

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No.

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

B E T W E E N :

WYCOMBE DISTRICT COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN OCCUPYING LAND
(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON LAND

Defendants

WITNESS STATEMENT OF ANDY SHERWOOD

I, Andy Sherwood of the Wycombe District Council, Queen Victoria Road, High Wycombe, Buckinghamshire, HP11 1BB WILL SAY as follows:

Preliminary:

1. I make this witness statement in support of the Application before this Honourable Court brought by Wycombe District Council for an Injunction in the terms of the draft Order that I have been shown. In particular an injunction forbidding Persons Unknown Occupying Land and / or Depositing Waste or Fly-Tipping on Land, from:

- (1) Setting-up an encampment on any Land identified on the attached Maps on the 101 sites listed on the Schedule, without written permission from the Local Planning Authority by virtue of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015/596 (GPDO 2015) or planning permission granted by a planning inspector;
 - (2) Occupying any part of the Land for residential purposes (temporary or otherwise) on the 101 sites listed on the Schedule and identified on the attached Maps including with caravans, mobile homes, vehicles, and residential paraphernalia without written permission from the Local Planning Authority by virtue of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015/596 (GPDO 2015) or planning permission granted by a planning inspector;
 - (3) Bringing on to the Land on the 101 sites listed on the Schedule and identified on the attached Maps, any vehicle whether for the purposes of disposal of waste and materials or otherwise, other than when driving through Wycombe District or in compliance with the Parking Orders regulating the use of car parks or with written permission from the Local Planning Authority by virtue of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015/596 (GPDO 2015) express permission from the owners of the Land.
 - (4) Depositing any personal, domestic or commercial waste and / or fly-tipping on any of the 101 sites listed on the Schedules and identified on the attached Maps.
2. Over the last three weeks, there have been four separate encampments on Council land. The first was at Kingsmead. This was followed immediately in quick succession after that at The Rye, Hughenden and Desborough Recreation Ground. The incident at Desborough was particularly unsavoury as a security contractor employed by the Council was threatened with a baseball bat. Needless to say and very sensibly he quickly withdrew from the situation that had arisen.
 3. By this application Wycombe hopes to address this problem and benefit like so many other areas in London and Surrey have from a preventative injunction, although at all times recognise a need to balance the requirements of the District with the needs of Persons Unknown and in particular the Gypsy & Traveller Community, who it is recognised are the grouping most likely to be affected by the proposed Order.
 4. Because I am aware of the interests in these matters of the Gypsy & Traveller Community, the District Lawyer and Legal Services Manager has been instructed to contact the London Gypsy and Travellers Group, who I am advised are acting for the Gypsy & Traveller community in relation to these types of injunctions. I do to know of a similar group specifically assisting in the Buckinghamshire area. I now have produced and shown to me at Exhibit "AS1" the letter advising of our intention to

seek preventative injunctive relief and informing them of our intention to attend Court.

Personal Background:

5. I have extensive experience having worked for a number of local authorities and for Wycombe for the last 29 years. Through those years, I have worked in various roles. I am presently a Contract Manager with the responsibility of managing the Council's Green Spaces including parks, cemeteries, allotments, playgrounds, the Community sections car parks, buildings and sports areas.
6. This role involves reacting to anti-social behaviour and other associated activity, which includes unlawful encampments and fly-tipping on Council land. In recent times this has taken up a disproportionate amount of my time especially at times of an incursion.
7. As part of my role, I and my team are responsible for recovering the Community services land, re-securing the land and arrange via our Contractors to clean-up the land. If the encampment is on non Community Services car-parking areas or other Council departments land, I will liaise with other teams within the Council.

The Proposed Application:

8. It is important to appreciate that this application is not intended to single out any one particular group, however it would not be credible if I did not observe that people of the Gypsy & Travelling Community are most likely to be affected by the injunctive relief being sought. I am aware of the fact that Gypsy & Travellers are from a nationally recognised ethnicity and have their own distinct identity and culture. I am therefore aware of the importance of treating the Gypsy & Travellers needs with respect and dignity. I am especially aware of any potential conflicts between the way of life of Travellers and the need to uphold their rights under the Human Rights Act and the need to balance this with the laws of the land, local bye-laws and the rights and entitlements of the local residents affected by Traveller movements. After all, the land that the Council is seeking to protect with this preventative injunction is designated public land, intended for the greater benefit of the citizens of Wycombe District.

9. As part of the assessment between the way of life of the Gypsy and Traveller Community, a host of other factors have to be taken into account. These include community relations, the purpose of the Green Spaces and Car Parks and financial matters. Finance is presently of heightened significance, because in these times of austerity and high demand on local authority budgets, it is always necessary to take a common sense approach having regards to all interests. As I shall endeavour to explain the cost involved in restoring land that has been the subject of an encampment, whether involving fly-tipping or not, can be extremely significant and can have a long term detriment to the community in terms of budget restrictions for other programmes and responsibilities that fall within the District's remit.

10. It is with those balancing factors in mind that colleagues at the Council have completed an Equality and Human Rights Impact Assessment, a copy of which is produced and shown to me marked "AS2". As can be seen the Assessment has taken into account the harm and adverse effect that unlawful encampments and fly-tipping can have on the District and its residents in both financial (pure monetary terms) and non-financial (such as community relations and anti-social behaviour). It has balanced those factors with an assessment of the welfare and occupation needs of Persons Unknown.

11. In reliance upon the findings reached by the Equality Impact Assessment, Wycombe has decided to apply for a District wide preventative protective injunction. It is hoped that based on the very positive experience found by Boroughs in London and the surrounding areas that have already obtained similar injunction orders to the one being sought by this application, the District of Wycombe can reduce its direct and indirect costs associated with unlawful encampments and fly-tipping. In doing so, the District can spend time, energy and money on positives to enhance the District for all those persons who live and work within it.

Wycombe District:

12. Wycombe District is a medium sized District situated in the County of Buckinghamshire. It has a population of approximately, 175,000. It shares borders with amongst others Districts, Chiltern, South Bucks and Aylesbury. It does not have responsibility for Social Services and Welfare Assessments are undertaken by the County Council who consider all the welfare needs, including housing and educational needs of any children. Wycombe has a number of public spaces, particularly parks, woodlands and open spaces. These are used extensively by its residents and visitors.

13. Within Wycombe District there are in total 101 sites we wish to be protected. This number is made up of 62 locations which fall within the category of Green Spaces. The Green Spaces, include parks and recreation grounds, woodland, agricultural and common land. In addition to the land described as Green Space, the Council runs facilities, such as leisure facilities, stand alone car parks or car parks attached to public buildings, such as the theatre. There are 30 Car Parks to be protected. The additional 10 sites are 8 Development sites and 2 service roads, all of which have either been the subject of encampment or we consider are vulnerable to encampments.
14. I now have produced and shown to me marked "AS3" an exhibit containing Maps and a list of the 101 locations that the District wishes to protect from encampments and fly-tipping. The Maps identify all the Green Spaces. Each of the Green Space locations are identified on the Maps by reference to a number which corresponds to a site listed on the Schedule. In addition to the Green Spaces, the Maps identify the Car Parks, both public car parks and those attached to public buildings. There are a total of 30 sites identified as Car Parks. Those are numbered 1 to 30. The Development Sites and Service Roads are numbered 32 to 39 and 97 to 98.
15. The list of locations is smaller than could have been sought protection for as we have limited the proposed Order to those areas that have been the subject of an incursion in the past and other sites that the Council consider are particularly vulnerable. The list of locations are the larger green spaces in the District. The list does not include those areas which could accommodate no more than 2 or 3 vehicles.

Unlawful Occupation / Waste Depositing / Fly-Tipping in Wycombe District:

16. The acts of unlawful occupation, of the type that this application seeks to address have occurred from time to time in Wycombe District over the last few years. However, the extent of fly-tipping and unlawful camp sites that have had to be addressed in recent times (over the last 12 months and more particularly the last three months) has dramatically increased.
17. The size and frequency of the encampments experienced has dramatically increased, from 7 in 2017, to 13 in 2018 and 9 so far this year, the most recent being at Desborough Recreation Ground, The Rye, Kingsmead and Hughenden Parks in July. Many of those incursions have involved a large number of vehicles. At The Rye we were faced with at least 40 vehicles as there were 20 plus caravans being pulled by cars. In addition to occupation by caravans and mobile homes, fly-tipping and the depositing

of waste, most commonly household, green waste and industrial waste from building sites took place.

18. It is difficult to be precise as to why there has been such a clear and obvious spike in the size and frequency of these activities in Wycombe District. That said, I think there can be little doubt that the success achieved by other Boroughs in the West of London in obtaining the type of injunctive relief sought by this application, has had an effect. It is inevitable that a dispersal effect comes into play, because a District without a Court ordered injunction protecting its land, is going to be far more vulnerable than an area that has an injunction in place.
19. I have produced and shown to me Exhibit “AS4” a Schedule containing information regarding the number of incursions over the last two years in the District. The Schedules give information regarding the length of time that the sites were occupied and provide information as to the events that took place on the sites. The clearing up of the waste is undertaken by contractors engaged by the District. Only where there is excessive fly-tipping beyond their contracted responsibility, will additional refuse collection charges be incurred. What will immediately be noticed is that there has not only been a significant increase in both the number of encampments, but also the significant increase in size of encampments from year to year.
20. The Schedule does not attempt to record the cost in time expended by Council officers because it is very difficult to quantify, by virtue of the fact that there are so many officers involved from different departments within the Council and because these officers are not fulfilling their designated jobs whilst working on the unlawful occupations.
21. I understand it is impossible to identify with any certainty the persons occupying the Land and involving themselves in waste depositing. This is because although names may be obtained whilst carrying out the Welfare Assessments, the information provided is not considered reliable, particularly in relation to the identities of those people in occupation. This is because it is more often the case that no names or fictitious names are provided. There are, of course, many others who we have absolutely no knowledge of at all, who might wish to occupy land in the District.

22. It is for that reason why the proposed Defendants to this Application are stated as (1) Persons Unknown Occupying Land and (2) Persons Unknown Depositing Waste or Fly-tipping on Land. I am advised that it is appropriate to refer to the Defendants in this way so as to differentiate between those that seek to occupy Land and those that are carrying on depositing waste or fly-tipping activities. Although there is some overlap as to the people doing this, it is accepted that some persons who occupy are not active in the illegal commercial waste operation.
23. Further, the Council does not wish and does not consider it appropriate to single out named individuals or any groups of people. The injunction is sought against anyone who is seeking to establish encampments and / or depositing waste and fly-tipping regardless of their background.

Present Actions:

24. When information is received of the arrival onto District land by an individual or a group with the intent of occupying the land or depositing waste, contact is made with Buckinghamshire County Council Gypsy & Traveller Service ("the County Council"). and their officers will make an initial assessment . This involves an assessment of the number of people, how many vehicles, whether there are any animals and the extent to which the persons occupying are engaged in fly-tipping activities.
25. Only once that risk has been assessed will County Council officers undertake a more thorough assessment. As part of that process, the County Council will conduct a health and welfare assessment, which involves assessing those persons present and in particular those that are vulnerable. An assessment is made as to the number of minors on the site and any people present who may be infirm or disabled. They are also concerned as to the medical condition of those on the site, both physical and mental health. If anyone is pregnant or has a new born baby, this will also be recorded.
26. It is my understanding that those that have arrived to occupy the land, particularly those from the Travelling Community are often unwilling to engage meaningfully and often will not give any detailed or honest information. As part of that process, anyone who wants to make a housing application is invited to do so. Information and guidance for health and welfare issues is also provided where appropriate. Insofar as the children are concerned the County Council will also give particular attention to their educational needs. I now include and mark as Exhibit "A55" an example of the welfare check that is commonly used and a copy of the County Council's procedure for responding to unauthorised encampments, so the Court can understand the assessment process undertaken. This procedure has been followed by the District for many years and has ensured better accountability from all officers involved.

27. Following the carrying out of the health and welfare assessment, the County Council will notify my team of the means by which they will be seeking to recover possession of the Land. This would be the first step of the Section 77 application (Section 77 of the Criminal Justice and Public Order Act 1994). A notice is prepared and then served on each person on the site or if no one is present stuck onto the caravan or mobile home. The notice requires the occupier to immediately vacate unless there is a welfare / health reason for the occupier to remain longer. If, as is most likely the person served does not vacate, the Gypsy & Traveller Service will begin the Section 78 process.

28. I am told that it is not uncommon for the County Council to have to wait 3 to 5 days for the initial hearing of the summons. Once the first hearing is time-tabled, officers will attend court and obtain a summons. This will be served on the individuals, their vehicles and the entrance to the site. The summons lists a date for the hearing which will commonly be one or two days later. An officer attends at Court again, where a removal order under Section 78 is made.

29. Following the obtaining of the removal order, the County Council will enforce the Order. Often, police will be in attendance, who in the main are requested to undertake an overseeing role and to ensure there is no breach of the peace.

30. It will be appreciated that the process using Sections 77 & 78 of the 1994 Act takes considerable time and expense. Because of the delay in the process; commonly a week or at times even longer, occupiers are able to remain on the Land for an extensive period. If they are using the Land for the purposes of fly-tipping, the damage that can be caused to the land is immeasurable. It is as if the occupiers and fly-tippers have been given a "licence" to occupy by virtue of the inherent delay in the formal removal / possession process. It is very much thought that this delay in recovering possession is key to the reason why Wycombe District, as a non-protected area, is presently far more vulnerable than those areas where their land enjoys the protection of a preventative injunction. Put simply it makes more sense from an occupation and / or fly-tipping perspective to go to an area that has huge swathes of land that are not subject to the Court's preventative injunction order, than to land that is protected..

The Effect of Occupation:

31. As I have indicated the land that is subject to occupation can suffer considerable damage, particularly due to the delay and the fly-tipping taking place. In addition to the

horrendous waste deposited, the land is damaged. Obviously parks and common land are not usually driven on by heavy vehicles and the damage to ground and vegetation can be significant, particularly on carefully laid out sports pitches and especially if the ground is wet. There was a particular incident of damage to the Kingsmead cricket wicket where a hole was dug for the purposes of personal waste disposal. There have also been numerous occasions where colleagues have attended on site only to discover that gates, barriers and bollards have been damaged and although it is not possible to identify those responsible it is too much of a coincidence that this damage has occurred immediately prior to an unlawful entry onto the land.

32. As soon as an incursion takes place, we know that we will in due course be faced with problems associated with all manner of litter, once possession has been recovered. It is the litter that causes the greatest problem, although I am also aware that the damage to the environment, the loss of amenity and the effect on community relations is significant.
33. Photographs attached at “**AS6**” show damage caused to the barriers and gates leading into some restricted access green spaces, as well as damage to the land. The photographs towards the end of the exhibit show the number of occupiers in caravans that can sometimes arrive on sites. In addition, examples of the fly-tipping waste can be seen.
34. Litter takes many forms. Personal litter is offensive and horrendous for local residents to have to experience. There have been numerous incidents of human and dog waste being deposited. A number of the photographs exhibited at “**AS6**” show this. This creates a significant public health hazard especially on land that is intended to be used for recreational and leisure activity. It is generally accepted that the toxicity in dog waste is harmful to grass causing burned areas, but is also potentially dangerous to people.
35. The second type of litter is what I would describe as domestic litter, commonly within black bin liners, but it is not uncommon for this type of waste to be strewn all over the areas being occupied. For example I have seen food cartons/wrappers just abandoned on site. Other debris includes drink bottles, cereal boxes and nappies. In addition to domestic litter, there are occasions where dangerous materials such as broken glass and tins are discarded on the grass and playing areas. Again I have exhibited some photographs that illustrate this type of waste.

36. The third type of waste can best be described as commercial fly-tipping waste. This involves in the main, glass, gas bottles, concrete, hazardous materials and household rubbish and green waste. It is this waste that causes the greatest clearance expense as it is often necessary to engage independent waste disposal operators. The scale of the commercial fly-tipping is often difficult to imagine. However some of the photographs exhibited will give the Court a flavour of the problems.
37. Overall, the photographs at "AS6" do not show the extent of the litter, but it will be appreciated there is a lot of clearing up to do once the unknown persons have departed, especially as the Council want to get the areas occupied back into public use as quickly as possible. I anticipate these photographs, all taken in Wycombe District over the last few months will give the Court a flavour of the problems being faced by the District and its officers on a day to day basis, all of which is associated with the ever increasing unlawful occupation problem the District is experiencing.
38. Some of the photographs exhibited at "AS6" have been taken from the most recent incidents at The Rye, Kingsmead, Hughenden Park and Desborough Recreation Ground. The photographs show the damage caused by the depositing of personal and domestic waste and also the fly-tipping.
39. The problems described are dealt with and then we await the next incursion. I say next as it is inevitable that there will be another incursion quite often involving the same group of people. This is an ever on-going process. When Persons Unknown come onto a site, whether Green Space or Car Park, we know that following the obtaining of a removal order, they will in all likelihood move to another location in Wycombe District. As a result the process starts all over again. The simple fact is that Wycombe District cannot fully address the problem of camps being established because no sooner do they clear one, they are met with the creation of a new one. A good example of this is the recent incidents when Travellers established separate encampments at Kingsmead The Rye, Hughenden and Desborough Recreation ground , in a 3 week period.

A Balanced Approach for the Future:

40. It is because the District has been reacting as opposed to addressing the problem of such encampments, that I, together with other officers at the District have discussed this different and we believe more proactive approach to the issue. We have had to do this as it is plain the situation cannot continue. However, when coming to the decision to make this application we have had regards to a host of factors. These include the interests of all affected parties.

41. Firstly, we were very aware of pressures that Council Members were experiencing from local residents whose quality of life is often affected by the creation of a camp site in their areas. It is not uncommon for local residents to complain to Council Members, MP's and officers demanding that we address the problem. Some of the incidents reported are quite shocking and I am aware that this has been going on for some time. I believe in the last year alone there have been dozens of e-mails, telephone calls or social media comments to the Council reporting incidents of occupation and fly-tipping. I also anticipate there are other incidents that occur that are not reported upon. I now have produced and shown to me marked "AS7" a sample of the types of complaints received from local residents to the Council. These reports all give examples of the adverse effect on community life, when an encampment arrives in the locality.
42. We were also very aware that many of the Persons Unknown will be from the Gypsy & Traveller Community who are owed rights as an identified ethnic minority. The Equality Impact Assessment has had specific regards to their needs as a recognised ethnic minority. As part of the preparation for the completion of the Assessment, the District Council were conscious of the absence of any permanent sites within the District. We recognise that we always have an ongoing responsibility to always consider alternative places of occupation in the District for those who maintain a nomadic lifestyle and it is for that reason we have not sought a blanket wide preventative injunction.
43. In any event the Assessment makes clear we and the County Council will always undertake an assessment when any person first arrives into the District as it is entirely possible that particular health and welfare needs arise and need to be addressed. It should not be thought that because we have the protection sought by this Order, we or the County Council will not carry out enquiry duties and undertake appropriate assessments so as to ensure where a particular need arises it is properly addressed.
44. This will include properly assessing any person that occupies land in breach of the Order. It is the District's intention to assess any person who is in need, even if they have come onto the land in breach of this Order.

The Future Approach

45. For all the reasons discussed above, the District are seeking a preventative injunction similar to those successfully achieved by other local authorities. This is seen as necessary to try and prevent the infiltrations in the first place and adjust the balance which is so prejudicial to the District and its residents.

46. A Court Order that expressly restricts all persons from occupying, setting up encampments and depositing waste will ensure that the intended purposes for the Green Spaces and other facilities in the District can continue safely and for the good of the community. It is neither fair nor lawful for these areas to be used for the establishment of camps and fly-tipping. It is firmly believed, that based on experience in other Districts, such an injunction will have a significant effect in protecting the land from unlawful occupation and waste depositing. The hope is that any occupation of the Green Spaces and Car Parks will cease as the Travellers will respect the Court Order, as they appear to have done in neighbouring areas.

Seeking an Injunction

47. I am advised that when a Court considers an interlocutory injunction such as the one being sought by the District it is obliged to have regards to the tests set out in the case of *American Cyanamide v Ethicon* which broadly states that (1) if there is a serious issue identified which cannot be addressed by the recovery of damages and (2) the balance of convenience is more in favour of the granting of an injunction than against doing so, then an injunction will be ordered. In addition the Court takes into account the fact that there is no real defendant in opposition as it is not as if there is any claim to an entitlement to occupy on public land or fly-tip.
48. There can be no question that a serious issue is before the Court; namely the persistent and uncontrolled infiltration by persons trespassing and causing a nuisance on District land. This arises not just by virtue of the trespassing encampments being established, but also by virtue of serious acts of nuisance by the acts of uncontrolled littering and fly-tipping. This is personal, domestic and industrial waste. Even if, which of course is not the case, the trespass could be met by the payment of fees, giving the person a right to occupy, the devastation to the inhabitants of the District, whereby communities would encamp on the leisure and recreational areas of the District could not possibly be quantified in damages and certainly could not be reimbursed to the residents.
49. It is important that the Court is fully aware of the considerable adverse effect the occupiers have on the District. I understand this to be important so as to encourage the Court to grant the Order sought. The adverse effects takes a number of forms, from nuisance and damage to the areas where the camps are established to the effect on the local communities where the camps are set up. I have of course already mentioned the expense to the District runs into tens of thousands of pounds.

Acts of Trespass / Acts of Nuisance and Damage

50. These acts all involve civil wrongs under the common law, such as trespass and nuisance. These are acts of trespass because the Green Spaces and Car Parks are land owned and/or controlled by the Council. Their purposes are for the recreational use and enjoyment of the residents and visitors of the District. Using sites for occupation and fly-tipping is absolutely contrary to the purpose for which Green Spaces were created. As for the encampments and the general conduct of the persons occupying the Land, there are so many different elements of nuisance, including bringing dangerous or hazardous substances onto the sites and causing damage by the influx of waste.
51. The interference, inconvenience and danger caused by impromptu camps being set up is obvious to any reader. Keeping these areas safe, is extremely difficult to do when vehicles are placed as part of a camp. It is impossible to secure these spaces because by definition they are open to the public. Many of the locations in particular are open all year round and provide unlimited access for all residents in the District. Some of the Green Spaces and Car Parks have barriers to prevent high vehicles entering, but as I have explained these are commonly damaged in order to gain access.

Community Relations

52. As a District, Wycombe in conjunction with the various law enforcement agencies is responsible for public order, good neighbourliness and responding to anti-social behaviour. The more incursions that take place the more hours that have to be spent by Council officers and the police attending to the encampment problems and the heightened levels of waste crime in the area.

Crime and Anti-Social Behaviour

53. It would not be right for me to speculate as to whether crime in general increases in the District upon the arrival of the unlawful occupiers, however there is ample anecdotal evidence of increased anti-social behaviour and criminality at times when an encampment is created. Obviously the fly-tipping is itself a major act of criminal activity.

Events

54. The arrival into a community of persons intent on damaging the land and dumping waste, causes significant tension with local residents, sports clubs and leisure and recreational users. The public amenities are significantly impacted upon because the areas where encampments are established effectively become no-go areas for the community, particularly in those areas where the community has already had direct experience of abusive, threatening and aggressive behaviour from a previous

encampment. As the Court would expect the sporting facilities in the District are frequently used for sports events and other communal activities. Recent infiltration impacted on local residents and families with young children who would normally use the facilities. This is even more upsetting during the warmer months when residents wish to enjoy the outdoor facilities in the District. With an illegal encampment on the doorstep parks and other Green Spaces become unpleasant and at times dangerous.

55. I now have produced and shown to me marked Exhibit "AS8" a list of events and activities that would be forced to be cancelled if there are any incursions in the next 6 months.

The Proposed Order

56. Since there is very clearly a serious issue between the parties and where damages cannot act as an adequate remedy, the balance of convenience is firmly in the District's favour, I do respectfully request the Court grant the injunction sought in the terms of the draft Order presented as part of the application paperwork.
57. The proposed Order seeks to prevent vehicles such as caravans and mobile homes as well as vans and lorries coming onto District Land for the purposes of residing or depositing waste. In addition the proposed Order seeks to restrict the depositing of waste and fly-tipping. Nothing in the proposed Order restricts driving in the District or even driving on roadways within the sites set to be protected that have roadways, such as roadways within Parks. It is simply using the Land for occupation or waste depositing that is to be prevented. The proposed Order does not have the effect of restricting in any way the lawful activities of anyone outside the terms of the Order.
58. The proposed Order is sought for an initial period of 3 months. I understand that this is slightly longer than is commonly the case where an initial interim injunction is obtained. This period is needed in order that all the sites identified on the Map and Schedule are served and proper notification can be given of the Return Day/Final Hearing. It will be appreciated that there has been no service of these proceedings at this stage due to the impracticality and cost in doing so prior to obtaining the injunction. The three months notice to Persons Unknown will therefore assist anyone who wishes to join the proceedings as a defendant and prepare for a hearing. Of course there would be nothing to stop any individual applying on short notice (the Order proposes 72 hours) to the Court to set aside or vary the existing Order if it felt the order was unfair and needed to be set aside as having been wrongly obtained over all the protected areas or specified areas.

59. During the course of the three months in addition to serving the paperwork, the Council will be able to monitor the success or otherwise of the proposed injunction as it is recognised that if the Order is being ignored, then there can be little point in continuing. The Council can also give further consideration to the impact the Order may have on the Gypsy & Travelling Community.

Conclusion:

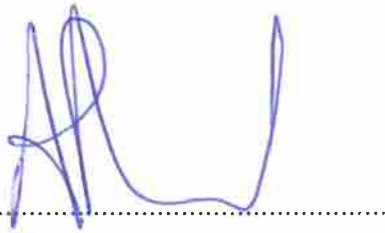
61. There have been numerous camps established over the last 24 months that have had a devastating effect on the District and its residents. These camps are established in matters of minutes, but take days and in some cases weeks to remove. The process is slow and laborious and the time that it takes to remove is time where the occupiers are damaging the Green Spaces and causing waste to accumulate. The occupiers know they can stay put until such time as a removal or possession order is obtained. If, as would be the case if this application were to be successful, an injunction is in place before they arrive, then either they will not come at all, as apparently is the experience of other areas with like preventative orders or if they do come, they will be moved on much more swiftly.
62. I am quietly confident, particularly based on the experiences of other areas who have already obtained such protection, that the Order being sought as part of this application will reduce the visits by persons wanting to occupy and / or fly-tip on the Green Spaces and Car Parks in the District, so as to enhance the quality of life of all the residents of the District.
63. The benefits to the communities within Wycombe District will be significant as community relations and contentment will increase. This is an important consideration in Wycombe District which like other areas has an array of social and economic problems to contend with. It is hoped that the huge amounts of money that have had to be used containing, controlling and recovering land unlawfully occupied can be better used to enhance the quality of life of all the residents of Wycombe District. There can be no doubt that the amounts presently expended in addressing the problem of unlawful occupation and fly-tipping is extremely damaging to so many aspects of community funding.
64. It is hoped, and based on other areas who have already obtained injunctive protection of this sort it is believed it will be the case, that with a preventative injunction the numbers

of encampments created will reduce, fly-tipping on District land will cease and much needed resources can be targeted on enhancing positive Council initiatives rather than picking up the cost of occupation and waste.

65. An injunction will also assist the local police who do not have the resources to fully police the problem, but who are constantly being contacted with reports of criminal and anti-social behaviour.

66. In all the circumstances the District respectfully seeks the Order requested.

67. I confirm the contents of this Witness Statement is true.



ANDY SHERWOOD

Dated 2nd day of August 2019

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B E T W E E N :

WYCOMBE DISTRICT COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN OCCUPYING LAND
(2) PERSONS UNKNOWN DEPOSITING
WASTE OR FLY-TIPPING ON LAND

Defendants

WITNESS STATEMENT OF ANDY SHERWOOD

Wycombe District Council,
Queen Victoria Road,
High Wycombe,
Buckinghamshire,
HP1 1BB