

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS & PROBATE LIST

BEFORE MASTER PESTER
ON 3 SEPTEMBER 2026

B E T W E E N:

FORTIFY SOLENT LTD

Claimant

- and -

PERSONS UNKNOWN CLIMBING UPON, OR
OTHERWISE ENTERING, OCCUPYING OR
REMAINING ON SPITBANK FORT WITHOUT THE
CLAIMANT’S PERMISSION

Defendants

ORDER

BEFORE Master Pester, sitting at the Rolls Building, Fetter Lane, London on 3 September 2026

UPON the Claimant’s Part 8 Claim Form dated 16 July 2025

AND UPON the Order of Mr Justice Edwin Johnson dated 17 July 2025 granting the Claimant an injunction against Persons Unknown for a period of five years (the “**2025 Order**”), the injunction continuing until 16 July 2030 (or the final determination of the claim

or further order in the meantime) and, by paragraph 3, being subject to review annually on each anniversary of the 2025 Order

AND UPON the Claimant's application by notice dated 18 June 2026 to list the first annual review of the injunction

AND UPON hearing Michael Walsh KC for the Claimant, no other person attending or being represented

AND UPON reading the second witness statement of Katherine Bradbury dated 18 August 2026 and Exhibit KB2 thereto

AND UPON the Court having reviewed the injunction in accordance with paragraph 3 of the 2025 Order, and being satisfied that (i) the injunction in the 2025 Order has been effective; (ii) no reasons or grounds for its discharge have emerged; (iii) there remains a proper justification for its continuance; and (iv) it remains just and convenient that the injunction continue

IT IS HEREBY ORDERED THAT:

The Injunction

1. The injunction granted by paragraph 1 of the 2025 Order shall continue in force. Accordingly, the Defendants must not climb upon, or otherwise enter, occupy, or remain upon any part of Spitbank Fort, Solent, Portsmouth (the "**Property**"), without the Claimant's consent, including but not limited to the access platform and the ladder attached to the Property. The location of the Property is shown on the title plan annexed to the 2025 Order.

Annual Review

2. The injunction shall continue to be reviewed annually on each anniversary of the 2025 Order (or as close to that date as is convenient having regard to the Court's list), with a time estimate of 1 hour together with an additional hour for judicial pre-reading.
3. The Claimant's application in respect of the next review hearing and notice of such hearing (including notice of, so far as and as soon as the same are known to the Claimant, the date, time and location of such hearing) shall, in advance of the relevant

hearing, be posted on the website referred to in the warning notice attached to this Order.

4. The Claimant is permitted to file and serve any evidence in support of the next review not less than 14 days before the review hearing. Skeleton arguments shall be filed at Court, with a bundle of authorities, not less than 2 days before the hearing.
5. Notice of the listed review hearing shall, in advance of the relevant hearing, be posted on the website referred to in the warning notice attached to the 2025 Order, namely www.spitbankfort.co.uk.

Notification and Service

6. In accordance with paragraph 6 of the 2025 Order, notification of this order may be effected in the manner below:
 - a. By 4pm on 17 September 2026, the Claimant shall post a copy of this order at www.spitbankfort.co.uk.
 - b. By 4pm on 17 September 2026, the Claimant shall post the warning notice attached to this order at each of the following locations:
 - i. immediately above/next to the ladder used to access the Property;
 - ii. at the main entrance of the Property; and
 - iii. at a minimum of five (5) other locations inside the Property.
7. In addition to the requirements in paragraph 6(a), the Claimant shall endeavour to post warning notices at local common wharves and quays and adjacent to any beaches and shoreline, where practicable.
8. The Claimant's Solicitor, whose contact details are specified below, must provide a sealed copy of this order to any person on request.
9. In accordance with paragraph 9 of the 2025 Order, the steps set out above shall amount to sufficient alternative service for the purposes of CPR r.6.27.

Variation or Discharge

10. This Order having been made without notice, any Defendant or other interested person may apply to set aside or vary this Order and/or the 2025 Order. The continuation of the present injunction does not foreclose any objection of law, practice, justice or convenience which any applicant might wish to raise. The applicant need not show any change of circumstances. Any such application should be made upon giving not less than 2 days' notice (not including any day which is not a business day) in writing to the Claimant's solicitors at the address below.
11. If any evidence is to be relied upon in support of the application the substance of it must be communicated in writing to the Claimant's solicitors at least 2 days in advance of any hearing (not including any day which is not a business day).
12. Any person applying to vary or discharge this Order and/or the 2025 Order must provide their full name, address and address for service.
13. The Claimant has liberty to apply to extend, vary or discontinue this Order and/or the 2025 Order or to seek further directions.

Costs

14. There shall be no order as to costs on the review application.

Communications with the Court

15. All communications to the Court about this Order should be sent to: Chancery Division, The Rolls Building, 7 Rolls Building, London, EC4A 1NL. The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays). The telephone number is 020 7947 6690. The email address is chanceryjudgeslisting@justice.gov.uk.

The Court has provided sealed copies of this Order to the serving party:

Steele Raymond LLP
Richmond Point
43 Richmond Hill
Bournemouth
BH2 6LR

01202 294566

Ref: HD/LAM/122991.0001