

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. QB-2020-002112

Before Mr Justice Jacobs

Dated 24 October 2022

B E T W E E N :

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



-and-

QB-2020-002112

**(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY**

Defendants

ORDER

UPON the Application of the Claimants, made without notice to the Defendants, seeking:

- (i) an extension to the deadline for the Claimants' filing and serving of updating evidence, as provided for in paragraph 1 of the Order of Cotter J dated 23 September 2022, and consequent amendments to the directions to trial;
- (ii) permission to serve this Order by alternative means.

AND UPON the Court considering the witness statement of Karen Dunn dated 21 October 2022

AND UPON the Court noting that the Application is made without notice to the Defendants by reason of the imminent expiry of the deadline for the filing and serving of the updating evidence, but that the Order sought contains a liberty to apply and that no Defendant has to date acknowledged service of or defended the Claim

AND UPON the Court considering the Application on the papers and without a hearing

IT IS ORDERED THAT:

Amended Directions

1. The Claimants are permitted to file and serve further updating evidence, such evidence to be filed and served by 4.30pm on 4 November 2022.
2. The Claimants shall, by 4.30pm on 2 December 2022, file and serve on each and every Defendant:
 - a. The re-Amended Claim Form;
 - b. A Scott Schedule setting out the allegations against each Defendant with a reference to where the evidence in support of those allegations may be located in the Claimant's evidence;
 - c. Any application to add to the Claim further sites over which injunctive relief is sought with supporting evidence. Any such application shall be heard at the trial of the Claim.
3. Any Defendant who intends to defend the claim against them shall file and serve any evidence in defence of the Claim, along with responses to the Scott Schedules set out in paragraph 2(b) above, by 4.30pm on 30 December 2022.
4. The Claimants are permitted to file and serve any evidence in response to the Defendants' evidence and response to the Scott Schedules, such evidence to be filed and served by 4.30pm on 13 January 2023. The Claimants need only serve those Defendants who have acknowledged service of the Claim and/or filed evidence in defence of the claim.
5. The Claim shall be listed for trial on the first available date after 23 January 2023 with a time estimate of 2 days and a further ½ day judicial pre-reading.

Service of this Order

6. This Order shall be deemed served on the 90th Defendant (Persons Unknown) pursuant to CPR 6.26 and 6.27 by:
 - a. affixing copies (as opposed to originals) of the re-Amended Claim Form, notice of the trial date 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 to "Persons Unknown forming encampments within the Borough of Test Valley" that a copy of the supporting evidence can be obtained or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ;
 - b. affixing 50 copies (as opposed to originals) of the re-Amended Claim Form, notice of the trial date and this Order approximately equidistant to each other,

as far as is reasonably practicable, around the perimeter of the area marked with a 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 encampments within the Borough of Test Valley” that a copy of the supporting evidence can be obtained or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ;

- c. for the additional areas of land marked Area B on the map attached at Schedule 2 of this Order, by affixing copies (as opposed to originals) of the re-Amended Claim Form, notice of the trial date and this Order in a transparent envelope in a prominent position on the land with notice to “Persons Unknown forming encampments within the Borough of Test Valley” that a copy of the supporting evidence can be obtained or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.

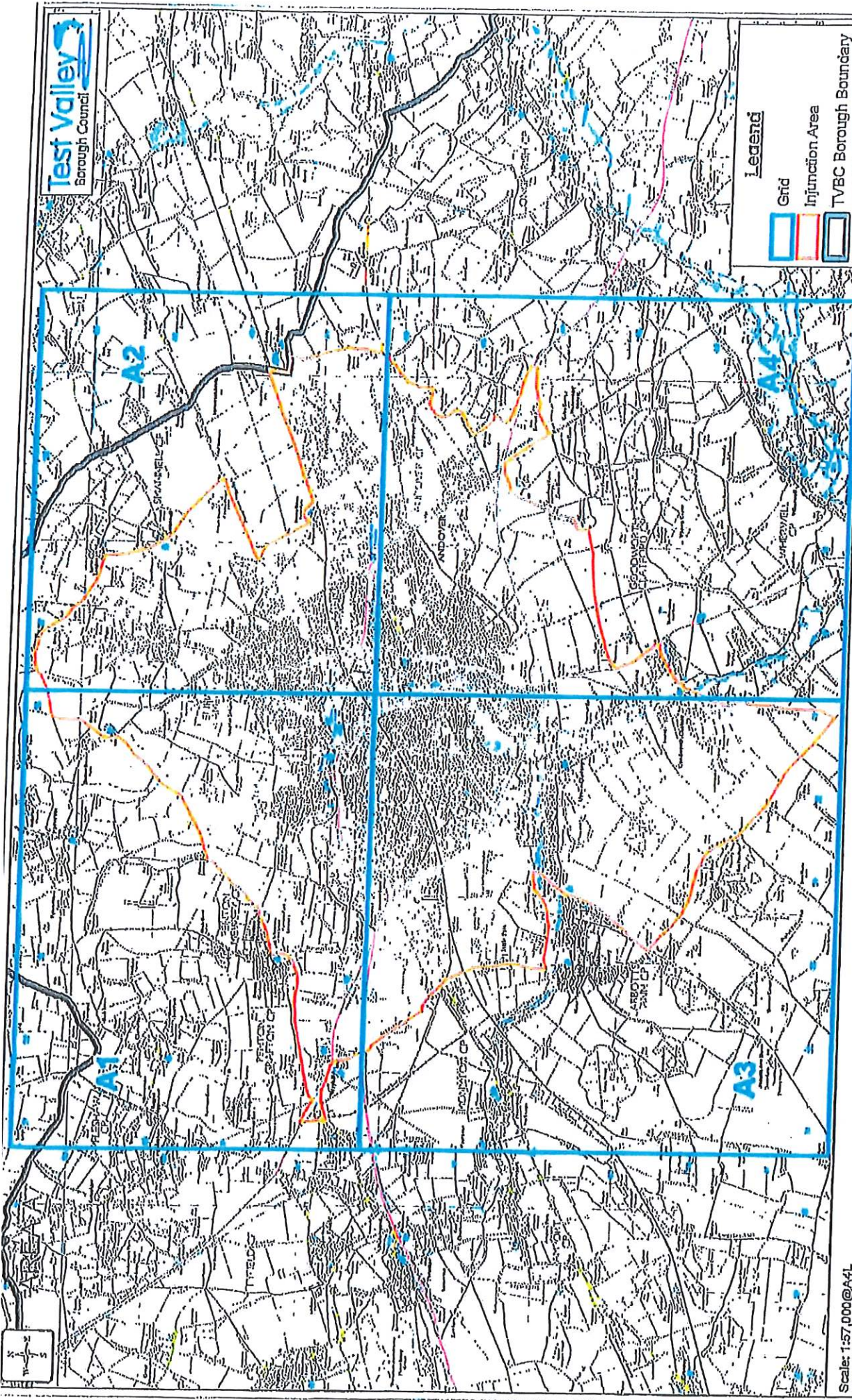
Liberty to apply

- 7. The Claimant and Defendants (or anyone notified of this Order) may apply to the Court on 72 hours written notice to all parties to these proceedings and their legal advisers to vary or discharge this Order (or so much of it as affects that person). If any evidence is to be relied upon in support of the application, the evidence must be served on the parties 2 working days in advance of the hearing.

Costs

- 8. No order as to costs.

SCHEDULE 1 - AREA A



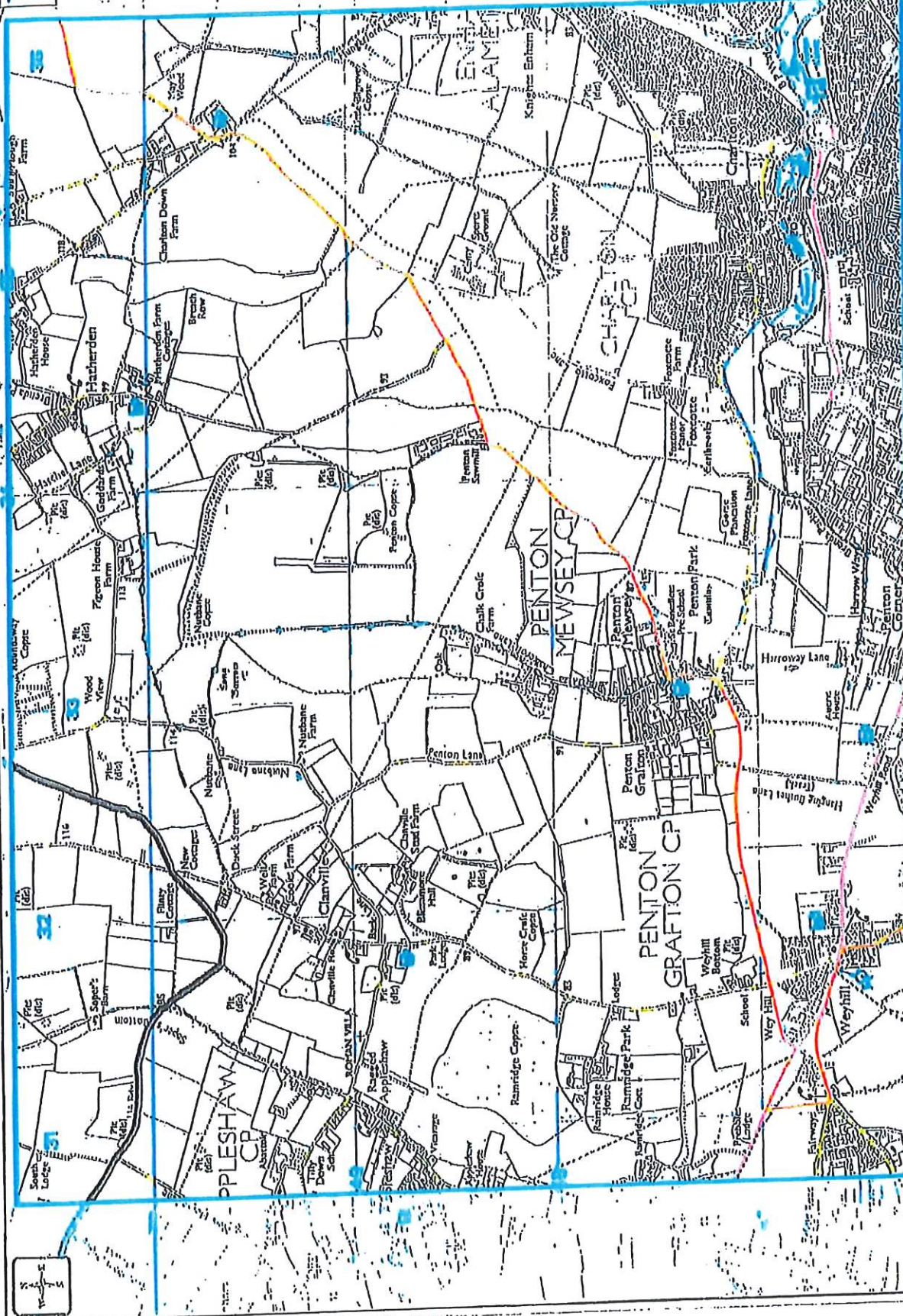
Legend

- Grid
- Injunction Area
- TVBC Borough Boundary

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Injunction Application Plan - North/Andover

Scale: 1:57,000@A4L
Date: 11/05/2020
Drawn: A.Murray
Dept: IMT/GIS



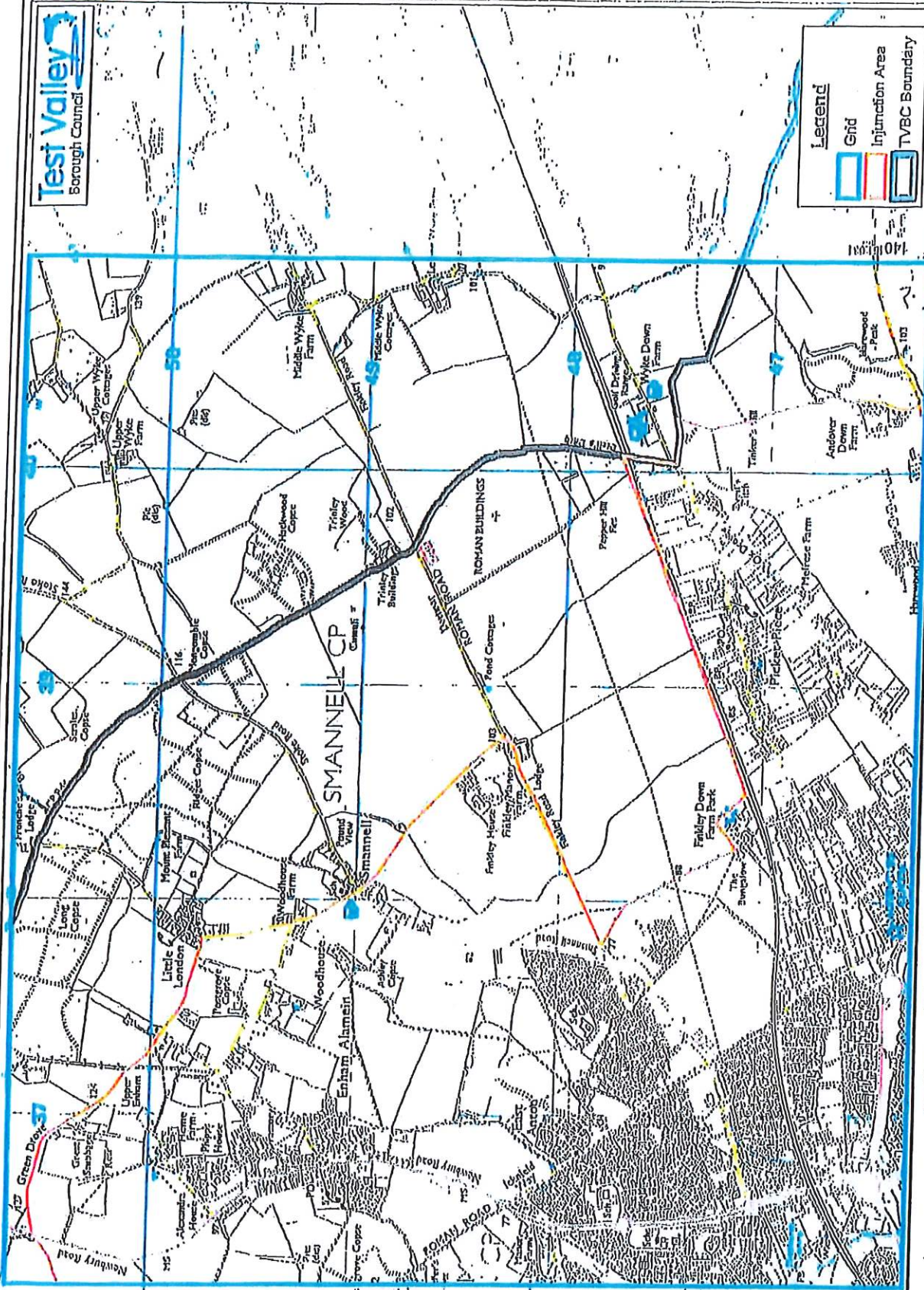
Legend

- Grid
- Injunction Area
- TVBC Boundary

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Injunction Application Plan - North/Andover **A1 Grid Section**

Scale: 1:24,250@A4L
Date: 11/06/2020
Drawn: AMurrey
Dept: IMT/GIS

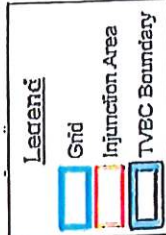


Legend

- Grid
- Injunction Area
- TVBC Boundary

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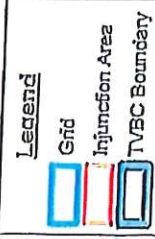
Injunction Application Plan - North/Andover **A2 Grid Section**



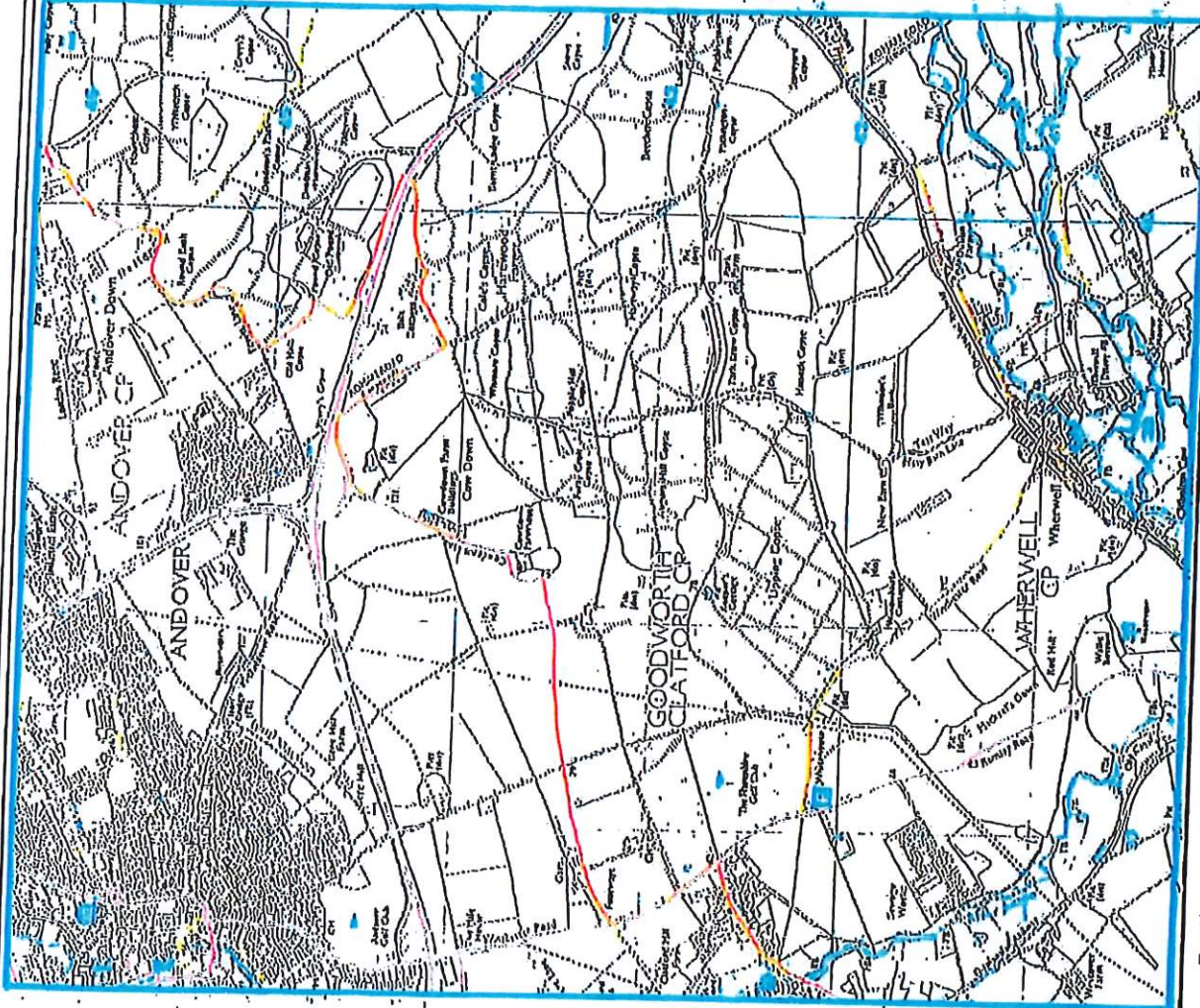
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Injunction Application Plan - North/Andover A3 Grid Section

Scale: 1:32,750@A4L
Date: 11/06/2020
Drawn: A Murray
Dept: IMT/GIS

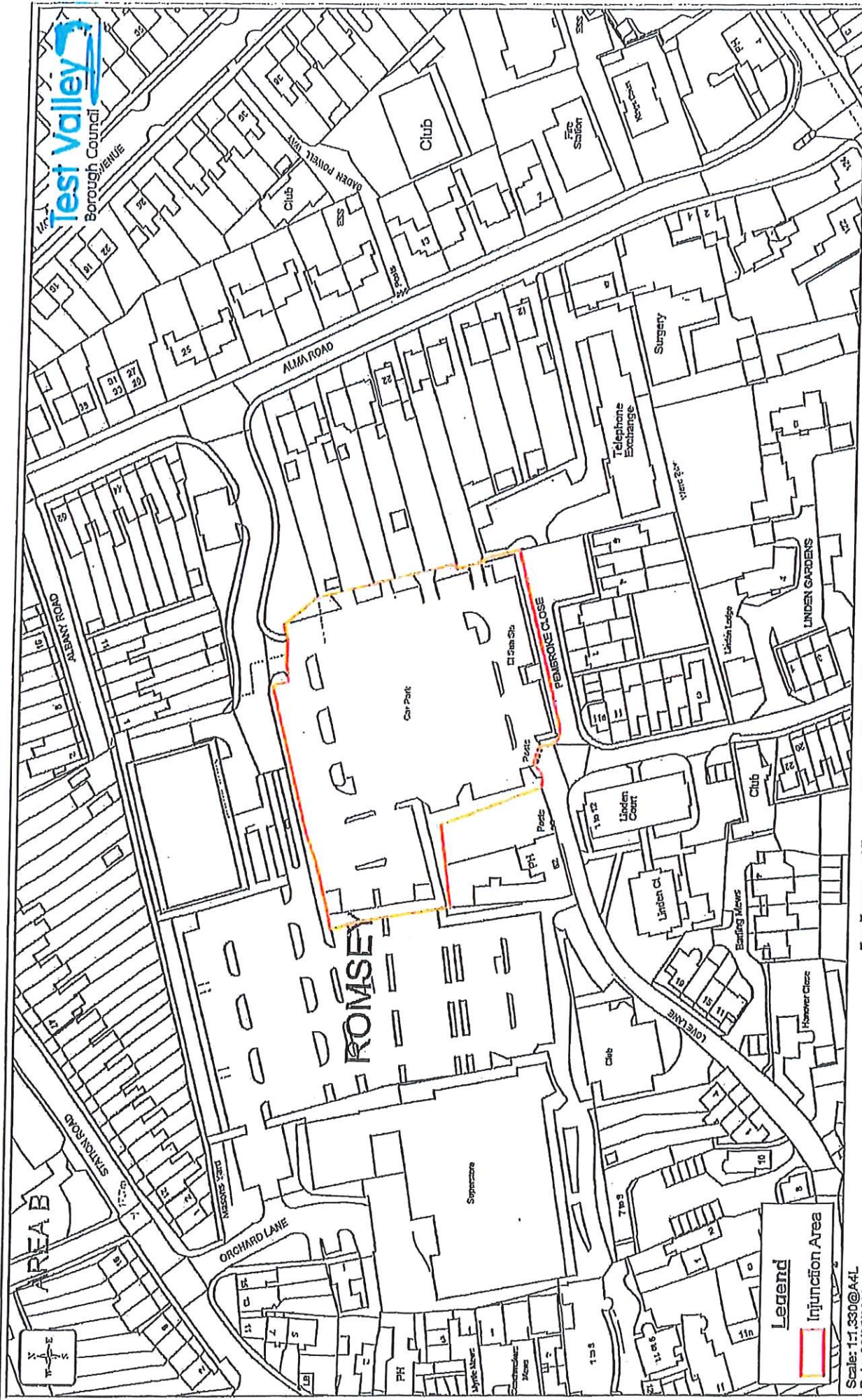


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Injunction Application Plan - North/Andover A4 Grid Section

SCHEDULE 2 – AREA B



Injunction Application Plan – Alma Road Car Park, Romsey

Legend
Injunction Area

Scale: 1:1,330 @ A4L
Date: 23/05/2020
Drawn: AMurray
Dept: IMT/GIS
Doc:

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