

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
(91)-(137) OTHER NAMED DEFENDANTS

Defendants

FOURTEENTH WITNESS STATEMENT OF KAREN DUNN

I, Karen Dunn, Head of Legal and Democratic Services at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ will say as follows:

1. I am the Director of Legal and Democratic Services and Monitoring Officer at Test Valley Borough Council and have held this position since January 2017 (the job title changed from 'Head of' to 'Director of' in early 2026). It falls to the legal team to advise other teams across the Council in relation to issues arising in relation to any unauthorised encampments and to receive instructions to issue notices, take Court proceedings where necessary and provide advice.
2. I am authorised by the Claimants to make this witness statement. I prepared this witness statement myself, and then shared it for review by the Claimants' external legal advisers.

3. I make this witness statement in support of the Claimants' application for the continuation of the injunctive relief granted against the 90th Defendant (Persons Unknown) under the order of Her Honour Judge Sarah Richardson (sitting as a Judge of the High Court) dated 9th May 2025 (the '**Injunction**'). As against Persons Unknown, the injunctive relief is due to expire on 18th May 2026. No Application is made in relation to the Named Defendants in the proceedings, and the relief against those Defendants continues until 18 May 2029.
4. I exhibit a copy of the Injunction at **KD1**. The Injunction prohibits the setting up of unauthorised encampments and depositing/causing to be deposited controlled waste on certain areas of the Council's administrative area and is therefore a so-called 'Traveller Injunction'. A power of arrest (which I expand on further below) attached to this order.
5. An interim order in the same terms as the Injunction was made by His Honour Judge Bird (sitting as a Judge of the High Court) on 28th July 2020, with a power of arrest attached. This continued, subject to the alterations made by Mr Justice Nicklin, which I expand on further below, until the final order made by His Honour Judge Dight CBE (sitting as a Judge of the High Court) on 17th May 2024. That final order was made for five years against various Named Defendants, and for a period of one year (subject to the express liberty to apply for its continuation) against Persons Unknown. On 9 May 2025, and on the application of the Claimants, Her Honour Judge Sarah Richardson (sitting as a Judge of the High Court) continued the relief against Persons Unknown (and granted in Injunction, as defined).
6. A further extension to the relief granted against Persons Unknown is now sought for a period of one year, in line with the Supreme Court's guidance in *Wolverhampton City Council and Others v London Gypsies and Travellers and Others* 2023 UKSC 47 ('**the Wolverhampton Case**'/'*Wolverhampton*'). The Court may again be invited to review the ongoing need to relief thereafter.
7. This statement is made from facts and matters which are within my knowledge, save where indicated otherwise, and which I believe to be true. Where a matter is not within my knowledge, I identify the source of said information and believe the same to be true. I exhibit to this witness statement a bundle of documents marked '**KD**', references to that bundle are in the format **KD[exhibit number]**.

INTRODUCTION

8. I will set out my evidence under the following sub-headings:
 - i. Introduction
 - ii. The injunctive relief sought
 - iii. Success of the current injunctive relief
 - iv. Unauthorised encampments in the Borough since the date of the last order
 - v. Impact of unauthorised encampments
 - vi. Provision for Gypsies and Travellers within the Borough
 - vii. The scale of the issue in neighbouring areas
 - viii. The continuing need for injunctive relief.

My Role

9. As set out above, I am the Director of Legal and Democratic Services at Test Valley Borough Council (the '**Council**') and have held this post since 2017. I am a qualified solicitor. My team deals with the legal aspects of unauthorised encampments in the administrative area covered by the Council (the '**Borough**'), liaising very closely with other teams within the Council who deal with unauthorised encampments. This includes the Community and Leisure team who manage land on which encampments set up (for example, playing fields), the Environmental Services team who clear up after unauthorised encampments and the Environmental Health Service who deal with certain nuisances associated with unauthorised encampments.
10. I have given the primary evidence for the First Claimant (the Council) in support of the claim for injunctive relief and throughout these proceedings.

Background

11. By way of a Part 8 Claim Form issued on 18 June 2022, the Claimants sought injunctive relief to restrain the formation of unauthorised encampments and associated fly-tipping in the Borough. That relief was sought pursuant to the Town and Country Planning Act 1990, s187B and the Local Government Act 1972, s222. The Claimants sought that relief in the

discharge of their public functions; the Council is the local planning authority for the Borough and is responsible for the enforcement of planning control, and the Second Claimant is the local highway authority.

12. The Order was **not** sought on a Borough-wide basis against either the Named Defendants or Persons Unknown. Rather, an area of land plus one additional site was identified as requiring protection (with a further two sites added to the Claim at final hearing). Interim relief, supported by a power of arrest, was granted in the terms sought on 28 July 2020.
13. In October 2020, these proceedings got pulled into the *Barking & Dagenham* litigation. At first instance, and by way of an Order dated 24 May 2021, Mr Justice Nicklin discharged the power of arrest.
14. Following the Court of Appeal decision in the *Barking & Dagenham* litigation, the Claim was to be listed for final hearing on the first available date after 23 January 2023. However, on 25 October 2022, the Supreme Court granted permission to appeal, upon which the proceedings became re-titled as the *Wolverhampton* Case, and the final hearing in this Claim was again put on hold.
15. The Supreme Court handed down judgment in *Wolverhampton* on 29 November 2023, in which the Claimants were successful respondents. This Claim was then able to progress to final hearing on 13 and 14 May 2024 before HH Judge Dight CBE (sitting as a Judge of the High Court). The Judge handed down judgment on 17 May 2024 (see [2024] EWHC 1743 (KB)), and a final injunction was made against the Named Defendants, with a one year order being made against Persons Unknown (which was later continued for a further year, as described above).
16. The Claimants now seek a 12-month continuation of the Injunction as against Persons Unknown, in accordance with paragraph 6 of the Injunction.

The Council's response to unauthorised encampments

17. The Council's response to unauthorised encampments which form either on Council owned land or the injunction area (defined below) will generally take the form of Council representatives visiting the encampment and speaking to those present to carry out welfare checks and establish their position.

18. The Council no longer carries out its welfare checks or serves notices itself. This decision was taken in around 2019 after several occasions where Council officers found themselves in precarious situations when attending encampments. Bailiffs experienced at establishing welfare needs, and with whom we liaise closely on welfare issues, are instructed to attend encampments. A welfare check will identify if any member of the encampment (including any children) has any specific health, social or welfare needs with a view to taking any action and/or making any necessary referral and highlighting and welfare issues. Hampshire Police will also be notified of the encampment if they are not already aware.
19. Since the granting of the original interim order in these proceedings in July 2020, the Council has worked closely and very effectively with the police. The Police will also generally visit the encampment to try and establish the intentions of those forming the encampment. Sometimes, the visits by the police and the bailiffs will happen together. The Police, who will sometimes be accompanied by a Council Officer (I have done this personally on numerous occasions), will explain the existence and effect of the Injunction (or its predecessor orders, as applicable) and the power of arrest to those at the encampment.
20. Both the Council and the Police have found the injunctive relief with power of arrest tremendously effective. It has enabled the Council and Police to work collaboratively and adopt a joint approach, often carrying out joint visits to unauthorised encampments, advising them of the meaning and extent of the order and power of arrest, the effect of breach and giving a timescale by which if the encampment did not move on, arrest would follow. An arrest under the power of arrest has never actually been made, as the encampments will generally accept the situation, understand that there is a sanction for disobeying the Injunction, and move on.
21. I believe that the Travelling community are aware of and take heed of the Injunction and, in my view, more particularly the power of arrest. I recall being told by those at an encampment, before Council's interim order was granted, that they had to stop in Test Valley because Basingstoke and Deane Council 'had an injunction'. Similarly at an encampment which occurred on at Broadlands Estate on 26th July 2024, an individual told the Police that they could not camp on the Council's land because of the Injunction, and that the wider Travelling community was also aware of the existence of the order and

intimated that they abided with it. This also clearly shows that the alternative service provisions of the Injunction (and its predecessor orders) are effective and do in fact bring the Injunction to the attention of those in the Travelling community.

Power of arrest

22. I set out in my ninth witness statement in these proceedings (dated 3 November 2022) that two unauthorised encampments occurred very shortly after the interim injunction order and power of arrest was granted by His Honour Judge Bird on 28 July 2020. I attended these encampments along with the Police, and we explained the implications of the order and the power of arrest. I believe that those discussions, which were with families whose names appeared regularly within the proceedings, were fundamental in establishing an understanding of the order and power of arrest, which then appeared to be accepted and respected over the period the power of arrest was in place. After those two initial encampments, there was only one further encampment in the area covered by the interim injunction for the ten months or so that the power of arrest was in place; as I have explained above, the power of arrest was then discharged by Nicklin J as against Persons Unknown.
23. At the time of giving my ninth witness statement on the 3rd November 2022, I described my view that, following the discharge of the power of arrest, little heed was being taken of the interim injunction order. I noted that this was born out by the statistics; unauthorised encampments were again on an upward trajectory and, most importantly, were again being formed in the area covered by the interim injunction order, illustrating the limited regard now given to it.
24. I went on to explain my view that the interim injunction order had lost its teeth without the power of arrest. Committal proceedings could be brought (insofar as that is possible against Persons Unknown) but it would be impractical to do. Committal proceedings do not deal with removal from the land; unlike the threat of arrest, committal proceedings are not an immediate sanction for breach of an injunction order, and encampments can remain in situ whilst committal proceedings are prepared, before then disappearing when service is attempted.
25. I made similar (but more limited) observations in my eleventh witness statement dated 11 March 2024, and when I attended the final hearing on 13-14 May 2024, I gave oral evidence

in court to explain to His Honour Judge Dight CBE why the power of arrest was so important and effective. The Judge has summarised the evidence that I gave in response to his questions, and I respectfully direct the Court to paragraphs 31 to 35 of the judgment in this regard ([2024] EWHC 1743 (KB)).

26. Without the power of arrest, it could possibly even be more beneficial to use the powers and procedure contained in the Criminal Justice and Public Order Act 1994 section 77 & 78, as those *do* secure the removal of an encampment from land. However, as I have described at length in the evidence in the Claim, that procedure is itself not particularly effective, and is certainly not efficient.
27. I described in my first witness statement dated 15 June 2020 in these proceedings how using the s77 & 78 procedure had no impact on the frequency and size of the unauthorised encampments. The s77 procedure requires service of directions to leave the land which, if not complied with, are followed by an application to the Magistrates' Court for an order under s78 to vacate the land, service of the order, and waiting for the requisite period before bailiffs could be instructed to enforce the order.
28. The individuals making up the encampments were, in my opinion, fully aware of the process the Council had to follow and would very often wait until just before the bailiffs arrived to move on, thus escaping any consequence. They would often move a short distance away, just outside whatever area had been prescribed by the original order then the process had to begin again. Further, a s77 direction is effective only for three months, after which the persons involved can re-enter the land, and fresh enforcement proceedings are required. I described how, in 2018 and 2019 the Council issued ten sets of proceedings at a cost of nearly £10,000 including court fees, bailiff and legal officer time. This was a conservative calculation. The Second Claimant incurred legal costs of £3,558 in the same period.
29. From the granting of the 'final' injunction order with power of arrest on 17th May 2024 to date, there have been six substantive encampments within the Borough; two in 2024 and four in 2025, the last of which was on 19th August 2025, again illustrating clearly that the power of arrest made the order effective (I have produced below a table showing the number of unauthorised encampments that have formed in the Borough across various date ranges).

THE INJUNCTIVE RELIEF SOUGHT

30. A draft Order outlining the relief sought has been filed and served alongside this application and witness statement. The prohibitions of the injunctive relief sought are the same as the Injunction. Other supporting elements of the order have been re-organised to some extent, and I understand from counsel that these minor amendments bring the order into line with other orders of this nature that have also been granted in the last two years or so.
31. The Injunction was granted pursuant to section 222 of the Local Government Act 1972 and s187B of the Town and Country Planning Act 1990 to restrain unauthorised encampments in the Borough of Test Valley and can be found at paragraphs 1(a) to 1(e) (inclusive) of the order. Those paragraphs:
- i. Prohibit the entering and/or occupying any part of the Land (as defined) for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles and residential paraphernalia, save for where such part of 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.
 - ii. Prohibit setting up an encampment on any part of the Land unless authorised to do so by the owner of the Land and provided the encampment does not breach planning control.
 - iii. Prohibit setting up an encampment on any part of the Land 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.
 - iv. Prohibit bringing on to the any part of the Land or stationing on any part of the Land and 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 that part of the Land, save for where

that part of 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.

- v. Prohibit deposit or causing to be deposited controlled waste in or on any part of the Land unless a waste management licence or environmental permit is in force and the deposit is in accordance with the licence or permit.

32. 'Land' is defined in paragraph 3 of the Injunction (and draft order) by reference to plans 1-8 attached to the order. The 'Land' which is subject to the order comprises 7.02 % of the Borough. I shall explain more about the Injunction area below.

33. The Injunction is supported by a power of arrest, granted pursuant to the section 27 of Police and Justice Act 2006, and the continuation of the power of arrest is sought in this review. The power of arrest attaches to the prohibitions at paragraphs 1(a)-(e) inclusive of the order. The power of arrest has never been actively used, either to enforce the Injunction or its predecessor orders, however as I have explained throughout this statement, I firmly believe that it is the power of arrest is the main reason why the Injunction (and its predecessor orders that benefited from the same) has been so successful and decreasing the size, frequency and duration of the encampments within the injunction area.

Geographical limits of the relief sought

34. The Borough of Test Valley spreads from Linkenholt in the north to Nursling in the South, largely following the course of the river Test after which the Borough is named and covers 242.4 square miles. The Borough has population of approximately 130,000. I exhibit hereto marked **KD2** a map showing the location of the Borough and at **KD3** a more detailed map of the Borough.

35. The two main centres of population within the Borough are Andover in the north and Romsey in the south. The town of Stockbridge sits in the middle of the Borough. The Borough has many rural areas characterised by agricultural land and villages. There are also areas of industrialisation in Andover and Romsey both of which have business parks.

Some national and international companies have their headquarters in the towns. The Army Headquarters is also situated in Andover.

36. The area captured by the Injunction is shown by a red line on the map annexed to the Injunction at **KD1** at Plan 1. Plan 1 shows the show the totality of the injunction area. The plans marked A1, A2, A3 and A4 (plans 2-5 inclusive) show the larger area of A1 broken down into enlarged quarters, which show details of each area sufficiently to operate the order, for example establishing if an encampment is in or out of the area. Plan 6 shows the Alma Road car park in Romsey, which is captured by the Order. Plans 7 and 8 show the Romsey Rapids campus and the Nursling and Rownhams Hall and Recreation Ground respectively. These two sites were added to the Injunction at the final hearing in May 2024.

37. As such, the injunction area comprises four distinct areas:

- i. Encompassing the urban area of Andover
- ii. The Alma Road Car Park in Romsey (which, taken with (i) above, amounts to 16.99 square miles);
- iii. The Romsey Rapids Sports complex in Romsey (0.025 square miles); and
- iv. The Nursling and Rownhams Village Hall and playing fields (0.017 square miles).

38. The injunction area therefore covers some 17.03 square miles, which is 7.02 % of the total area of the Borough. As set out above, the injunction area captures the urbanised area of Andover. The car parks, industrial parks and community spaces and playing fields of Andover have proven particularly attractive to those wishing to set up unauthorised encampments. Areas (ii)-(iv) inclusive are discrete locations which are, in my view, plainly unsuitable for encampments, but which have attracted unauthorised encampments in the past, thus leading to their inclusion within the scope of the Injunction. The Alma Road car park is a public car park in central Romsey, adjacent to a supermarket car park. The Romsey Rapids sports complex comprises a leisure centre with a swimming pool, sports pitches, children's play area and a car park for those using the complex. The Nursling and Rownhams site comprises a village hall with its car park and sports pitches. The red line is drawn tightly round each of these facilities (ii)-(iv) and includes no greater area than the facility itself.

39. As such, there is approximately 92.98% of the Borough that is not covered by the Injunction order and on which it is possible for Gypsies and Travellers or indeed anyone else to stop and form an encampment without being in breach of the Injunction. The Claimants are not seeking to prevent encampments in the Borough altogether or more generally, but are concerned about encampments being formed in specifically in the injunction area. As such the relief that has been granted and which the Claimants seek to continue is targeted on the injunction area.

40. As set out above, 92.98.% of the Borough is not within the injunction area and is relatively rural in nature but does include many small towns and villages. There is no reason why the non-injunction area could not be encamped on when compared to the area covered by the injunction; that assessment is supported by the fact that encampments have historically arisen and continue to arise in the non-injunction area. The non-injunction area has facilities such as shops, restaurants and healthcare facilities that the Travelling community may access during their stay in and passage through the Borough.

41. The Land in the injunction area has been identified as needing the specific protection of the Injunction by reason of the following:

- i. Historically, the injunction area has suffered a disproportionate number of encampments as compared to the rest of the Borough. To that end, the injunction area which covered at that time 7% of the Borough (the Romsey Rapids site and Nursling were added later) experienced 79% of all encampments in the Borough between January 2018 and May 2020 (pre-injunction).
- ii. The majority of the encampments have been concentrated in a small area, such that the negative impacts of the encampments are often magnified and exacerbated.
- iii. The nature of the land that falls within the injunction area means that greater harm is often suffered when encampments are formed there. For example, the urbanised areas covered by the order includes sites such as schools, public car parks, local businesses (including supermarkets and local shops) sports facilities and car parks. When sites of this kind are targeted by encampments, the inhabitants of the area (and the Borough generally) suffer, as they cannot use those sites which have high public amenity value. The sites on which encampments are formed are often

damaged, both by breaking in and damage caused while the encampment is in situ, again affecting the use of the sites by the public and their amenity value. As such, the sites within the injunction area are generally not appropriate sites on which an encampment should form.

42. There are of course some sites outside the injunction area on which the formation of encampments would be harmful such as schools, car parks, playing fields and local business premises. However, the Council is aware that a Borough-wide order is unlikely to be appropriate and has therefore targeted the relief and drawn the injunction area as best it can to achieve a balance between the rights of the local inhabitants and the nomadic way of life of the Gypsy and Traveller community. The injunction area has a high concentration of sites on which it would be inappropriate for encampments to form.
43. When making this application for the continuation of the relief against Persons Unknown, I have considered whether the geographical area covered by the area should be reduced, and in my view it should not. As set out above in paragraph 37, areas (ii)-(iv) simply comprise specific facilities which are not appropriate for encampments in an event. The larger area around Andover was plotted very carefully to capture the sites which formed the basis of repeat encampments. The urban area of Andover has proved attractive; its car parks, business parks, playing fields and public open space have been particularly targeted. In my view, reducing the geographical scope of this area would be arbitrary, as it was carefully and tightly drafted in the first place. Indeed, as described elsewhere in this statement, during the period that the order against Persons Unknown was without a power of arrest, and once that became known across the Travelling community, encampments once again started to form on these locations within the injunction area, proving that they remain attractive to those wishing to set up an unauthorised encampment.
44. As a secondary point, in my view and as reinforced by the comments of one of the Travelling community that I have outlined above, I believe that the extent of the area covered by the Injunction is now known and it would cause confusion to change it unnecessarily.

SUCCESS OF THE CURRENT INJUNCTIVE RELIEF

45. Before the interim injunction was granted, there were **82 unauthorised encampments** in the Borough in the period **January 2018 to May 2020** of which 65 were within what is now the injunction area; that equates to **79%** of encampments in the Borough being within just **7%** of the Borough. These encampments predominantly occurred around the Andover town area. 63 were in the Andover area and 2 in the Alma Road car park in Romsey. As such, the shape of the injunction boundary was formulated so that it captured those areas most regularly experiencing unauthorised encampments. I personally plotted the encampments on a plan and formulated the area around them. There were other encampments outside the area, but these were more one-off occurrences demonstrating no pattern or regularity.
46. The majority of these encampments caused significant nuisance and annoyance within the area. Impacts such as noise and other nuisances, threats and intimidation to the public, depositing of human excrement, criminal damage to public and private property, theft, large amounts of waste being left behind on vacation of sites, including large amounts of fly-tipped waste such as tree-cuttings were reported to the Claimant. Detailed and voluminous evidence of these harms was provided as part of the Claim and application for injunctive relief.
47. It is interesting and worthy of note to see the records produced by Nicholas Waite, the Second Claimant's Gypsy and Traveller Liaison Officer (which I shall discuss further below in this statement, and whose statement is in any event filed alongside this application). In the Claim, only evidence gathered from the start of 2018 was presented in support of the Claim. However, in Mr Waite's most recent statement, he produces data from as far back as 2013, and it is interesting to note that Test Valley also shows the highest level of unauthorised encampments of all Hampshire Boroughs, with the exception of Basingstoke and Deane.

Summary of encampments after the Injunction

48. The table below shows the numbers of unauthorised encampments across the Borough from the start of 2018 to date. This data is compiled from the Council's own records (and not

those maintained by the Second Claimant or Hampshire Police, who have previously provided statements outlining their own data and records of unauthorised encampments in the Borough in support of the Claim).

| Year | No. of encampments |
|-------------|--|
| 2018 | 38 |
| 2019 | 40 |
| 2020 | 15 10 pre-interim order (28/7/20) 5 post-interim order (1 outside injunction area, 5 inside) |
| 2021 | 9 (6 outside injunction area, 3 inside) |
| 2022 | 15 (9 outside area, 6 inside) |
| 2023 | 17 (9 outside injunction area, 8 inside) |
| 2024 | 3* (1 outside injunction area, 2 inside) *9 reports in total, 6 of which related to homelessness issues, so in my view only 3 should be counted as 'actual' encampments. |
| 2025 | 4 (3 outside injunction area, 1 inside) *the evidence of Nicholas Waite shows 15 reports of unauthorised encampments in 2025 However, of these fifteen, one (Canda Common 17.07.2025) was just outside Test Valley Borough Council's administrative area. Ten others relate to single-caravan 'encampments' more often than not parked on the highway, where the residents are homeless or parking for some other reason and whilst technically falling within the scope of the Injunction, are not the 'traditional' types of unauthorised encampments which it is the primary purpose of the Injunction to control. |
| 2026 | 0 |

49. The data shows that the interim and 'final' orders were effective in dramatically reducing the number of unauthorised encampments (and therefore the associated nuisances) within the injunction area and across the Borough generally which can be seen when comparing the figures year on year.

50. I set out further below and above that, in my experience it is plainly clear that it is the power of arrest that gives the Injunction (and its predecessor order) its power. However, as I have already discussed, on 24 May 2012, Nicklin J discharged the power of arrest against Persons Unknown. So, whilst there have been injunction orders (interim then final) in force against named individuals and Persons Unknown since 28th July 2020, there have in fact only been *two* periods during which the power of arrest attached to the Persons Unknown element of the order, namely from 28th July 2020 to 24th May 2021, and then from 17th May 2024 to date.
51. With regard to that first period, I recall that we did not receive the order for service until 7th August, then two large encampments occurred in the injunction area on 18th October and 10th November 2020. I attended both of these large encampments (occupied by families whose names occur regularly in these proceedings) jointly with the Police, and we explained the nature and effect of the order and the power of arrest to those at the encampment, resulting in both encampments moving within a few hours. In my view, this approach and the power of arrest was very powerful; it showed the Police and the Council working together, and our joint intention to enforce the order. After these two encampments, there were no more encampments within the injunction area until the power of arrest was discharged.
52. After the power of arrest was discharged against Persons Unknown, the number of encampments (including in the injunction area) began to creep up as, I believe, news spread that the power of arrest was no longer in force.
53. After His Honour Judge Dight CBE granted the injunctive relief with a power of arrest on 17th May 2024, there have been three encampments within the injunction area (two in 2024 and one in 2025), which is a decrease from the previous two years when there was no power of arrest in force (as per the data in the above table). All these encampments also moved on in a matter of hours having had the Injunction and power of arrest explained to them by the Police and/or the First Claimant's officers or representatives.
54. It is plain to me that without the power of arrest, the Injunction order loses the majority of its power. The Claimants are left only with the enforcement mechanism of proceedings for contempt against Persons Unknown (which seems very unlikely to be a successful avenue

to pursue), and the necessity to fall back on the section 77/78 procedure to actually deal with moving the encampments on, which has proven to be extremely ineffective.

Reduction of financial harm

55. Unauthorised encampments have a financial impact on the Borough and the Council's resources. Those costs range from legal and eviction costs, to costs of clearing waste left on land after unauthorised encampments vacate, and costs associated with defending and reinforcing land to try and prevent unauthorised encampments. I summarise in the below table the costs that have been incurred by the Council in dealing with and responding to unauthorised encampments across the Borough:

| | 2018- May 2020 | May 2020- 17 th May 2024 | 17 May 2024 to date |
|---------------------------------|------------------------|-------------------------------------|---------------------|
| Defending land from trespass | £62,100 | £0 | £0 |
| Clearing waste/repairing damage | £5,478 up to 26/9/2019 | £4,106 | £472.50 |
| Legal & bailiff fees | £10,000 | £11,954* | 0 |
| Total | £72,647 | £16,060 | £472.50 |

*includes three specific bailiff attendances to evict post- order (though encampments left before eviction) of between £2-£3,000 apiece

UNAUTHORISED ENCAMPMENTS IN THE BOURGH SINCE 17TH MAY 2024

56. In the period 17th May 2024 (the date of the order of His Honour Judge Dight CBE) to date, the Council has been notified of 23 encampments in the Borough, only 3 of which have been within the injunction area.

57. These figures are skewed, as only seven of those encampments are 'traditional' encampments and the others (one of which is reported three times) are actually homeless

individuals or individuals who have parked up for some other reason and it was deemed not appropriate to deal with them under the Injunction (and who it would not be appropriate to apply to add as named Defendants to the Injunction Order).

58. The below paragraphs provide details of all events reported as unauthorised encampments reported to the Council from **17th May 2024** to date. The details of the 2024 encampments were presented to the Court in 2025 when the Claimants applied for the continuation of the order granted by His Honour Judge Dight CBE; I reproduce those details below by way of context and further background information.

Unauthorised Encampments in 2024

59. **4th June 2024: Caravan at Royce Close, Portway Estate, Andover (in injunction area)**

I received a report from the Council's Environmental Services team that someone was living in a caravan on highway land within the injunction area. They had apparently been there for a couple of weeks. This encampment was also reported on the following dates.

27th June 2024, when a further complaint was received about the same caravan referred to in the 4th June report. This seemed to be a person residing long term in this caravan at this location, and was not the type of issue the Injunction was intended to address (despite being in technical breach). The Council liaised with the Police and the Council's homelessness team, and it transpires that a single female was residing in the caravan following a domestic incident and was now homeless. Clearly it would not be appropriate to enforce the Injunction order in these circumstances and the individual worked with our housing team to try and find a solution to their housing need.

On 9th July 2024, further complaints had been received about this caravan and the waste it was producing. The Council had continued to liaise with the Police regarding this caravan and, on 12th July, it was reported that a second caravan had arrived. At some point after this date the original caravan moved to Foxcotte Lane as can be seen below in the 21st August 2024 report. The second caravan did not reappear.

60. 25th June 2024: Romsey Rapids Complex cricket pitch (in injunction area)

On this day I received a report at 08.02 am from Sergeant Chris Challis of Hampshire Police that four caravans with associated vehicles had arrived in the early hours of the morning and found their way on to the cricket pitch at the Romsey Rapids Sports Centre. The Police attended site, explained to those present (who had apparently moved from a site in Reigate) they were in breach of the Injunction and power of arrest and advised me that the group were packing up to move on. At 10:50am I received an email to say that the encampment had moved on. A padlock had been cut to gain access to the site. Council staff attended the site with a new padlock. This is an example of the effective and efficient working of the Injunction in collaboration with the Police. The encampment had moved on within less than three hours, and before any significant harm was suffered either by the Council or the inhabitants of the Borough who would otherwise have been unable to access and use the cricket pitch.

61. 26th July 2024: Broadlands Estate Romsey (outside injunction area)

On this date I was advised by Inspector Ross of Hampshire Police that an unauthorised encampment had set up on the Broadlands Estate. This is outside the injunction area, but is immediately adjacent to the Romsey Rapids site which is within the injunction area. The encampment crossed the Romsey Rapids site to access a gate which had been left open onto the Broadlands estate. The Broadlands estate is owned by the Mountbatten family. The encampment comprised approximately 13 caravans and 8 vehicles, which had arrived the previous night when moved on from Ringwood. Inspector Ross informed me he had spoken to an individual at the encampment, who told him they were there (on the estate) as 'they couldn't park on Test Valley Borough Council land because of the injunction and that everyone knows about the injunction'. I am not entirely sure how this encampment resolved, the landowner was considering instructing bailiffs, but I do not know if this ultimately happened.

62. 21st August 2024: Caravan at Foxcotte Lane Andover (in injunction area)

Reports were received of a caravan in the above location, with a note in the window advising that the owner was homeless and vulnerable and that everything was being done to get the caravan removed. This is the same individual and caravan who had been at Royce Close, described above. The Council's housing team continue to liaise with this individual, including by making a safeguarding referral to Adult Services.

63. 24th August 2024: Augusta Park Andover (in injunction area)

At 10.25 am I received notification that numerous vehicles and caravans were moving on to public open space at Augusta Park, Andover. I contacted Hampshire Police. The Council received numerous complaints relating to this encampment from members of the public throughout the day. The Police visited the site and advised of the nature and effect of the injunction order and that the arrest position would be considered the following morning. However, the encampment packed up and moved on by 19:45, when the Police telephoned me to advise the site had been vacated.

64. 21 November 2024: Mitchell Close, Portway, Andover SP10 3TJ (in injunction area)

A report was received from the Council's Environmental Services team of someone living in their car, a grey Toyota Avensis.

65. 21 November 2024: vehicles in layby at Old Micheldever Road, Andover (in injunction area)

A report was received from the Council's Environmental Services Team of a camper van and a white van being parked in the layby with people living in them. Both this and the above incident were also reported to the second Claimant's Gypsy and Traveller Liaison Officer. On visiting the Micheldever Road and Mitchell Close 'encampments', it transpired that both were in fact potentially homeless individuals, and the Council's Housing team was engaged. Both incidents have been dealt with as homeless matters, rather than encampments under the terms of the Injunction.

Unauthorised Encampments in 2025

66. 16th May 2025 King George Road Open Space Andover (within Injunction area)

On this day a report was received of an unauthorised encampment on open space at King George Road Andover which is within the injunction area and is owned by Test Valley Borough Council. The encampment comprised nine caravans and seven vehicles parked around the edge of the open space. The police attended the site and advised of the existence and effect of the Injunction. At 15:53 that day I received a message from the police to say that the occupants had just left the area, they described the Injunction as being 'very successful'. The police also reported that a padlock had been cut and a wooden post sawn to gain entry.

67. 4th June 2025 Braishfield Recreation Ground, Braishfield (outside Injunction area)

On this date an unauthorised encampment set up on Braishfield Recreation Ground, Braishfield. This is outside the Injunction area and is land owned by Braishfield Parish Council. The police described 10+ vans and associated caravans gaining access to the recreation ground by pulling some small wooden posts out of the ground. The police advised me that they had invoked section 60C of the Criminal Justice and Public Order Act 1994 ('section 60C') and the encampment was gone in a couple of hours. The police advised that the same group had attempted to gain access to a field at nearby Morley's Green, Ampfield but had been blocked from doing so by residents and Councillors. On then stopping at the Romsey Rugby pitch at the Romsey Rapids complex, which *is* within the Injunction area, the police advised the group of the existence and implications of the Injunction and the group left within 30 minutes. Section 60C created an offence of residing on land without consent in or with a vehicle. An offence is committed if certain conditions exist and a person residing on the land fails to comply with a request to leave the land as soon as reasonably practicable. The conditions which enable use of s60C are, in summary, if significant damage or significant disruption is caused as a result of residence on the land or as a result of conduct carried on while the persons are on the land or that significant distress is caused or likely to be caused as result of offensive conduct carried on while the persons are on the land.

68. 16th July 2025 Land at Ganger Farm Sports Pavillion Romsey (outside Injunction area)

Ganger Farm Sports Pavillion and pitches are owned by Test Valley Borough Council. At approximately 10pm on 15th July 2025 the Council was notified of an unauthorised encampment that had set up on the football pitches comprising ten caravans and associated vehicles.

The following events were cancelled as a result of the encampment: 3x football bookings, 1x Rugby Club all day meeting at the club house, 1x evening meeting of Hampshire Rugby AGM, Toddlers soft play 11-4 and pay and play football. I drove by the encampment on my way to work and saw a flatbed truck drive at speed across one of the football pitches. At noon on 16th July 2025 the police notified me that they would exercise their powers under s60C and give a direction to leave. I was advised that all vehicles had left by 3.30pm that same day.

69. 19th August 2025 Knightwood Leisure Centre, Chandler's Ford (outside Injunction area)

At 19:50 on 19th August I was advised of an unauthorised encampment of 20 caravans and 20 vehicles on the sports pitches at the Knightwood Leisure Centre, Chandler's Ford. It was reported that police were on site and the Leisure Centre and nearby Dragonfly Nursery had both closed as a result. The following day the police reported that they had attended quickly the previous evening, given a direction to leave under s60C and that within a short space of time the encampment had moved on. The police reported that a height barrier had been cut to gain access.

70. 2025 'one-caravan' encampments: The records of Nicholas Waite show ten one-caravan encampments as follows

| Date | Landowner | Location | No. of vehicles |
|------------|--------------------|---------------------------|-----------------|
| 01/02/2025 | Hampshire Highways | Charlton Road, Andover | 1 |

| | | | |
|------------|--------------------|---|------------------------|
| 14/04/2025 | Hampshire Highways | A342 layby nr. Faberstown, Ludgershall | 1 Caravan |
| 01/05/2025 | Hampshire Highways | Greenwich Way, Andover | 1 Caravan & 2 vehicles |
| 13/05/2025 | Hampshire Highways | Ikneild Avenue, Andover | 1 Caravan |
| 02/06/2025 | Hampshire Highways | West Way, Andover | 1 Vehicle |
| 19/07/2025 | Hampshire Highways | French Green, Clanville | 1 Caravan & 2 vehicles |
| 20/08/2025 | Hampshire Highways | Weyhill Road, Andover | 1 Caravan |
| 22.09.2025 | Private ownership | Land at Southampton Science Park | 1 Caravan & 2 vehicles |
| 24/09/2025 | Hampshire Highways | Land adjacent to St Denys Church, Chilworth | 1 Caravan & 2 vehicles |
| 23/10/2025 | Hampshire Highways | Portway, Andover | 1 Caravan |

71. If the ‘homeless’/‘one caravan’ reports are discounted, I say that there have been seven ‘traditional’ unauthorised encampments in 2024/2025 in the sense that we understand them for the purpose of these proceedings; namely the Romsey Rapids, Broadlands Estate and Augusta Park encampments in 2024 and the King George, Braishfield, Ganger Farm and Knightswood encampments in 2025. Three were formed inside the injunction area and four outside it. The Injunction, and most importantly the power of arrest, enabled those encampments in the injunction area to be dealt with efficiently and both, when the effect of the order and power of arrest were explained, moved on within a matter of hours. This is in stark contrast to the days and sometimes weeks it takes to remove an encampment via the section 77/78 procedure. Whilst the police have been able to use s60C in some of the instances detailed above to resolve the formation of unauthorised encampments, those powers will not always be available; harmful encampments may form that do not meet the threshold for the statutory power, and the use of the power relies on the police having sufficient resource to exercise it. There has not been an encampment in the injunction area since 16th May 2025.

72. It is important that encampments within the injunction area are moved on swiftly. The injunction area comprises sites on which the formation of encampments is particularly inappropriate, and on which significant harm will be suffered when encampments form (as I have outlined above). In the injunction area, time is of the essence, and moving an encampment on before harm can be suffered is the what the Injunction is designed to achieve; as I have described above, the Injunction is especially effective in this regard.

73. These details of the encampments presented above are taken from the Council's own records (with assistance from Nicholas Waite of the Second Claimant) and will have been made by me or other members of my team. It should be noted that these figures may differ a little from those held by Hampshire County Council (the Second Claimant) and/or the Police as not every encampment will be reported to or shared across all organisations. There may also be differences across the organisations in how encampments are recorded, or indeed whether they are recorded, and sometimes it is not possible for all agencies to visit a site, especially if the encampment is short lived.

74. Considering the above there has been a clear and significant reduction of unauthorised encampments within the Borough and the injunction area specifically following the grant of the injunctive relief, and even more so following the granting of the final order and restoration of the power of arrest on May 17th 2024.

75. The injunction area has benefitted significantly from the Injunction. Specifically, since the date of the final order in May 2024, there were only three encampments within the injunction area, one remaining in place for just under three hours and all for less than 24 hours. This is hugely and significantly less than the days and sometimes weeks that it took before encampments could be moved on prior to the grant of injunctive relief.

IMPACT OF UNAUTHORISED ENCAMPMENTS

Risk to public health

76. As was set out in the Council's evidence in the Claim, a common problem of unauthorised encampments is that of proper sanitation and in particular how toilet waste is dealt with.

Whilst it is not the case for all unauthorised encampments, it is a recurring theme that those setting up such camps may urinate and/or defecate in the open or otherwise cause untreated human waste to be left behind at encampment sites. For example, in July 2023, following an encampment at the Romsey Rapids Leisure Centre, the Council had to replace the sand in the sand pit in the children's play area which had been used as a toilet area by the encampment.

77. The depositing of untreated human excrement clearly constitutes a threat to human health. Many of the encampments are within town boundaries, on green spaces, or near sports facilities or residential areas, which makes it all the more concerning and more likely that residents may come into contact with human waste.

Threats and intimidation

78. In support of the Claim, extensive evidence was also provided from members of the public detailing a large number of incidents of intimidation, being subjected to abusive language and feeling threatened by persons associated with numerous and different encampments. This included golf balls and stones being hit into traffic and neighbouring properties and businesses, attempts to stop and car-jack a vehicle, pigeons and ducks being killed, numerous dog bites to humans and their pets and, threats of physical violence. A post on social media indicated that a member of the public had been physically threatened by two individuals at the Ganger Farm encampment on 16th July 2025.

Nuisance (noise and smoke)

79. The Council's evidence in the Claim also contained several complaints of noise and/or fire nuisance that were regularly received in respect of unauthorised encampments. Due to the transitory nature of those making up unauthorised encampments, it is unusual for the Claimant's Environmental Health Team to be able to instigate its usual procedures in respect of noise or smoke nuisance.
80. Reports of noise nuisance were received in respect of dogs barking, other animal noise and generators running at night. Several reports were received of smoke and flames from fire.

Financial impact

81. I have described above that, historically, there were significant costs incurred by the Council and others in respect of measures that were necessary to respond to unauthorised encampments. These costs included legal and eviction costs, costs for clearing waste left on the land after unauthorised encampments vacated, and costs associated with defending land to try and prevent unauthorised encampments. These costs have significantly reduced since the grant of injunctive relief and power of arrest.

Impacts since the grant of the Injunction

82. The reduced size, frequency and duration of unauthorised encampments achieved by the Injunction had correspondingly also reduced all of the above harms that are suffered by reason of the encampments. To my knowledge, there have been no reports since May 2024 of human excrement being left at vacated encampment sites, one report of threats and/or intimidation, and only two reports of minor property damage (that being to the padlock at the Romsey Rapids sports complex in June 2024 and Ganger Farm in July 2025). The Injunction has been a resounding success in this regard, and has effectively brought the harms that were being suffered by the Council and the local inhabitants of the Borough under control, when it previously was not.

PROVISION FOR GYPSIES AND TRAVELLERS IN THE BOROUGH

83. The Injunction and the relief the Claimants seek applies to only 7.02% of the Borough. The injunctive relief is focussed and targeted only on a limited area where encampments have been especially harmful and inappropriate. There will be no breach of the injunction should members of the Gypsy and Traveller community stop and encamp on the remaining 92.98% of the land in the Borough. The Claimants are not trying to prevent encampments in the Borough or more generally but are seeking to ensure that encampments are not formed on sites that are in appropriate or where an encampment may be especially harmful.

84. The Council's adopted Local Plan 2011-2019 includes a policy, COM13: Gypsies Travellers and Travelling Showpeople which sets out the strategy for meeting needs over the plan period. The policy also sets out a number of criteria to assess applications for

pitches that come forward through the development management process. I exhibit a copy of this policy at **KD4**.

85. I also exhibit here marked **KD5** a copy of the Council's latest Gypsy and Traveller pitch and Travelling Showpeople plot supply statement (September 2023) as published on the Council's website. The statement provides a summary of the level of need for new pitches and the five-year supply position of deliverable Gypsy and Traveller sites and Travelling Showpeople within the Borough for the period 1st April 2023 – 31 March 2028. For the purposes of the five-year calculation a site is included within the calculation where it has planning permission and there is a reasonable expectation that the site will be delivered within that five-year period.

86. The need for new Gypsy and Traveller pitches in the Borough is based on the evidence from the Gypsy and Traveller Accommodation Assessment (GTAA) 2021. A copy of this Assessment is exhibited hereto marked **KD6**

87. The total required to meet Gypsy and Traveller needs over the period 2020-2036 is 44 pitches with 20 plots needed within the first five-year period of the GTAA. The current published five-year need figure for Gypsy and Travellers 2023-2028 is 36.4 pitches against which 8 deliverable pitches are identified. The need for 36.4 pitches cannot therefore be met. The latest five-year supply position has been calculated for the period 2025-2030 although this is not yet published and is as it stands, a draft. The current draft figure for 2025-2030 is 26 pitches against which a supply of 5 deliverable pitches has been identified so the need for 26 pitches cannot be met. Through the emerging local plan, the Council will endeavour to meet this requirement.

I should highlight that the five-year supply requirement deals with the issue of permanent or semi-permanent Gypsy and Traveller accommodation and not those transiting through the Borough and stopping in inappropriate places. Unauthorised encampments are not setting up in the Borough because the Council does not meet the assessed need, those counted in the assessed need are not those who the Injunction captures or is intended to capture.

Negotiated stopping policy

88. As described in my earlier witness statements in the Claim, the Council, by resolution of its Cabinet, adopted a Negotiated Stopping Policy on 28th July 2020 under which requests can be made to stop up temporarily within the Borough. I exhibit a copy of the Policy at **KD7**.

89. This policy is available on the Council's website. Since its adoption, there have been no full requests to stop up. On 8th June 2023 the Council's Customer Service Unit received an email asking for details of the Council's 'negotiated stopping places'. I replied, providing a link to the policy and describing the process, but no substantive follow-up request was made. On 11th June 2023, an individual asked a Test Valley Borough Councillor via his Facebook page for a telephone number to call about stopping up in the Borough. They were given the Council's telephone number, but again no actual request to stop up was made. The Policy continues to be published on the Council's website and is available for use.

Memorandum of understanding

90. The Council operates a memorandum of understanding/operational procedure with the Hampshire Constabulary, a copy of which I exhibit hereto marked **KD8**. This document sets out general approach the Council and Police will take in their collaborative working to deal with unauthorised encampments.

Transit and other provision

91. There are no Traveller transit sites in Hampshire. As regards permanent residential Traveller sites there is the County Council owned Star Hill, near Hartley Wintney, in north Hampshire and three privately owned sites at Penny Hill (also near Hartley Wintney), Tynefield near Whitely and Bury Brickfields near Totton. I understand anecdotally that there are also a number of caravan sites around the County which have members of the Travelling Community as residents. Nicholas Waite of the Second Claimant will explain more about the permanent sites in his witness statement in support of this application.

92. I respectfully submit that the absence of a transit site in the county should not preclude the continuation of the Injunction as against Persons Unknown. To that end, it is notable that there has never been a transit site in the county throughout these proceedings, but injunctive relief has nonetheless been granted. Further, the use of a negotiated stopping policy or an informal approach of toleration where welfare concerns are present is a much more flexible and useful way of accommodating those who are passing through the Borough and in need of a place of rest, and who are not going to cause any of the harms often associated with unauthorised encampments. In particular, rather than directing an encampment to a transit site that may be a significant distance from where it actually needs to stop (such as for a medical appointment or family engagement), the Council is able to take a more flexible approach and work with the encampment to identify a suitable short-term site that meets its needs and yet does not cause harm (or at least mitigates harm) to the local inhabitants of the Borough.

THE CONTINUING NEED FOR INJUNCTIVE RELIEF

Neighbouring administrative areas

93. I have made enquiries of neighbouring administrative areas as to the level of encampments experienced from 17th May 2024 (date of the grant of the Injunction) to date. These are the Local Authorities whose boundaries abut those of the Borough. The responses that I have received are as follows:

| Administrative Area | No. of unauthorised encampments since May 2024 | Comment (if any) | |
|-----------------------------|---|---|--|
| New Forest District Council | May 2024-April 2025 8 encampments | 2024- Accompanied by the narrative “last year was by exception a very low year for us with 8 encampments within the period. It is worth noting that none of these were repeat encampments moving to different locations.” | |
| | May 2025- end 2025 10 encampments | | |

| | | | |
|---------------------------------------|--|---|--|
| Winchester City Council | 2024 No reply | | |
| | 2025 – 17 encampments | | |
| | 2026 2 encampments | | |
| Basingstoke and Deane Borough Council | May 2024-April 2025 14 encampments | 2024/2025 Accompanied by the narrative “all of these have been the same group moving around outside the injunction area” *Basingstoke and Deane have an injunction of a similar nature to Test Valley | |
| | April 2025-April 2026 9 | | |
| Eastleigh Council | No reply | | |
| Wiltshire Council | May 2024-April 2025 215 encampments | Note: Wiltshire is a unitary authority with much larger footprint | |
| | April 2025- April 2026 343 | | |

94. Nicholas Waite, Gypsy and Liaison Officer of the Second Claimant provides the following figures for the whole of 2025 for the immediate neighbouring areas. He also sets out figures for all the Hampshire Local Authorities in the exhibits to his witness statement made in support of this application, with a ten-year spread of that data. Mr Waite does not hold figures for Wiltshire, as that is not within his remit.

| Local Authority | Sites | Caravans |
|---------------------------|-------|----------|
| New Forest | 1 | 17 |
| Winchester City Council | 21 | 132 |
| Basingstoke & Deane | 12 | 75 |
| Eastleigh Borough Council | 10 | 222 |

Basingstoke and Deane Borough Council also has an injunction in place that prohibits the formation of encampments in a select part of its administrative area; that select area comprises the urban area of Basingstoke and the outlying areas of Bramley, Sherbourne St John, Silchester and Stratfield Turgis, which is a total area of 26 square miles, and equates to just over 10% of the area of that borough. I exhibit a copy of that order hereto marked **KD9**. This order is only against Persons Unknown; Basingstoke held a similar order against named individuals, which expired in April 2024, and its renewal was not sought.

95. The data presented by Mr Waite is also clear in that, over the thirteen years of data presented, it is only Test Valley and Basingstoke and Deane that have demonstrated a broadly downward trajectory in the number of encampments being formed, which trend coincide with the date of the grant of the respective injunctions. All other administrative areas have remained fairly consistent, or demonstrated an upward trend.

Conclusions to be drawn

96. There are clearly still encampments that frequent the Borough, although these are on a minor scale compared to pre-injunction levels. What is however extremely concerning is that some neighbouring administrative areas are still reporting high levels of encampments, and all are reporting a number of encampments that exceeds the statistics recorded for the Borough in 2025.

97. The data from the neighbouring local authorities clearly shows that there are encampments geographically proximate to the Borough. The Council apprehends that, if the Injunction is not continued against Persons Unknown, those encampments will come back into the Borough, and the injunction area specifically, which has historically been so popular with unauthorised encampments. I draw the inference that the reason why the Borough is experiencing lower numbers of encampments as compared to other administrative areas is because of the Injunction and crucially, the associated Power of Arrest.

98. It is notable that Basingstoke and Deane Borough Council (and latterly Rushmoor Borough Council) have also felt compelled to seek injunctive relief to protect their urban areas from

the formation of unauthorised encampments. That suggests that it really is the urban areas that are attractive to encampments, and which require protection.

Management of encampments without injunctive relief

99. Should the Injunction against Persons Unknown not be continued, the Council will be forced to revert to other costly and time-consuming procedures to deal with unauthorised encampments. It should be borne in mind that the Council is using public resources in the discharge of its public functions when dealing with unauthorised encampments.

100. As explained above, in the absence of an injunction order with power of arrest, the Council would need to exercise its powers under section 77 & 78 of the Criminal Justice and Public Order Act 1994 in order to remove unauthorised encampments from land, with attendant costs, which can rise significantly if bailiffs are required to enforce any order obtained. From the start of 2018 – June 2020, ten sets of s78 proceedings were necessary to secure compliance with s77 directions that were issued by the Council. From June 2020 to 12th August 2023, eight sets of directions were served under s77, with proceedings following under s78 in four cases. From 12th August to 31 December 2023, five sets of directions were given under s77, with proceedings under s78 following in two cases. The Council has not had to give any directions under s77 during 2024/2025/2026.

101. A good example of the costs associated with the s77/78 procedure can be found in my eleventh witness statement dated 11 March 2024. In that statement, I described an encampment at the Romsey Rapids, which occurred in July 2023 prior to that site being included within the injunction area. A directions notice was served under s77, and an order to vacate the land obtained in the Magistrates' Court under s78, which was served. The encampment did not leave the site until a bailiff attended (this is very common – and encampment will often remain in situ throughout the process, and leave at the last minute). The costs of dealing with the removal of this encampment was in the sum of £4,567 plus VAT. There were also clean-up costs of £870. All the time the encampment was in situ, harm was being suffered, and an encampment cannot be moved on by the bailiff until an order is sought and obtained, meaning that the timescale for enforcement action is at the mercy of the Magistrates' Court being able to list a hearing.

102. Injunctive relief circumvents the need to incur the abovementioned costs. It is far more cost-effective to serve the Injunction and advise those camping of the same, upon which they generally vacate the land within a short period of time. A summary of the costs incurred from 2018-17th May 2024 is set out in paragraph 55 above. To date, the Council has not needed to enforce the Injunction by way of committal proceedings (whether by use of the power of arrest or otherwise) and incur the cost in doing so; service of the Injunction itself is effective.
103. The duration of encampments within the injunction area following the grant of the Injunction Order with power of arrest has greatly reduced. My personal experience of attempting to remove encampments is that the Injunction with power of arrest is by far a more time and cost-efficient mechanism than using other powers (such as those under the Criminal Justice and Public Order Act 1994). That experience is reflected in the data. It is especially important that unauthorised encampments in the injunction area are dealt with and moved on quickly, remembering the sensitivity of many of the sites within the injunction area (for example playing fields). Typically, the longer an encampment remains in place the greater the harm that will be suffered by reason of the encampment. For example, an encampment of a longer duration can be expected to produce and accumulate more rubbish and waste, and there is a greater likelihood that tension within the local community will arise. All the substantive (as opposed to the 'one caravan') encampments in 2025 moved on the same day, save for the Ganger Farm encampment which arrived at circa 9.30pm on 15th July 2025 and left at circa 3.30pm on 16th July 2026.
104. It is also very easy for an encampment to thwart the Council's attempts to remove it in the absence of injunctive relief. It is my experience that the majority of unauthorised campers are aware of the process the Council will have to follow in the absence of an injunction order. The Council and the police frequently met with the response from an encampment that it intends to stay put until an order is obtained or even enforced. Once an encampment arrives, it is often the case that several council officers have to put aside their work to put together the case for section 77 and 78 proceedings.
105. It is not uncommon for two or three officers to spend the majority of their time for two or three days on preparing for unauthorised encampment removal. Witness statements must be prepared and the Court contacted to obtain a hearing date. Our local courts are very helpful and accommodating, but obviously we are at the mercy of court listing. Legal

and other officers will then need to attend court to wait for and attend a hearing. If an order is granted it must be served and a further 24 hours must expire before enforcement can happen.

106. Very often, the occupiers will then move off at the eleventh hour after the cost and man hours of obtaining an order have been expended or increasingly, waiting until Bailiffs arrive to physically evict. Instruction of commercial bailiffs puts the Council to further, substantial cost. A typical example of the cost of moving on an encampment who waits until the Bailiff arrives to move on (but not actually carry out removal) could be the £5,437 described in previous evidence from the Romsey Rapids encampment in July 2023.

107. The Police also have powers under s61, and more recently under s60C, to direct those trespassing on land with vehicles to leave the land. As set out in my witness statement of 3rd November 2022, it is of note that the Police, Crime Sentencing and Courts Act 2022 came into force in June 2022 creating the new offence of 'residing on land without consent in or with a vehicle. As I have explained above, the police have elected to use s60C in response to two unauthorised encampments that formed outside of the injunction area in 2025, and the use of the powers on those occasions was effective.

108. It is of note that the s61 powers were available when the interim injunction was granted, and both s61 and s60C powers were available when the Injunction was granted. Neither of those powers were able to bring the frequency, size, duration or harm caused by unauthorised encampments under control. I would also characterise these powers as reactive, rather than proactive, which the Injunction is. Proactive powers will always better prevent harm than a reactionary measure.

Lastly, whilst the Council enjoys a good working relationship with Hampshire Police, the s61 and s60C powers are Police-led. If the Police are not able to resource the use of those powers, at any given time, they will not be used. The Injunction is however Council-led and can be served and explained to an encampment even without Police involvement (although I of course accept that the power of arrests could not be used without Police involvement).

Alternatives to injunctive relief

Public Space Protection Orders

109. The process of introducing Public Space Protection Orders (PSPO) can be slow with statutory requirements relating to consultation, publicity and notification. A PSPO cannot therefore be implemented or amended swiftly to react to problematic conduct, unlike injunctive relief. For example, if the Council used PSPOs to prohibit encampments but a site outside the PSPO area became a target for harmful encampments, the Council would not be able to act swiftly to bring that site within scope of the PSPO.
110. The Local Government Association Guidance document 'Public Space Protection Orders: Guidance for Councils' exhibited hereto at **KD10** highlights that PSPOs should not be used solely on the basis that someone is homeless or rough sleeping. Whilst it is recognised that Traveller groups will not identify as homeless, there are parallels between the use of a PSPO for moving those on who are rough sleeping and those setting up encampments. It can therefore be reasonably concluded that the use of a PSPO to deal with unauthorised encampments would not be appropriate having considered the relevant guidance.
111. Finally, as is the position with byelaws, enforcement of a PSPO would not of itself result in requirement of an encampment to move on. Fines or Fixed penalty notices can be issued, those in breach can be required to give personal details and prosecution of serious or repeated breaches can follow. As I say, none of these deal with the issue of removal from the land and are, in my view and experience, unlikely to be a deterrent.

Byelaws

112. The use of byelaws has also been mooted by the Supreme Court as a means to deal with the issue of unauthorised encampments. I do not believe this would provide a timely and

effective remedy in the Borough of Test Valley. Enforcement of a byelaw involves enforcement in the Magistrates' court, resulting in a potential fine. This does not deal with the mischief of the physical encampment itself and a fine is unlikely to be a deterrent to the forming of an unauthorised encampment. Proceedings would be likely to take some time to come before the Court. Further, in order to take enforcement proceedings, it will be necessary to establish the identity of those present, which is often very difficult.

Persons Unknown

113. As I have explained at the outset and throughout this witness statement, the Claimants seek to continue the injunctive relief against Persons Unknown only. No further persons have been identified who it would be appropriate to name and seek injunctive relief against at this time, and no application is made in relation to the existing Named Defendants, against whom the Injunction will continue until 17 May 2029.

114. There is a continuing need for injunctive relief against Persons Unknown specifically, for the following reasons:

- i. the Travellers' nomadic way of life means that there is a revolving cast of people passing through the Borough who may wish to encamp. In those circumstances it is impossible for the Council to know who will in fact visit the Borough and seek to form an encampment. There may be people who can be identified and if so, can be dealt with under the 'named individuals' order. However, the majority of those who pass through the Borough are people who the Council does not recognise; and
- ii. when an unauthorised encampment is formed, the Council is not always able to identify those who form the encampment, with a view to naming them in an injunction order. It is very common for those who set up encampments to refuse to give their name or to give an abbreviation of their name, a first name only, a nickname or often a false name. It is usually only with the assistance of the Police that the Council can identify individuals, usually by the police checking the their data base, though even that has limitations, as sometimes the vehicles cannot be traced, or there may be other issues – we have experienced false or cloned plates

and/or incorrect, incomplete or false addresses showing up, making it impossible to identify the persons at the encampment.

Equality Act 2010 and Human Rights issues

115. Finally, prior to submitting the Claimants' original application for an injunction order, I carried out a detailed Equality Impact Assessment. I exhibit a copy hereto marked **KD11**. I took into account the impact and/or potential impact on the Defendants, including the Persons Unknown who have protected characteristics by way of their travelling lifestyle in accordance with the Equality Act 2010. I similarly considered the Council's Public Sector Equality Duty and have considered the impact or potential impact on the Defendants' Human Rights and in particular, Articles 8 and 14 of Part 1 of the Human Rights Act 1998.

116. I concluded that the risks to the rights of the Defendants have been identified and mitigated, and that the decision to proceed with the application was proportionate in all the circumstances. I have revisited those factors in relation to this application to review/extend the 'Persons Unknown' element of the injunction order for a further year, and the same risks and mitigations apply. I am of the view that it is proportionate in all the circumstances to make this application for the reasons set out in that original Equalities Impact Assessment.

CONCLUSION


117. In the light of the above, the Claimants seek the continuation of the Injunction against Persons Unknown for the period of one year. It is clear that the order has been an effective way of dealing with the formation of unauthorised encampments and the harm caused by those encampments, whether by preventing the formation of encampments or assisting with moving encampments on in a timely and cost-efficient manner once they have formed.

118. Consequently, the Claimants consider it expedient for the promotion and protection of the interests of the inhabitants of the Borough to seek the continuation of the Injunction

against Persons Unknown, which I again emphasise applies to only 7.02% of the area of the Borough.

STATEMENT OF TRUTH

I believe the facts stated in this witness statement are true. 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.

Signed: 

Karen Louise Dunn

Dated: 17th April 2026

