

Name: Kieran Holliday
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 KIERAN HOLLIDAY

I, Kieran Holliday 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 actually 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 2014. My particular job title is Head of Pupil Based commissioning. I have various responsibilities including School Place Planning, Frees Schools/Academies, School Capital, School Funding and Early Years.

5. As part of my responsibilities, I have overall responsibility for the local authorities capital programme for Schools (Basic Need and Condition). This involves me being directly concerned with school properties in the Borough.

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 has 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 Travellers may not have left the Borough or may have left and will return and they will inevitably still wish to find places in which to camp. It is for that reason that I have thought it sensible to make this application to vary the existing injunction so as to add a further [] sites to the Order. The Map numbered 1 has the additional sites marked on it and the Schedule records them at numbers S1 to S63. It is obvious that as far as my area of responsibility is concerned School sites become considerably more vulnerable to incursions and the establishment of camps and fly-tipping.
8. It is obviously the school holiday period and although all school properties are secured and not easily accessible, I am aware from past experience and discussing these matters with colleagues that a school site is vulnerable particularly because the site is substantially empty during the holiday period. I am very concerned that with the protection afforded to other land in the Borough, school properties, many of which have large open spaces, will be an attractive proposition to those wishing to establish camps on those sites that remain unprotected following the obtaining of the Court Order last week.
9. I have seen a witness statement of Ms. Gill Daw, a colleague in the Environment, Housing and Regeneration Department of the Borough. Her witness statement addresses three particular sites of concern to her which she believes are vulnerable. Needless to say I support her request for a variation to the injunction ordered.

10. It is for this reason that this application is made, which I respectfully request the Court to make the Order sought which varies the previous Order by adding the additional sites detailed by myself and Ms. Daw in her witness statement.
11. I confirm the contents of this Witness Statement as true.

A handwritten signature in black ink, appearing to read 'Kieran Holliday', is written over a horizontal dotted line.

KIERAN HOLLIDAY

Dated 23rd August 2018

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