issues under the Human Rights Act 1998?

🗸 No

Yes

Details of claim (see also overleaf)

1. The Claimants seeks an interim and final injunction pursuant to s.222 of the Local Government Act 1972 and/or s.187B of the Town and Country Planning Act with a power arrest attached to the appropriate provisions of the court order. The Claimants seeks to restrain the repeated breaches of directions to leave the land, served pursuant to sections 61 and 77 of the Criminal Justice and Public Order Act 1994 (CJPOA), breaches of planning control and trespass which is aggravated by environmental harm, risk to public health, damage to Land and anti-social behaviour.

2. The Claimants are local authorities and the administrative boundaries of the First Claimant are marked on the map attached to the Draft Order at Schedule 2. The Claimants seek an injunction to protect parts of the First Claimant's administrative area from further unauthorised encampments by the First to 90th Defendants, who have formed unauthorised encampments within the Borough, in particular within the area where the Claimants seeks the injunction. The limited area within the Borough that the Claimants seeks to protect by an injunction has suffered in total 67 of the 82 unauthorised encampments within the Borough over the last 2 ½ years as detailed in the evidence. These encampments have been formed on both private and public land including: public open space, the highways, village centres, business premises and residential areas.

Defendant's name and address Mr Albert Bowers
 88 Other Named Defendants at various addresses set out in the attached schedule
 Persons unknown forming unauthorised encampments within the Borough of Test Valley.

	£
Court fee	£528.00
Legal representative's costs	ТВА
Issue date	

For further details of the courts www.gov.uk/find-court-tribunal. When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

© Crown copyright 2018

	Claim no.	
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Details of claim (continued)

3. The areas to be protected are within the administrative boundaries of Test Valley Borough Council and the injunction is sought as the Claimants have experienced significant and prolonged issued associated with unauthorised encampments within the First Claimant's administrative area, including: fly-tipping, anti-social behaviour and environmental and health risks associated with these encampments.

4. The encampments are having a detrimental impact on the community as a whole, local business and the enjoyment of public spaces.

5. Existing powers are being undermined and are ineffective, the law is being flouted repeatedly and the Claimants have experienced significant expense both in legal costs and clean-up costs. Service of directions to leave land by the Claimants or the Police pursuant to s.61 and section 77&78 of the CJPOA only leads to the encampments moving from one site to the next site and has not deterred the Defendants from forming encampments within the area marked in red on the map attached at Schedule 2.

6. For the reasons set out in the witness statements, it is necessary and expedient for the promotion and protection of the interests of the inhabitants of the First Claimant and to prevent apprehended breaches of planning control to seek an injunction to prevent the establishment of unauthorised encampments by named individuals and Persons Unknown forming unauthorised encampments within the Borough of Test Valley within the area marked in red on the attached map at Schedule 2 of the Draft Order.

7. It is also necessary to bring these proceedings against Persons Unknown forming unauthorised encampments within the Borough of Test Valley to deter unauthorised encampments within the area identified on the map in Schedule 2 of the draft Order. It is not possible to identify all of the individuals who have formed these unauthorised encampments, many of whom are not prepared to identify themselves.

AND the Claimants Claim:

(i) An order in the terms set out in the draft Order attached to this Claim;

(ii) Alternatively, an order in the terms that the Court thinks fit;

(iii) Costs.

Statement of Truth

*(I believe)(The Claimant believes) that the facts stated in these particulars of claim are true. * I am duly authorised by the claimant to sign this statement.

Full name Karen Louise Dunn

Name of claimant's legal representative's firm

signed <u>FARWDAWW</u> .	position or office held <u>Head of Legal & Democratic</u>
*(Claimant)(Litigation friend)	(if signing on behalf of firm or company)
(Legal representative)	<i>*delete as appropriate</i>
Head of Legal and Democratic Services Teest Valley Borough Council Beech Hurst Weyhill Road Andover SP10 3AJ	Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

DX123080 ANDOVER 6

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter

Claim no:

IN THE HIGH COURT

QUEENS BENCH DIVISION

BETWEEN:

(1) TEST VALLEY BOROUGH COUNCIL (2) HAMPSHIRE COUNTY COUNCIL

Claimants

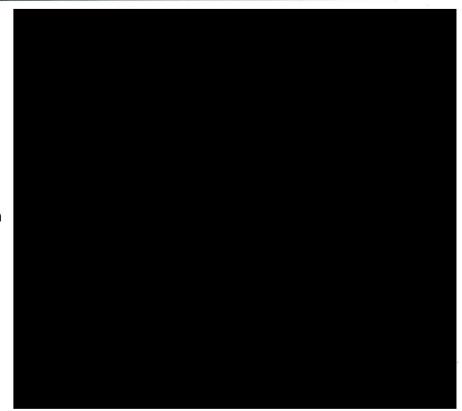
-and-

(1) ALBERT BOWERS AND 88 NAMED DEFENDANTS LISTED IN THE SCHEDULE ATTACHED TO THE CLAIM FORM (90) PERSONS UNKNOWN

Defendants

SCHEDULE 1 – List of Defendants

- (1) Albert Bowers
- (2) Ann McDonagh
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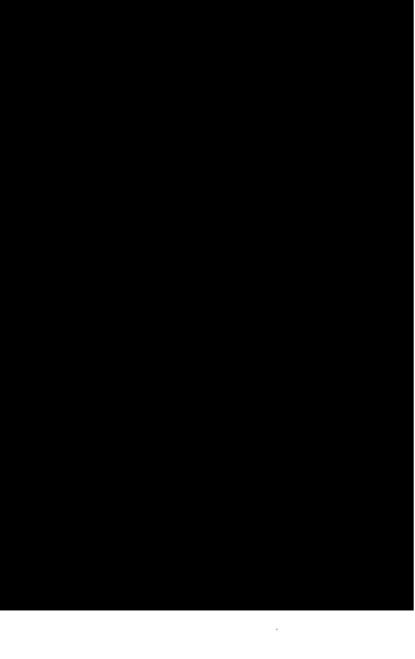
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IN THE HIGH COURT OF JUSTICE

Claim Number:

QUEEN'S BENCH DIVISION

IN THE MATTER OF S222 LOCAL GOVERNMENT ACT 1972 AND S187B TOWN AND COUNTRY PLANNING ACT 1990

Before

On the

BETWEEN

(1) TEST VALLEY BOROUGH COUNCIL (2) HAMPSHIRE COUNTY COUNCIL

Claimants

-and-

(1) ALBERT BOWERS & EIGHTY-EIGHT OTHER NAMED DEFENDANTS IN SCHEDULE 1 OF THE CLAIM FORM

(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF TEST VALLEY

Defendants

Draft ORDER

THIS IS A DRAFT ORDER ONLY WHICH WILL BE CONSIDERED AT THE HEARING ON 28 JULY 2020

IF YOU, ANY OF THE ABOVE NAMED FIRST TO EIGHTY-NINTH DEFENDANTS OR PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF TEST VALLEY DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD 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 DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON HEARING Counsel Miss Caroline Bolton for The Claimants

AND UPON reading the papers and hearing the application for an interim injunction pending the final injunction hearing pursuant to Section 222 Local Government Act 1972 And 187B Town and Country Planning Act 1990

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 1-5 OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON CAUGHT BREACHING PARAGRAPHS 1-5 OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE THE COURT

Note to Arresting Officer: Where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006:-

- The defendant shall be brought before the judge within a period of 24 hours beginning at the time of their arrest
- A constable shall inform the person on whose application the injunction was granted forthwith where the defendant is arrested under these powers

Nothing in sections 27 of the Police and Justice Act 2006 shall authorise the detention of the defendant after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculation any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

IT IS ORDERED THAT:

Until further order, The First to Ninetieth Defendants are forbidden from:

- 1. Setting-up an encampment on any land within the area marked red on the attached maps at Schedule 2 of this Order unless authorised to do so by the owner of the land
- 2. Setting-up an encampment on any land within the area marked red on the attached maps at Schedule 2 of this Order without written permission from the Local Planning Authority, or, planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.
- 3. Entering and/or occupying any land within the area marked red on the attached maps at Schedule 2 for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or, the Secretary of State, or, written consent from the Local Planning Authority, or, in accordance with statutory permitted development rights.
- *4. Bringing on to the Land or stationing on the Land any caravans/mobile homes other than when driving through the highways on the Land or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of the land, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or, the Secretary of State, or, written consent from

the Local Planning Authority or in accordance with statutory permitted development rights.

- 5. Deposit or cause to be deposited, controlled waste in or on the Land unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.
- 6. There be a power of arrest attached to prohibitions 1-5 of this order.
- 7. The Land in this order means all land within the area marked red on the attached maps at Schedule 2 and is within the administrative boundaries of Test Valley Borough Council.
- 8. Service of this Order shall be deemed served on the Ninetieth Defendant, Persons Unknown by:
 - (i) Affixing copies (as opposed to originals) of this Order in a transparent envelope, or laminated copy, in a prominent position on or close to all adopted highway entry points within the area marked with a red line and marked as Area A in Schedule 2 of this Order with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3A;
 - (ii) Affixing 50 copies (as opposed to originals) of this Order approximately equidistant to each other, as far as is reasonably practicable, around the perimeter of the area marked with the red line and marked as Area A (but inside the boundary where the boundary is marked through a road or waterway or is otherwise inaccessible) on the map attached to Schedule 2 of this Order, with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ;
 - (iii) For the additional areas of Land marked Area B on the map attached to Schedule 2 of this Order by affixing copies (as opposed to originals) of this Order on a prominent position on Land with notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ.
- 9. The Defendants may each of them, or anyone notified of this Order, apply to the Court on 72 hours written notice to the Court and the Claimant to vary or discharge this order (or so much of it as affects that person)
- 10. Costs reserved.

GUIDANCE NOTES

EFFECT OF THIS ORDER

11. 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 his instructions or with his encouragement.

12. 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

EFFECT OF THIS ORDER

13. 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 sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

- 14. In this Order, where there is more than one Defendant, unless otherwise stated, references to "the Defendants" means each or all of them.
- 15. A requirement to serve on "the Defendants" means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
- 16. An Order requiring the Defendants to do or not to do anything applies to all Defendants.
- 17. "controlled waste" has the same meaning as within s.75(4) of the Environmental Protection Act 1990

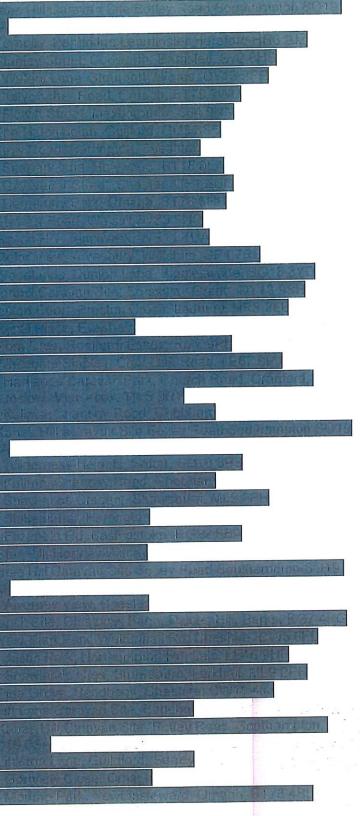
COMMUNICATIONS WITH THE COURT

18. All communication to the Court about this order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010).

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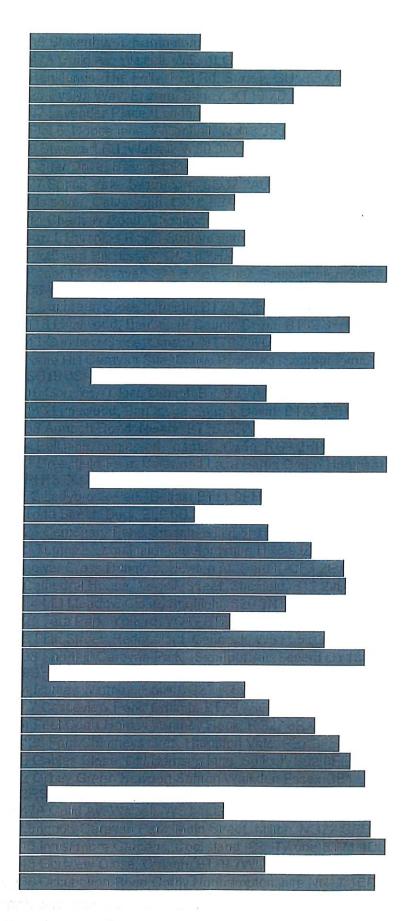
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42	Jonathan Smith
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48	Leanne Baggett
49	Lisa Loveridge
50	Loius Ayres
51	Lorna Murphy
52	Lorraine Loveridge
53	Luke Clee
54	Luke John Daniels
55	Margaret Bowers
56	Margaret McDonagh
57	Mary McDonagh
58	Mary McDonagh
59	Michael Bowers
60	Michael McDonagh
61	Michael McDonagh
62	Michael O'Driscoll
63	Natasha Cuparic
64	Nathan Crawt
65	Niamh Rainey
66	Paddy Price
67	Pat McDonagh
68	Patrick Collins
69	Patrick Connors
70	Patrick McDonagh
71	Paul Cookson
72	Priscilla Garside
73	Saily Rogers
74	Simon Flynn
75	Sophie Loveridge
76	Steven McDonagh
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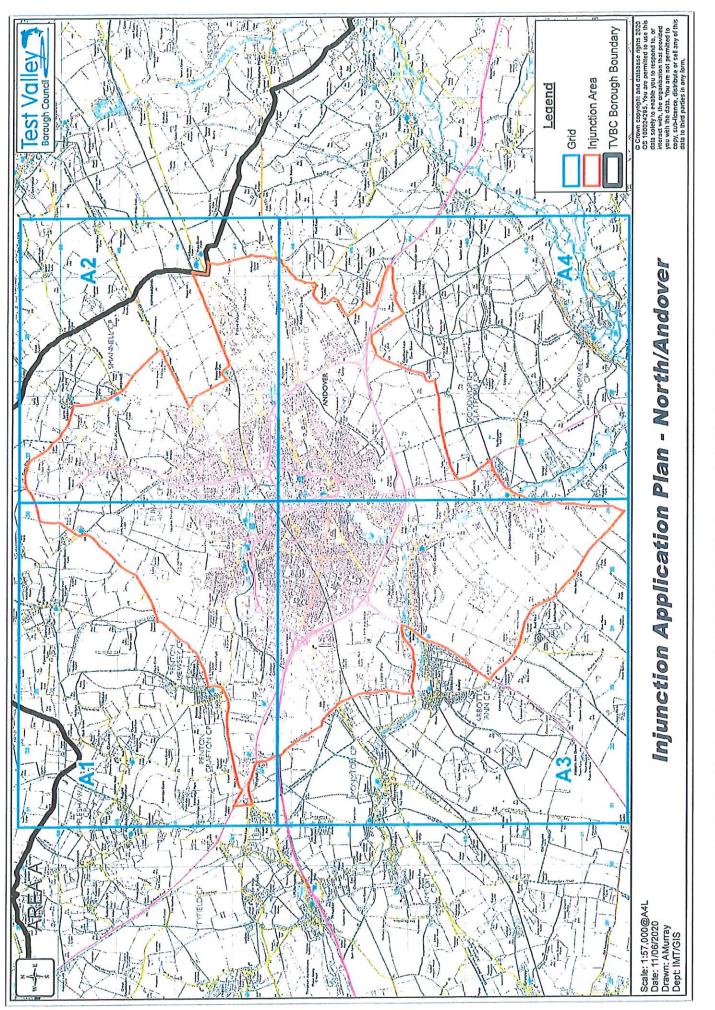
- William Williams

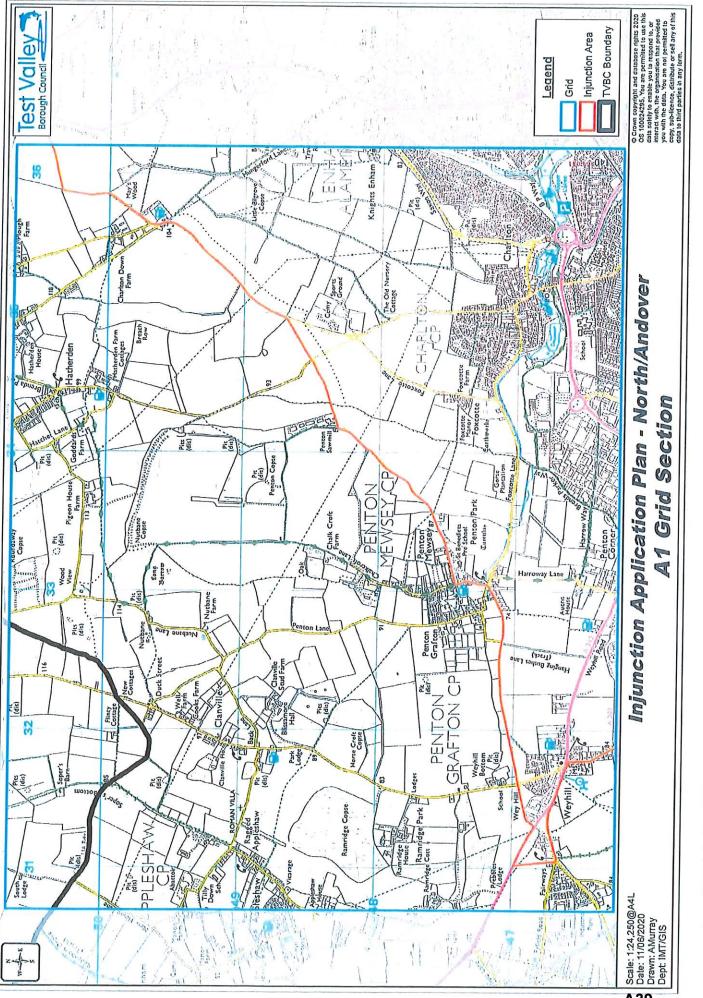
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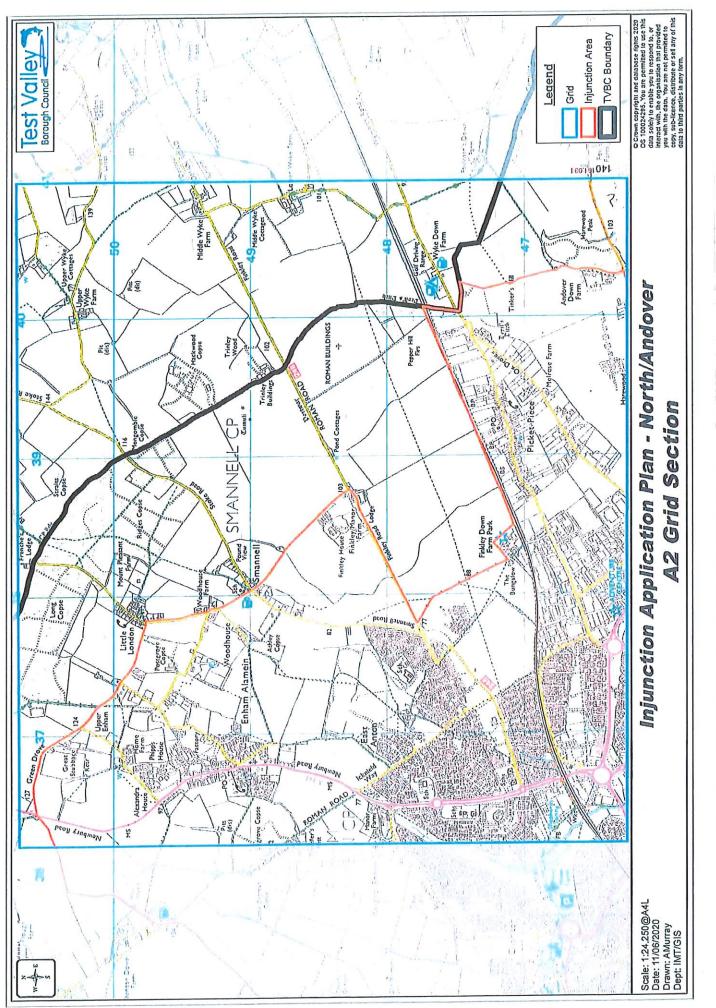


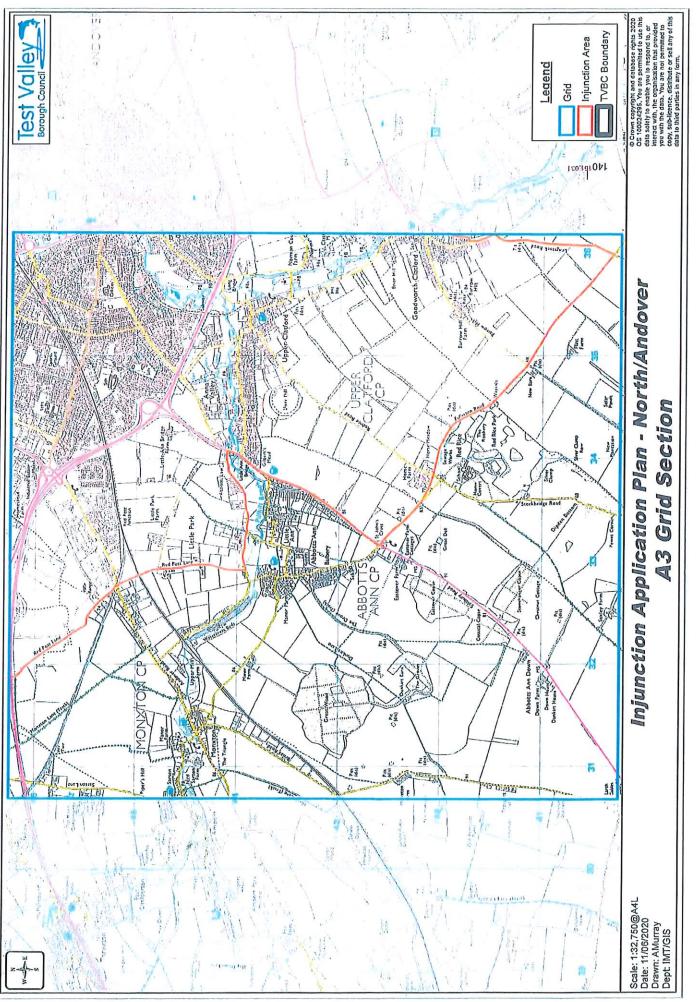
SCHEDULE 2 – MAP OF AREA COVERED BY THE INJUNCTION

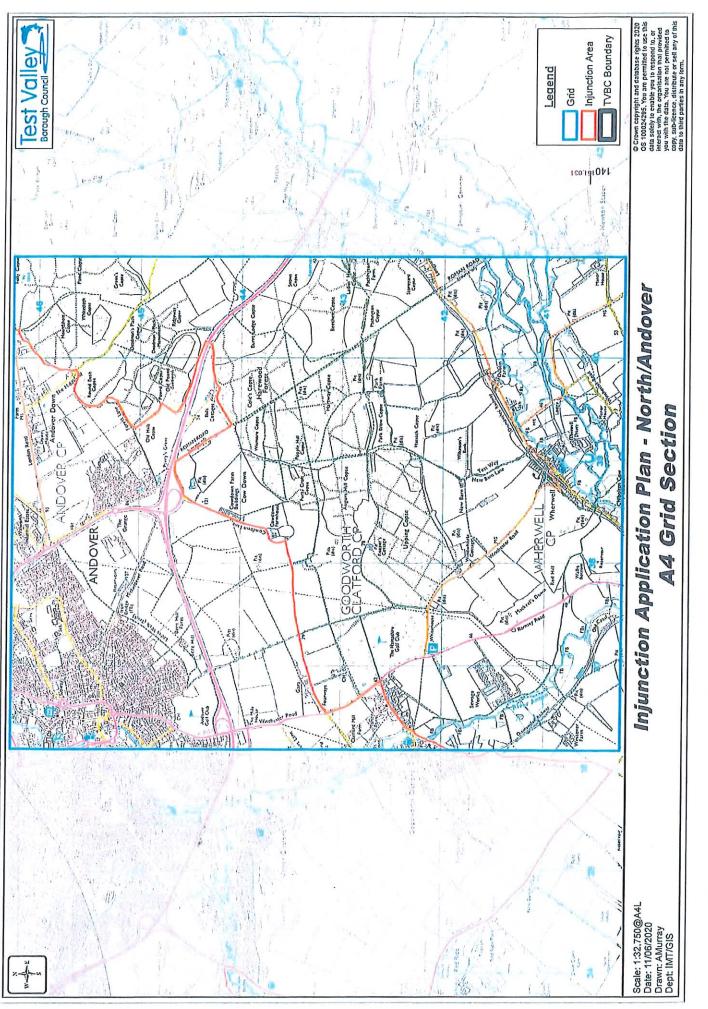
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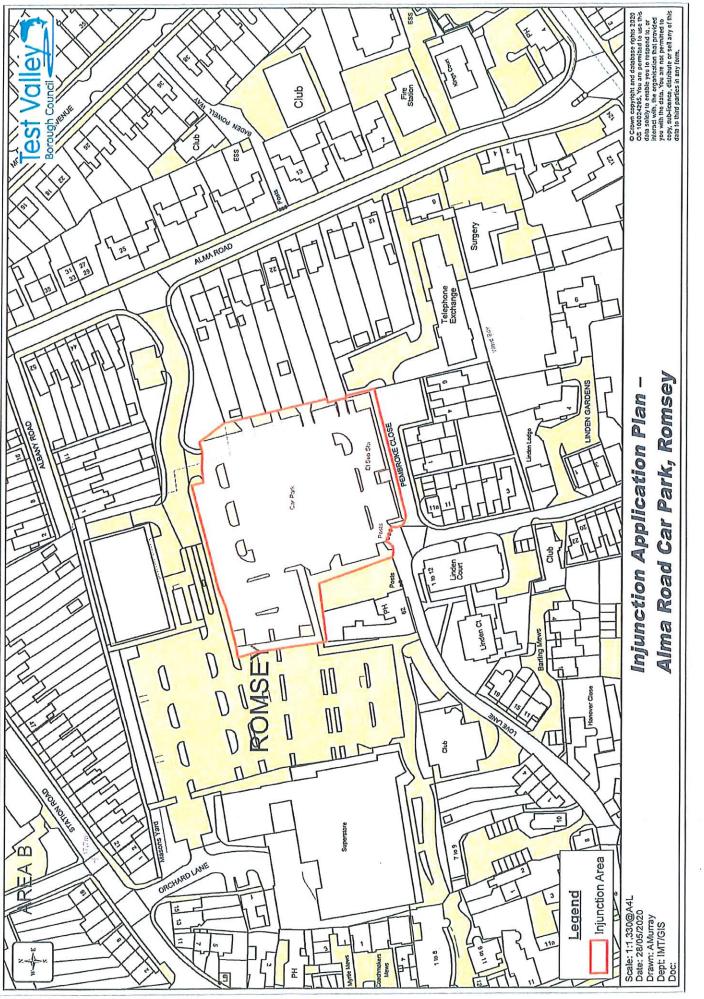




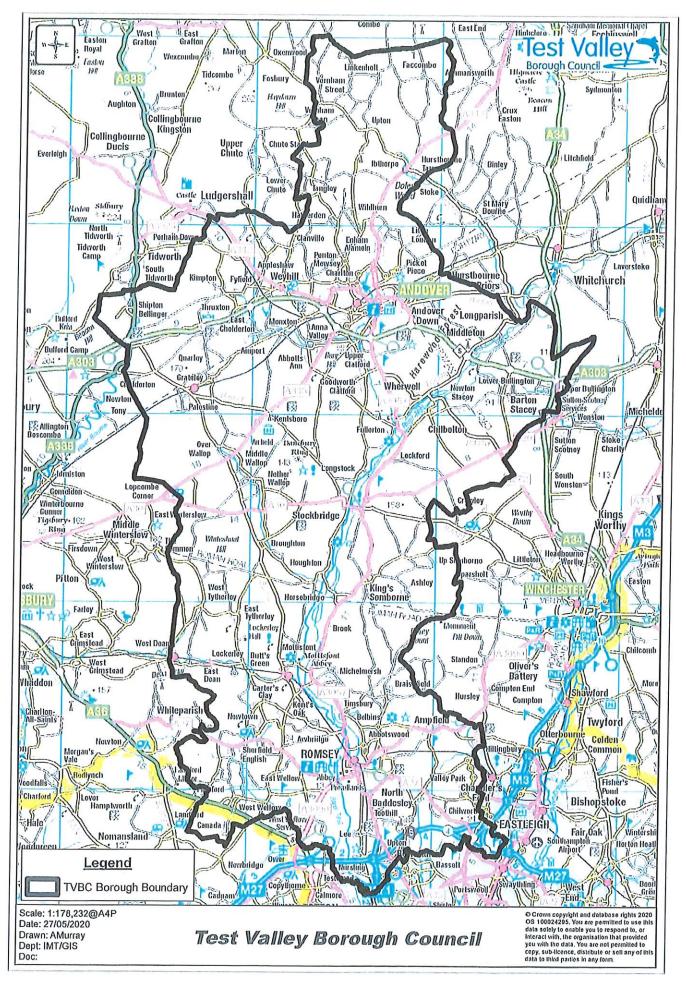








SCHEDULE 3 – MAP OF THE BOROUGH



IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

IN THE MATTER OF S222 LOCAL GOVERNMENT ACT 1972 AND S187B TOWN AND COUNTRY PLANNING ACT 1990

Before

On the

BETWEEN

(1) TEST VALLEY BOROUGH COUNCIL (2) HAMPSHIRE COUNTY COUNCIL

Claimants

-and-

(1) ALBERT BOWERS & EIGHTY-EIGHT OTHER NAMED DEFENDANTS IN SCHEDULE 1 OF THE CLAIM FORM

(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF TEST VALLEY

Defendants

Draft ORDER

THIS IS A DRAFT ORDER ONLY WHICH WILL BE CONSIDERED AT THE HEARING ON 28 JULY 2020

IF YOU, ANY OF THE ABOVE NAMED FIRST TO EIGHTY-NINTH DEFENDANTS OR PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF TEST VALLEY DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD 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 DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON HEARING Counsel Miss Caroline Bolton for The Claimants

AND UPON reading the papers and hearing the Claim for the final injunction and disposal of the claim pursuant to Section 222 Local Government Act 1972 And 187B Town and Country Planning Act 1990

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 1-5 OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON CAUGHT BREACHING PARAGRAPHS 1-5 OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE THE COURT

Note to Arresting Officer: Where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006:-

- The defendant shall be brought before the judge within a period of 24 hours beginning at the time of their arrest
- A constable shall inform the person on whose application the injunction was granted forthwith where the defendant is arrested under these powers

Nothing in sections 27 of the Police and Justice Act 2006 shall authorise the detention of the defendant after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculation any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

IT IS ORDERED THAT:

Until further order, The First to Ninetieth Defendants are forbidden from:

- 1. Setting-up an encampment on any land within the area marked red on the attached maps at Schedule 2 of this Order unless authorised to do so by the owner of the land
- 2. Setting-up an encampment on any land within the area marked red on the attached maps at Schedule 2 of this Order without written permission from the Local Planning Authority, or, planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.
- 3. Entering and/or occupying any land within the area marked red on the attached maps at Schedule 2 for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or, the Secretary of State, or, written consent from the Local Planning Authority, or, in accordance with statutory permitted development rights.
- 4. Bringing on to the Land or stationing on the Land any caravans/mobile homes other than when driving through the highways on the Land or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of the land, save for where the Land is occupied in accordance with a lawful planning permission from the Local Planning Authority, or, the Secretary of State, or, written consent from

the Local Planning Authority or in accordance with statutory permitted development rights.

- 5. Deposit or cause to be deposited, controlled waste in or on the Land unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.
- 6. There be a power of arrest attached to prohibitions 1-5 of this order.
- 7. The Land in this order means all land within the area marked red on the attached maps at Schedule 2 and is within the administrative boundaries of Test Valley Borough Council.
- 8. Service of this Order shall be deemed served on the Ninetieth Defendant, Persons Unknown by:
 - (i) Affixing copies (as opposed to originals) of this Order in a transparent envelope, or laminated copy, in a prominent position on or close to all adopted highway entry points within the area marked with a red line and marked as Area A in Schedule 2 of this Order with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3A;
 - (ii) Affixing 50 copies (as opposed to originals) of this Order approximately equidistant to each other, as far as is reasonably practicable, around the perimeter of the area marked with the red line and marked as Area A (but inside the boundary where the boundary is marked through a road or waterway or is otherwise inaccessible) on the map attached to Schedule 2 of this Order, with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ;
 - (iii) For the additional areas of Land marked Area B on the map attached to Schedule 2 of this Order by affixing copies (as opposed to originals) of this Order on a prominent position on Land with notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ.
- 9. The Defendants may each of them, or anyone notified of this Order, apply to the Court on 72 hours written notice to the Court and the Claimant to vary or discharge this order (or so much of it as affects that person)
- 10. The Defendants shall pay the Claimants costs assessed at [ENTER SUM].

GUIDANCE NOTES

EFFECT OF THIS ORDER

- 11. 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 his instructions or with his encouragement.
- 12. 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

EFFECT OF THIS ORDER

13. 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 sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

- 14. In this Order, where there is more than one Defendant, unless otherwise stated, references to "the Defendants" means each or all of them.
- 15. A requirement to serve on "the Defendants" means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
- 16. An Order requiring the Defendants to do or not to do anything applies to all Defendants.
- 17. "controlled waste" has the same meaning as within s.75(4) of the Environmental Protection Act 1990

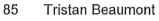
COMMUNICATIONS WITH THE COURT

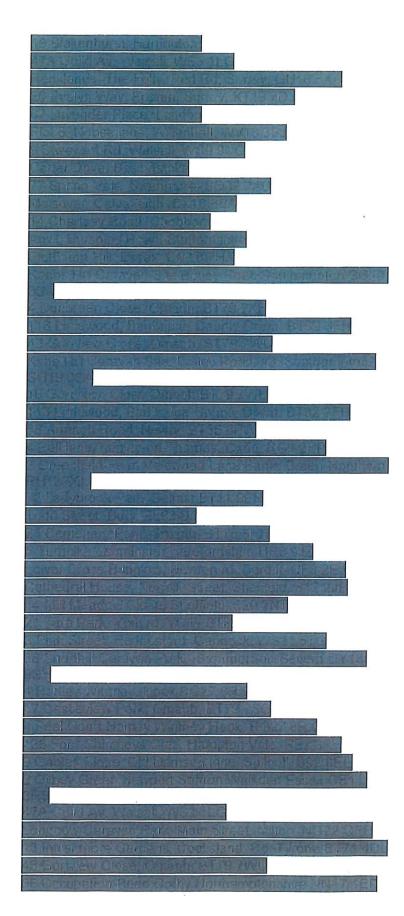
18. All communication to the Court about this order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010).

SCHEDULE 1 – LIST OF DEFENDANTS

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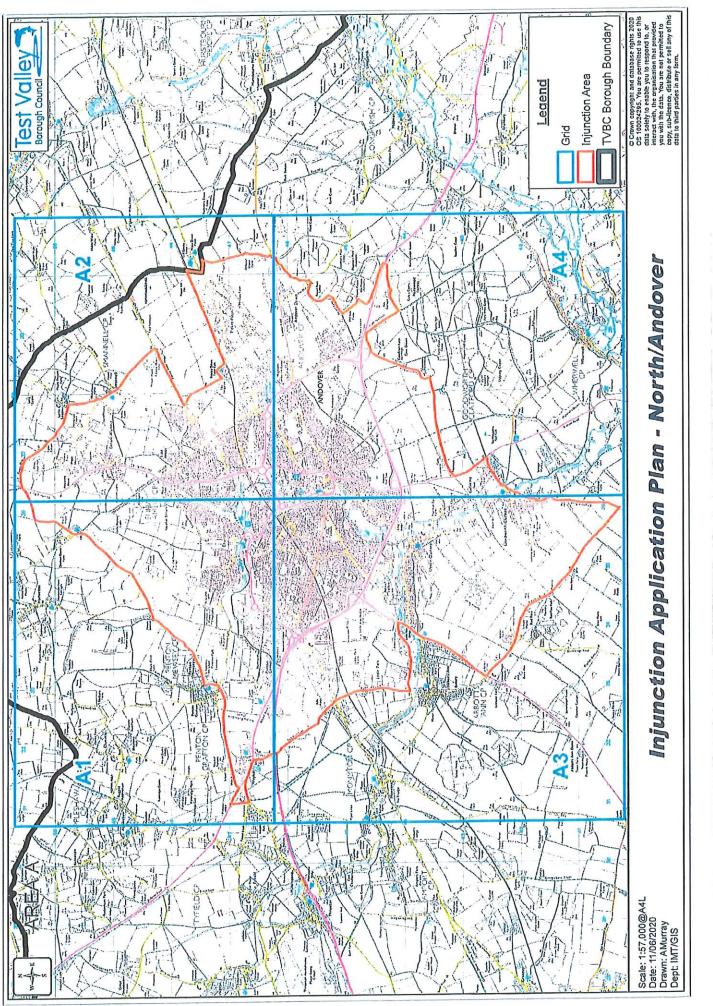


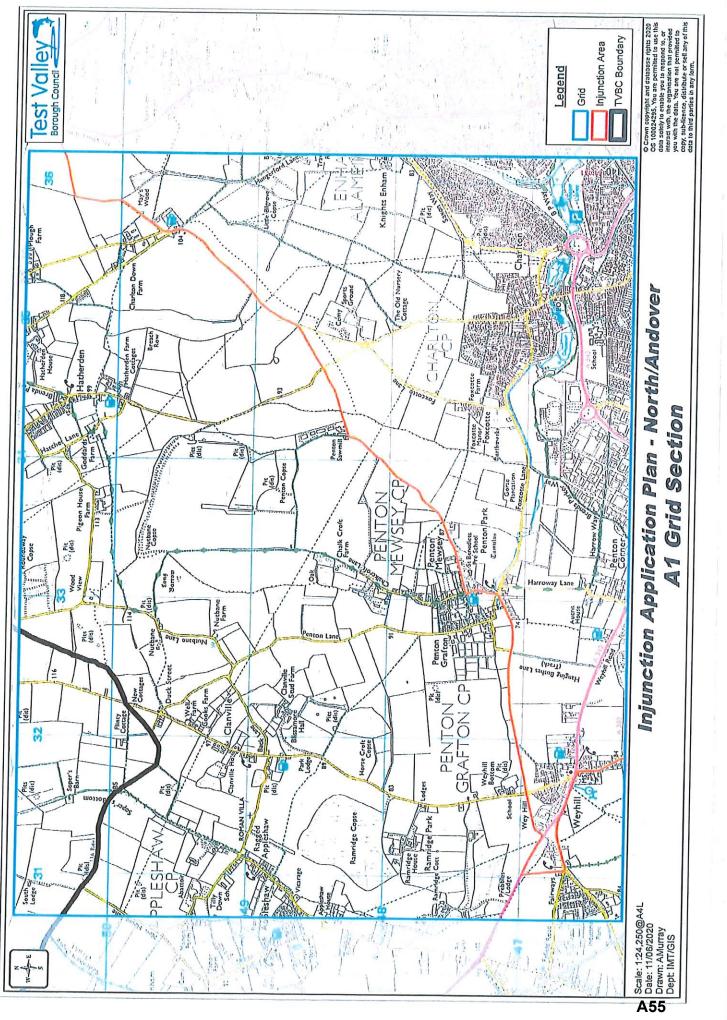
- William Williams

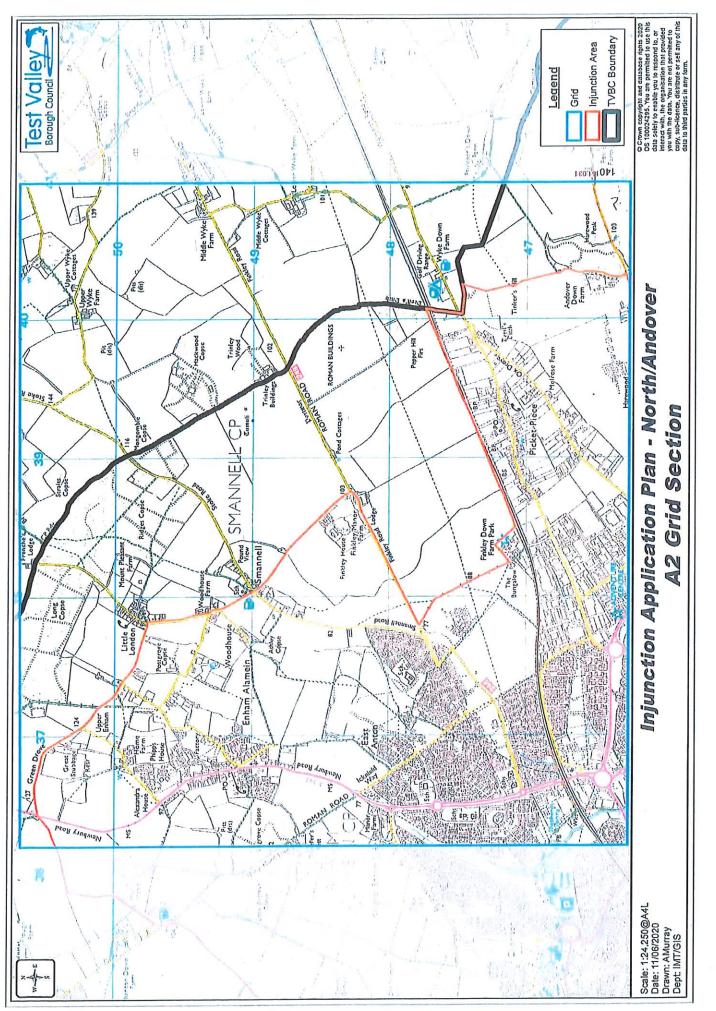
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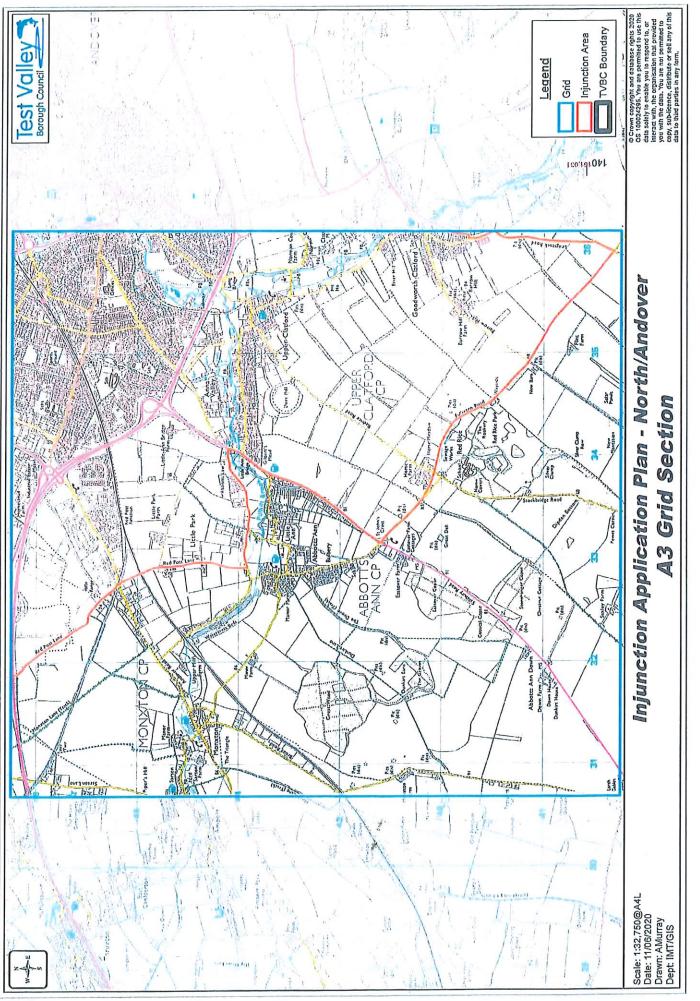


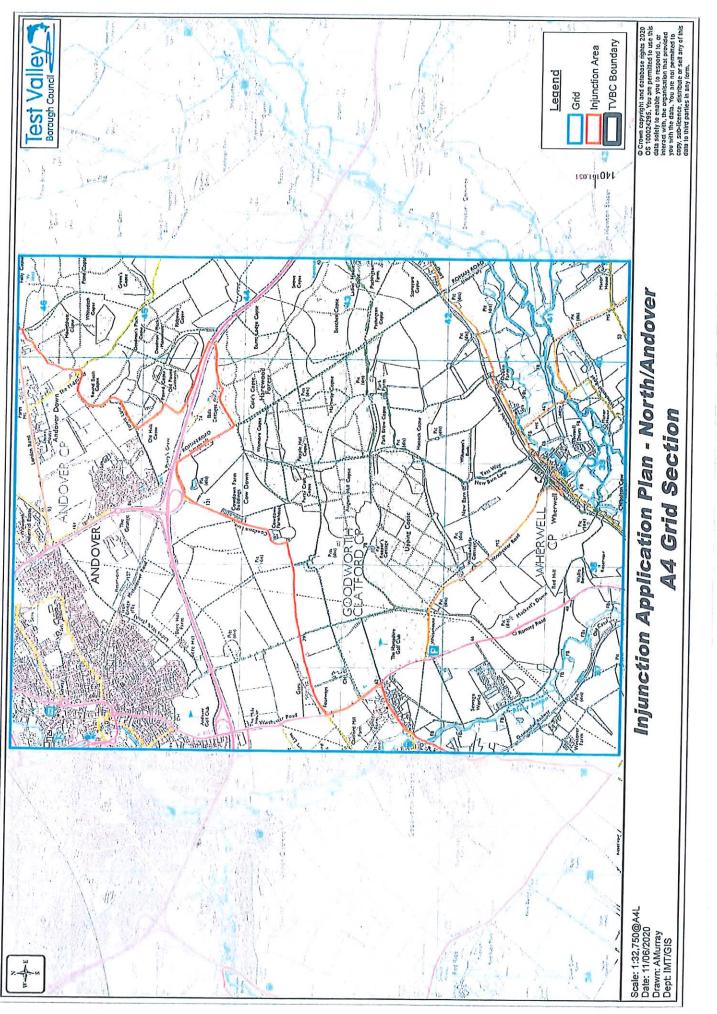
SCHEDULE 2 – MAP OF AREA COVERED BY THE INJUNCTION

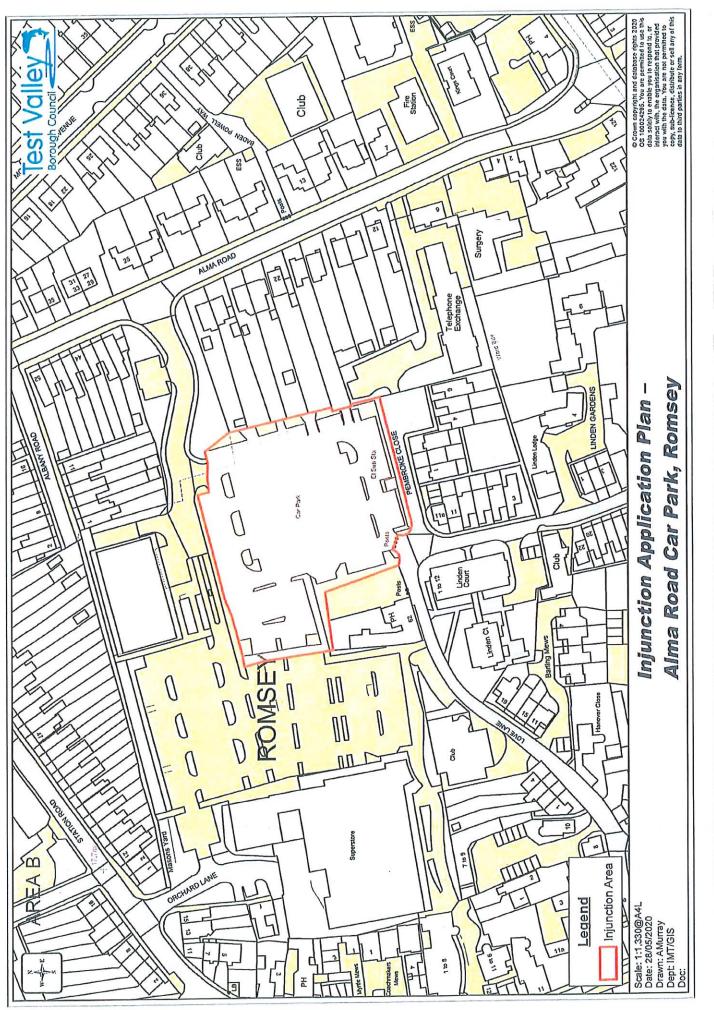












SCHEDULE 3 – MAP OF THE BOROUGH

