

Name: Robert Daniels  
Date: 1<sup>st</sup> August 2019  
Statement No.: 1  
Exhibits: RD1

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

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WITNESS STATEMENT OF ROBERT DANIELS

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I, Robert Daniels 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 ("the District") 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 Schedules 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 the District of 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.

**Personal Background:**

2. I have held two roles at Wycombe. Initially I was employed as the Estates Surveyor. I am now the Estates Services Manager. This requires me to manage the Council's property investment portfolio. This specifically requires me to oversee and manage the Council's property investment portfolio, achieve capital growth, improve income and reduce costs and overheads.
3. In delivering this I am responsible for a number of sites where existing buildings have been demolished ready for future development. Where possible temporary occupiers are found for the sites, but some remain unoccupied, often with temporary security arrangements (e.g. heras fencing) which can be prone to vandalism. Such unoccupied sites can be particularly vulnerable and therefore attractive to incursions from Persons Unknown and fly-tipping.

### The Proposed Application:

4. I am aware of the intention of the proposed application and am conscious that it is not intended to single out any one particular group. I am also aware that the Gypsy & Travelling Community are most likely to be affected by the injunctive relief being sought. I understand that an Equality Impact Assessment has been carried out and a decision has been made to make this application having regards to all such relevant factors.
5. I also understand this application is not seeking to protect every area of land in the District. It is only intended to obtain protection of those areas of land that have in the past been subject to incursions or those areas that are seen as vulnerable. It is not therefore a blanket, all Borough or all District injunction application, which as I understand it, has often been applied for in the past. Many areas of land, both green spaces and commercial land are not to be the subject of protection.
6. I am obviously keen to make the point that the Council are not looking to encourage infiltration and encampments on the unprotected land, I am just conscious that the unprotected land can provide space for unknown persons who are coming into the District and who require land for the purposes of their occupation, in the event of an emergency. Roughly speaking I believe the number of sites that the District seeks to protect is about one-quarter of its total property assets.
7. I am aware that my colleague Andy Sherwood, Contracts Manager has produced as Exhibit **AS3** Maps and a list of the 101 locations that the District wishes to protect from encampments and fly-tipping. 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. One such location that has been the subject of encampments in the past is Handy Cross Hub. This is located close to junction 4 of the M40. This is numbered 29 and 32 on the Maps. Handy Cross Hub is a multi-tenanted site comprising a leisure centre, supermarket, day nursery and further undeveloped land, and also includes a designated Park and Ride Car Park, where persons wishing to come into High Wycombe park their vehicles and are commuted into the town on public buses. There are approximately 400 parking spaces.
8. The Handy Cross Hub area, including the Park and Ride location and land adjoining, is of particular relevance to this application because of two major infiltrations by Persons Unknown. These incidents, in April 2017 over the Easter Weekend and January 2019

involved considerable expenditure for the Council. In particular the clean-up costs following the major commercial fly-tipping operation that took place in 2017 involved the Council in a total spend of over £40,000. The encampment in January 2019 was not as costly, but the total monies expended on clean-up, security during the incident and enhanced security subsequently, was just over £26,000.

9. It is unfortunate that following our experience at Handy Cross, it became necessary to increase the security by installing concrete blocks as a temporary measure, followed by steel security hooping. The appearance from an aesthetic environmental perspective, can best be described as industrial.
  
10. I am aware that my colleague Andy Sherwood has prepared a statement in respect of this application and has provided a schedule of unauthorised encampments including the recent spate of encampments around the District in connection with our Green Spaces. I can confirm that in order to try and deter unauthorised encampments I employed security personnel to attend and provide a presence at two of our most vulnerable sites, Coachway Park and Ride (numbered 29) and Bellfield Road Development Site (numbered 33) on Friday 26<sup>th</sup> July to Saturday 27<sup>th</sup> July 2019 at a cost of £1,376 exclusive of VAT.

### **The Proposed Order**


11. 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 on and into Car Parks. In no way is the proposed injunction intended to restrict anyone from using the car-parking facilities 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. The proposed Order does not have the effect of restricting in any way the lawful activities of anyone outside the terms of the Order.

### **Conclusion:**

12. There have been numerous camps established over the last 24 months that have had a devastating effect on the District and its residents. The camps on commercial land, particularly land that generates revenue is damaging on a number of different levels. The process to recover possession is delayed. The consequence of such delay is further and additional cost to the District Council. This is particularly frustrating as the

occupiers know they can stay put until such time as a removal or possession order is obtained.

13. If, as would be the case if this application were to be successful, an injunction is in place before Persons Unknown arrive, then either they will not come at all, as apparently is the experience of other Districts with like preventative orders or if they do come, they will be moved on much more swiftly.
  
14. It is hoped, and based on other Districts 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 to improve Council initiatives rather than having to throw good money dealing with all forms of waste.
  
15. In all the circumstances the District respectfully seeks the Order requested.
  
16. I confirm the contents of this Witness Statement is true.



A handwritten signature in cursive script, appearing to read 'R Daniels', is written over a horizontal dotted line.

ROBERT DANIELS

Dated 1st day of August 2019

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