

Name: Gillian Daw
Date: 23 August 2018
Statement No.: 1
Exhibits:0

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. HQ18X02913

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972 AND
SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990
SECTION 130 OF THE HIGHWAYS ACT 1980

B E T W E E N :

THE LONDON BOROUGH OF SUTTON

Claimant

-and-

PERSONS UNKNOWN OCCUPYING LAND AND / OR
DEPOSITING WASTE ON LAND

Defendant

WITNESS STATEMENT OF GILLIAN DAW

I, Gillian Daw of Civic Offices, St Nicholas Way, Sutton, SM1 1EA WILL SAY as follows:

Preliminary:

1. I make this witness statement in support of the Application before this Honourable Court brought by the London Borough of Sutton ("the Council") for an Injunction order forbidding Persons Unknown Occupying Land and / or Depositing Waste from:

- (1) Setting-up an encampment on any Land identified on Map 1 on sites numbered 1 to 177, H1 to H5, S1 to S63 and D1 to D3 on the attached Schedule marked A and Map 2 on sites numbered RBK2042 to RBK2384 on the attached Schedule marked B, without written permission from the Local Planning Authority, or planning permission granted by a planning inspector;
 - (2) Entering and/or occupying any part of the Land identified on Map 1 at sites numbered 1 to 177, H1 to H5, S1 to S63 and D1 to D3 on the attached Schedule marked A and Map 2 on sites numbered RBK2042 to RBK2384 on the attached Schedule marked B, for residential purposes (temporary or otherwise) including caravans, mobile homes, vehicles, and residential paraphernalia;
 - (3) Bringing on to the Land identified on Map 1 at sites numbered 1 to 177, H1 to H5, S1 to S63 and D1 to D3 on the attached Schedule marked A and Map 2 on sites numbered RBK2042 to RBK2384 on the attached Schedule marked B or stationing on the Land any caravans/mobile homes other than if driving through the Borough of Sutton or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land.
 - (4) Bringing on to the Land identified on Map 1 at sites numbered 1 to 177, H1 to H5, S1 to S63 and D1 to D3 on the attached Schedule marked A and Map 2 on sites numbered RBK2042 to RBK2384 on the attached Schedule marked B, any vehicle whether for the purposes of disposal of waste and materials or otherwise, other than when driving through the Borough of Sutton or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land
2. This is an application to vary an existing Order made on 14 August 2018 by Mr. Justice Goose. I have been shown a copy of the draft Order, together with Map 1 and the attached Schedule marked A. I respectfully request an Order be made in those terms.
3. Except where otherwise stated, the facts and matters to which I refer to are within my own knowledge. Where the facts and matters to which I refer are not within my own knowledge, then I believe them to be true.

Personal Background:

4. I have been employed by the Council since 2000. I have held various roles within the Council but I am presently Head of Housing, Enabling and Development. I have various responsibilities including being responsible for the supply of social housing in the Borough and in that context, I prepare this witness statement in support of an application to vary the existing Order dated 14 August 2018.

5. In my role as Head of Housing Enabling and Development, I am responsible for the delivery of three new Housing Developments in the Borough which together will provide housing for 93 households.

Protective Injunction

6. I have recently become aware that the Borough successfully applied before the High Court for a Borough wide injunction protecting the Green Spaces, Housing Estates and some of the Highway in the Borough of Sutton. As part of the application I am aware that my colleagues, Mr. Mark Dalzell (Head of Neighbourhood Services) and Mr. Bill Wyatt (Technical Services Manager within the Neighbourhood Services Team) provided witness statements explaining the devastating effect Traveller encampments and fly-tipping have had in the Borough in recent times. I am therefore delighted that the Court understood the importance of the application for a protective injunction and formed the view that an interim order, returnable on 7th November 2018 was appropriate.
7. However the protection that has now been afforded to the Green Spaces, Housing Estates and some Highways in the Borough does mean that other Council owned sites are more vulnerable to an incursion as the fear is that the Travellers have not necessarily left the Borough and they will still need to find places in which to camp. It is for that reason that I, together with my colleagues in the Housing Team have thought it appropriate to make this application to vary the existing injunction so as to add a further 3 sites to the Order. The Map numbered 1 has the additional sites marked on it and the Schedule records them at numbers D1 to D3.
8. These three sites; namely (1) The Former Ludlow Lodge Site and garage area, Alcester Road, Wallington, (2) Iden Terrace, Denyer Close, (the former Century Youth Club site) Fellowes Road, Carshalton and (3) Richmond Green, Beddington are presently under development. They are at varying degrees of completion but are all vulnerable to infiltration, because although the three sites are reasonably secure, I am aware from past experience and discussions with colleagues that it is very often the case that the Travellers intent on establishing encampments have little regard for the security measures in place and commonly breakthrough iron chains and locks.
9. One site in particular ((Fellowes Road, Carshalton) is well advanced in their development as it will be handed over to the Council in October. Of course it is not expected that the site will be occupied immediately by the new households and therefore it is very likely that for some period of time the site will be particularly vulnerable to an incursion as the security will be reduced from that which applies at the other two sites where building work is still ongoing.

10. It is our fear that as the other sites become available for allocation the likelihood, especially as so many other sites in the Borough have the benefit of the protective injunction, is that these sites will be vulnerable to Travellers seeking to set up a camp with all the attendant problems that arise including damage to property and the discarding of waste. If this was to happen it would have a devastating effect on the sites as there is every possibility that serious damage could be caused. It would also mean that those households that are preparing to move into their new homes would be delayed in doing so.
11. There is of course the added issue that there is a real risk to those persons unlawfully entering the sites, especially as they are presently building sites.
12. I have seen a witness statement of Mr Kieran Holliday, a colleague in the Education Department of the Borough. I am aware from reading his statement that he too seeks to add sites to the existing injunction order. Needless to say I support his request.

Conclusion:

13. I have worked for the Borough of Sutton for nearly 18 years. Issues in relation to Travellers have always arisen, but I am aware that in the last 12 months it has become an increasingly significant problem in the Borough. The disruption to the community in general and the huge cost to the Council tax payers is very worrying. Now that protection has been gained it is imperative that other sites are also protected and I respectfully request the Court grant the variation to the Order sought.
14. I confirm the contents of this Witness Statement as true.

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GILLIAN DAW

Dated 23rd August 2018

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WITNESS STATEMENT OF GILLIAN DAW

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