

# Application notice

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In the High Court of Justice King's Bench Division	
Claim no.	QB-2020-002112
Fee Account no.	PBA0087028
Warrant no. (if applicable)	
Claimant (including ref.)	(1) Test Valley Borough Council (2) Hampshire County Council (MR/692/40)
Defendants (including ref.)	(1) Albert Bowers & Others
Date	12 March 2024

1. What is your name or, if you are a legal representative, the name of your firm?

Sharpe Pritchard LLP

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative

☐ Other (please specify)

If you are a solicitor whom do you represent

Claimant

3. What order are you asking the court to make and why?

The Claimants seek an order: (i) under CPR 38.2(2) to discontinue against D88 (Winnie McDonagh); (ii) under CPR 17.1(2) to amend the spelling of the names of D3, D19, D50 and D84 (see section 10 below); (iii) under CPR 19(2) to add as Defendants the 47 individuals listed in Schedule 3 attached to the draft Order; and (iv) consequential directions as a result of these amendments, including directions for service.

4. Have you attached a draft of the order you are applying for ☒ Yes ☐ No
5. How do you want to have this application dealt with? ☐ at a hearing ☒ without a hearing
- ☐ at a telephone hearing
6. How long do you think the hearing will last?  Hours  Minutes
- Is this time estimate agreed by all parties? ☐ Yes ☐ No
7. Give details of any fixed trial date or period
- 13 and 14 May 2024
8. What level of Judge does your hearing need?
- High Court
9. Who should be served with this application?
- Defendants
- 9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- ☒ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet

1. An Interim Injunction Order was made by His Honour Judge Bird on 28 July 2020 and the claim has been listed for trial on 13 and 14 May 2024.
2. On 27 December 2023, Mr Justice Constable made an order directing that the Claimants must make all additional applications required (if any) by 4:30pm on 29 February 2024. On 1 March 2024, Mrs Justice Foster amended this direction so that all additional applications required by the Claimants must be made by 4:30pm on 14 March 2024.
3. The applications made by the Claimants are set out below.
4. The Claimants seeks permission to discontinue against D (Defendant) 88, Winnie McDonagh, as upon review of the information available to the Claimants, it appears that there is no person of this name at the address stated in Schedule 1 to the Claim Form.
5. The names of the following Defendants have been misspelt and/or are incorrect in the Claim Form and the Claimants seek permission to amend their names:
  - (1) D3 - Annie Mcdonagh, amend to Annie McDonagh
  - (2) D19 - Dylan Mcdonagh, amend to Dylan McDonagh
  - (3) D50 - Loius Ayers, amend to Louis Ayers
  - (4) D84 - Tommy McDonagh, amend to Thomas McDonagh.
6. The Claimants seek permission to add the 47 Defendants listed in Schedule 3 to the draft Order to the claim for the reasons set out in the 12<sup>th</sup> witness statement of Karen Dunn dated 11 March 2024.
7. The Claimants also seek consequential directions including directions as to alternative service as set out in the draft Order.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

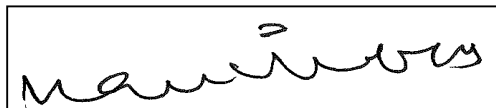
☒ No

## Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☐ I **believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☒ **The Applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. I am **authorised** by the applicant to sign this statement.

### Signature



- ☐ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☒ Applicant's legal representative (as defined by CPR 2.3(1))

### Date

Day

12

Month

March

Year

2024

### Full name

Mari Elisabeth Roberts

### Name of applicant's legal representative's firm

Sharpe Pritchard LLP

If signing on behalf of firm or company give position or office held

Partner

Applicant's address to which documents should be sent.

Building and street

Elm Yard

Second line of address

10-16 Elm Street

Town or city

London

County (optional)

Postcode

WC1X 0BJ

If applicable

Phone number

020 7405 4600

Fax number

020 7242 2210

DX number

Your Ref.

MR/692/40

Email

mroberts@sharpepritchard.co.uk

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

**Claim No. QB-2020-002112**

**Before the Honourable [Judge]**  
**[date]**

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

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

**Claimant**

**-and-**

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

**Defendants**

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***Draft ORDER***

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Upon the Claimants' Application dated 12<sup>th</sup> March 2024 made pursuant to the Order of Foster J dated 29 February 2024, by which the Claimants seek:

- i. to add further named Defendants to the Claim;
- ii. to discontinue against D88, Winnie McDonagh;
- iii. to amend the spelling of the names of D3, D19, D50 and D84;
- iv. permission to serve this Order by alternative means;
- v. a further alternative service order in relation to two sites that the Claimants have previously sought to add to the proceedings and over which injunctive relief is sought; and
- vi. consequential directions.

And upon reading the twelfth witness statement of Karen Dunn dated 11<sup>th</sup> March 2024

And upon considering the Application on the papers and without a hearing

## **IT IS ORDERED THAT:**

### **Addition of further Defendants**

1. The Claimants are permitted to add the persons named at Schedule 3 of this Order as Defendants to the proceedings (the '**Additional Defendants**').
2. The Additional Defendants shall follow the same directions as all other named Defendants in these proceedings which, for the avoidance of doubt, are as follows:
  - a. The Defendants must file and serve any evidence or further evidence (as applicable) upon which they seek to rely at the trial of the Claim by 4.30pm on 4 April 2024;
  - b. The Claimants may (if so advised) file and serve any evidence in reply by 4.30pm on 18 April 2024;
  - c. The trial of the Claim shall be listed for trial on 13 and 14 May 2024 with a time estimate of 2 days. A further day should be allocated for judicial pre-reading;
  - d. The Claimants shall file and serve hearing bundles by 4.30pm on 25 April 2024;
  - e. Skeleton arguments shall be filed and served by 4.30pm on 8 May 2024. The Claimants only need to serve their skeleton argument on those Defendants (if any) who have acknowledged service of the Claim or indicated that they intend to participate in the trial of the Claim.
3. The Claimants shall serve on the Additional Defendants the Re-Re-Amended Claim Form (in which the Additional Defendants are named) within 21 days of this Order.

### **Discontinuance**

4. The Claimants are permitted to discontinue the Claim against D88, Winnie McDonagh, and the interim injunction dated 28 July 2020 is discharged as against D88 (only) accordingly.

### **Amendments to the Claim Form**

5. The Claimants are permitted to make the following amendments to the Re-Amended Claim Form:
  - a. The addition of the Additional Defendants;
  - b. The strikethrough of D88, Winnie McDonagh;
  - c. The amendment of the following spellings:
    - i. D3 Annie Mcdonagh to **Annie McDonagh**;
    - ii. D19 Dylan Mcdonagh to **Dylan McDonagh**;



- iii. D50 Loius Ayres to **Louis Ayres**;
- iv. D84 Tommy McDonagh to **Thomas McDonagh**;

6. Service of the Re-Re-Amended Claim Form on the 1<sup>st</sup> to 90<sup>th</sup> Defendants is dispensed with.

**Alternative service**

7. This Order shall be deemed served on the 90<sup>th</sup> Defendant (Persons Unknown) pursuant to CPR 6.26 and 6.27 on the date when the following steps are completed:

- a. affixing copies (as opposed to originals) of 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 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 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;
- d. affixing copies (as opposed to originals) of this Order in a transparent envelope in a prominent position on the following sites (i) The Romsey Rapids, Southampton Road, Romsey SO51 8AF, and (ii) Nursling and Rownhams Recreation Ground, Joe Bigwood Close, Nursling, Hampshire SO16 0YL, along 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.

8. Pursuant to CPR 6.14, 6.15, 6.26 and 6.27, the Claimants are permitted to serve the Application dated 29 November 2022 by which they sought to add two additional sites to the Claim for injunctive relief, along with all pre-existing documents in this Claim, on the 90<sup>th</sup> Defendant (Persons Unknown) by affixing copies (as opposed to originals)



of the Application Notice dated 29 November 2022 in a transparent envelope in a prominent position on the following sites (i) The Romsey Rapids, Southampton Road, Romsey SO51 8AF, and (ii) Nursling and Rownhams Recreation Ground, Joe Bigwood Close, Nursling, Hampshire SO16 0YL, along with a notice to "Persons Unknown forming encampments within the Borough of Test Valley" that a copy of all documents in the Claim can be obtained or inspected at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ. Documents shall be deemed served on the date on which the required steps are completed.

**Liberty to apply**

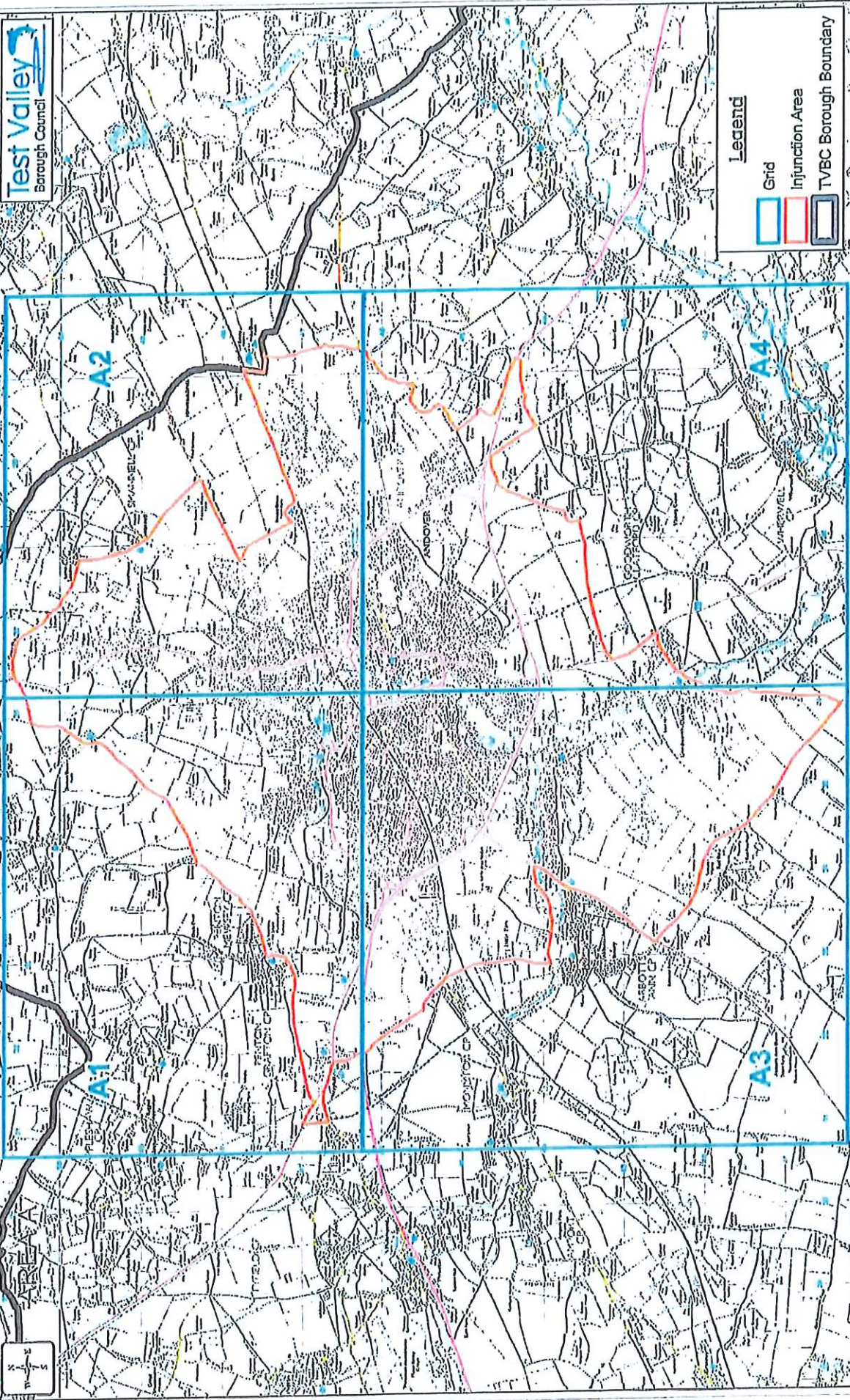
9. The Claimant and Defendants (or anyone notified of this Order) may apply to the Court on 72 hours written notice to all parties to these proceedings and their legal advisers to vary or discharge this Order (or so much of it as affects that person).

**Costs**

10. On the Application to add the Additional Defendants, costs in the case.
11. Save as where provided above, no order as to costs.

**SCHEDULE 1 – AREA A**





**Legend**

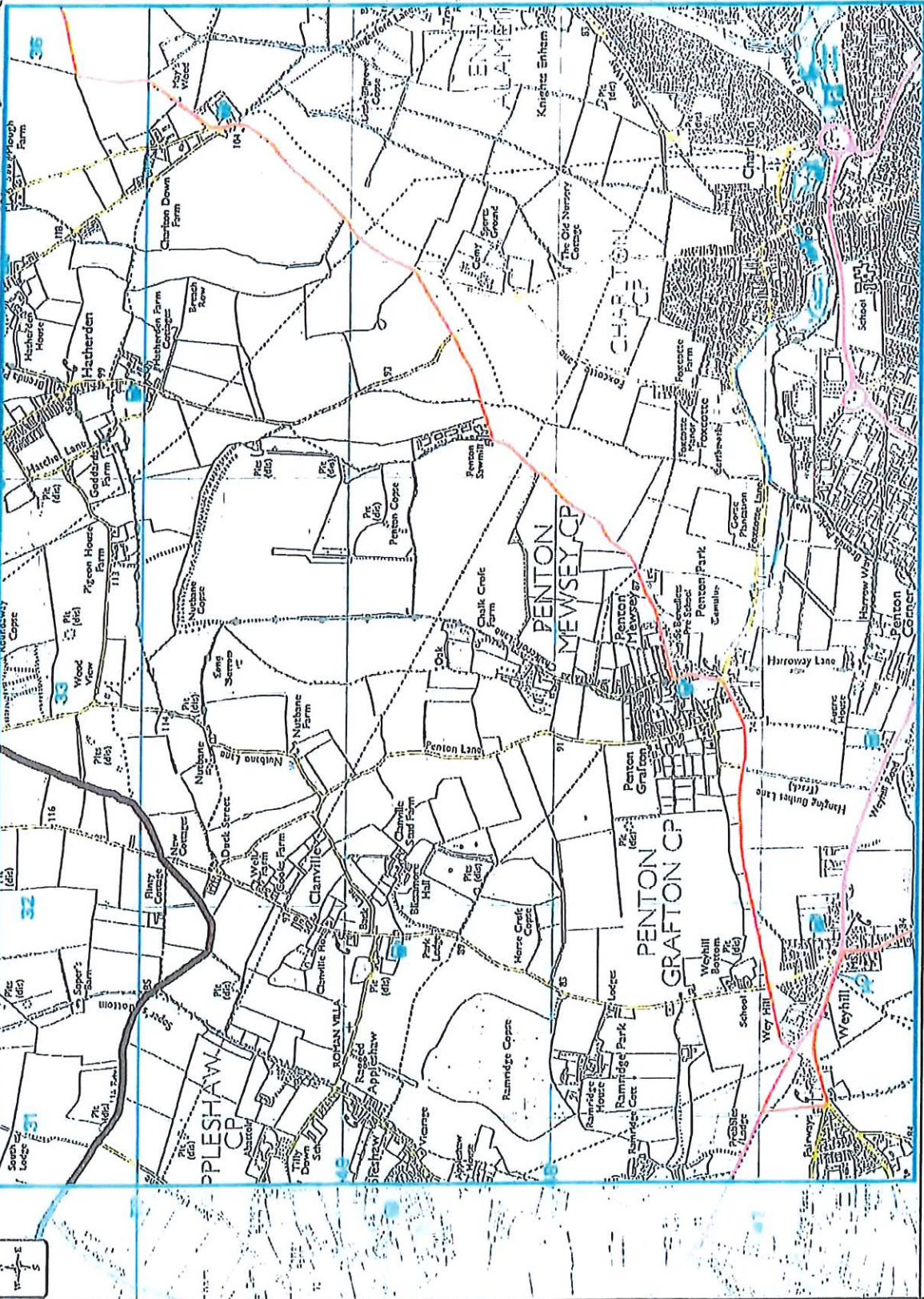
- Grid
- Injunction Area
- TVBC Borough Boundary

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## Injunction Application Plan - North/Andover

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Drawn: AMurray  
Dept: IMT/GIS



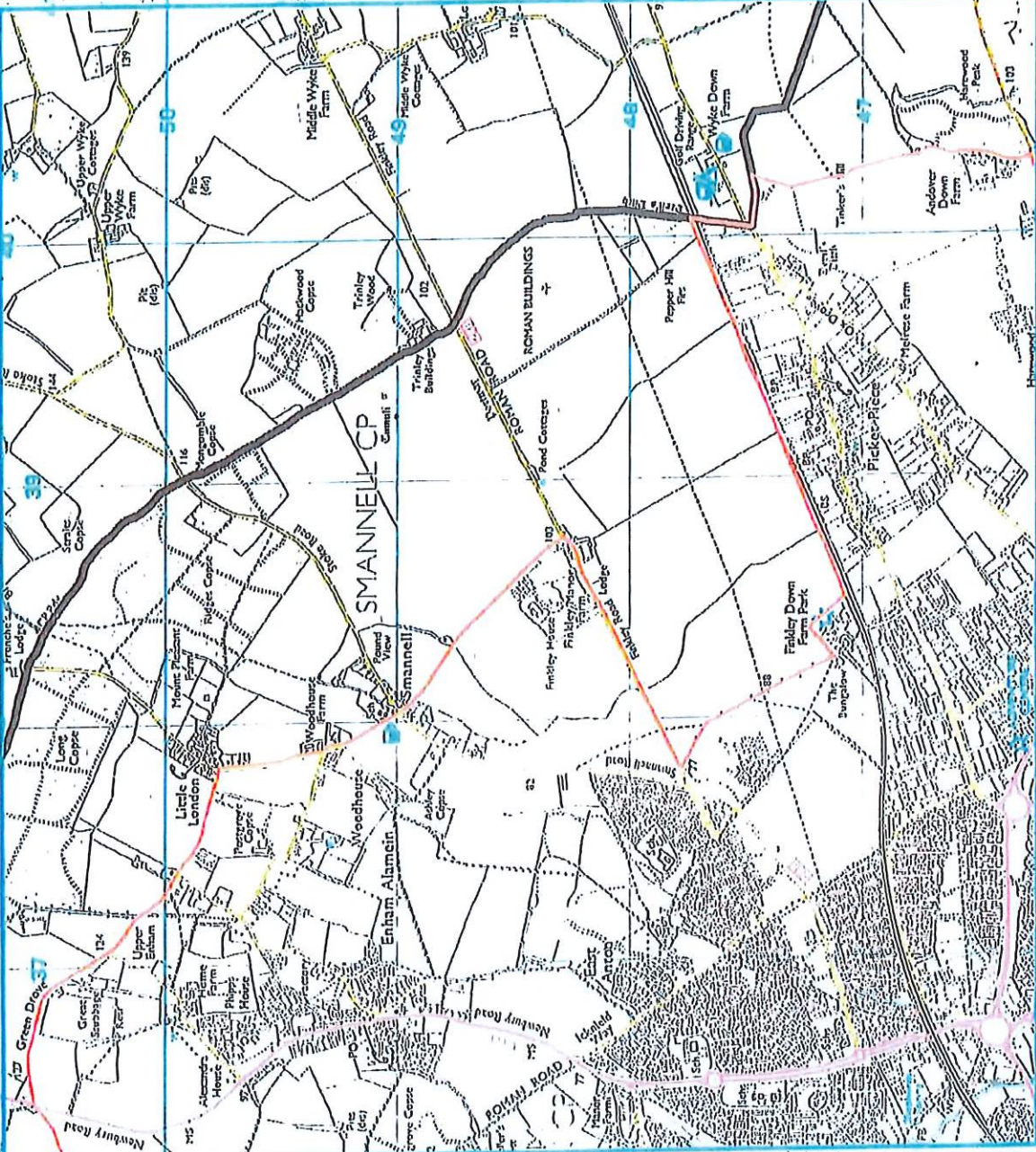


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***Injunction Application Plan - North/Andover  
A1 Grid Section***

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





**Legend**

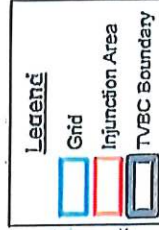
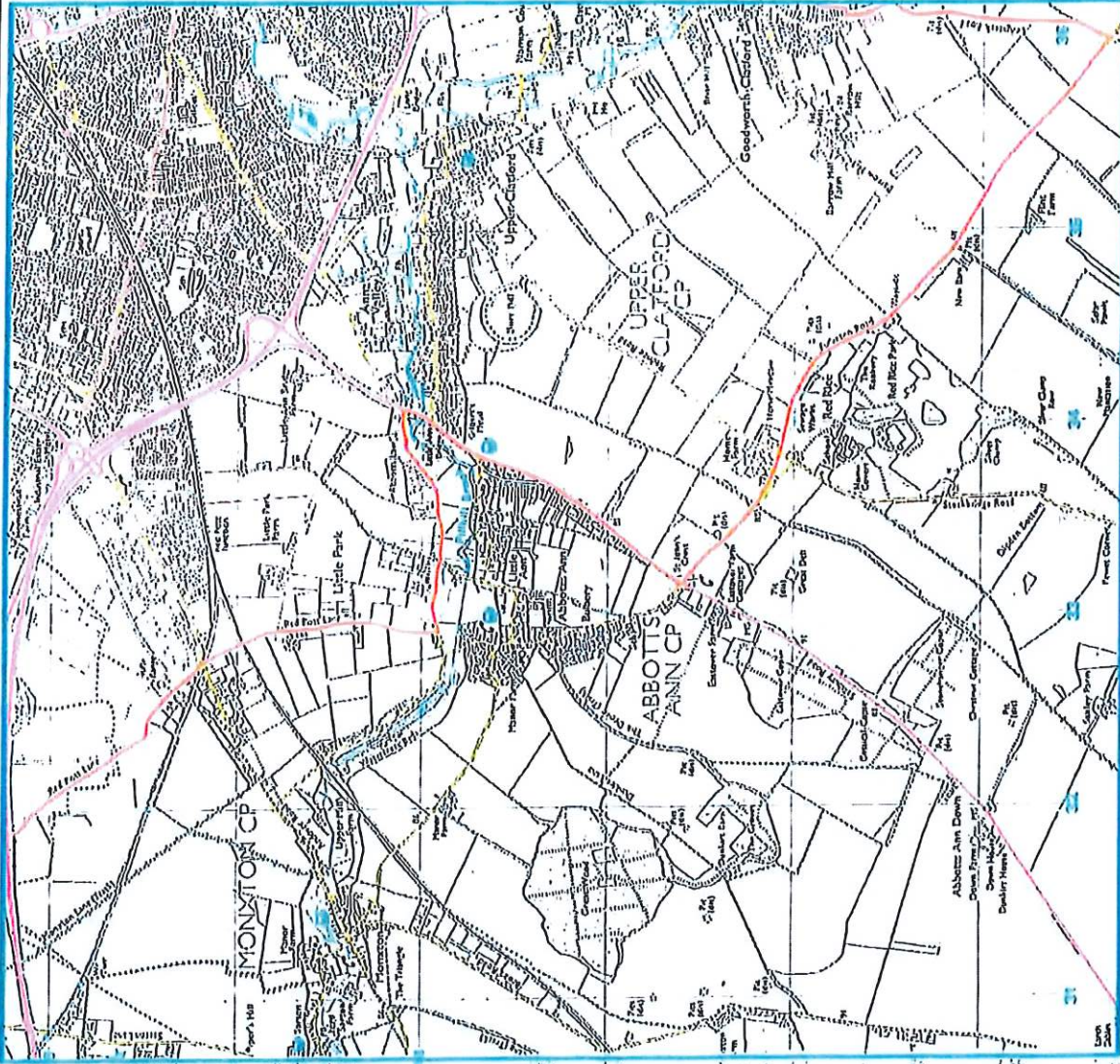
- Grid
- Injunction Area
- TVBC Boundary

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

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



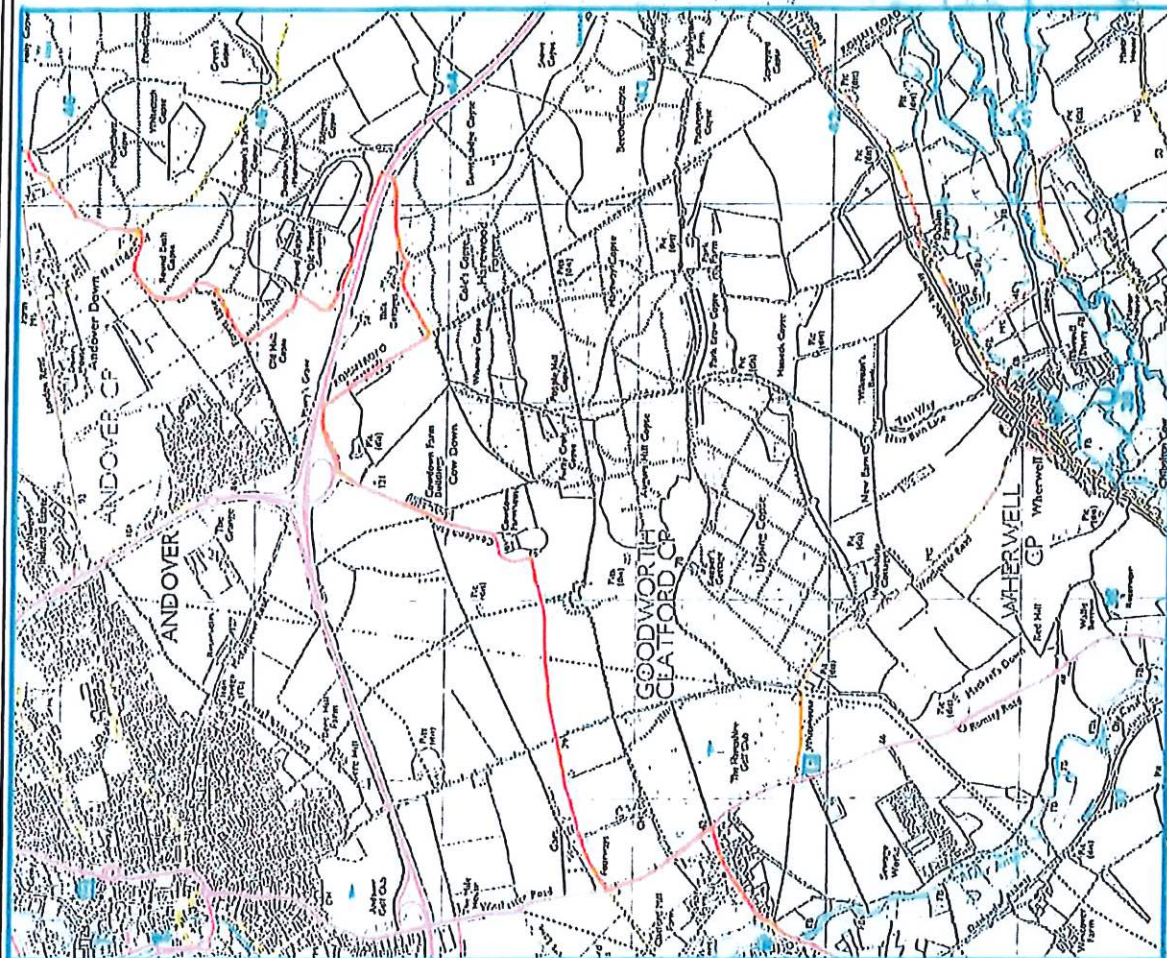


# **Injunction Application Plan - North/Andover** **A3 Grid Section**

Scale: 1:32,750@A4L  
Date: 11/06/2020  
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## Injunction Application Plan - North/Andover A4 Grid Section

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**SCHEDULE 2 – AREA B**





**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

**Claim No. QB-2020-002112**

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

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

**Claimant**

**-and-**

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

**Defendants**

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**SCHEDULE 3**

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<b>D No.</b>	<b>Name</b>	<b>Address for service</b>
91	Simon McGinley	134 Alder Street, Newton-Le-Willows, Merseyside WA12 8HP
92	Martina Quilligan	Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire SO21 3BW
93	Bridget Quilligan	Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire SO21 3BW
94	Linda Barnett	Park Place Nursery Cottage, Titchfield Lane, Wickham PO17 5HB
95	James Galbraith	40 Nevis Grove, Bletchley, Bucks MK2 3NY
96	Steven Jackson	6 Gretsby Buildings, Nantwich, Cheshire CW5 5PX
97	Martin Doherty	31 Thingley Caravan Site, Easton Lane, Wiltshire SN14 0RW
98	Paul Kranjiewski	16 Oasktree Way, Cannington, Bridgwater, Somerset TA5 2RL
99	Paddy Mohan	73 Holloway Road, London N7 8JZ

100	Jayson Stanley	Keepers Yard, Nash Lee Road, Terrick, Aylesbury HP17 0TQ
101	Savanah Carter	Heatherley House, Aldermarston Road, Pamber End, Hampshire RG26 5QN
102	John Mufhy	6 Sandiares Caravan Site, Long Green, Cressing, Essex CM77 8DL
103	Martin McDonagh	13 Castlebalfour Park, Enniskillen BT92 0GD
104	Patrick Collins	LG10 Springfield House, Springfield Street, Barnsley S70 6EQ
105	Charlie McDonagh	9 Rockfield Park, Belleek, Enniskillen BT93 3GJ
106	Willie McDonagh	56 Main Street, Castlederg, County Tyrone BT81 7AN
107	Tony Murphy	6 Sydney Lane, Aughnacloy, Coounty Tyrone BT69 6AF
108	Sarah Crawley	42D the Fairway, Leicester LE26 6LN
109	Charles Ward	7 New Acres, Spade Lane, Sittingbourne, Kent ME9 7TT
110	Mary McDonagh	5 Boggs Cottages, Keele Road, Newcastle, Staffordshire ST5 5AB
111	Sally Ann O'Connor	7 Gisborne Green, Derby DE1 3NA
112	David Moors	79 Towcester Road, Northampton NN4 8LR
113	Nathan Stewart	11 Meynells Gorse, Gold Course Lane, Leicester LE3 1UY
114	James McDonagh	The Woodlands, Rotherham Road, Killamarsh, Sheffield S21 2DS
115	Bridget Quiligan	Annexe Henroost Farm, Old Gloucester Road, Winterbourne, Bristol BS36 1RZ
116	John Mohan	9B Carousel Park, Micheldever, Winchester, Hampshire SO21 3BW
117	Matthew Watts	3 Epton House, Fairfield Avenue, Staines, Middlesex TW18 4JH
118	Vanessa Sweeney	14 Harris Road, Upper Heyford, Bicester, Oxfordshire OX25 5TR
119	Eddie Lee	52 Liquorice Lane, Woking, Surrey GU22 9NZ
120	Richard John Smith	4 Attlee Drive, Dartford, Kent DA1 5DE
121	Jake Howard	25 Beards Road, Ashford, Middlesex TW15 1TE
122	James Price	8 Highwood Park, Highwood Road, Patchway, Bristol BS34 5DJ
123	Michael Finney	2 Station Terrace, Station Road, Sandycroft CH5 2QU
124	Martin Quilligan	93 Armoury Road, London SE8 4LB

125	James Cooper	27 Beards Road, Ashford, Middlesex TW15 1TE
126	James Lee	7a Highwood Road, Patchway, Bristol BS34 5DJ
127	Sophie Hay	56 The Crescent, Egham, Surrey TW20 9PH
128	Tim McDonald	Caravan 18, Sunset Park Homes, Whitfield, Brackley, Northants NN13 5TD
129	Joseph McDonagh	Caravan 20, Sunset Park Homes, Whitfield, Brackley, Northants NN13 5TD
130	John Ward	7 Watling Farm Close, Stanmore, Middlesex HA7 4UY
131	Charlotte Nevin	33 Hereford Road, Luton, Bedfordshire LU4 0PS
132	Simon McDonagh	121 Meadow Way, Leighton Buzzard, Bedfordshire, LU7 3XP
133	Harry Moore	13 Methuen Road, Bournemouth BH8 8NB
134	Kathleen Hanrahan	35 Nethermead Court, Northampton NN3 8NE
135	Patrick Oliver McDonagh	133 Church Lane, Manchester M9 4WH
136	John McDonagh	2 Rockfield Park, Belleek, Enniskillen BT93 3GJ
137	Martin McDonagh	9 Rockfield Park, Belleek, Enniskillen BT93 3GJ