

**IN THE HIGH COURT OF JUSTICE**

**CLAIM NO. KB-2024-003315**

**KING'S BENCH DIVISION**

**Before : The Honourable Mr. Justice Freedman**

**Dated: 22 November 2024**

**BETWEEN:-**

**THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF RICHMOND-UPON-THAMES**



**-and-**

**KB-2024-003315**

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OR OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation) WITH OR WITHOUT VEHICLES ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**Defendants**

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**MINUTE OF ORDER**

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**PENAL NOTICE**

**IF YOU THE NAMED DEFENDANTS OR ANY "PERSONS UNKNOWN" ESTABLISH AN ENCAMPMENT AND OCCUPY FOR THE PURPOSES OF TREATING AS A PLACE OF RESIDENCE ANY OF THE SITES LISTED IN SCHEDULE 1 TO THIS ORDER AND SHOWN EDGED IN RED ON THE MAPS ATTACHED HERETO MARKED SCHEDULE 2 OR DO ON THAT LAND ANY OF THE OTHER ACTS SPECIFIED BELOW DO DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE**

**HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**THIS ORDER TAKES EFFECT IMMEDIATELY ON RECEIPT, WHETHER OR NOT SEALED BY THE COURT**

**IMPORTANT NOTICE TO THE DEFENDANTS**

1. This Order prohibits you or any person who is presently a Person Unknown as defined in this Order (or any person notified of this Order) from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible.
2. You have a right to ask the Court to vary or discharge this Order. If you disobey this Order, you may be found guilty of Contempt of Court and you may be sent to prison or fined or your assets may be seized.
3. A "Person Unknown" as defined in this Order as: -
  - a. a person forming an unauthorised encampment and / or occupying for residential purposes within the London Borough of Richmond upon Thames on any of the 8 sites listed on Schedule 1 to this Order: and
  - b. a person depositing waste on any of the 8 sites listed on Schedule 1 this Order.
4. Electronic copies of the applications and evidence filed in these proceedings are available electronically at **www.richmond-upon-thames**. Any person who is unable to obtain electronic copies of documents at that address, or who wishes to obtain hard copies of documents, should contact the Claimant's solicitors (South London Legal Partnership, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX) using the contact details at the end of this Order.
5. A further hearing in these proceedings is to be listed for 1 day in the High Court on 13 February 2025.
6. If you or any person who is presently a Person Unknown (or any person notified of this Order) and who wishes to identify themselves and be joined as a named Defendant to this Claim may apply to the Court to be so joined on 72 hours' notice to the Court and to the Claimant, and/or to vary or discharge this Order (or part of it).
7. Any person may apply to the Court for this Order to be varied or discharged. You must obey this Order unless it is varied or discharged by the Court

**UPON HEARING** Counsel, Mr. Steven Woolf for the Claimant, there being no representation nor attendance by the Defendants

**AND UPON READING** the Claim Form and Particulars of Claim and Application for an interim injunction order pending the final Part 8 claim for an injunction order

**AND UPON READING** the Witness Statements of Yvonne Feehan and Joanne Capper listed at Appendix A

**AND UPON CONSIDERING** Section 222 of the Local Government Act 1972, Section 187B of the Town and Country Planning Act 1990 and Section 27 of the Police and Justice Act 2006

**AND UPON** Notice of this hearing having been notified to the Defendants by fixing the Notice of Hearing in prominent positions on the fences and gates of the 8 sites listed on Schedule 1 to this Order and shown edged in red on the maps attached hereto marked Schedule 2 and published on the Claimant's website

**IT IS ORDERED THAT THE FIRST DEFENDANT**

- (1) as Persons Unknown be prohibited from forming an unauthorised encampment on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and shown edged red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.
- (2) as Persons Unknown be prohibited from entering to occupy for residential purposes any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and shown edged in red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.

**IT IS ORDERED THAT THE SECOND DEFENDANT**

- (3) as Persons Unknown be prohibited from depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to

this Order and edged in red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.

## **SERVICE**

- (4) Personal Service of the Injunction is dispensed with pursuant to CPR 81.8. The Claimant has permission pursuant to CPR 6.15(1) and CPR 6.27 to serve Injunction on the Defendants by the alternative methods set out at paragraph (a)-(d) below:
- (a) affixing a copy of this Order in a transparent envelope to a post in a prominent position or on a gate at the entrance to the 8 sites listed on the Schedule attached to the Claim;
  - (b) publishing a copy of this Order together with all the documentation before the Court, to include the Claim Form, Application Notices, the Witness Statements of Yvonne Feehan and Joanne Capper together with any exhibits referred to and Counsel's Skeleton Argument dated 15 November 2024 and Supplemental Skeleton Argument dated 21 November 2024 on the Claimant's website;
  - (c) publishing details of the Order and where to access the Claim Documents in the Richmond and Twickenham Times;
  - (d) making a copy of this Order together with all the documentation before the Court to include the Claim Form, Application Notices, the Witness Statements of Yvonne Feehan and Joanne Capper together with any exhibits referred to and Counsel's Skeleton Argument dated 15 November 2024 and Supplemental Skeleton Argument dated 21 November 2024 available at the front desks of the Claimant's offices at Civic Centre, 44 York Street, Twickenham, TW1 3BZ;

## **In this Order**

- (5) "The Sites" means all the land within the London Borough of Richmond upon Thames listed in Schedule 1 this Order and shown edged red on the maps attached hereto marked Schedule 2.

- (6) "Occupying" means remaining in for the purposes of treating as a place of residence or as a dwelling;
- (7) "Encampment" means a place of where a group of persons temporarily occupy with tents, caravans, mobile homes or other makeshift accommodation for the purposes of accommodation.
- (8) "Unauthorised" means without prior written consent of the Claimant.
- (9) "Vehicles" includes cars, vans, trucks, motorbikes and scooters (electric or petrol/diesel), all-terrain vehicles, tractors and farm utility vehicles, motor homes & caravans.

### **Directions for Hearing of Part 8 Claim**

- (10) The Claimant shall file and serve upon any named Defendants joined to this Claim and publish on the Claimant's website such further evidence in support of this Claim by no later than 21 days prior to the hearing of the Claim. Such evidence shall include:
  - (a) evidence of title to the 8 specified Sites
  - (b) evidence of service in accordance with the terms of this Order;
  - (c) evidence of any unlawful encampments, occupation and the depositing of waste following the making of the Order and the risks of such future potential encampments, occupation and depositing of waste;
  - (d) evidence as to any enforcement action taken in pursuance of this Order, including informal enforcement measures;
  - (e) evidence as to how the welfare considerations of Travellers who may be affected by the terms of this Order and any final order sought, including the interests of Travellers wishing to come into the London Borough of Richmond upon Thames have been or will be dealt with.

### **Date of Hearing of Part 8 Claim**

- (11) The hearing of the Part 8 Claim, at which hearing this Order shall be reconsidered shall be listed on :

Date: 13 February 2025

Time: 10:30

Location: Royal Courts of Justice, Strand, London WC2A 2LL

Time Estimate: 1 day

### **Duration of this Order**

- (12) This Order shall remain in force until the seventh day following the hearing of the Part 8 Claim or until further order.

### **Costs**

- (13) The costs of this application be reserved.

## **GUIDANCE NOTES**

### **Effect of this Order**

A Defendant who is a Persons Unknown forming an unauthorised encampment or occupying any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order for residential purposes with or without vehicles and edged red on the maps attached hereto marked Schedule 2 and a Person Unknown depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and edged red on the maps attached hereto marked the Schedule 2 who is an individual who is ordered not to do something must not do it by him or herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

## PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

### Effect of this Order

It is Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his/her assets seized.

### UNDERTAKINGS

The Claimant will serve a copy of this Order in a transparent waterproof envelope or laminated copy in the manner provided for at paragraph 4 herein.

The Claimant will place a copy of this Order, together with the evidence served in support and the Part 8 Claim Form on the Claimant's website.

The Claimant will serve a Copy of this Order on the London Gypsy and Travellers Group and the Friends and Families Travellers Group and provide free of charge a full set of the papers relating to this Claim. The Claimant will further advise both groups of the details of any further Hearing Date

### COMMUNICATIONS WITH THE COURT AND THE CLAIMANT'S SOLICITORS

All communications with the Court about this Order should be sent to Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010)

All communications with the Claimant's Solicitors to be

Address: The South London Legal Partnership, Merton Civic Centre, London Road, Morden, SM4 5DX

Tel No. 0208 545-4568

E-mail at [Byron.Britton@merton.gov.uk](mailto:Byron.Britton@merton.gov.uk) and [Samuel.Hick@merton.gov.uk](mailto:Samuel.Hick@merton.gov.uk)

The Solicitor dealing with the matter is Byron Britton.

Reference 337/196

## APPENDIX A

### SCHEDULE OF WITNESS STATEMENTS

- (1) Witness Statement of Yvonne Feehan dated 17 September 2024
- (2) Witness Statement of Yvonne Feehan dated 14 November 2024
- (3) Witness Statement of Yvonne Feehan dated 18 November 2024
- (4) Witness Statement of Joanne Capper dated 21 November 2024

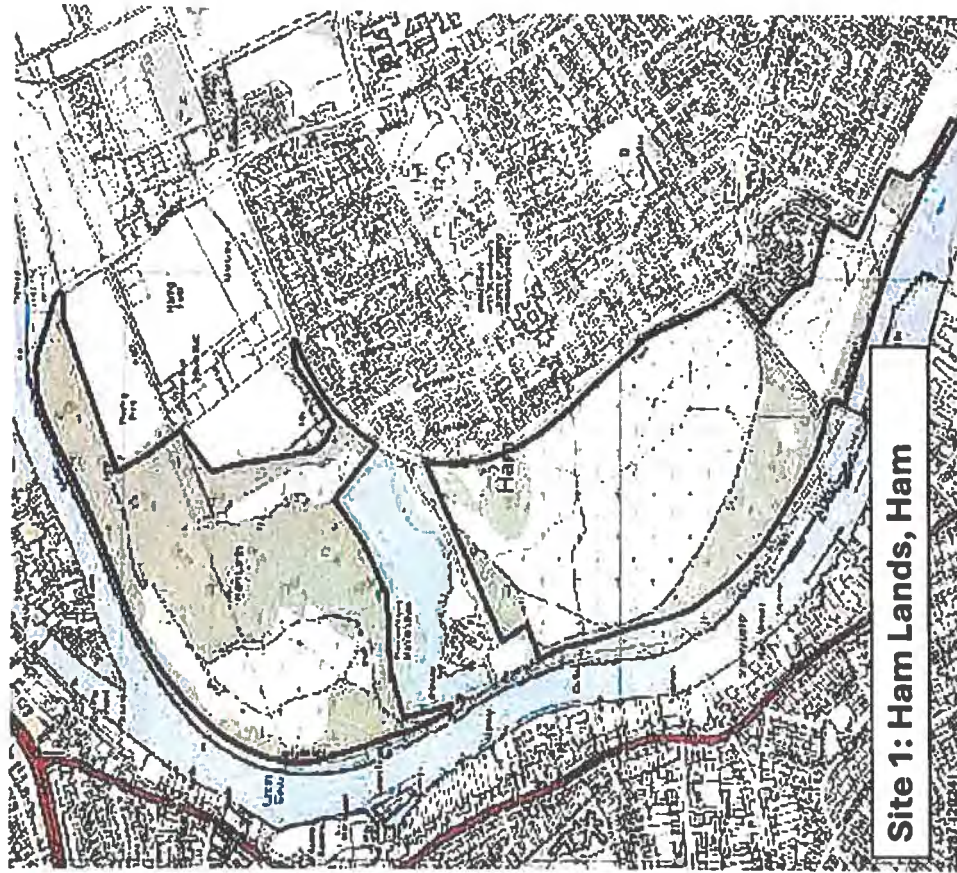


## SCHEDULE 1

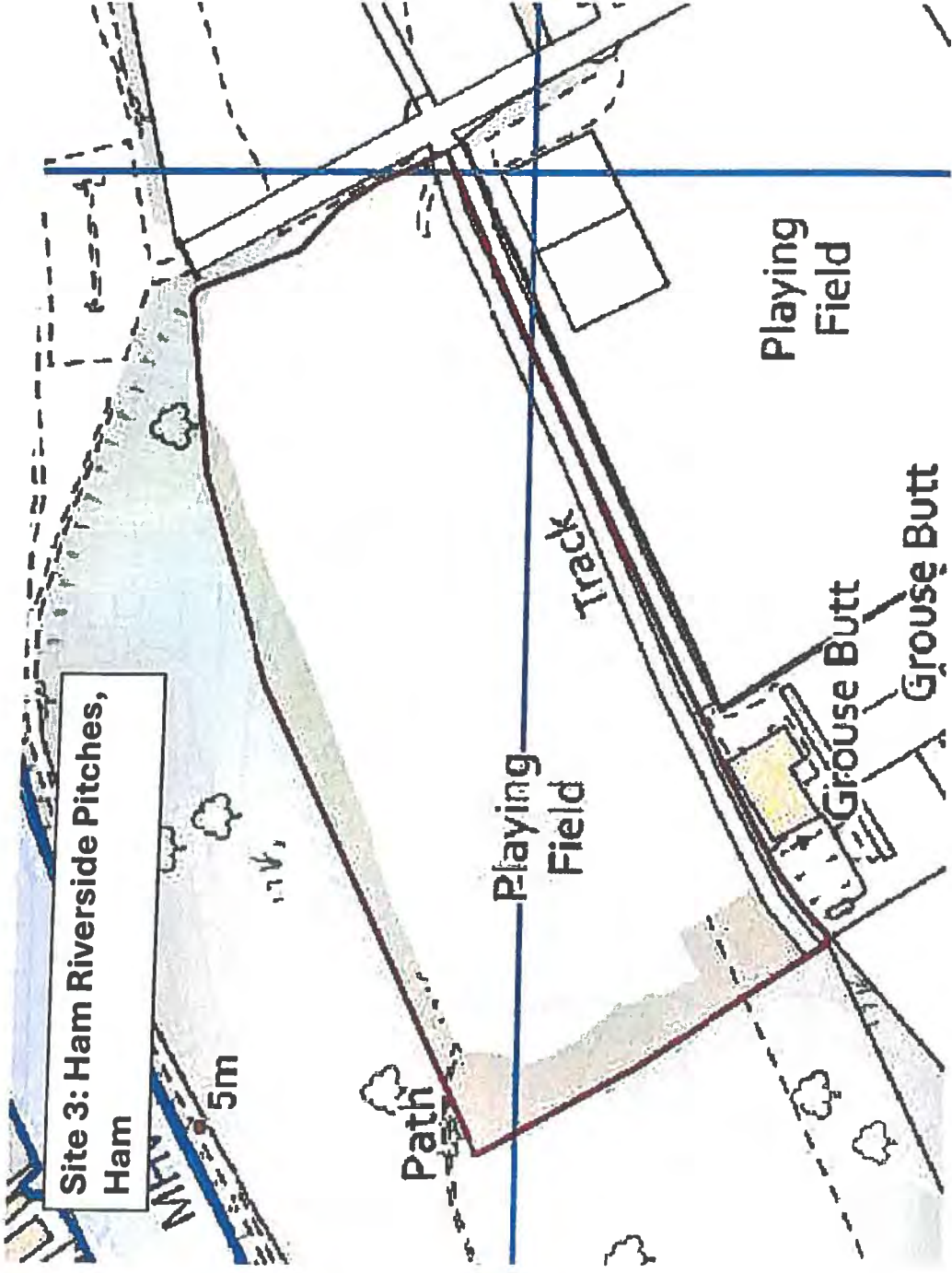
- (1) Ham Lands;
- (2) Ham Riverside Drive Open Space;
- (3) Ham Riverside Pitches;
- (4) Kew Green;
- (5) Old Deed Park;
- (6) Richmond Green;
- (7) Ham Common; and
- (8) King George's Field.

## SCHEDULE 2

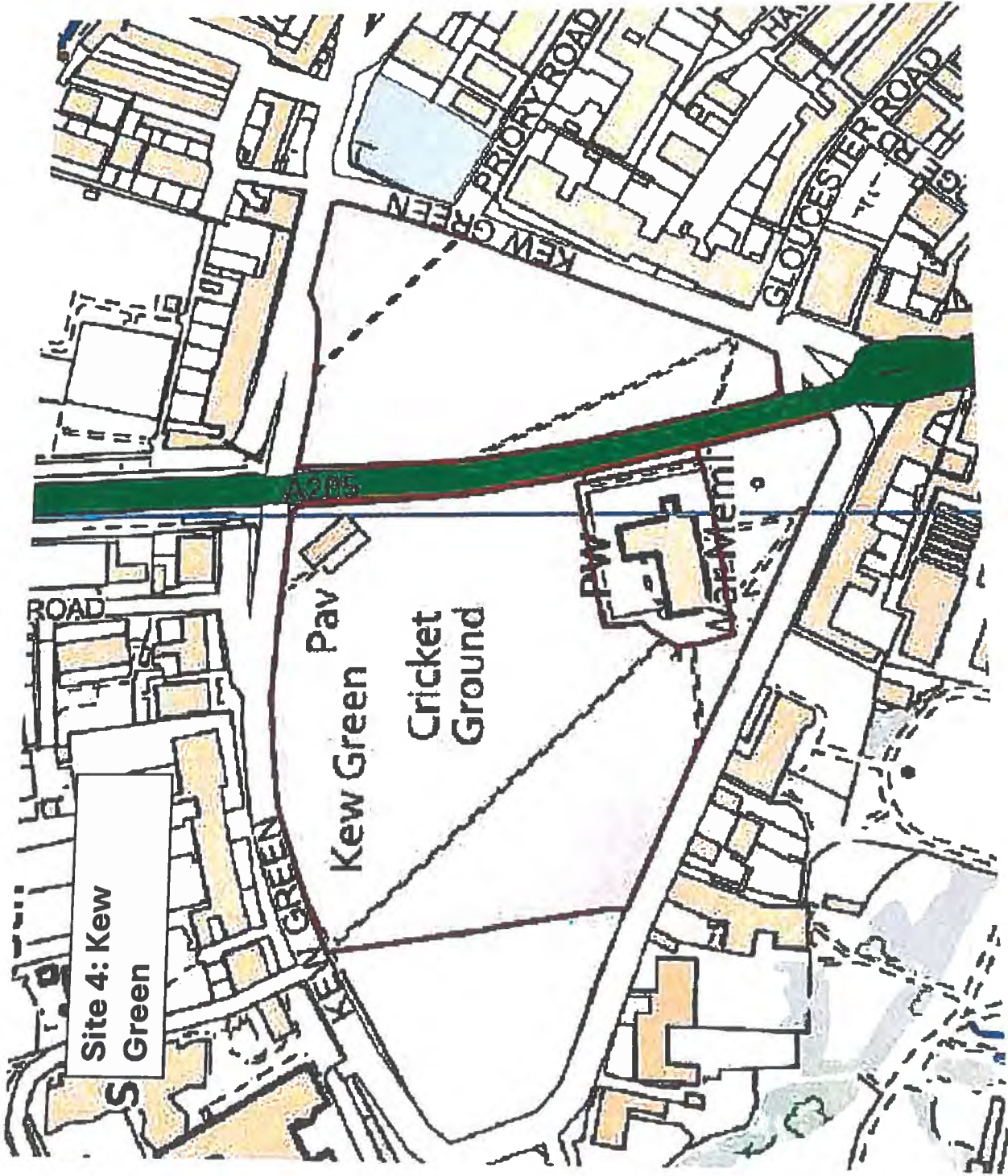
Schedule 2





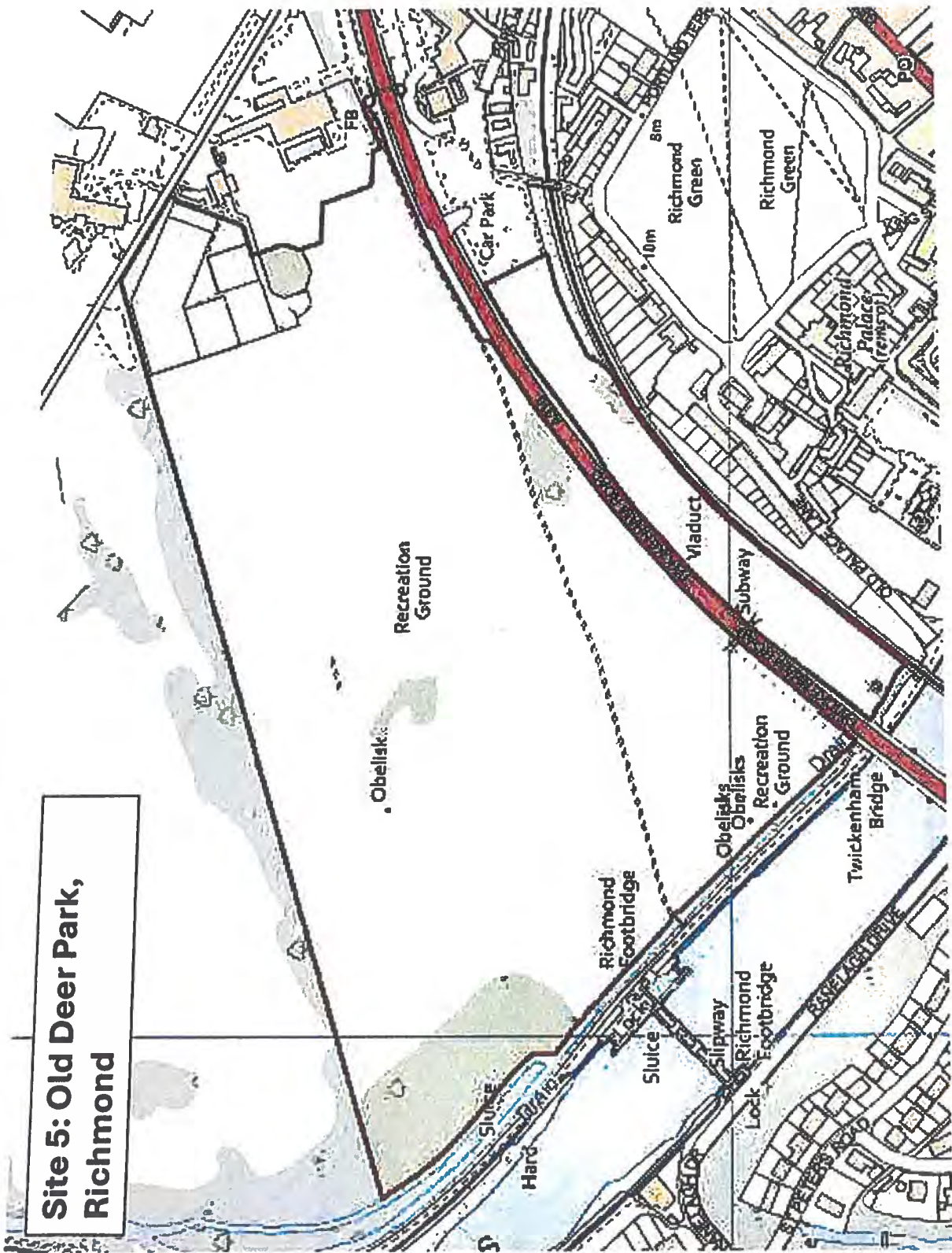


Site 3: Ham Riverside Pitches,  
Ham

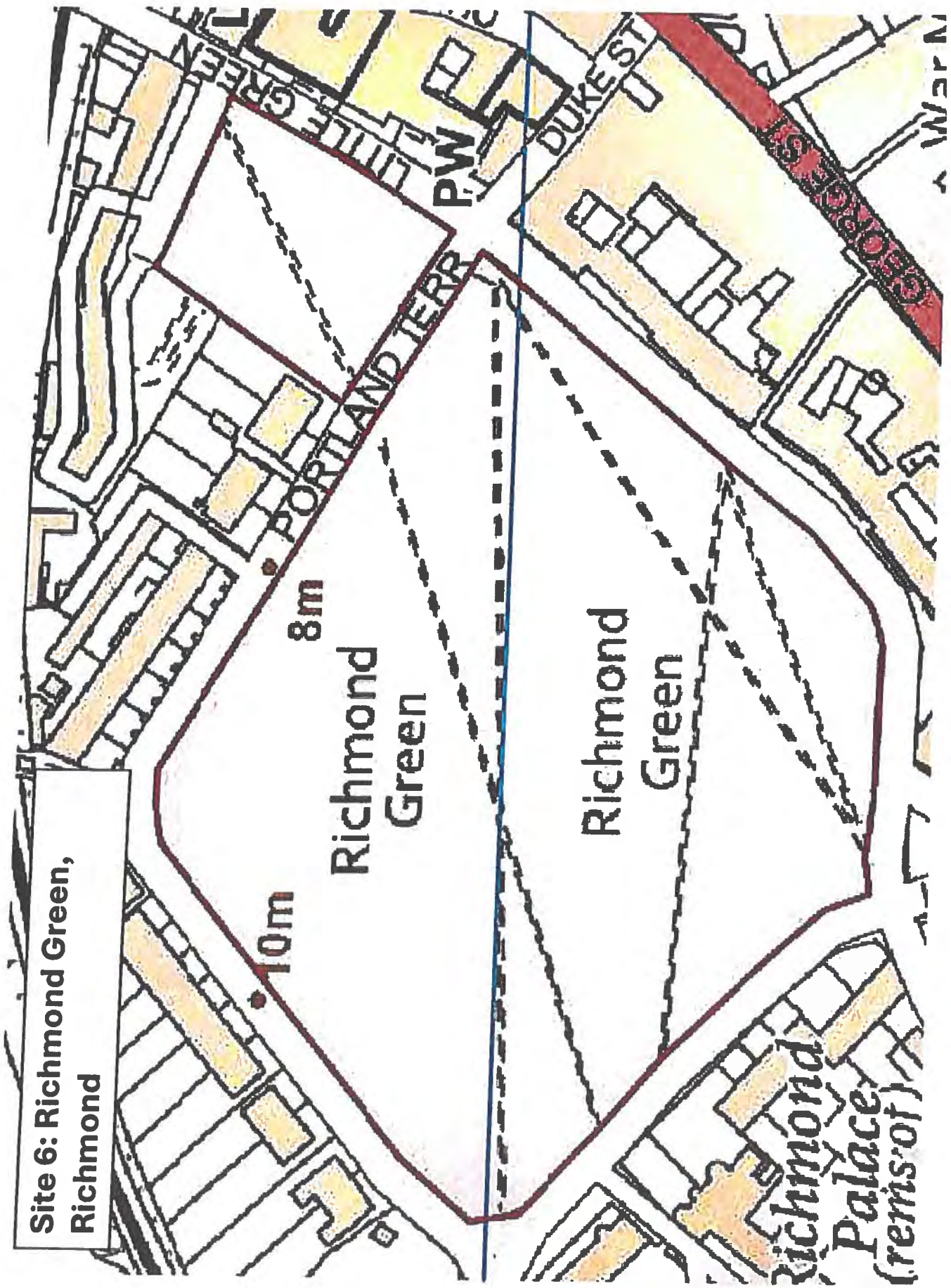


Site 4: Kew Green

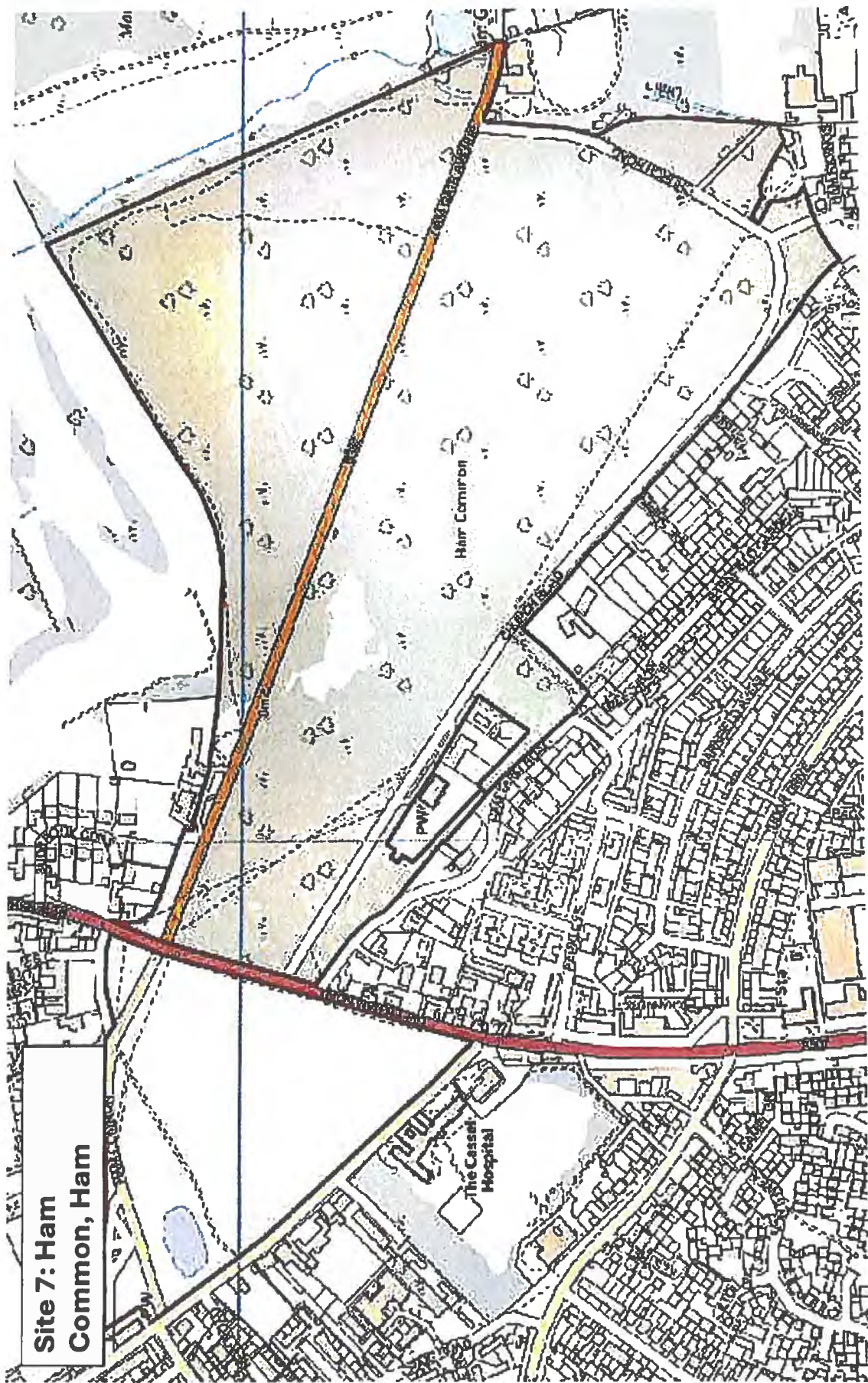
**Site 5: Old Deer Park,  
Richmond**



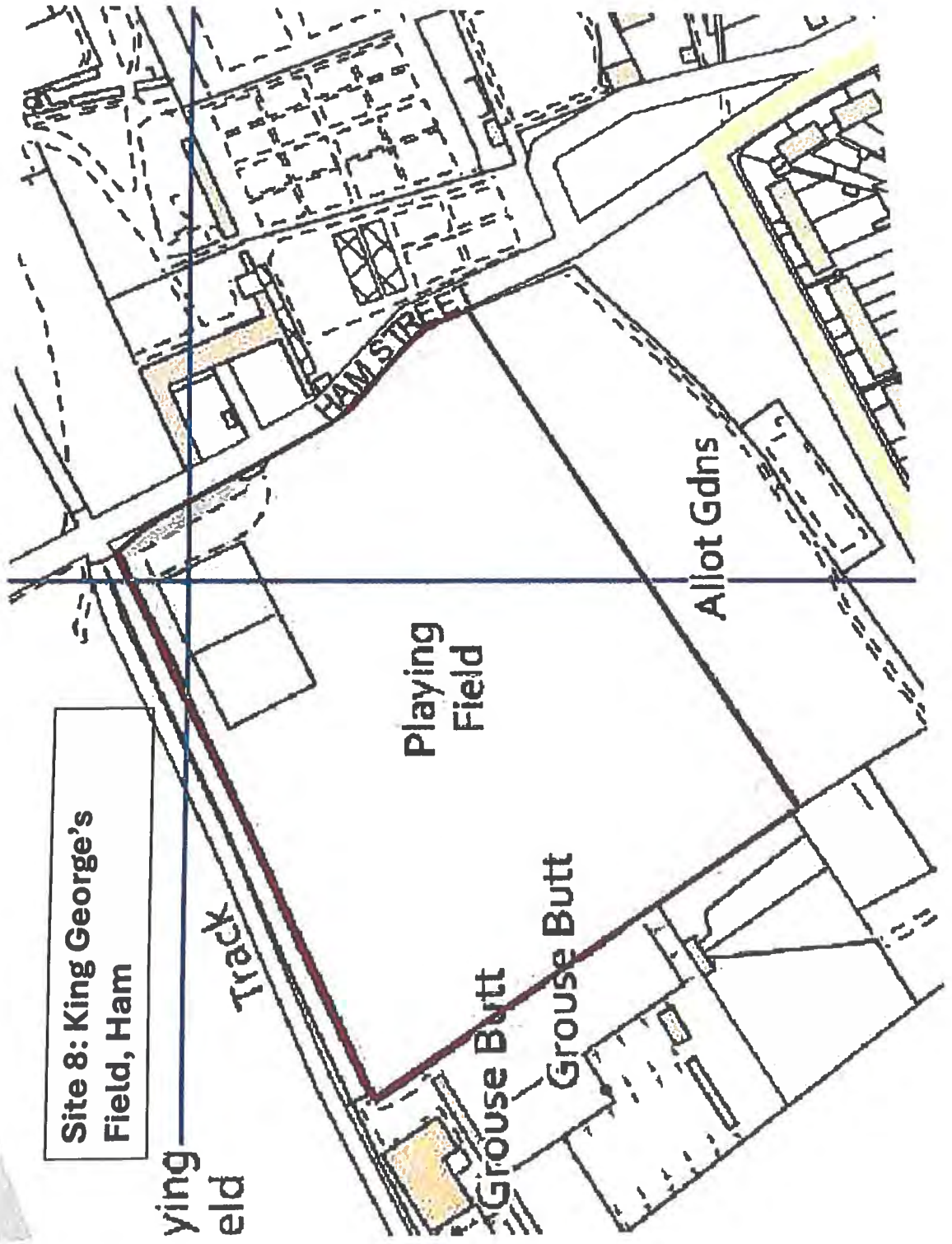
Site 6: Richmond Green,  
Richmond







**Site 7: Ham  
Common, Ham**



Site 8: King George's Field, Ham

ying  
eld

Track

Playing  
Field

Allot Gdns

Grouse Butt

Grouse Butt

HAM STREET

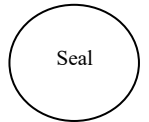
# Application for Injunction (General Form)

Name of Court <b>IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION</b>	Claim No.
Claimant's Name and Ref. <b>THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES</b>	
Ref <b>337/196</b>	
Defendant's Name and Ref. <b>(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM.</b> <b>(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM</b>	
Fee Account no. PBA 0077352	

Notes on completion

Tick which boxes apply and specify the legislation where appropriate

- By application in pending proceedings
- Under Statutory provision
- This application is made under Part 8 of the Civil Procedure Rules



This application raises issues under the Human Rights Act 1998

Yes  No

(1) Enter the full name of the person making the application

The Claimant <sup>(1)</sup> **The Mayor and Burgesses of the London Borough of Richmond upon Thames**

applies to the court for an injunction order in the following terms:

(2) Enter the full name of the person the injunction is to be directed to

The Defendants <sup>(2)</sup> **PERSONS UNKNOWN AS IDENTIFIED IN THE TITLE TO THIS CLAIM.**

(3) Set out here the proposed terms of the injunction order (if the defendant is a limited company delete the wording in brackets and insert 'whether by its servants, agents, officers or otherwise').

**IT IS ORDERED THAT THE FIRST DEFENDANT**

- (1) is prohibited from forming an unauthorised encampment on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and shown edged red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.
- (2) is prohibited from entering to occupy for residential purposes any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and shown edged in red on the maps attached

The court office at

is open between 10am and 4pm Mon - Fri. When corresponding with the court, please address all forms and letters to the Court Manager and quote the claim number.

**N16A** General form of application for injunction (05.14)

This form is reproduced from <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do> and is subject to Crown copyright protection. Contains public sector information licensed under the Open Government Licence v2.0

hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.

**IT IS ORDERED THAT THE SECOND DEFENDANT**

(3) is prohibited from depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed in Schedule 1 to this Order and edged in red on the maps attached hereto marked Schedule 2 without the express written permission of the Claimant as Landowner.

(4) Set out any proposed orders requiring acts to be done. Delete if no mandatory order is sought.

~~And that~~ (4)

(5) Set out here any further terms asked for including provision for costs

**The Order remain in force until the hearing of the Part 8 Claim**

**Costs Reserved**

(6) Set out here the name of the person giving evidence in support of the application.

The grounds of this application are set out in the written evidence of (6)

**(1) Yvonne Feehan dated**

This written evidence is served with this application.

(7) Enter the full name and address for service and delete as required

This application is to be personally served upon (7) **the Defendants.**

(8) Enter the full name and address of the Claimant

This application is filed by (8) **The South London Legal Partnership, Merton Civic Centre, London Road, Morden, SM4 5DX**



Signed

Dated 18 September 2024

Name and address of the person application is directed to

To\*

This section to be completed by the court

**This application will be heard by the Judge  
at  
on the day of 20 at o'clock**

**If you do not attend at the time shown the court may make an injunction order in your absence**

If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

N244

# Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:  
<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

<b>Name of court</b> High Court of Justice King's Bench Division	<b>Claim no.</b>
<b>Fee account no.</b> (if applicable)	<b>Help with Fees – Ref. no.</b> (if applicable)
PBA 0077352	<b>H W F</b> - [ ] - [ ]
<b>Warrant no.</b> (if applicable)	
<b>Claimant's name</b> (including ref.) <b>The Mayor and Burgesses of the London Borough of Richmond upon Thames</b> <b>Ref. 337/196</b>	
<b>Defendant's name</b> (including ref.) <b>(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM</b> <b>(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM</b>	
<b>Date</b>	18 September 2024

1. What is your name or, if you are a legal

South London Legal Partnership

representative, the name of your firm?

2. Are you a

Claimant

Defendant

Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

The Claimant

3. V 1. Applying pursuant to CPR 6.15(1) for an order that the Claimant may be permitted to serve the Part 8 Claim Form on the intended Defendants by an alternative method and at an alternative place.

2. Applying pursuant to CPR 6.27 for an order that the Claimant may be permitted to serve the Particulars of Claim, N16A Application for Injunction and supporting evidence, Notice of Hearing and Order for alternative service, on the intended Defendants by an alternative method and at an alternative place.

The reason for the application is because in respect of personal service, this would ordinarily be achieved on an individual in accordance with CPR 6.5. However, in respect of the proposed Defendants, it is impossible to personally serve on a Person Unknown. It is therefore necessary to seek an order from the Court to adopt an alternative method and alternative place for service.

The procedure is provided for under CPR 8.2A(1)

4. Have you attached a draft of the order you are applying for?

Yes

No

5. How do you want to have this application dealt with?

at a hearing

without a hearing

at a remote hearing

Hours

Minutes

6. How long do you think the hearing will last? Is this time estimate agreed by all parties?

Yes

No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

Without Notice

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

1. It is necessary to seek an injunction to prevent Persons Unknown entering into and setting up unlawful encampments on the 8 sites that the Claimant seeks to protect in the London Borough of Richmond upon Thames by way of an injunction.
2. As Persons Unknown, it is impossible to know who and where to serve the Defendants. There would only be limited benefit in seeking an injunction against Persons Unknown if the Claimant was not in a position to serve the Claim or subsequent Orders.
3. The Claimant proposes serving the Defendants by the posting of copies of the Order for Alternative Service, the Claim Form, Particulars of Claim, N16A Application for Injunction and supporting evidence, and any Notice of Hearing (the "Court Documents") in the following ways:
  - (a) affixing a copy of the Court Proceedings in a transparent envelope to a post in a prominent position or on a gate at the entrance to the 8 sites listed on Schedule 1 attached to the Claim;
  - (b) publishing a copy of the Court Proceedings on the Claimant's website;
  - (c) publishing details of the Claim and where to access the Claim Documents in the Richmond and Twickenham Times;
  - (d) making a copy of the Court Proceedings available at the front desks of the Claimant's offices.
4. It is believed that by the serving the Court Documents as aforesaid, the Defendants will have good notice of the nature of the proceedings and can if they so wish defend the Claim and oppose the injunctive relief that the Claimant seeks.
5. I believe that by serving in the ways described there is more than a reasonable expectation that Persons Unknown will become aware of the proceedings.
6. This Application is made pursuant to CPR 8.2A(1) and CPR 6.15 and 6.27.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No



# Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I **believe** that the facts stated in section 10 (and any continuation sheets) are true.

**The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

## Signature

*John Scarborough*

Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

## Date

Day

18

Month

09

Year

2024

Full name

John Scarborough

Name of applicant's legal representative's firm

South London Legal Partnership

If signing on behalf of firm or company give position or office held

Managing Director

Applicant's address to which documents should be sent.

Building and street

Merton Civic Centre

Second line of address

London Road

Town or city

Morden

County (optional)

London

Postcode

S M 4 5 D X

If applicable

Phone number

020 8545 4568

Fax phone number

DX number

161030 Morden 3

Your Ref.

337/196

Email

[Samuel.hick@merton.gov.uk](mailto:Samuel.hick@merton.gov.uk) ; David.fellows@merton.gov.uk



# Claim Form (CPR Part 8)

In the HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

	<i>for court use only</i>
Claim No.	
Fee Account No.	<b>PBA 0077352</b>
Help with Fees Ref No. (if applicable)	HWF-□□□-□□□

Claimant

**MAYOR AND BURGESSES OF THE  
THE LONDON BOROUGH OF RICHMOND UPON THAMES**

South London Legal Partnership,  
Merton Civic Centre,  
London Road,  
Morden,  
SM4 5DX  
Defendant(s)



KB-2024-003315

- (1) **PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OR OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**
- (2) **PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

Does your claim include any issues under the Human Rights Act 1998  Yes  No

**Details of claim (see also overleaf)**

1. The Claimant seeks an interim and final injunction pursuant to Section 222 of the Local Government Act 1972 and / or Section 187B of the Town and Country Planning Act 1990.

Defendant's  
name and  
address

**PERSONS UNKNOWN  
(who have unlawfully  
encamped in the London  
Borough of Richmond upon  
Thames)**

	£
<b>Court Fee</b>	626
<b>Legal representative's costs</b>	TBC
<b>Issue Date</b>	

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal).  
When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number

**Details of claim (continued)**

2. The Claimant owns and / or is responsible for the management of the Parks, Sports Fields, Leisure Areas, Woodland Areas and Open Spaces ("the Green Spaces") in the London Borough of Richmond upon Thames ("the Borough").
3. In total there are 131 locations that the Claimant has identified as needing protection.
4. There have been numerous incidents of unauthorised encampments and the depositing of waste, including the fly-tipping of commercial waste in the Borough resulting in considerable inconvenience and expense. The Claimant fears further unauthorised encampments on the locations within the Borough.
5. These unauthorised encampments include large groups of Travellers with up to 30-50 people and 20-30 vehicles, mobile homes and caravans. There are also a number of dogs.
6. The unauthorised encampments have been established on the locations, all of which belong to the Claimant.
7. The Claimant maintains that the unauthorised occupancy and establishment of the encampments is disruptive and has a harmful impact. It causes health and safety concerns. The harm this could cause to the residents of the Borough, among other members of the public, is significant. The health risks to the residents include:
  - a) human and animal excrement left in the Green Spaces from those establishing the encampments;
  - b) domestic waste strewn over the land;
  - c) fire hazards caused by the use of propane gas cylinders in public spaces;
  - d) fly-tipping domestic and commercial scale waste, including green vegetation, building materials, glass, asbestos, rubble and soil;
  - e) driving of vehicles over and across Parks, Recreational Areas, Woodland Areas.
8. The unauthorised encampments cause considerable disruption to the residents and visitors of the Borough. In addition, the encampments have an adverse impact on local businesses which is detrimental to the Borough's future development.
9. The fly-tipping causes considerable distress and anxiety and results in recreational facilities being un-usable.
10. Further considerable expense is incurred in the cleaning up operations, including the removal of untreated human and dog excrement, domestic litter, general waste, gas cylinders and building waste, including hard core and soil.
11. The unauthorised encampments also cause considerable expense to be incurred in restoring the sites to a fit, hygienic and safe level for usage by the public. Further costs are incurred in attempting to secure the sites owned by the Claimant.
12. Since September 2019, unknown persons have formed at least 16 encampments on the Claimant's land within the Borough.
13. Dealing with these unauthorised encampments through the procedures available under Sections 61, 77 and 78 of the Criminal Justice and Public Order Act 1994 ("the 1994 Act")

is unsatisfactory. These are reactionary steps addressing the problem after the encampments have been established and after the fly-tipping and land damage has taken place.

14. Further reliance upon Sections 77 and 78 of the 1994 Act only leads to the encampments moving from one site to the next and has not deterred the Defendants from forming these encampments within the Borough.
15. The procedures under the 1994 Act have not acted as a significant enough deterrent and it is not uncommon that immediately following the clearance of an unauthorised encampment, another one is set-up. On some occasions the unlawful occupiers have returned to a location that has been the subject of earlier clearance and removal.
16. Obviously, commencing possession proceedings takes place. This involves considerable amount of work and expenses and tends to take between 7 and 14 days before the Order for Possession is obtained. In that time considerable damage to the Site may have arisen and serious waste depositing occurred.
17. Accordingly, it is necessary and expedient for the promotion and / or protection of the interest of the residents of the Borough to prevent nuisance and trespass and further breaches of planning control to seek an injunction in the terms of the draft Order attached to this Claim at 8 specified sites; namely
  - (1) Ham Lands;
  - (2) Ham Riverside Drive Open Space;
  - (3) Ham Riverside Pitches;
  - (4) Kew Green;
  - (5) Old Deed Park;
  - (6) Richmond Green;
  - (7) Ham Common; and
  - (8) King George's Field.
18. An injunction will prevent the repeated establishment of unauthorised encampments and the disruption and loss of resources caused by this type of unlawful action.
19. It is necessary to bring these proceedings against the Defendants named in the heading as the Claimant is not aware of the names of any Persons Unknown as any name which is provided are often found to be false names. Further there may be newcomers that the Claimant is not aware of and newcomers who they have no knowledge of but who become a defendant as a result of the activity described in the heading to the Claim Form.
20. The proposed Order is intended to prevent any future unauthorised encampments on the Green Spaces being established by the Persons Unknown as described in the heading.
21. The proposed Order against the Defendants is confined in scope to the 8 specified Sites within the Borough edged in red on the maps attached marked Schedule 2 to this Claim. This is not a blanket coverage as many other areas of land in the Borough are not to be the subject of protection.
22. The Claimant is not inviting occupation of the remaining 123 locations in the Borough.

AND the Claimant seeks

As Against the First Defendant

- (1) An injunction prohibiting the First Defendant from forming an unauthorised encampment on any of the 8 sites within the Borough of Richmond-upon-Thames listed on Schedule 1 attached to this Order and shown edged red on the maps attached hereto in the Schedule marked 2 without the express written permission of the Claimant as Landowner.
- (2) An injunction prohibiting the First Defendant entering to occupy for residential purposes any of the 8 sites within the Borough of Richmond-upon-Thames listed on Schedule 1 attached to this Order and shown edged in red on the maps attached marked Schedule 2 without the express written permission of the Claimant as Landowner.

As Against the Second Defendant

- (3) An injunction prohibiting the Second Defendant depositing waste on any of the 8 sites within the Borough of Richmond-upon-Thames listed on Schedule 1 attached to this Order and edged in red on the 8 maps attached hereto in the Schedule marked "2" without the express written permission of the Claimant as Landowner.
- (4) Such further and other relief

STEVEN WOOLF

Dated this 18th day of September 2024

## Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in these Particulars of Claim are true

The Claimant believes that the facts stated in these Particulars of Claim are true. I am authorised by the Claimant to sign this statement

### Signature

*John Scarborough*

- Claimant  
 Litigation Friend (where claimant is a child or Protected Party)  
 Claimant's Legal Representative (as defined by CPR 2.3(1))

### Date

Day

18

Month

09

Year

2024

### Full Name

John Scarborough

### Name of Claimant's legal representative firm

South London Legal Partnership

### If signing on behalf of firm or company give position or office held

Managing Director

South London Legal Partnership,  
Merton Civic Centre,  
London Road,  
Morden,  
SM4 5DX

DX 161030 Morden 3

Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

**KB-2024-003315**

**BEFORE THE HONOURABLE MR JUSTICE BOURNE**

**BETWEEN:**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF  
RICHMOND-UPON-THAMES**



**-and-**

**KB-2024-003315**

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT  
AND / OR OCCUPYING FOR RESIDENTIAL PURPOSES (including  
temporary occupation) WITH OR WITHOUT VEHICLES ON ANY OF THE 8  
SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES  
LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**(2) PERSONS UNKNOWN INTENDING ON DEPOSITING WASTE ON ANY  
OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON  
THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**

**Defendants**

**UPON** the Claimant's application issued on 25 September 2024 for an interim injunction

**AND UPON** the order of Martin Spencer J dated 22 October 2024 permitting alternative service

**AND UPON** the Claimant's application notice dated 29 October 2024 for this matter to be listed for a hearing

**IT IS ORDERED:**



1. The Claimant's application for an interim injunction will be listed for a hearing, on notice to the defendants, on 19 November 2024 with a time estimate of 1 day.
2. For the avoidance of doubt, this order may be served on the Defendants pursuant to CPR 6.27 by the means specified in the order of Martin Spencer J dated 22 October 2024, i.e. by:
  - (a) affixing a copy of this order in a transparent envelope to a post in a prominent position or on a gate at the entrance to the 8 sites listed on Schedule 1 attached to the Claim;
  - (b) publishing a copy of this order on the Claimant's website;
  - (c) publishing details of this order in the Richmond and Twickenham Times;
  - (d) making a copy of this order available at the front desk of the Claimant's offices at Civic Centre, 44 York Street, Twickenham TW1 3BZ.
3. Costs reserved.
4. This Order has been made without notice. Any person affected by this Order may apply, within 7 days of service upon them, to vary or set aside this Order.

**Dated this 1st day of November 2024**

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-003315

KING'S BENCH DIVISION

The Honourable Mr Justice Martin Spencer

22 October 2024



**B E T W E E N:-**

**THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF RICHMOND UPON THAMES**

**Claimant**

**-and-**

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 ATTACHED TO THIS CLAIM**
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO THIS CLAIM**

**Defendants**

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**AMENDED ORDER FOR ALTERNATIVE SERVICE**

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**AND UPON READING THE** Application Notice dated 21 October 2024 to amend the Order dated 16<sup>th</sup> October 2024 for alternative service of the Claim Form, Particulars of Claim, N16A Application for Injunction and supporting evidence upon the unidentified Persons Unknown Defendants

**IT IS ORDERED THAT**

1. The Claimant have permission to serve the Claim Form, Particulars of Claim, N16A Application for Injunction and supporting evidence (hereinafter referred to as “the Court Proceedings”) on the Defendants pursuant to CPR 6.15(1) and CPR 6.27. The alternative method and alternative place for service is by the alternative methods set out at sub-paragraphs (a) - (d) below
  - (a) affixing a copy of the Court Proceedings in a transparent envelope to a post in a prominent position or on a gate at the entrance to the 8 sites listed on Schedule 1 attached to the Claim;
  - (b) publishing a copy of the Court Proceedings on the Claimant's website;
  - (c) publishing details of the Claim and where to access the Claim Documents in the Richmond and Twickenham Times;
  - (d) making a copy of the Court Proceedings available at the front desk of the Claimant's offices at Civic Centre, 44 York Street, Twickenham TW1 3BZ.
2. The Claimant also have permission to serve this Order for Alternative Service on the Defendants and any Notice of Hearing pursuant to CPR 6.27 by the above means.
3. Pursuant to CPR 16.5(4), the date on which the Claim Form:
  - 3.1 is to be deemed served by the Claimant on the Defendants is upon compliance with paragraphs 1 (a)-(d) of this Order;
  - 3.2 the period for filing an Acknowledgement of Service, is 14 days after compliance with paragraphs 1 (a)-(d) of this Order
4. This Order has been made without notice. Any person affected by this Order may apply, within 7 days of service upon them, to vary or set aside this Order.

## COMMUNICATIONS WITH THE COURT AND THE CLAIMANT'S SOLICITORS

All communications with the Court about this Order should be sent to Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010)

All communications with the Claimant's Solicitors to be  
Address: South London Legal Partnership, Merton Civic Centre, London Road,  
Morden, Surrey, SM4 5DX. DX 161030 Morden 3  
Tel No. 0208 8545 4568

E-mail at [byron.britton@merton.gov.uk](mailto:byron.britton@merton.gov.uk) ; [Samuel.hick@merton.gov.uk](mailto:Samuel.hick@merton.gov.uk)

Reference 337/196

Name: Yvonne Feehan  
Date: 17 September 2024  
Statement No.: 1  
Exhibits: "YF1" - "YF7"

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-**

**KING'S BENCH DIVISION**

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

**B E T W E E N:-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**

**Defendants**

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**WITNESS STATEMENT OF YVONNE FEEHAN**

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I, YVONNE FEEHAN of Parks Service Manager for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ 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 Richmond upon Thames ("the Council") for an Injunction in the terms of the draft Order that I have been shown. In particular, an injunction against the First Defendant that:

- (i) they be forbidden from setting up an encampment within the boundaries of any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 to this Order and shown edged in red on the maps attached marked Schedule 2 to this Order, without the express written permission of the Claimant, as Landowner.
- (ii) they be forbidden from entering or occupying for residential purposes any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 to this Order and shown edged in red on the maps attached marked Schedule 2 to this Order, without the express written permission of the Claimant, as Landowner.

and against the Second Defendant that:

- (iii) they be forbidden from depositing waste on any of the 8 sites within the London Borough of Richmond upon Thames listed on Schedule 1 to this Order and shown edged in red on the maps attached marked Schedule 2 to this Order, without the express written permission of the Claimant, as Landowner.

2. I believe that the facts stated in this Witness Statement being verified are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

3. By this application the Council hopes to address, problems it has experienced in recent years and in particular over the last two years since the ending of travel restrictions associated with the Covid Pandemic namely the unlawful establishment of encampments either for the purposes of residential occupation with mobile homes or caravans and / or the unlawful use of land within the London Borough of Richmond upon Thames (the Borough) for the depositing of waste.
  
4. I can confirm that when considering the making of this application I have had in mind Section 222 of the Local Government Act 1972 and have satisfied myself that the application is in the interests of the residents and other persons that frequent the Borough. I have had in mind a number of factors, including financial and environmental. I have also been very aware of the importance of community cohesion and mutual respect and how important it residents and other persons have confidence in the Borough, its management and operation.

**Personal Background:**

5. In my role as Park Services Manager I am responsible for delivering an effective front-line service for the Green Spaces, which comprise Parks, Open Spaces, Sports Facilities, Playgrounds, Nature Reserves and Woodland Areas (the Green Spaces”) within the Borough. My duties are aimed at providing clean and safe parks, estates and other open spaces throughout the Borough. In addition, I am charged with raising public awareness and promoting the use of Green Spaces.
  
6. As part of my duties, I am responsible for the effective management in dealing with unauthorised encampments. This involves addressing the problem in so far as it relates to the land owned and occupied by the Council. This part of my job description regularly brings me into contact with other agencies such as the Council’s Shared Legal Service, the South London Legal Partnership, (the SLLP), other council departments, the Police, Councillors, Members of Parliament, other private land owners and concerned residents and businesses.
  
7. By working in co-operation with other interested agencies, it is hoped that we might minimise the adverse impact of unauthorised encampment on the local community. I do so by liaising with community groups and residents, including vulnerable people, ensuring clear communication and support throughout the process.

8. I have 24 staff immediately under my authority and indirectly manage up to 3 consultant staff on a regular basis. In due course I intend to set out in greater detail the work I and my team carry out in the event that an unauthorised encampment is established, but in summary we are required to attend sites and serve notices, assess welfare issues, liaise with the Police, gather evidence for potential prosecutions or other enforcement action, attend court and attend sites to supervise evictions. We also are main point of contact for councillors and the public. We therefore deal with significant volumes of enquiries and complaints during the period of an unauthorised encampment. Only once a site has been cleared of the Travellers, can my team look to assess any damage caused to the land or property by the occupants and ensure the site is secured, cleaned of all manner of waste and to restore the site to use for the benefit of the residents of the Borough and others, from outside the Borough, who lawfully seek to use the Council's Green Spaces.

### **The Borough**

9. The London Borough of Richmond upon Thames is a borough on the outskirts of south-west London to the east of the London Borough of Wandsworth, south of the London Borough of Hounslow and north-east of the Royal Borough of Kingston upon Thames. The Borough covers an area of 5,095 hectares (14,591 acres) and is the only London Borough to span both sides of the River Thames. It has a population of just over 200,000. There are a dozen towns and villages in the Borough with the largest being the main towns of Richmond and Twickenham.
10. I now have produced and shown to me marked "YF1" an exhibit comprising a map showing the entire Borough the edged reding. Within the Borough there are 131 sites under the Council's ownership or management, and which are identified by the Council as potentially requiring protection. These include green spaces, ecological sites, cemeteries, Council controlled car parks and highway verges. The 131 sites are listed in the Schedule which forms part of the Exhibit "YF2" referred to below.

### **The Application**

11. As I will explain later in this statement, the Borough has for a number of years been visited by Persons Unknown setting up encampments on various Green



Spaces around the Borough. This has caused my team and I to initiate numerous court proceedings under sections 77 and 78 of the Criminal Justice and Public Order Act 1994 (1994 Act) to move unauthorised encampments from Borough land. The police are regularly involved and occasionally have considered using their powers under Section 61 of 1994 Act. It is unfortunate that neither of these actions has had the effect of stopping, or reducing, the instances of unauthorised encampments within the Borough.

12. As a result of careful review and discussion with my team, together with the elected Councillors, we have come to the considered view that the time has come to seek an injunction to prevent the unlawful encampments and the adverse consequences that the creation of such encampments causes even if it is ultimately for just a few days. It should not be thought that this application for an injunction seeks to protect all the Green Spaces within the Borough. This is not the case. The application is not a blanket application, but rather it focuses on those Green Spaces that have been occupied in recent times and those which are most sensitive to an encampment and which have the greatest effect on the residents and visitors to the Borough.
13. I understand that if the Court is minded to grant an injunction, it will be on an interim basis in the first place and only at a fuller hearing will the court consider a final order. This means that different considerations apply, but as I will explain I do believe an interim injunction followed by a final order is in the best interests of the Borough.

### **The Green Spaces within the Borough and those to be Protected**

14. Of the 131 sites within the Brough, many are not considered vulnerable to an unauthorised encampment or the depositing of waste. This is because they are either too small or have very restricted access. It is our experience that no unlawful encampment, or waste depositing, has ever taken place on such ground. Also, many of the 131 sites, which may be vulnerable to an unlawful encampment are not as sensitive nor as heavily used by the local Community, so it is considered that there is less of a need to ensure they are protected by way of an injunction.
15. However, the same cannot be said for 8 specified sites within the 131 sites which, after careful consideration, are believed to require preventative protection by way

of an injunction. It is my belief, and that of my colleagues, that these 8 sites are particularly vulnerable to encampments and/or waste depositing and that unless protected by the proposed preventative injunction, there is a real possibility that they will be unlawfully occupied and/or have waste deposited or fly-tipped upon them, causing particular damage to the environment and the spaces within the local Community used by residents and lawful visitors to the Borough.

16. There is now produced and shown to me marked “**YF2**” an exhibit that includes a Schedule, listing all 131 the green spaces within the Borough. Those sites have been placed into two categories. The 8 individual sites named in red text which are considered to be the most vulnerable sites. The remaining sites named in black text are vulnerable, but not as vulnerable as the sites identified in red.
  
17. As the Court will appreciate from the Application, the draft order and my evidence herein, it is only the 8 most vulnerable sites that this application seeks to protect by way of a preventative injunction. Immediately following the Schedule of 131 sites in Exhibit “**YF2**” I have produced 8 individual maps showing the specific locations of the sites the Council seeks protected, edged in red, in their immediate vicinity. The Court will consider each of the 8 sites but I trust will consider them in the context of:
  - (i) whether the sites have environmental sensitivities.
  - (ii) whether the sites are valued by the local people and managed and maintained by volunteers.
  - (iii) whether the sites have been the subject of previous unlawful encampments and waste depositing.
  - (iv) whether the sites are prominent, open and in regular use such that unauthorised occupation would cause considerable disruption.
  
18. I set out below additional information that applies to the 8 specified sites. It will be noted that all of these sites are close to residential areas:-
  - (i) Site 1: Ham Lands,

Ham Lands is a 72-hectare Local Nature Reserve and Site of Metropolitan Importance for Nature Conservation in Ham within the Borough. Lying adjacent to the River Thames, this Local Nature Reserve has a mixture of habitats ranging from woodland to wetland. Ham Lands are very popular with horse riders, dog walkers and nature lovers, as they contain a diverse number of plants and animals.

(ii) Site 2 - Ham Riverside Drive Open Space

The Ham Riverside Drive site contains an open space with grass area for ball games, an orchard and a good size playground with equipment for children of all ages.

(ii) Site 3 - Ham Riverside Pitches

Ham Riverside Pitches is an open field of amenity grassland next to the River Thames in Ham and close to Ham House and Garden, (owned by the National Trust) predominantly used for sport and informal recreation. The site is adjacent to the large nature conservation area of Ham Lands and is enclosed by posts and a low barrier gate on the boundary with Ham Street.

(iv) Site 4 - Kew Green

Kew Green is a large open space in Kew. It is roughly triangular in shape and its open grassland, framed by broadleaf trees, extends to around 30 acres, including Kew Pond. It is overlooked by a mixture of period townhouses, historic buildings and commercial establishments. It is effectively a village green and is a popular area for community and sporting events, including cricket. It is enjoyed by walkers and wildlife enthusiasts, particularly for its various water birds at Kew Pond.

(v) Site 5: Old Deer Park

This is an area of open space used as a leisure centre located within Old Deer Park. The site is protected by fencing, barriers, and posts. The site contains an open space with grass area for ball games, a good size junior and infant play area with a wheelchair accessible roundabout and spinner bowl, tennis courts and an Adizone outdoor gym. It is considered that this site is particularly vulnerable as it is located very close to the A316.

(vi) Site 6: Richmond Green

Richmond Green is an important recreation area near the centre of Richmond, a town of about 20,000 inhabitants. The Green is a venue for various festivities throughout the year, including the May Fair. There is also a cricket pitch for keen players of the sport. Many old houses, the central library and the famous Richmond Theatre surround the Green, and the remnants of Richmond Palace can be seen on one side.

(vii) Site 7: Ham Common

The development of Ham Common dates from at least the 17th century, associated with the building of Ham House and the laying out of its landscape. The history of this area is also linked with the enclosure of Richmond Park by King Charles I. The Common is a popular local recreational amenity within the Borough, listing a well-utilised cricket pitch and large duck pond. Ham Pond is the Common's focal point, and it dates back to when horses were watered on the Common. Nowadays the pond attracts children and parents who enjoy feeding the ducks. Community events and cricket matches are often played in the summer.

(vi) Site 8: King George's Field

Taking its name from the King George V Trust, which made funds available for local authorities to purchase land for use as sports fields in the 1930s, this park is used for a number of sports throughout the year.

Facilities include:

- Car parking
- Changing rooms
- Two cricket pitches
- Three full-sized football pitches
- Four tennis courts

19. Of course, by this Application and identifying the most sensitive and vulnerable sites, the Council are not inviting unauthorised encampments and waste depositing on the remaining sites, but we are recognising that the other sites are less sensitive.

20. It should not be thought that as there is no transit site in the Borough for Travellers and there is no negotiated stopping policy in place, the Council does not take its Public Sector Equality Duty, set out in Section 149 of the Equality Act 2010, very seriously. We give due regard to all ethnic groups, including Gypsies and Travellers, when delivering and developing our services, including through considering the health, care and wellbeing needs of the Gypsy and Traveller communities within the Public Health Joint Strategic Needs Assessment. We also routinely offer welfare and safeguarding checks to Travellers in unauthorised encampments and when made aware of specific needs refer onwards to the relevant services. The enquiries are designed to obtain information in order that the Council can better provide for the needs of the Travellers. It is however our experience that the Travellers are usually disinclined to provide any information and are reluctant to co-operate.
21. If the information provided was such that it was obvious that tolerating an encampment for a short period of time, for example because there is pregnant women amongst them, a decision to permit the continued occupation for a limited time can be made.
22. The Council must however balance these responsibilities with those its holds to the wider community to protect public space, prevent damage to council-owned property and uphold the Public Space Protection Order (PSPO) made by the Council under Section 59 of the Anti-social behaviour, Crime and Policing Act 2014, as well as local bye-laws. We believe that we strike an appropriate balance in our actions and our communications on the matter.
23. In short we always exercise patience and tolerate non-disruptive short-term occupancy and have, even done so on the 8 specified sites that this application seeks to protect going forward.

### **The Historic Injunctions**

24. Before addressing the Application and proposed injunctive relief sought, I should point out, that this is not the first Injunction of this type that the Council have sought. In March 2019 an injunction to prevent the unlawful occupation and the depositing of waste on the 131 green spaces and associated land was successfully applied

for. That Injunction remained as an interim Order due to awaited decisions from the Court of Appeal in respect of similar proceedings.

25. The interim injunction obtained in 2019 operated throughout 2019 and most of 2020. However, it was then one of the actions that came to be heard initially by His Lordship Mr. Justice Nicklin in a combined action known as London Borough of Barking v Persons Unknown [2021] EWHC 1201 (QB) and then by the Appeal Court in the same named case, reference [2022] EWCA Civ 13.
26. The original first instance decision of Nicklin J. made injunctions of the type that the Council had obtained in March 2019 unlawful, due to their reach over newcomers. However, the Council was one of several local authorities that successfully appealed that decision to the Court of Appeal. The Court of Appeal, subject to some important observations, confirmed that injunctions against Persons Unknown, including those unknown persons who have not yet been served are lawful and can be pursued if the circumstances allow. These injunctions can be used to prevent acts of nuisance and trespass, and breaches of planning control on public held land. Subsequently, the matter came before the Supreme Court and in a judgment handed down on 29 November 2023 upheld the earlier decision of the Court of Appeal and confirmed that the courts do have the power to grant “newcomer” injunctions against persons unknown.

### **Need for a new Injunction**

27. Because of that identified risk, we have concluded that unless the Council takes the preventative measures of protecting the vulnerable and sensitive sites within the Borough, there is a distinct possibility that these sites will continue to be used and be damaged and not be able to be used by others for periods during the year.
28. It is imperative for the benefit of the residents of the Borough and other local users of the Green Spaces, that an injunction in the terms of that shown to me and which forms part of the Claim Form, is granted. In the absence of such an injunction, the disturbances of the past where green spaces have become unusable and the financial consequences of having to address these actions, will result in disquiet amongst the community within the Borough, and involve considerable sums of Council money having to be expended in order to address the problem. I am sure the Court will appreciate that this money would be better used to enhance the

quality of life of the residents and visitors into the Borough. The amounts per encampment are set out in an exhibit to which I shall shortly refer.

29. I should emphasise 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 from the Travelling Community are most likely to be affected by the injunctive relief being sought. I am aware of the fact that 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 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, the PSPO and 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 people of the Borough and lawful visitors.
30. As part of the assessment between the Gypsy and Traveller way of life and the needs of the rest of the Borough, its residents and visitors, it is inevitable that financial factors have to be taken into account, particularly in these times of austerity and high demand on local authority budgets. As I shall endeavour to explain the cost involved in restoring land, which 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 Council's remit. In addition, the time involved in recovering land is lost, when officers and other agencies would be better engaged in advancing positives in the Borough.
31. It is with that balance in mind that I, together with assistance from colleagues at the Council, have completed an Equality Impact & Needs Analysis (the Analysis), a copy of which is produced and shown to me marked "YF3". As can be seen the Analysis has taken into account the harm and adverse effect that unlawful encampments and fly-tipping has on the Borough and its residents in both financial (pure monetary terms) and non-financial (such as community relations and anti-social behaviour) terms and balanced that with an assessment of the welfare and occupation needs of Persons Unknown. The Analysis makes amongst other things the following conclusions at its Summary section:

- (i) The Council has considered the adverse impact of its proposed action on this protected group.
- (ii) The Council is mindful that the family life of an individual seeking to occupy Council land without authorisation of the Council can be disrupted as a consequence of the proposed action. This may include disruption to the general well-being of those in the group for the reasons set out above however the Council has a protocol which sets out the steps it will take to deal with unauthorised encampments and includes the actions the Council will take to mitigate against the adverse impact of its actions in the form of the Welfare Needs Assessments. The possible outcomes of which include signposting to appropriate services.
- (iii) Overall, after careful assessment and consideration of the different factors, the Council is satisfied that it is appropriate to bring these proceedings to secure a preventative injunction to protect a limited number (8) sites in the Borough.

32. I have come to the conclusion that the risks to the rights of the Persons Unknown have been identified and mitigated and that the decision to proceed with this application is proportionate and appropriate in all the circumstances.

33. Of course, it is recognised that even if the Court were to grant the injunction sought, there may be occasions in the future when persons come onto the 8 sites and establish an encampment. These persons will be treated no differently and the procedures that the Council will adopt will be precisely the same, as if they occupied any of the other sites in Richmond not protected by an injunction. The reason for the injunction is to attempt to prevent occupancy in the first place. The hope is that by identifying the 8 most vulnerable and sensitive sites and ensuring notices are placed on all the fences and gates, any person or group of people seeking to occupy green spaces in the Borough, will not occupy those 8 sites, but go elsewhere.

### **Why an Injunction**

34. This proposed application for an injunction therefore has to recognise that it is based upon our concerns and nervousness arising out of historic experiences and awareness that without injunctive protection there is a very strong likelihood of



encampments being established, with all the adverse consequences that flow from their creation.

35. What I believe will be useful for the purposes of this injunction is to understand the incidents and consider specific evidence of damage caused when unlawful activity takes place on Council owned land. As can be seen from exhibit "YF4" the incidents relate to the 5 years prior to the making of this application.
36. I produce a bundle of photographs exhibited at "YF5" showing the extent of the occupation on various sites since 2019 and the devastating effect some of these visits have had on the Green Spaces within the Borough. It will be appreciated that the unauthorised encampments by Travellers into the Green Spaces is indiscriminate. This has a wide impact upon the quality of life of all persons in the Borough and those lawfully using the Green Spaces.
37. It will be appreciated that the biggest problem associated with encampments is fly-tipping and waste. This is obviously a source of considerable pollution and danger to the public. The harm will depend upon the content of the waste, but in addition to household waste, green waste can be devastating as it causes an imbalance in the fauna and flora.
38. In addition to fly-tipping and waste regularly left on sites of unlawful encampments, physical damage to property is often caused. This arises because it is not uncommon for forced entry to be gained onto sites through gates and barriers, using power tools and vehicles. There has been an increase in the disregard for physical property as the Council seeks to secure, the occupiers think of more "ingenious" ways to overcome whatever security measures are put in place. Photographs exhibited to "YF5" show the damage caused to an entrance gate to Ham Playing Field in August this year.
39. Complaints of noise and nuisance and anti-social behaviour (ASB) are regularly received. The encampments are in residential areas, close to houses and it is therefore not surprising that noise and nuisance and ASB would arise where dozens of vehicles and people descend on an otherwise quiet area. Numerous complaints are received from local residents when encampments are set up on the Green Spaces. Some are obviously more serious and more disturbing than others. One particularly disturbing example was when we were advised that ducklings were being mistreated and of waste, including human waste being thrown into a pond in August at Ham Common in July this year.

40. I now have produced and shown to me marked Exhibit “**YF6**” a number of examples of the type of complaints we have received over the last five years. As will be seen these documents have been redacted to prevent the complainant’s identities and contact details coming into the public domain.
41. The cost to the Council can be considerable. There are obviously the direct clear up costs and costs to repair damaged property that can involve many thousands of pounds. However, the indirect costs are often as significant. The Council suffers a significant indirect loss whilst officers deal with the encampments. The hours that dealing with an encampment can never be recovered and it means that other requirements and tasks of those officers for the better performance/ management of the Council are lost. Attending sites, to carry out welfare checks involves many hours. After the encampment moves on it is not uncommon for council contractors to spend days clearing up after the unauthorised encampment.
42. I should add that in addition to the costs associated with Council staff having to clear up the waste and undertake restoration work, there is a further loss being incurred by the Borough. Whilst an encampment is present there is additional costs incurred to the Council to engaged additional staff from our enforcement contractors, Park Guard, as well as bailiff/High Court Enforcement Officer costs when required which can often amount to tens of thousands of pounds. This arises because the time spent on clearing up after the encampments are vacated means that these staff cannot spend time on their other maintenance duties in other areas. Unfortunately, in order to meet its obligations across the Borough, staff are often spread thinner than we would like. Occasionally it has been necessary to engage agency staff at high costs as well as our own staff on an overtime basis. It is very important that we do not lose sight of other Green Spaces because general littering does inevitably take place and this of itself can be hazardous to park users, especially children. If they are not checked on a daily basis a serious accident could occur. The additional costs to the Council are set out in the schedule of costs from historic encampments exhibited at “**YF4**”.
43. In addition to the time spent at the encampment during and after its occupation, the officers have to spend many hours preparing legal documents, including witness statements and then serving at the site. The Council officers are sadly quite experienced in such matters but it still requires careful preparation to ensure all the evidence required is presented to the court enabling it to grant a possession order. There are also hundreds of emails from councillors and concerned members of the public to deal with. The Council also has to engage solicitors and counsel for the

court hearing. It is rare that encampments go before the legal teams get involved. Legal and Enforcement costs in securing possession orders and enforcing possession are often well over £20,000. Indeed, the most recent Traveller encampments in late July and August this year of Ham Common and Kings George's Field resulted in total costs in excess of £40,000 in each case.

44. The following information relates to the particular sites and their most recent encampments.

#### **Ham Lands, Ham Riverside Drive and Ham Riverside Pitches**

- (a) 14 May 2020, Ham Riverside was visited upon by 7 caravans and at least 10 other vehicles. Due to the lockdown measures resulting from the coronavirus outbreak, there was a substantial delay in issuing an application for an injunction against the Travellers on the site. The Travellers remained on site for 21 days before being evicted on 4 June 2020, when their ASB escalated, and an injunction was served with the support of Bailiffs.
- (b) 19 June 2020, Ham Lands was visited upon by two vehicles which gained access via an entrance from Riverside Drive. The encampment remained for 1 day after being served a copy of the Council's injunction from Council Officers and Parks Patrol Contractor (Parkguard).
- (c) 03 March 2021, Riverside Drive Open Space was visited upon by at least 4 caravans and 4 vehicles. The encampment remained for 1 day after being served a copy of the Council's injunction from Council Officers and Parks Patrol Contractor (Parkguard).
- (d) 27 August 2021, Ham Riverside Pitches was visited upon by at least 3 caravans. The encampment remained for 4 days until the Council served a Removal Direction (Section 77 of the 1994 Act).

#### **Kew Green**

- (a) 08 June 2019, a single caravan towed by a vehicle arrived and left within hours and no costs were incurred by the Council.

- (b) 25 May 2021, 14 caravans and 12 other vehicles formed an encampment and remained for 7 days. The Travellers only moved on after a possession order was granted and enforced.
- (c) 4 August 2021, 9 caravans and 9 other vehicles formed an encampment remained for 3 days. The Travellers moved off after the Council served a High Court Order for Possession.
- (d) 01 August 2022, at least 7 caravans and 11 other vehicles established an encampment. When I attended the site, I was not able to identify the precise number of people in occupation, but I witnessed 18 persons, as well as 14 children and 4 dogs.

The SLLP was instructed to recover possession but fortunately, proceedings did not need to be pursued as the Travellers left of their own accord. However, the Court may be interested to read the various e-mails received at the time from local residents and businesses complaining about this latest occupancy which are set out in Exhibit “YF6”.

- (e) 18 April 2023 10 caravans and associated vehicles and approximately 35-40 persons, including 4 children under the age of 5 and a heavily pregnant woman set up an encampment. The usual welfare enquiries were organised but none of the Travellers wished to engage with the process.  
A possession order was subsequently obtained and enforced. However, no sooner had the occupiers vacated Kew Green than they returned just four weeks later.
- (f) 16 May 2023, the Council’s Parkguard service reported that the site subject to an encampment by persons unknown, with 4 caravans, and 9 cars were identified. Further vehicles arrived, together with a large group of at least 20, but possibly more people. At least one of the vehicles on site had the same vehicle registration number as that which had occupied the site from 18 April 2023.

The April 2023 possession proceedings were resurrected and a further possession order was obtained. Unfortunately the pattern described above was repeated again, when the Travellers, this time numbering around 50 people, accompanied by at least 9 caravans and 17 vehicles (cars and vans) re-occupied Kew Green see (g) below.

- (g) 02 June 2023, at least 15 Caravans and as many supporting vehicles formed an encampment on the site. It remained for 4 days and left on the evening of 05 June 2023 on their own accord. This followed an increased Police presence and prior to being served a Removal Direction (section 77 of the 1994 Act). Persons from this encampment had been witnessed by members of public baiting and hunting wildfowl in the nearby Kew Pond with dogs.

### **Old Deer Park (incl. Pools on the Park)**

- (a) 07 January 2019, 6 Caravans, a Motor Home and 10 vehicles formed an encampment which remained for 3 days until served with a Removal Direction by the Council (Section 77 of the 1994 Act).
- (b) 12 July 2019, 8 caravans and 13 vehicles formed an encampment. The group left on their own accord the following day.
- (c) 21 April 2021, a single caravan stayed for 1 day after being served a copy of the Council's injunction by Council Officers and Parks Patrol Contractor (Parkguard).

### **Richmond Green**

- (a) 13 September 2023, a significant convoy of vehicles and caravans (between 20-30 vehicles in total) formed an encampment. The behaviour from the Travellers was anti-social and volatile and the Police moved them on the following day.

### **Ham Common**

- (a) Evening Friday 26 July 2024, a significant number of vehicles, caravans and individuals, arrived and quickly establish an encampment. Council Officers attended on Saturday morning, and counted at least 16 cars, 21 vans and 20 caravans, together with over 100 adults and children, and 8 loose dogs.

This increased to 40 caravans, and approximately 32 vans and 16 cars – difficult to be accurate due to constant vehicle movements on and off site.

01 August 2024 the Council was granted an urgent possession order and the Group were evicted the same day under a Writ of Possession enforced by High Court Enforcement Officers (HCEOs), Parkguard, together with assistance from the Police.

The Group were followed out of the area, but half of the Group gained illegal entry onto Hampton Court Green (Royal Palace land). Having been blocked in by staff, and after negotiation with staff/the Police the Group were forced to leave the site. They then set up an encampment at the Hawker Centre in Ham (which is within the Royal Borough of Kingston upon Thames).

Exhibit “YF5” contains photographs of this encampment.

### **King George’s Field**

- (a) 05 August 2024, having been evicted from the Hawker Centre, as detailed above, the same group that were on Ham Common at the end of July 2024 returned to the Borough.

By illegally removing concrete posts they gained access onto the site and 40 caravans, 32 vans, 16 cars (+ 2 vehicles and tent at Ham Riverside Drive) established an encampment.

09 August 2024 the Council again secured an urgent possession order and the Group were evicted under a Writ of Possession issued and executed by HCEOs, with Parkguard and assistance from the Police. The Group then moved to Woking according to the Council’s Contract Manager who lives in Woking and recognised the Group.

Exhibit “YF5” contains photographs of this encampment.

### **Identity of the Defendants and Service of Proceedings**

45. It is impossible to identify with any certainty the persons who have in the past, and are therefore likely in the future, to occupy land belonging to the Council and which

needs protecting by injunction. This is because we still do not have reliable information as to the identities of those involved, as the names they may have provided in the past to officers who have attended them to conduct welfare enquiries, are not believed to be truthful. It is not uncommon to be given clearly fictitious names, such as Mickey Mouse when undertaking welfare checks or site assessments. More often than not, as I shall illustrate, they do not engage and no names are given. There are also many other potential unlawful occupiers who we have absolutely no knowledge of at all, who might wish to occupy land in the Borough.

46. Many of those involved in making up the unlawful encampments know very well how the system works, how long it will take to obtain a court order and that bailiffs/HCEOs will need to be instructed to enforce the order. It is often the case that the encampment will stay and only leave once it knows the court order has been obtained. Officers are commonly informed that the encampment will remain for as long as it can.
47. It is for that reason why the proposed Defendants to this Application are stated as set out in the title to the Claim shown at the header to this Statement and on the remainder of the paperwork, including the draft Order.
48. As this Court will appreciate the proposed Defendants are described very specifically. This description is intended to be in accordance with the judicial guidance that has been handed down in relation to persons unknown injunctions. I am advised that it is appropriate to refer to unknown persons in the way described in the heading as we do not have reliable information as to the identities of those people who have occupied the Green Spaces in the past and of course we are keen to prevent unknown persons doing so in the future.

#### **What happens when a Camp is Established and the Interaction with the Gypsy/Traveller Community?**

49. New encampments are first discovered either by notification from local residents. This is because the unauthorised encampments almost always take place at night and most often over the weekend. The first sign is often a broken lock or where there is no gate or lock, the actual visualisation of a camp.
50. A camp is commonly made up of anything between 10 and 50 vehicles with caravans, but it is not uncommon that there are even more, particularly as many

vehicles can be towing vehicles and trucks. Examples of particularly large camps can be seen from the photographs in Exhibit "YF5".

51. Upon discovering that a camp has been set up, I am usually one of the first persons to be notified. The first thing I do is re-organise the park staff's routine plans for the location as no park maintenance, including park cleansing can proceed whilst an encampment is in situ. This is because of the dangers associated with attending a site; not just the possible risk of an assault or worse but because of the dangerous and hazardous materials that are brought onto site.
52. I then look to notify the senior management within the Council and the Borough's Police Duty Inspector. The Police have commonly been very sympathetic and assist as much as they can, but their resources are spread thin and they have not been able to offer a great deal of assistance. The Police have rarely exercised their powers under section 61 of the 1994 Act to direct Travellers to leave a site.
53. If I am able, I will attend at the site as soon as practicable alongside our Park Enforcement Contractors, Parkguard. This I do in order to carry out an inspection of the land and try and engage with the Travellers so as to find out what their plans are. In particular, we are always keen to discover why they were in the Borough and when they intend to move on. In line with our usual practice we will always seek to carry out a Welfare Assessment to enable us to establish whether there are any vulnerable or disabled members of the group in need of medical attention and any children.
54. We are also always concerned as to the medical condition of those on the site, both physical and mental health. If anyone is pregnant or there is a new born baby, this will also be recorded and taken into account in determining what action to take. The information gathered is always forwarded to the appropriate Council Department dealing with housing, public health and educational matters. Following a referral to the various interested agencies within the Council, I am always aware that if asked for, advice and assistance can be given. As part of the 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, we also give particular attention to their educational needs.



55. I now have produced and shown to me marked exhibit “YF7”, a 21 page Parkguard Incident Report setting out in considerable detail the events surrounding the recent encampments in Ham Common from 26 July 2024 and King George’s Fields from 5 August 2024. As will be appreciated many hours are spent on the sites working with the Travellers assessing their needs and ensuring their well-being. After attendance very thorough notes are taken. Needless to say the note-taking itself is a lengthy process involving many hours of officers time.
56. In accordance with the Borough’s usual procedure we engage with the Travellers to ascertain their intentions and advise of the PSPO and byelaws which are in force across the Council’s open spaces. Welfare checks are then carried out to ascertain if there are any vulnerable persons on site. If there is not, we proceed with process of eviction.
57. The process of eviction, subject to the circumstances of the case and the Travellers, is either by the issue and service of a Removal Direction requiring the Travellers to leave under Section 77 of the 1994 Act, enforced by means of a Removal Order under Section 78 of the 1994 Act, or if necessary, by the commencement of possession proceedings. The process can take a long time as the Travellers frequently try to avoid being removed and there may also be delays securing a hearing date from the courts.
58. Whilst we endeavour to keep the area clean and tidy during an encampment we need to assess risk to our contractors. Generally, we supply waste bags to the group via Parkguard to manage the volume and impact on community. Our Contractors will empty bins around perimeter that are safe to access to prevent widespread littering across the site caused by foxes and birds ripping open bags to scavenge for food. Only once the Travellers have left a site, would I and my team go onto the site to assess a full clean up and what works of restoration are required. It is always hoped that the level of waste will be manageable by Borough staff, because although their time has a value it is cheaper than if outside contractors need to be engaged. Obviously if the waste is significant (industrial scale) I would contact external contractors to remove the building materials as the volume would be far beyond that which we could manage.
59. If a site can be cleared by my team, then the costs are far less than if outside contractors do the clearance. However, the number of hours expended in making good the area again, in order for it to be useable for the community, can be considerable in particular the volume of waste to be disposed of. This is because

in addition to general clear-up, it is almost always the case that the Green Spaces and sport facilities need reinstatement of some sort. This can be a lengthy process as the land can be significantly damaged, particularly in the Autumn and Winter months when the ground conditions are wet.

60. Obviously, even after the Travellers have left a particular green space, we need to be constantly vigilant, as it is possible that a piece of glass or wood or metal or other hazardous waste may not have been spotted during the first clean up.

### **Seeking an Injunction**

61. I am advised that when a Court considers an interlocutory injunction such as the one being sought by the Council it is obliged to have regard 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.
62. There can be no question that a serious issue is before the Court, namely the potential for trespassing, public nuisance and contraventions of the PSPO or byelaws on Council 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 unknown persons a right to occupy, the adverse effect on the inhabitants of the Borough and lawful visitors using the Green Spaces, where communities encamp on the leisure and recreational areas of the Borough could not possibly be quantified in damages and certainly could not be reimbursed to the residents and others affected by it.

### **The Draft Order**

63. Since there is very clearly a serious issue, where damages cannot act as an adequate remedy and the balance of convenience is firmly in the Council'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.

64. The draft Order seeks to prevent vehicles such as caravans and mobile homes, as well as vans and lorries, coming onto the 8 specified sites for the purposes of occupation. In addition, the draft Order seeks to restrict the depositing of waste and fly-tipping. Nothing in the draft Order restricts driving in the Borough or even driving on roadways within the sites sought to be protected where roadways exist, such as roadways within a park. It is simply seeking to prevent specified sites from being occupied as an encampment and / or waste depositing. The draft Order does not have the effect of restricting in any way the lawful activities of anyone outside the terms of the Order.
65. The injunction would attach to the 8 specified sites, but of course there would be nothing to stop an individual applying to the Court to set aside or vary any Order made if they felt the Order was unfair and should be set aside or varied.

**The Hoped-for Benefit:**

66. It is appreciated that there was a reduction in the number of encampments in 2020 and 2021. However, the recent activities of the Travellers within the Borough has increased and the Council are now very concerned that these regular visits are causing huge problems for the Borough. Attempts by other means to avoid encampments have failed. These attempts rely on the legislation and increased security, but they are of limited assistance. The Travellers know their rights and how to exploit the legal process and frustrate the exercise of Council's legal remedies. They also significantly know how to breach the measures deployed by the Council to secure its sites including physical barriers.
67. The perceived only way to address this problem is to seek the injunction for the limited number of sites sought. The application is intended to prevent there being a problem before it arises, rather than reacting to the problem after the event and after the encampments have been established. This is because they are established in a matter of minutes but take days to remove, often at very significant cost in terms of the removal and restoration.
68. The benefits to the communities within the Borough will be significant (as they were previously when the borough wide injunction was in force). Community relations and contentment will increase. This is an important consideration in a Borough that does have social and economic problems to contend with. It is hoped that the huge amounts of money that have had to be expended containing, controlling and

recovering land unlawfully occupied can be better used to enhance the quality of life of all the residents of the Borough allowing access to enjoy the spaces. There can be no doubt that the amounts previously expended on addressing the problem of unlawful occupation and fly-tipping has been extremely damaging to so many aspects of community funding, from social services to education and transport to safety, especially at times of austerity.

69. An injunction will also assist the local police who do not have the resources to fully police the problem (exemplified by the Kew Green encampment in June 2023, where the Police declined to exercise their powers under Section 61 of the 1994 Act, even after a serious assault on a member of the public by 4 youths from the encampment), but who are constantly being contacted with reports of criminal activity and ASB. The Police also declined to use the powers in July/August 2024 during Ham Common and King George's Field encampments (see paragraph 44 above) as they believed the threshold for ASB had not been met, despite our reports of criminal damage to council land and property.
70. I am quietly confident, particularly based on past experience, 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 8 specified green spaces, so as to enhance the quality of life of all the residents and visitors to the Borough and allowing unimpeded access to the spaces and its facilities. It is recognised that the other Green Spaces in the Borough remain vulnerable, but that is the balance that this application seeks to achieve; namely protecting the particularly vulnerable and important sites for the benefit of residents and the wider community who visit them but recognising a need for the Travelling Community to remain when they visit the Borough.

**Conclusion:**

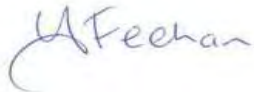
71. The Council is seeking a preventative injunction for 8 specified sites. This is because it is seen as necessary to try and prevent the occupation of these sites in the first place and adjust the balance which is so prejudicial to the Borough and its residents and the wider community who visit them, when an encampment is established and when serious fly-tipping occurs on those sites that are important to the well-being of the Community.
72. A Court order that expressly restricts all persons from occupying, setting up encampments and depositing waste on the specified sites that are to be protected by this injunction application, will ensure that the intended purposes for the Green

Spaces 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 encampments and fly-tipping. It is firmly believed, that based on our past experience an injunction will have a significant beneficial effect in protecting the specified sites from unlawful occupation and waste depositing.

- 73. It is for this reason that this application is made, which I respectfully request the Court to order, as it is hoped that by having an injunction preventing encampments being established or waste being deposited, the attraction of the Borough to the Traveller community will slowly cease.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



.....

YVONNE FEEHAN

Dated this 17th day of September 2024

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-**

**KING'S BENCH DIVISION**

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

**B E T W E E N :-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /  
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary  
accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 6 SITES  
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON  
THE SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 6 SITES WITHIN  
THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE  
SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

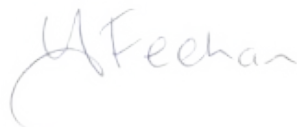
**Defendants**

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**EXHIBIT "YF1"**

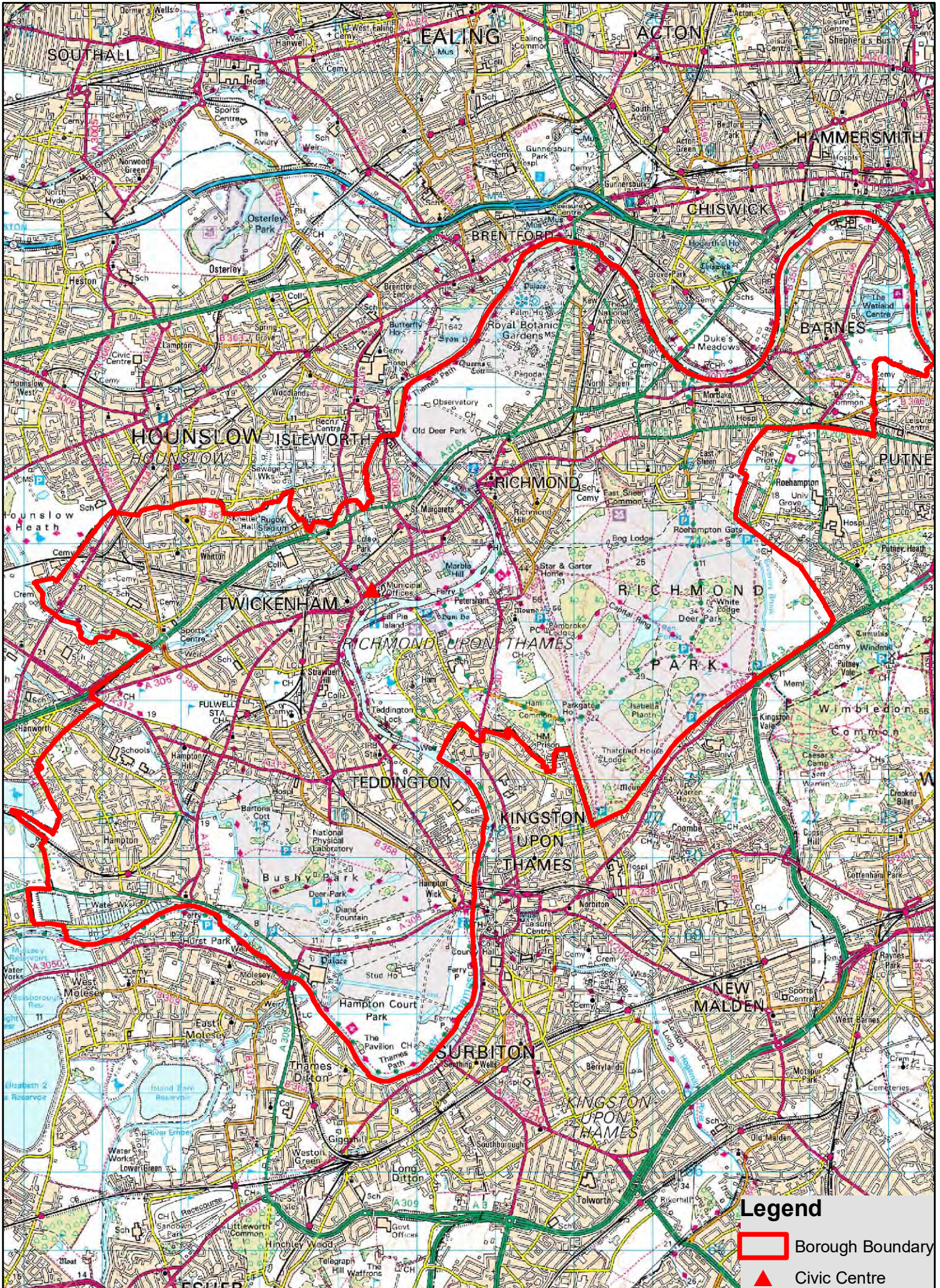
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This is Exhibit Sheet "YF1" referred to in the Witness Statement of YVONNE FEEHAN dated 17 September 2024.



.....  
**YVONNE FEEHAN**

# London Borough Of Richmond Upon Thames Boundary



**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-**

**KING'S BENCH DIVISION**

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

**B E T W E E N :-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /  
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary  
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WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON  
THE SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 6 SITES WITHIN  
THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE  
SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

**Defendants**

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**EXHIBIT "YF2"**

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This is Exhibit Sheet "YF2" referred to in the Witness Statement of YVONNE FEEHAN dated 17 September 2024.



.....  
YVONNE FEEHAN



**Parks and Open Spaces**

<b>No.</b>	<b>Site Name</b>	<b>Address</b>
1	Alpha Road Gardens	Alpha Road, Teddington, TW11 0QG
2	Arundel Close Wildlife Site	Arundel Close, Hampton, TW12 1SW
3	Barn Elms Playing Field	Queen Elizabeth Walk, London, SW13 9SA
4	Barn Elms Southside	Rocks Lane, London, SW13 9SA
5	Barnes Common	Vine Road, London, SW13 0NE
6	Barnes Green	Church Road, London, SW13 9HE
7	Beaufort Court	Fisherman Close, Richmond, TW10 7YP
8	Bell Hill Recreation Ground	Thames Street, Hampton, TW12 2EA
9	Benn's Alley	Thames Street, Hampton, TW12 2EW
10	Beveree Wildlife Site	Beaver Close, Hampton, TW12 2BZ
11	Bridge House Gardens	Bridge Street, Richmond, TW9 1TQ
12	Broom Road Recreation Ground	Trowlock Way, Teddington, TW11 9QY
13	Buccleuch Gardens	Petersham Road, Richmond, TW10 6UY
14	Bucklands Open Space	Sycamore Way, Teddington, TW11 9QQ
15	Burnell Avenue Open Space	Burnell Avenue, Richmond, TW10 7YE
16	Cambourne Path	Northumberland Place, Richmond, TW10 6TS
17	Cambridge Gardens	Clevedon Road, Twickenham, TW1 2TA
18	Carlisle Park	Wensleydale Road, Hampton, TW12 2UL
19	Castelnau Recreation Ground	Barnes Avenue, London, SW13 9AA
20	Champions Wharf Play Beach	Champions Wharf, Twickenham, TW1 3DT
21	Chase Green	Redway Drive, Twickenham, TW2 7NN
22	Cholmondey Walk	Friars Lane, Richmond, TW9 1NP
23	Church Road Play Area	Church Road, Teddington, TW11 8PY
24	Compass Hill	Hill Rise, Richmond, TW10 6UB
25	Court Close	Court Close, Twickenham, TW2 5JH
26	Crane Park	Crane Park Road, Twickenham, TW2 6DF
27	Craneford Way	Craneford Way, Twickenham, TW2 7SQ
28	Cypress Avenue Play Area	Cypress Avenue, Whitton, TW2 7JU
29	Duke of Northumberland River	Whitton Dene, TW7 7LA
30	Dean Road Open Space	Dean Road, Hampton, TW12 3JL
31	Diamond Jubilee Gardens	The Embankment, Twickenham, TW1 3DU
32	Elmfield Gardens	High Street, Teddington, TW11 8EE
33	Garfield Road	Garfield Road, Twickenham, TW1 3JS
34	Garricks Lawn	Hampton Court Road, Hampton, TW12 2EN
35	Gothic Gardens	Petersham Road, Richmond, TW10 6UT
36	Grimwood Road Recreation Ground	Grimwood Road, Twickenham, TW1 1BY
37	Grove Gardens	The Grove, Teddington, TW11 8AS
38	Grove Road Gardens	Grove Road, Richmond, TW10 6SW
39	Ham Avenues	Sandy Lane, Ham, TW10 7EJ
40	Ham Common	Upper Ham Road, Richmond, TW10 5LA
41	Ham Common Woods	Ham Gate Avenue, Richmond, TW10 5HD
42	Ham Lands	Kingfisher Drive, Richmond, TW10 7UE
43	Ham Riverside Meadow	Ham Street, Richmond, TW10 7RS
44	Ham Riverside Pitches	Ham Street, Richmond, TW10 7RS
45	Ham Village Green	Ham Street, Richmond, TW10 7HW
46	Ham Street Car Park	Ham Street, Richmond, TW10 7RS
47	Hampton Common	Buckingham Road, Hampton, TW12 3JA
48	Hampton Village Green	Ham Street, Richmond, TW10 7HW
49	Hatherop Park	Hatherop Road, Hampton, TW12 2RQ

50	Heathfield Recreation Ground	Powder Mill Lane, Twickenham, TW2 6EG
51	Holly Road Garden Of Rest	Queens Road, Twickenham, TW1 4EU
52	Holly Road Recreation Ground	School Road Avenue, Hampton, TW12 1QJ
53	Hounslow Heath	Hanworth Road, Hounslow, TW4 5LJ
54	Isleworth Promenade	Isleworth, Twickenham TW7 7BY
55	Jubilee Gardens, Teddington	Station Road, Teddington, TW11 8EW
56	Jubilee Gardens, Mortlake	Mortlake High Street, London, SW14 8HQ
57	Jubilee Meadow	Powder Mill Lane, Twickenham, TW2 6EG
58	Kew Green	Kew Green, Richmond, TW9 3BH
59	Kilmorey Mausoleum	St Margarets Drive, Twickenham, TW1 1QN
60	King Georges Field	Ham Street, Richmond, TW10 7RS
61	Kings Field	Hampton Court Road, Kingston upon Thames, KT1 4AE
62	Kneller Gardens	Meadway, Twickenham, TW2 6PH
63	Langdon Park	Broom Road, Teddington, TW11 9PQ
64	Leg O Mutton	Lonsdale Road, London, SW13 9QN
65	Linear Walk	Hawley Close, Hampton, TW12 3XX
66	Manor Gardens	Manor Road, Hampton, TW12 2TX
67	Manor Road Recreation Ground	Manor Road, Teddington, TW11 8BF
68	Maple Close Open Space	Maple Close, Hampton, TW12 3QL
69	Mears Walk	Northumberland Place, Richmond, TW10 6TS
70	Mereway Nature Park	Rowntree Road, Twickenham, TW2 6RP
71	Midhurst Site	Petersham Road, Richmond, TW10 6UT
72	Mill Road Open Space	Mill Road, Twickenham, TW2 5HA
73	Moormead and Bandy Recreation Ground	Moor Mead Road, Twickenham, TW1 1JS
74	Mortlake Green	Sheen Lane, London, SW14 8HY
75	Mullins Path Open Space	Mullins Path, London, SW14 8EZ
76	Murray Park	Kneller Road, Whitton, TW2 7DY
77	North Sheen Recreation Ground	Dancer Road, Richmond, TW9 4LB
78	Nursery Green	The Avenue, Hampton, TW12 3RG
79	Oak Avenue Local Nature Reserve	Oak Avenue, Hampton, TW12 3QD
80	Old Deer Park	Old Palace Lane, Richmond, TW9 1PQ
81	Orleans Gardens	Orleans Road, Twickenham, TW1 3BJ
82	Orleans House Gardens	Orleans Road, Twickenham, TW1 3BJ
83	Pages Green	Abbott Close, Hampton, TW12 3XR
84	Palewell Common and Fields	Enmore Gardens, London, SW14 8RF
85	Palewell Common Woods	Enmore Gardens, London, SW14 8RF
86	Pantile Bridge	Uxbridge Road, Hampton
87	Partridge Green	Hawley Close, Hampton, TW12 3XX
88	Pesthouse Common	Queens Road, Richmond, TW10 6HF
89	Petersham Common Woods	Petersham Road, Richmond, TW10 6UY
90	Petersham Lodge Woods	River Lane, Richmond, TW10 7AG
91	Queen Elizabeth Walk	Rocks Lane, London, SW13 0DG
92	Radnor Gardens	Cross Deep, Twickenham, TW1 4RB
93	Raleigh Road Recreation Ground	Raleigh Road, Richmond, TW9 2DU
94	Richmond Green	The Green, Richmond, TW9 1LX
95	Richmond Little Green	The Green, Richmond, TW9 1LX
96	Richmond Riverside	Heron Square, Richmond, TW9 1EP
97	Riverdale Gardens	Northumberland Place, Richmond, TW10 6TS
98	Riverside Drive (Ham)	Riverside Drive, Richmond, TW10 7QA
99	Riverside Ham Street	Ham Street, Richmond, TW10 7RS
100	Rocks Lane Recreation Ground	Ranelagh Avenue, London, SW13 0BY

101	Rotary Gardens	Northumberland Place, Richmond, TW10 6TS
102	Sandy Lane Recreation Ground	Sandy Lane, Richmond, TW10 7EJ
103	School House Lane Orchard	School House Lane, Teddington, TW11 9DP
104	Sheen Common	Fife Road, London, SW14 7EL
105	Small Profits Dock	Lonsdale Road, London, SW13 9QL
106	St Albans Riverside	Hampton Court Road, Hampton, TW12 2EN
107	St Luke's Open Space	Victoria Cottages, Richmond, TW9 3NW
108	Strawberry Woods	Stanley Road, Twickenham, TW2 5NR
109	Suffolk Road Recreation Ground	Suffolk Road, London, SW13 9NR
110	Sunshine Terrace	Water Lane, Twickenham, TW1 3NP
111	The Copse	Meadlands Drive, Richmond, TW10 7EE
112	Tangier Green	Tangier Road, Richmond, TW10 5DP
113	Tapestry Court	Mortlake High Street, London, SW14 8HL
114	Teddington Memorial Gardens	Hampton Rd, Teddington TW11 0JL
115	Terrace Gardens	Richmond Hill, Richmond, TW10 6RH
116	Terrace Walk and Field	Nightingale Lane, Richmond, TW10 6UZ
117	Thames Bank	Thames Bank, London, SW14 7QR
118	Twickenham Embankment	Embankment, Twickenham, TW1 3NP
119	Twickenham Green	First Cross Road, Twickenham, TW2 5AQ
120	Twickenham Rough	London Road, Twickenham, TW1 1AA
121	Udney Hall Gardens	Langham Road, Teddington, TW11 9HQ
122	Vicarage Road	Wades Lane, Teddington, TW11 8HF
123	Vine Road Recreation Ground	Vine Road, Barnes, SW13 0NE
124	Vineyard Passage Cemetery	Grosvenor Road, Richmond, TW10 6PB
125	Warren Gardens	Denton Road, Twickenham, TW1 2HH
126	Water Lane Open Space	Water Lane, Twickenham, TW1 3NP
127	Wellesley Road (Fortescue Play Area)	Wellesley Road, Twickenham, TW2 5RX
128	Wellesley Crescent	Wellesley Crescent, Twickenham, TW2 5RT
129	Westerley Ware Recreation Ground	Kew Green, Richmond, TW9 3AP
130	Worple Way Recreation Ground	Albert Road, Richmond, TW10 6DP
131	York House Gardens	Sion Road, Twickenham, TW1 3DD



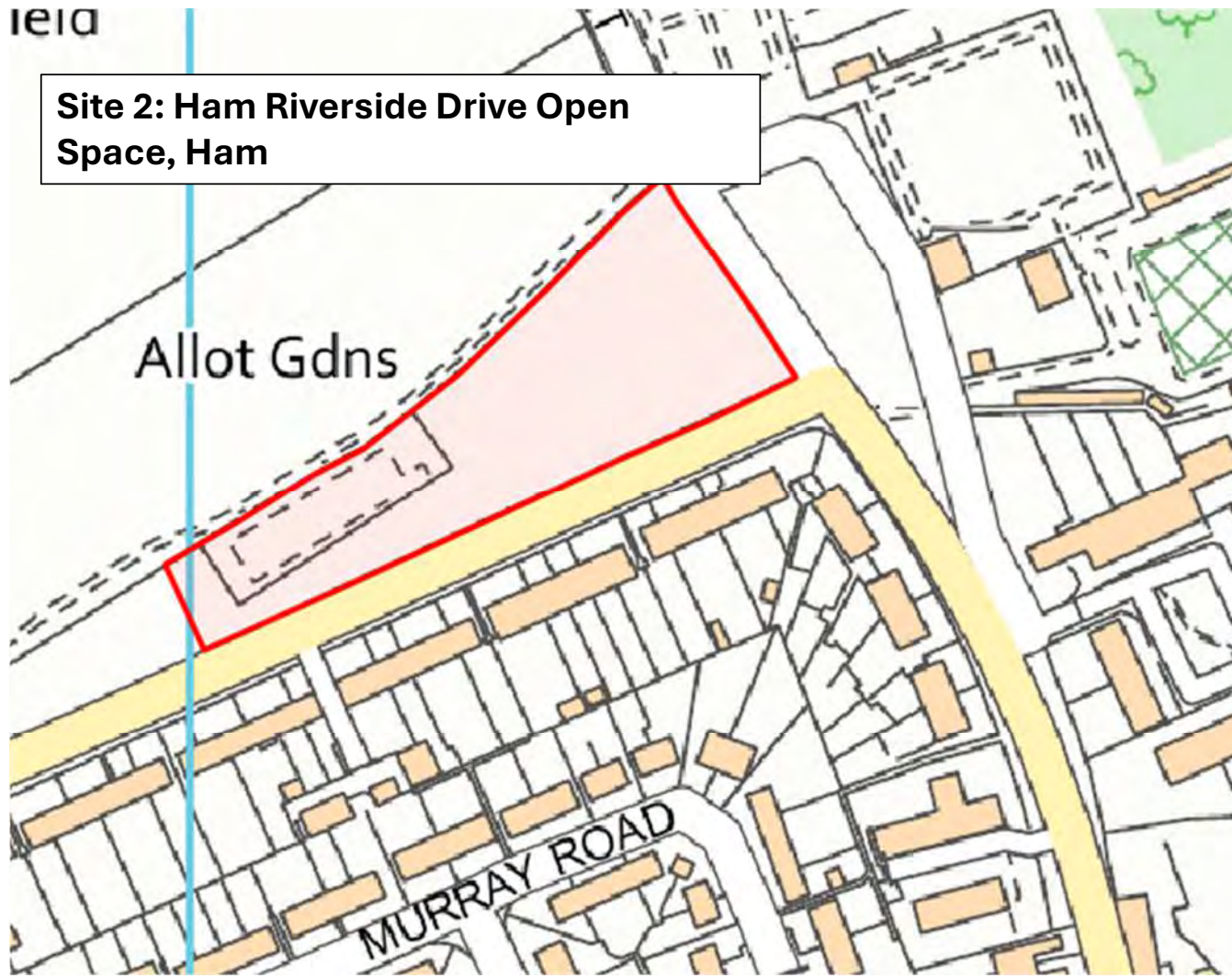
**Site 1: Ham Lands, Ham**

ield

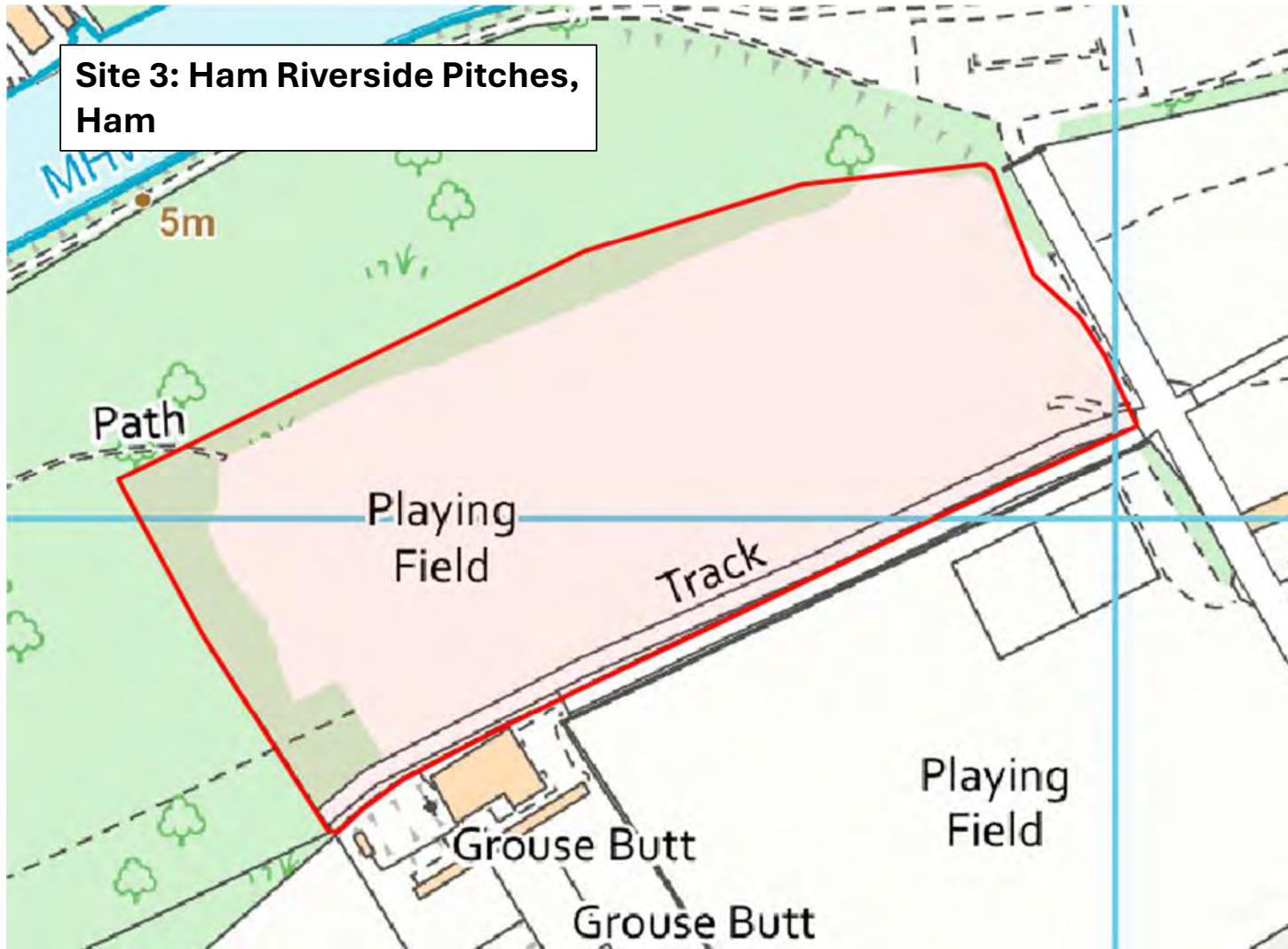
**Site 2: Ham Riverside Drive Open Space, Ham**

Allot Gdns

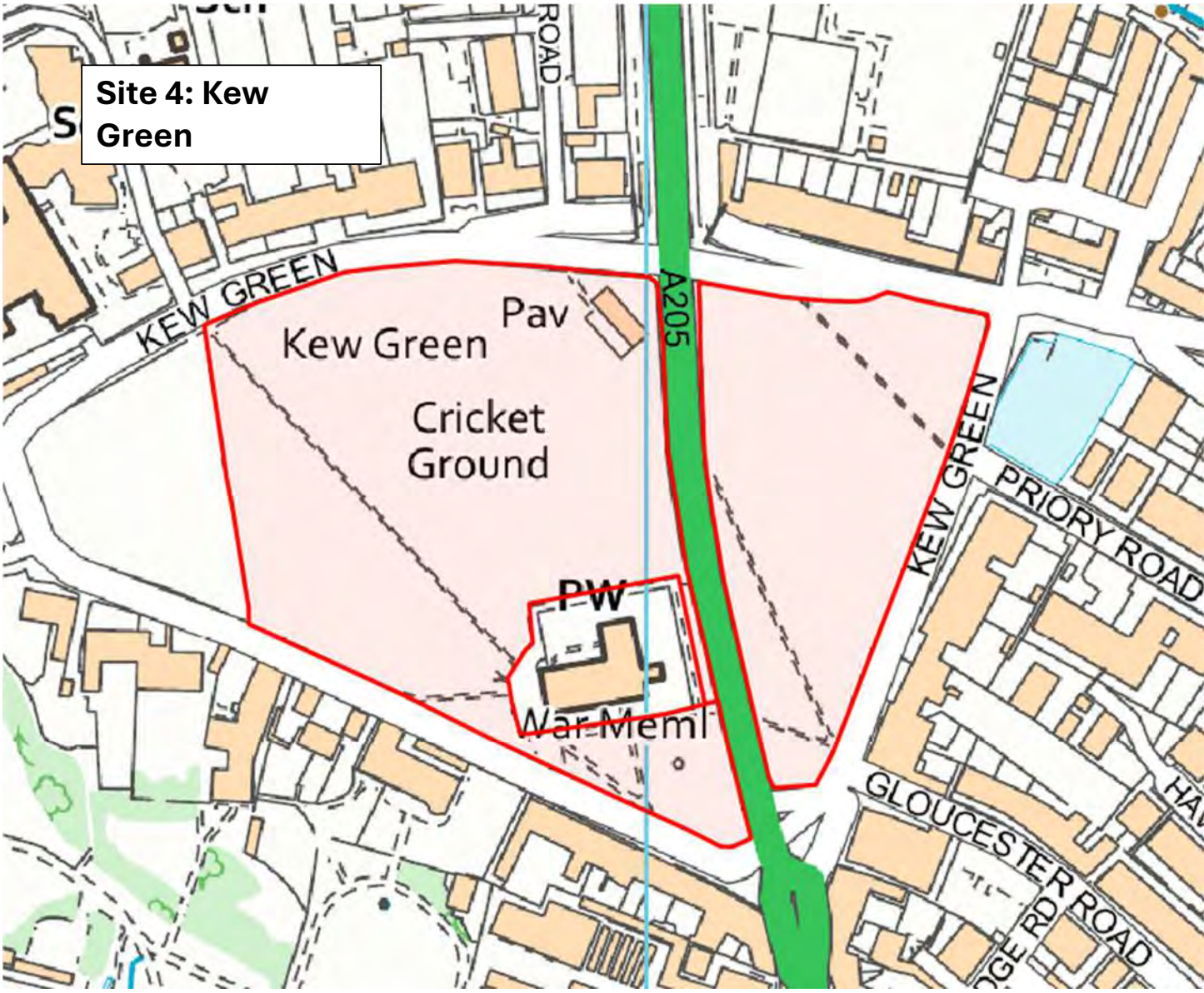
MURRAY ROAD



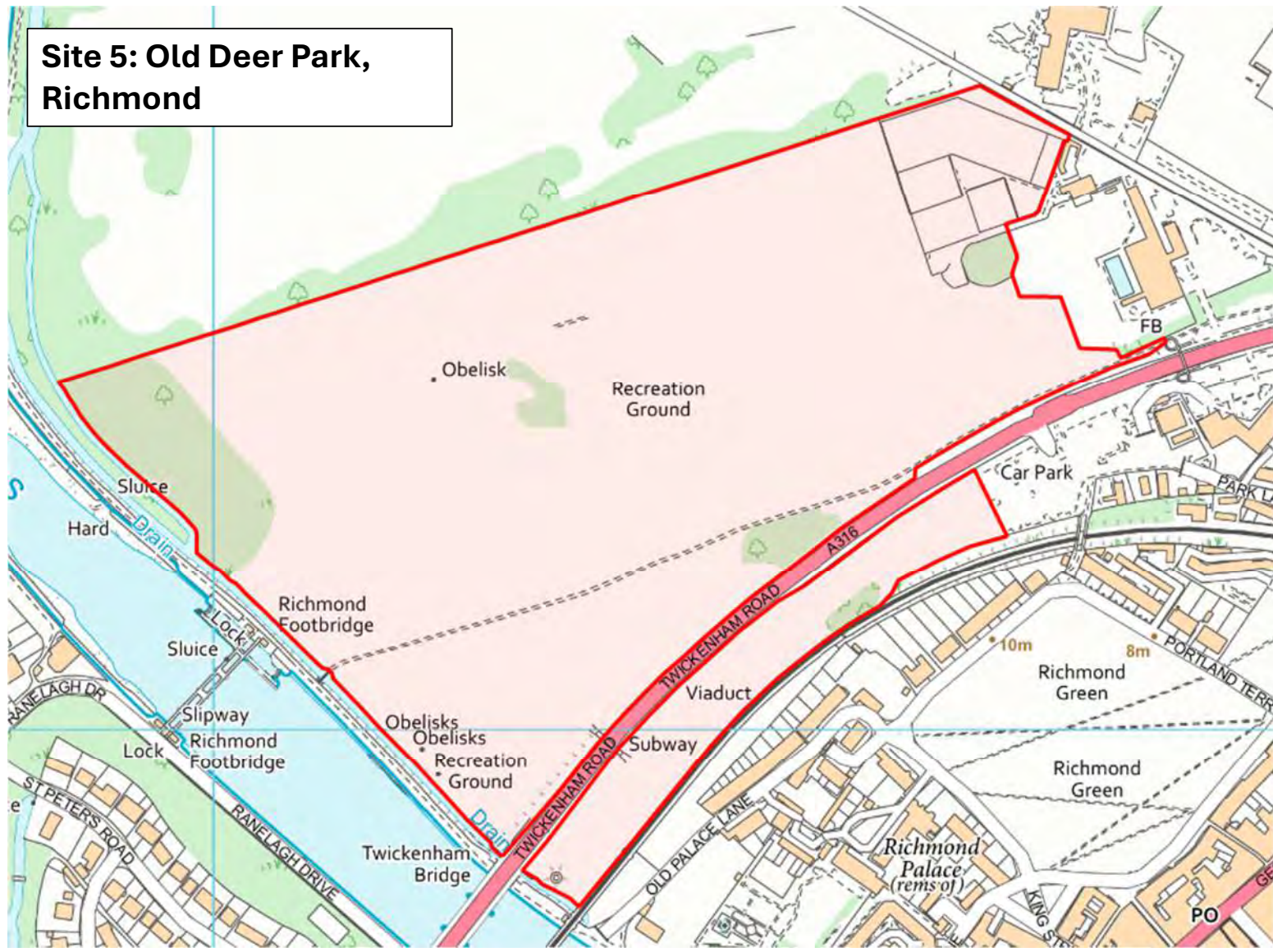
**Site 3: Ham Riverside Pitches,  
Ham**



Site 4: Kew Green

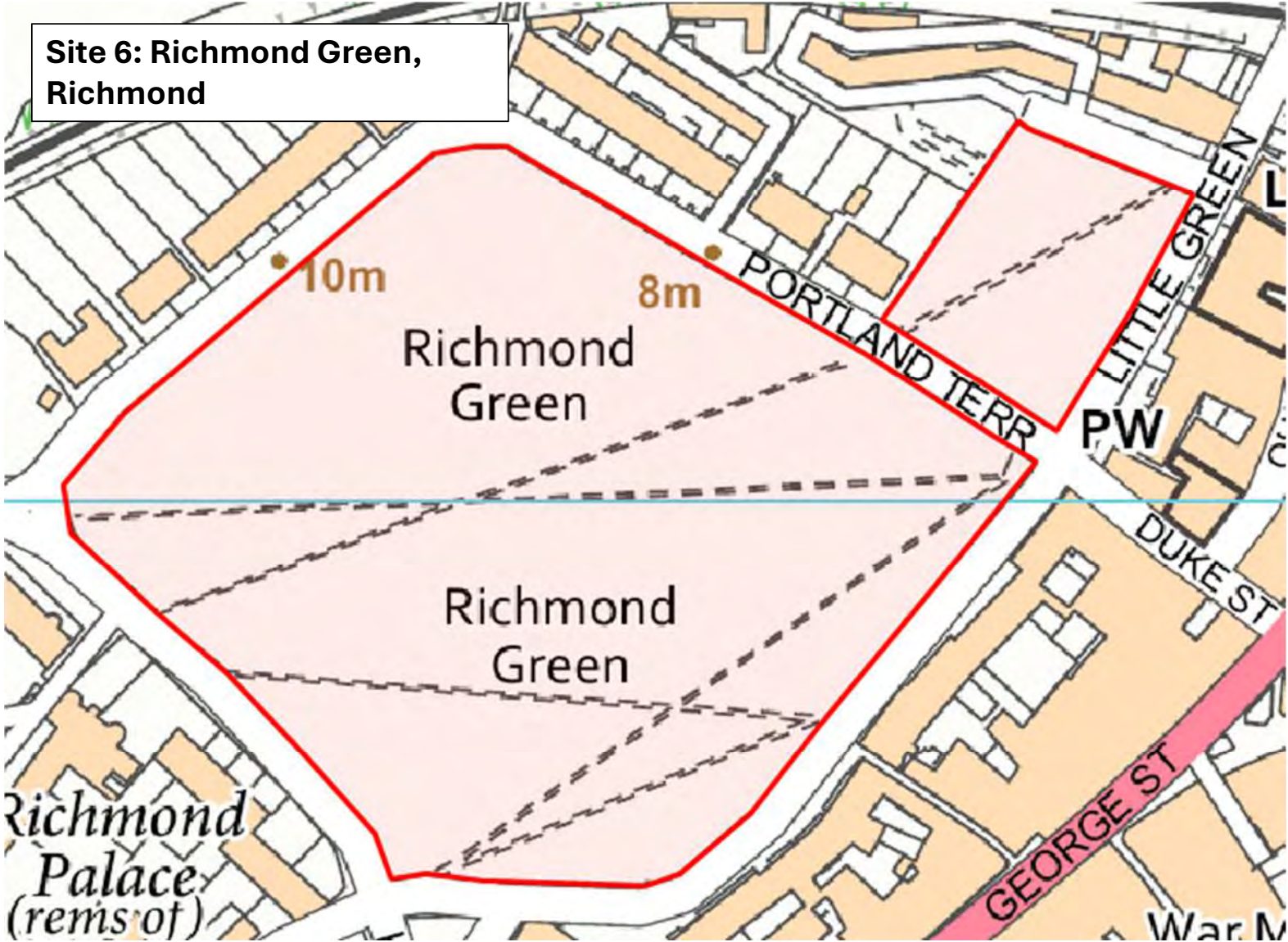


**Site 5: Old Deer Park,  
Richmond**

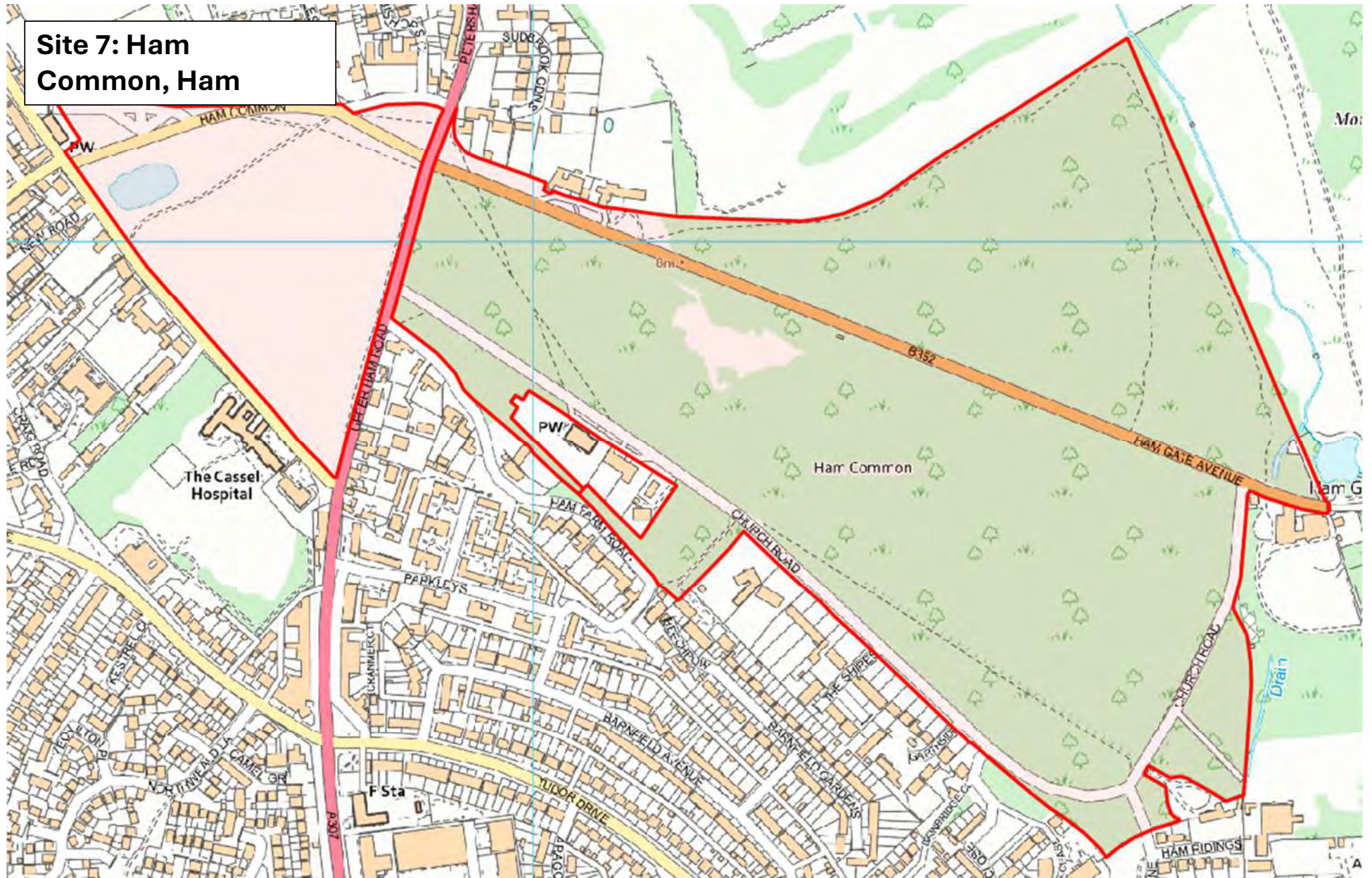


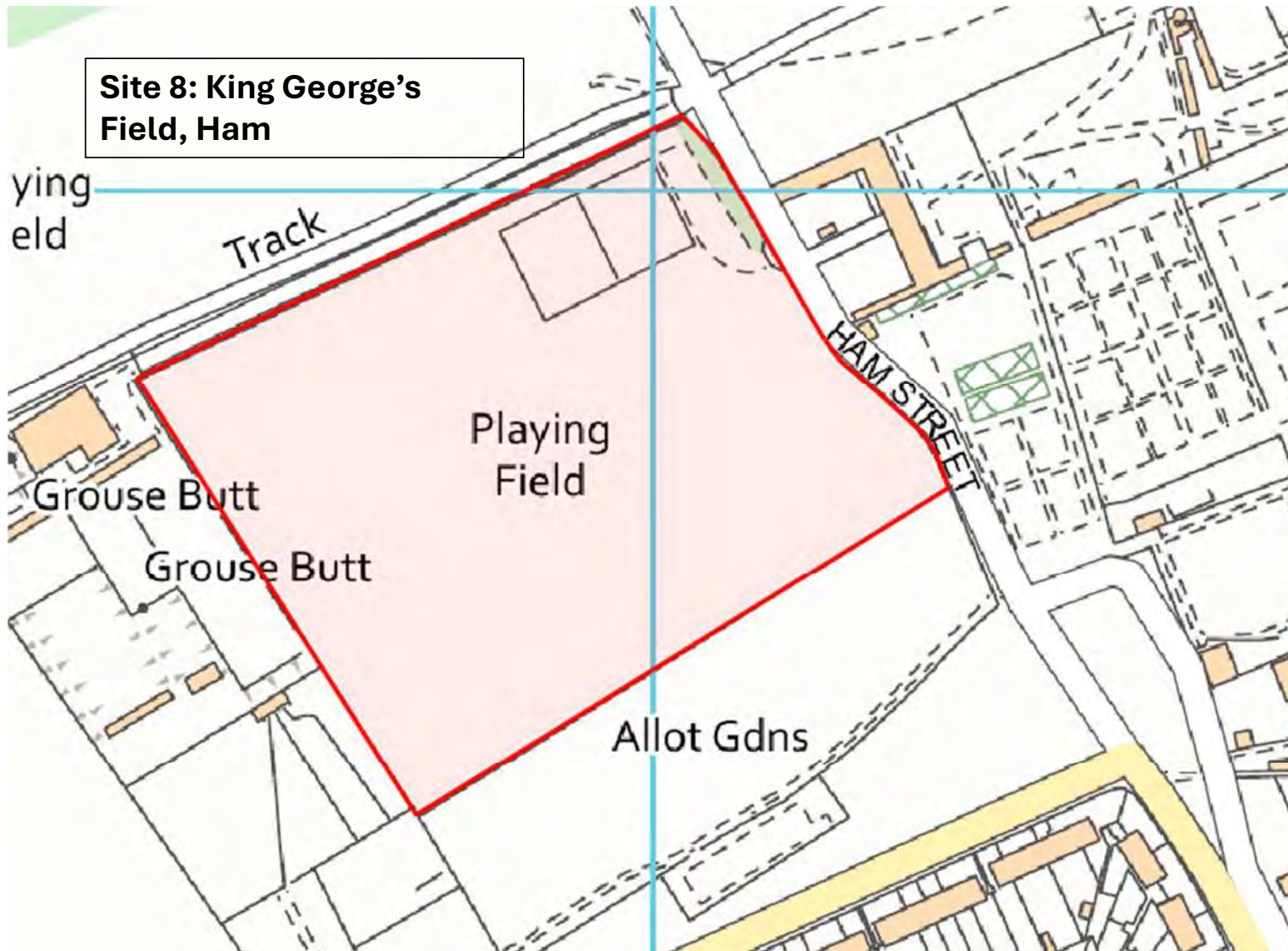


Site 6: Richmond Green,  
Richmond



**Site 7: Ham  
Common, Ham**





Site 8: King George's Field, Ham

ying  
eld

Track

HAM STREET

Playing  
Field

Grouse Butt

Grouse Butt

Allot Gdns

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-**

**KING'S BENCH DIVISION**

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

**B E T W E E N :-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /  
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary  
accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 6 SITES  
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON  
THE SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 6 SITES WITHIN  
THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE  
SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

**Defendants**

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**EXHIBIT "YF3"**

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This is Exhibit Sheet "YF3" referred to in the Witness Statement of YVONNE FEEHAN dated 17 September 2024.



.....  
**YVONNE FEEHAN**

# SSA EQUALITY IMPACT AND NEEDS ANALYSIS

<b>Directorate</b>	<b>Environment &amp; Community Services</b>
<b>Service Area</b>	<b>Parks &amp; Highways</b>
<b>Service/policy/function being assessed</b>	<b>High Court Injunction To allow the Council to expedite the removal of unauthorised encampments on Council land</b>
<b>Which borough (s) does the service/policy apply to</b>	<b>Richmond</b>
<b>Staff involved in developing this EINA</b>	<b>Henry Cheung, Roland Copley, David Allister, Yvonne Feehan</b>
<b>Date approved by Directorate Equality Group (if applicable)</b>	
<b>Date approved by Policy and Review Manager</b> All EINAs must be signed off by the Policy and Review Manager	
<b>Date submitted to Directors' Board</b>	

## 1. Summary

### Please summarise the key findings of the EINA.

- Richmond Council would like to seek a preventative injunction from the High Court to protect several of the Council's Parks and Open spaces, Council managed carparks and highway verges that could be targeted from unauthorised encampment. Please see the list of sites which are deemed to be necessary and proportionate based on previous incidents in Appendix 1
- The current legislation [Criminal Justice and Public Order Act 1994](#) enable us to address unauthorised encampments, but the process is time consuming and it doesn't prevent encampments moving into the immediate field or park next to the one they have just been evicted from following a Court Order granted by a Magistrates Court.
- The Council's Parks and Open spaces and any Council owned land and highways could therefore be occupied for several weeks at a time following each new encampment, thus disrupting local community events, causing fear, anxiety and concern for immediate residents and those who wish to visit.
- The Council also spend a significant amount of time and cost to clear any waste or fly-tipping that may have been left behind.
- A successful preventative injunction will allow the Council to expedite the removal of unauthorised encampments on the Council's parks and open spaces, managed Carparks and highways that could be targeted from unauthorised encampment. Welfare checks will no longer be required, and they will be unable to relocate to any other area covered by the preventative injunction (see appendix).
- The benefit of the proposal will allow a more proactive and effective enforcement against unauthorised encampments and any anti-social behaviour associated with encampments.
- The outcome sought is that the residents and visitors of the borough will be able to enjoy our parks and open spaces and any other Council owned land listed in the appendix without disruption or fear of anti-social behaviour through an expedient eviction process. Disruption to local businesses will also be reduced as a result.
- The Gypsy and Traveller Community are most likely to be impacted by this proposal. Gypsies and Travellers are protected from discrimination by the Race Relations Act 1976 (amended 2000), the

Human Rights Act 1998 and the Equalities Act 2010, together with other ethnic groups who are recognised in law as having a cohesive culture, language or set of values. There will be a negative impact on Gypsies and Travellers as they will be unable to set up unauthorised encampments on borough parks and open spaces and any Council owned land listed in the injunction.

- To mitigate the impact there will be clear communications regarding the new approach so that Gypsy and Traveller communities are aware. The new approach will allow Gypsies and Travellers to continue to travel through the borough. The proposal is for an injunction on similar terms to the previous interim borough wide injunction, however the sites that the injunction would apply to have been revised and are detailed in the below appendix.
- The Council is seeking to balance the needs of Gypsies and Travellers with those of the wider community, considering the adverse effect that unauthorised encampments and fly tipping has on the borough, its residents, businesses and visitors in both financial and non-financial terms.
- The process of seeking an injunction through the courts allows for debate and for an independent view to be taken by the court.
- To mitigate the impact, there will be clear communications regarding the Council’s enforcement approach so that travellers are aware. Whilst welfare checks will no longer be necessary, if requested, we will continue to direct any Travellers’ welfare issues to the relevant agency or department including medical treatment, surgeries and GPs. Referrals to such entities as housing, through Richmond Housing Partnership, or public health and education through Achieving for Children would be undertaken as appropriate

## 2. Evidence gathering and engagement

a. What evidence has been used for this assessment? For example, national data, local data via DataRich or DataWand

Evidence	Source
Local data	DataRich
National Data	ONS
National Data	UK Parliament

b. Who have you engaged and consulted with as part of your assessment?

Individuals/Groups	Consultation/Engagement results	Date	What changed as a result of the consultation
N/A			

## 3. Analysis of need

Potential impact on this group of residents and actions taken to mitigate impact and advance equality, diversity and inclusion

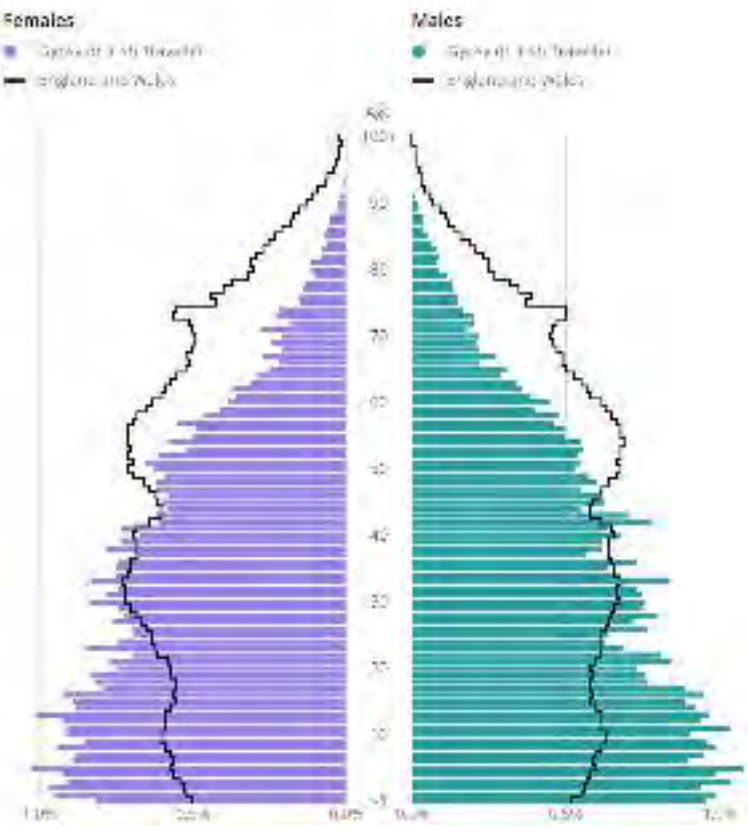
Protected group	Findings
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**Age**

**Data:**

Nationally the Gypsy and Irish Traveller population has a young age profile; in the 2021 Census 45.7% were aged 25 or under compared to 30.4% of the England and Wales population ([Census, 2021](#))

Percentage of Gypsy or Irish Traveller ethnic groups and England and Wales population at each year of age, split by sex, England and Wales, Census 2021



In Richmond under 25's account for 28.43% (55,521) (DataRich 2024, based on 2021 Census)

The age of Travellers at unauthorised encampments in the borough was not collected.

The injunction would not disproportionately affect any age group.

**Disability**

**Data:**

The details of individuals with disabilities at unauthorised encampments in the borough were not recorded.

In Richmond 12% of the population are recorded to have a disability which limits their day-to-day activities. (DataRich 2024, based on 2021 Census)

A parliamentary report, estimates that 26% of Gypsy and Traveller communities are recorded as disabled ([UK Parliament, 2019](#))

	The injunction would not disproportionately affect those with disabilities.
<b>Sex</b>	<p><b>Data:</b> Nationally equal numbers of men and women identified as Gypsy or Irish Traveller in the 2021 Census. In Richmond, 55% of Gypsies and travellers are female (Data Rich, 2024).</p> <p>In the London Borough of Richmond upon Thames, 48% (93,962) of the population are male and 52% (101,316) are female (Data Rich, 2024).</p> <p>For the unauthorised encampments the gender of Travellers was not collected.</p> <p>The injunction would not disproportionately affect either sex.</p>
<b>Gender Identity</b>	<p><b>Data:</b> In the 2021 Census in Richmond, 0.1% of the borough population (226 people) stated their gender was different from their sex assigned at birth but did not specify what their gender identity was, 0.1% (137 people) were trans women, 0.1% (113 people) were trans men and 0.1% (134 people) identified as one of ‘all other gender identities’. Compared to national population, 0.24% (118,000 people) stated their gender was different from their sex assigned at birth but did not specify, 0.1% (48,000 people) identified as trans women, 0.1% (48,000 people) identified as trans men, 0.06% (30,000 people) identified as non-binary and 0.04% (18,000 people) were from another ‘all other gender identities’.</p> <p>The injunction would not disproportionately affect any gender identity.</p>
<b>Marriage and civil partnership</b>	<p><b>Data:</b> There were 69,175 households in England and Wales with a household reference person who identified as a Gypsy or Irish Traveller in the 2021 Census. (<a href="#">ONS, 2023</a>)</p> <p>The most common family household type among these households was ‘lone parent’ at 24.6% (<a href="#">ONS, 2023</a>), compared with 16% of the general national population in England and Wales (<a href="#">ONS, 2023</a>)</p> <p>The second most common household type among households with someone who identified as Gypsy or Irish Traveller was ‘married or same-sex civil partnership couple’ at 23%. This is compared to 33% of the general national population in England and Wales (<a href="#">ONS, 2014</a>). Data not available from 2021 Census.</p> <p>Data on marital &amp; civil partnership status was not collected for the unauthorised encampments</p>
<b>Pregnancy and maternity</b>	<b>Data:</b>



	<p>In 2021 there were 2,422 conceptions in Richmond borough – an annual conception rate of 65 per 1000 women. This is lower than the conception rate for London (70.8 per 1000) and the rate for England (71.5 per 1000) (Census, 2021).</p> <p>Data on pregnancy and maternity was not collected for the unauthorised encampments</p>																		
<p><b>Race/ethnicity</b></p>	<p><b>Data:</b></p> <p>Gypsies and Irish Travellers are protected from discrimination by the Race Relations Act 1976 (amended 2000), the Human Rights Act 1998 and the Equalities Act 2010, together with other ethnic groups who are recognised in law as having a cohesive culture, language or set of values.</p> <p>In the 2021 Census, there were 85 people of Gypsy or Irish Traveller ethnicity in Richmond. This translates to less than 0.1% of the overall borough population.</p> <table border="1" data-bbox="459 779 1525 1182"> <thead> <tr> <th>Ethnicity</th> <th>Total</th> <th>% of total population</th> </tr> </thead> <tbody> <tr> <td>Asian/Asian British / Asian Welsh</td> <td>17,467</td> <td>8.9</td> </tr> <tr> <td>Black/ Black British / Black Welsh / Caribbean or African</td> <td>3,687</td> <td>1.9</td> </tr> <tr> <td>Mixed /multiple ethnic group</td> <td>10,662</td> <td>5.5</td> </tr> <tr> <td>White</td> <td>157,111</td> <td>80.5</td> </tr> <tr> <td>Other ethnic group</td> <td>6,350</td> <td>3.3</td> </tr> </tbody> </table> <p>80.5% of the borough population is recorded as White (Census, 2021). This is significantly higher than the London average.</p> <p>In the past 24 months there have been 6 unauthorised encampments in the Borough involving Travelers. On each occasion a welfare check is offered but this is often rejected so we are unable to provide detailed local population data.</p>	Ethnicity	Total	% of total population	Asian/Asian British / Asian Welsh	17,467	8.9	Black/ Black British / Black Welsh / Caribbean or African	3,687	1.9	Mixed /multiple ethnic group	10,662	5.5	White	157,111	80.5	Other ethnic group	6,350	3.3
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Other ethnic group	6,350	3.3																	
<p><b>Religion and belief, including non belief</b></p>	<p>Data on religion and beliefs, including non-belief was not collected for the unauthorised encampments.</p> <p>In the Richmond Borough (Census, 2021):</p> <ul style="list-style-type: none"> <li>• 45.4% are Christian</li> <li>• 37.9% No Religion</li> <li>• 4.4% Muslim</li> <li>• 2.1% Hindu</li> <li>• 1.0% Sikh</li> <li>• 0.8% Buddhist</li> <li>• 0.7% Other religion</li> <li>• 0.6% Jewish</li> </ul>																		

<b>Sexual orientation</b>	<p>In Richmond, 3.4% of the population identify as Lesbian, Gay Bisexual or ‘Other’, compared to 3.16% of the population in England and Wales (Census, 2021)</p> <p>Data on sexual orientation was not recorded for the unauthorised encampments.</p>		
<b>Across groups i.e. older LGBT service users or Black, Asian &amp; Minority Ethnic young men.</b>	<p>No specific issues raised</p>		
<p><b>Socio-economic status (to be treated as a protected characteristic under Section 1 of the Equality Act 2010) Include the following groups:</b></p> <ul style="list-style-type: none"> <li>• <b>Deprivation (measured by the 2019 English Indices of Deprivation)</b></li> <li>• <b>Low-income groups &amp; employment</b></li> <li>• <b>Carers</b></li> <li>• <b>Care experienced people</b></li> <li>• <b>Single parents</b></li> <li>• <b>Health inequalities</b></li> <li>• <b>Refugee status</b></li> </ul>	<p>Deprivation – 11.7% of Gypsy and Irish Travellers live in the most deprived 10% of neighbourhoods, higher than the average 9.9% (<a href="#">GOV, 2022</a>). There is one traveller site in the borough in Hampton. The location of this site is in one of the LSOA’s with a higher Index of Multiple Deprivation (26.698) in the borough (DataRich, 2024).</p> <p>Low income groups &amp; employment – Gypsy and Irish Traveller ethnic group had the lowest proportion of respondents who were economically active at 47%, in England and Wales this was 63% (<a href="#">GOV, 2022</a>). No local data available.</p> <p>Carers – Gypsy or Irish Traveller ethnic group was among the highest providers of unpaid carer in England and Wales at 11 per cent (10 per cent for England and Wales as a whole) and provided the highest proportion of people providing 50 hours or more of unpaid care at 4 per cent (compared to 2 per cent for England and Wales as a whole) (<a href="#">ONS, 2014</a>). In Richmond, 20% of Gypsy or Irish Travellers were noted to be providing care (<a href="#">DataRich, 2019</a>)</p> <p>Single Parents – The most common family household type in Gypsy and Traveller communities was ‘lone parent’ at 24.6% (<a href="#">ONS, 2023</a>), compared with 16% in England and Wales (<a href="#">ONS, 2023</a>). No local data available.</p> <p>Health Inequalities – In the 2021 Census Those who identified as Gypsy or Irish Travellers were more than twice as likely to report bad or very bad health (12.5%) compared with the England and Wales population (5.2%). In Richmond, from the 2011 Census, 37% of Gypsies and Irish Travellers reported their health as ‘not good’, compared to 30% of Gypsy and Irish Travellers reporting this way in London (<a href="#">DataRich 2024</a>)</p> <p>Refugee status – There are an estimated total of 1827 persons with refugee status in Richmond</p> <table border="1" data-bbox="451 1966 1543 2004"> <tr> <td data-bbox="451 1966 994 2004"><b>Scheme</b></td> <td data-bbox="994 1966 1543 2004"><b>Richmond</b></td> </tr> </table>	<b>Scheme</b>	<b>Richmond</b>
<b>Scheme</b>	<b>Richmond</b>		

	Syrian Resettlement scheme (2015-date)	Six families (32 people)
	Afghan Resettlement scheme (2021 – date)	35
	Homes for Ukraine scheme (2022 – Date)	1,052
	Unaccompanied Asylum Seeking Children	26
	Hong Kong BNO scheme	No exact data available, but proxy data shows 497 School Applications from Hong Kongers and 985 people indicated they were born in Hong Kong in the 2021 Census

### Data gaps

Data gap(s)	How will this be addressed?
Data on local Gypsy & Traveller population by protected characteristic	Data will be collected if possible during welfare checks, where these are accepted.

### 4. Impact

Protected group	Positive	Negative
<b>Age</b>	<p>Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage children, young people and older people to make greater use of parks and public places and Council owned facilities.</p> <p>The injunction would allow for the Gypsy and Traveller communities to travel through the borough to alternative destinations.</p>	<p>The injunction would impact the Gypsy and Traveller communities by preventing them from making any unlawful encampment on the sites listed in this document.</p> <p>The injunction would prevent young and old from making unlawful encampments in the borough.</p>
<b>Disability</b>	<p>Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage people with a disability to make greater use of parks and public places and Council owned facilities.</p>	<p>The injunction would impact the Gypsy and Traveller communities by preventing them from making any unlawful encampment on the sites listed in this document.</p> <p>The impact of the proposal is neutral on the subject of disability.</p>

	The injunction would allow for the Gypsy and Traveller communities to travel through the borough to alternative destinations.	
<b>Sex</b>	Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage women to make greater use of parks and public places and Council owned facilities	The injunction would impact the Gypsy and Traveller communities by preventing them from making any unlawful encampment on the sites listed in this document.  The impact of the proposal is neutral on the subject of sex.
<b>Gender Identity</b>	Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities.	The injunction would impact the Gypsy and Traveller communities by preventing them from making any unlawful encampment on the sites listed in this document.  The impact of the proposal is neutral on the subject of gender identity.
<b>Marriage and civil partnership</b>	Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities.	The impact of the proposal is neutral on the issue of marriage and civil partnerships.
<b>Pregnancy and maternity</b>	Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities.	The impact of the proposal is neutral on the issue of pregnancy and maternity
<b>Race/ethnicity</b>	Preventing unauthorised encampments at selected locations will reduce anti-social behaviour and fear for personal safety, encouraging all to make greater use of parks and open spaces and Council owned facilities.  The injunction would allow for the Gypsy and Traveller communities to travel through the borough to alternative destinations.	Gypsies and Travellers are protected from discrimination by the Race Relations Act 1976 (amended 2000), the Human Rights Act 1998 and the Equalities Act 2010, together with other ethnic groups who are recognised in law as having a cohesive culture, language or set of values.  There will be a negative impact on Travellers as they will be unable to set up unauthorised encampment on any of the parks and open spaces and any

		<p>Council owned land listed in the injunction.</p> <p>To mitigate the impact there will be clear communications from the Council regarding the new approach so that travellers are aware. Subject to budget holder authorisation temporary signs may be installed at each location listed in the appendix. Further communications such as a press release and information on the Council's website will publicise the new restrictions.</p> <p>The new approach will allow Travellers to continue to travel through the boroughs. The proposal is for an injunction on similar terms to the previous interim borough wide injunction. With the injunction cover only the locations listed in the appendix.</p> <p>If requested, we will continue to direct any Travellers' welfare issues to the relevant agency or department including medical treatment, surgeries and GPs.</p>
<b>Religion and belief, including non belief</b>	Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities.	The impact of the proposal is neutral on the subject of religion and belief or non-belief.
<b>Sexual orientation</b>	There are no specific impacts on sexual orientation from this proposal.	There are no specific impacts on sexual orientation from this proposal.
<b>Socio-economic status (to be treated as a protected characteristic under Section 1 of the Equality Act 2010) Include the following groups:</b> <ul style="list-style-type: none"> <li>• Deprivation (measured by the</li> </ul>	The impact of the proposal is neutral on the subject of socio-economic status	Gypsy and Irish Travellers living in deprivation or that have low income may be negatively impacted by the proposal as they will be moved on from the location of the unauthorised encampment. To mitigate against this, we will communicate the changes regarding unauthorised encampments on the Councils webpages.

<p><b>2019 English Indices of Deprivation)</b></p> <ul style="list-style-type: none"> <li>• <b>Low-income groups &amp; employment</b></li> <li>• <b>Carers</b></li> <li>• <b>Care experienced people</b></li> <li>• <b>Single parents</b></li> <li>• <b>Health inequalities</b></li> <li>• <b>Refugee status</b></li> </ul>		
---	--	--

**5. Actions to advance equality, diversity and inclusion**

<b>Action</b>	<b>Lead Officer</b>	<b>Deadline</b>
Review impact after three months and amend in light of any further negative impacts identified	Henry Cheung / Roland Copley	4 months after a successful application
Speak to other councils who have put this approach in place to identify how they mitigated any negative actions and apply in	Henry Cheung / Roland Copley	4 months after a successful application

**6. Further Consultation (optional section – complete as appropriate)**

<b>Consultation planned</b>	<b>Date of consultation</b>

**Appendix 1: A List of sites within the London Borough of Richmond upon Thames that the injunction would apply to.**

1. Ham Riverside Pitches
2. Ham Lands
3. Ham Common
4. Kew Green
5. King George’s Field
6. Old Deer Park
7. Richmond Green
8. Riverside Drive (Ham)

Dated

05 September 2024

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-**

**KING'S BENCH DIVISION**

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

**B E T W E E N :-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

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**Defendants**

---

**EXHIBIT "YF4"**

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This is Exhibit Sheet "YF4" referred to in the Witness Statement of YVONNE FEEHAN dated 17 September 2024.



.....  
YVONNE FEEHAN

No:	Date From:	Date to:	Duration of Encampment	Location of Encampment	Legislation Evicted	Total Caravans and Vehicles	Comments	Costs		Total
										£122,793.91
1	05/08/2024	09/08/2024	5 days	King Georges Field (inc Ham Riverside Pitches)	Writ of Possession	40 caravans, 32 vans, 16 cars (+ 2 vehicles and tent at Ham Riverside)		Pakrguard ENF Officer Time	£1,216.43	£40,099.01
								Labour and Disposal of Waste	£5,676.38	
								Repairs/maintenance (estimate)	£3,000.00	
								External Enforcement (Equivo)	£20,534.60	
								Legal	£3,977.60	
Parks Officer Time (2 managers x 43hrs)	£5,694.00									
2	26/07/2024	01/08/2024	7 days	Ham Common	Writ of Possession	43 caravans, 32 vans, 16 cars		Pakrguard ENF Officer Time	£937.00	£41,367.65
								Parkguard Additional Security	£1,320.00	
								External Enforcement (Equivo)	£20,744.00	
								Labour and Disposal of Waste	£8,310.05	
								Legal	£4,362.60	
Parks Officer Time (2 managers x 43hrs)	£5,694.00									
3	13/09/2023	14/09/2023	1 day	Richmond Green	Police moved them on			Parkguard ENF officer time:	£506.70	£2,921.94
								Ground maintenance inspection	£39.44	
								Labour and disposal of Waste:	£1,401.00	
								Parks Officer 10 x £55	£550.00	
								Legal	£424.80	
4	02/06/2023	05/06/2023	4 days	Kew Green	N/A	15 caravans?	left prior to issuing notices	Parkguard ENF officer time:	£990.00	£2,427.38
								Labour and disposal of Waste:	£746.50	
								Ground maintenance inspection:	£78.88	
								Parks Officer		
								Legal (8.5hrs at £612)	£612.00	
5	16/05/2023	17/05/2023	1 days	Kew Green	N/A	9 vehicles & 5 caravans		Parkguard ENF officer time:	£165.00	£1,729.26
								Labour and disposal of Waste:	£945.06	
								Parks Officer		
								Legal (7.1hrs at £511.20 and court fee £108)	£619.20	
6	18/04/2023	21/04/2023	4 days	Kew Green	Possession Order	8 caravans & 6 vehicles		Parkguard ENF officer time: £495	£495.00	£1,657.06
								Labour and disposal of waste: £364 + VAT	£364.00	
								Grounds Maintenance inspection and work	£203.06	
								Park Officer 4 x £55 = £220	£220.00	
								Legal: £375	£375.00	
7	09/08/2022	11/08/2022	2 days	Kew Green	Section 77 (1) of the Criminal Justice and Public Order Act 1994 notice to Leave.	14 vehicles & 9 caravans		Parkguard ENF officer time: £495	£495.00	£1,299.00
								Labour and disposal of waste: £364 + VAT	£364.00	
								Park Officer 8 x £55 = £440	£440.00	
8	01/08/2022	03/08/2022	2 days	Kew Green	Section 77 (1) of the Criminal Justice and Public Order Act 1994 notice to Leave.	11 vehicles & 7 caravans		Parkguard ENF officer time: £495	£495.00	£1,079.00
								Labour and disposal of waste: £364 + VAT	£364.00	
								Park Officer 4 x £55 = £220	£220.00	
9	27/08/2021	31/08/2021	4 days	Ham Riverside	Section 77 (1) of the Criminal Justice and Public Order Act 1994 notice to Leave	3 caravans		ENF Officer Time £453.75 (8.25hr)	£453.75	£701.65
								Legal Cost £247.90	£247.90	
10	04/08/2021	07/08/2021	3 days	Kew Green	High Court Order for Possession	9 caravans, 9 cars and 2 vans		ENF Officer Time £962.50 (2x7.5hr + 1x2.5hr)	£962.50	£9,488.63
								Parks Cleaning Cost TBC		
								Equivo £7050.00	£7,050.00	
								Park Officer Time £550 (£55x10 hrs)	£550.00	
								Cleaning Cost £678.23 + VAT.	£678.23	
11	25/05/2021	01/06/2021	7 days	Kew Green	Possession Order	14 caravans, 12 cars		ENF Officer Time £1303.50 (2x10.6hrs + 1x2.5hr)	£1,303.50	£3,245.83
								Parks Cleaning Cost TBC		
								Park Officer Time £440 (£55x8 hrs)	£440.00	
								Legal Fees £824.10	£824.10	
								Cleaning Cost £678.23 + VAT.	£678.23	



12	21/04/2021	21/04/2021	A few hours	Old Deer Carpark (Pools on Park)	Injunction	1 Caravan	Injunction served	ENF officer time £146 (2x 1.3 hrs)	£146.00	£146.00
13	03/03/2021	04/03/2021	1 day	Riverside Drive, Ham	Injunction	4 caravans and 4 vehicles	Injunction served to leave by 4pm on the 4 <sup>th</sup> March. Travellers were compliant. No ASB	ENF officer time £275 (2x2.5hrs) Officer Time TBC Parks Cleansing cost TBC	£275.00	£275.00
14	19/06/2020	19/06/2020	1 day	Ham Lands, Ham	Injunction	2 flat bed trucks	Left same day after receiving injunction papers	No costs incurred		£0.00
15	14/05/2020	04/06/2020	21 days	Ham Riverside Pitches, Ham	Due to lockdown there was a delay in issuing injunction as not permitted to move, once ASB escalated on site injunction served.	7 caravans, 10-14 vehicles	Bailiffs asked to attend	ENF officer time: £1980 Disposal of waste: £1456 Park Officer 7 x £55 = £385 Bailiff cost £1980 Legal costs: £666 Reinstatement of bollards cost = £9636	£1,980.00 £1,456.00 £385.00 £1,980.00 £666.00 £9,636.00	£16,103.00
16	28/09/2019	29/09/2019	1 day	Kneller Gardens	Injunction served	13 caravans, 11 vehicles & 4 vans		ENF officer time: £110 Park Officer Time 0.5 = £22.50 Clean up costs = £121	£110.00 £22.50 £121.00	£253.50

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-**

**KING'S BENCH DIVISION**

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972  
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**-and-**

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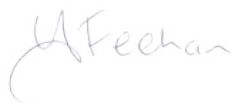
**Defendants**

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**EXHIBIT "YF5"**

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This is Exhibit Sheet "YF5" referred to in the Witness Statement of YVONNE FEEHAN dated 17 September 2024.



.....  
**YVONNE FEEHAN**

## Ham Common – Unauthorised Encampment

On 26 July 2024, Ham Common was visited upon by 30 caravans and approximately 60 associated vehicles. The group were served with a Writ of Possession order and evicted using High Court Enforcement Officers on 1 August 2024.

The following informa\*on supports this report.

### Photo received from Council's Parks Patrol Contractor (Parkguard), 26 July 2024



### Photos received from Council's Parks Patrol Contractor (Parkguard), 27 July 2024





Photos received from Council's Parks Patrol Contractor (Parkguard), 30 July 2024













Photos received from Council's Parks Patrol Contractor (Parkguard), 1 August 2024



















## **King Georges Field, Ham – Unauthorised Encampment**

On 5 August 2024, King Georges Field was visited upon by 40 caravans and approximately 50 associated vehicles. The group were served with a Writ of Possession order and evicted using High Court Enforcement Officers on 9 August 2024.

The following informa\*on supports this report.

### **Photos received from Council's Parks Patrol Contractor (Parkguard), 6 August 2024**













Photos taken by Council's Parks Operations Manager, 7 August 2024



09:25

5G 



1000008962.jpg



JPG - 1 MB











Photos received from Council's Parks Patrol Contractor (Parkguard), 8 August 2024



















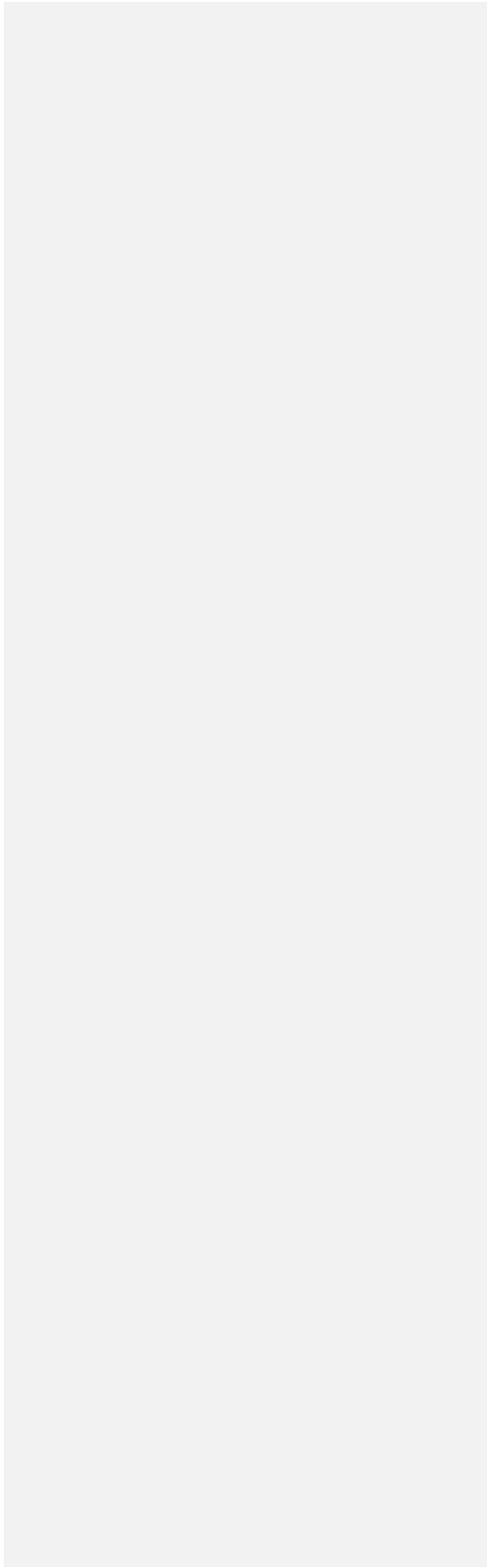
## Ham Lands – Unauthorised Encampments

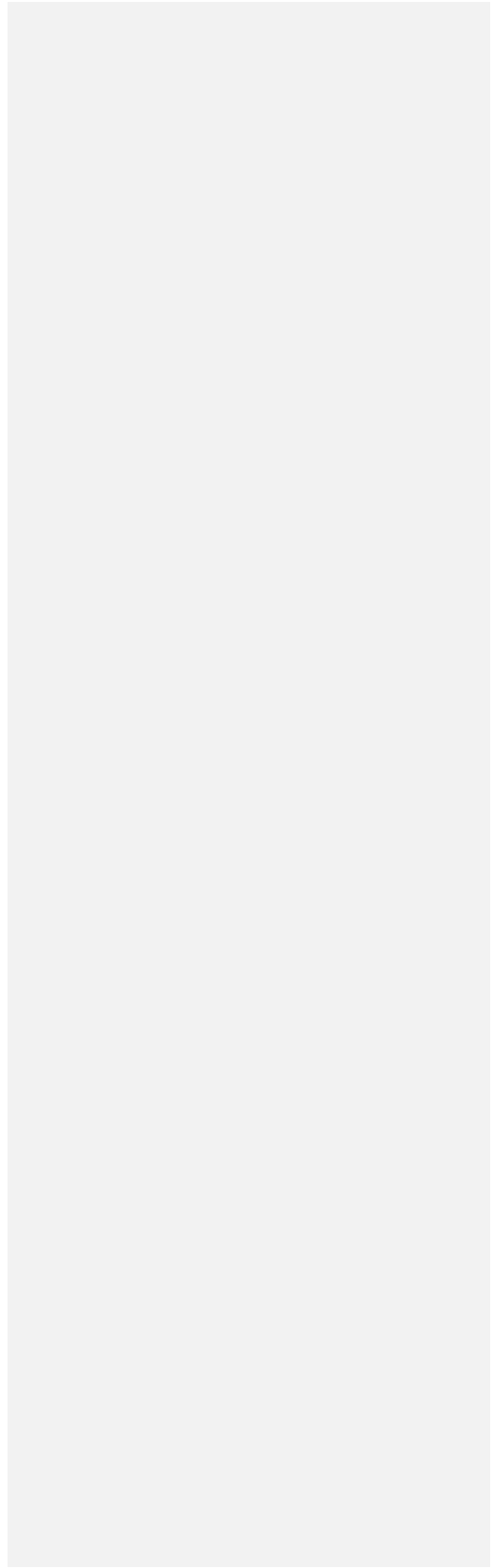
In May 2020, Ham Lands was visited upon by 14 caravans and associated vehicles. The group were able to remain for a period of up to 3 months to allow them to access healthcare during COVID-19 restrictions.

The following information supports this report.

Photos obtained from the Daily Mail Website, 19 May 2020





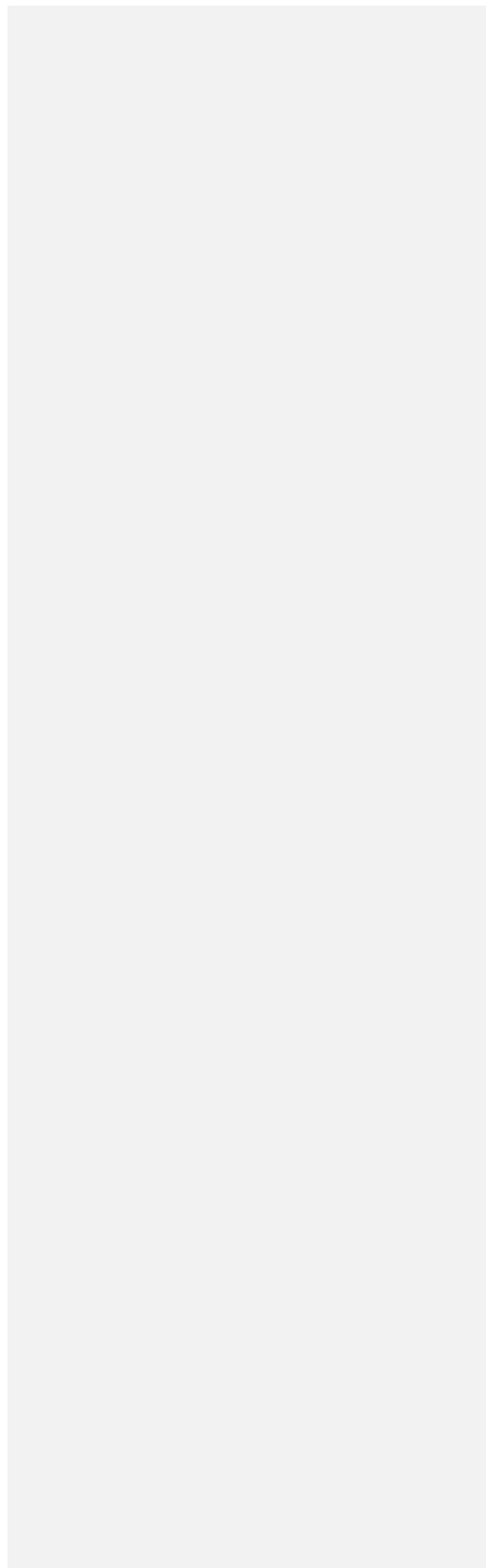


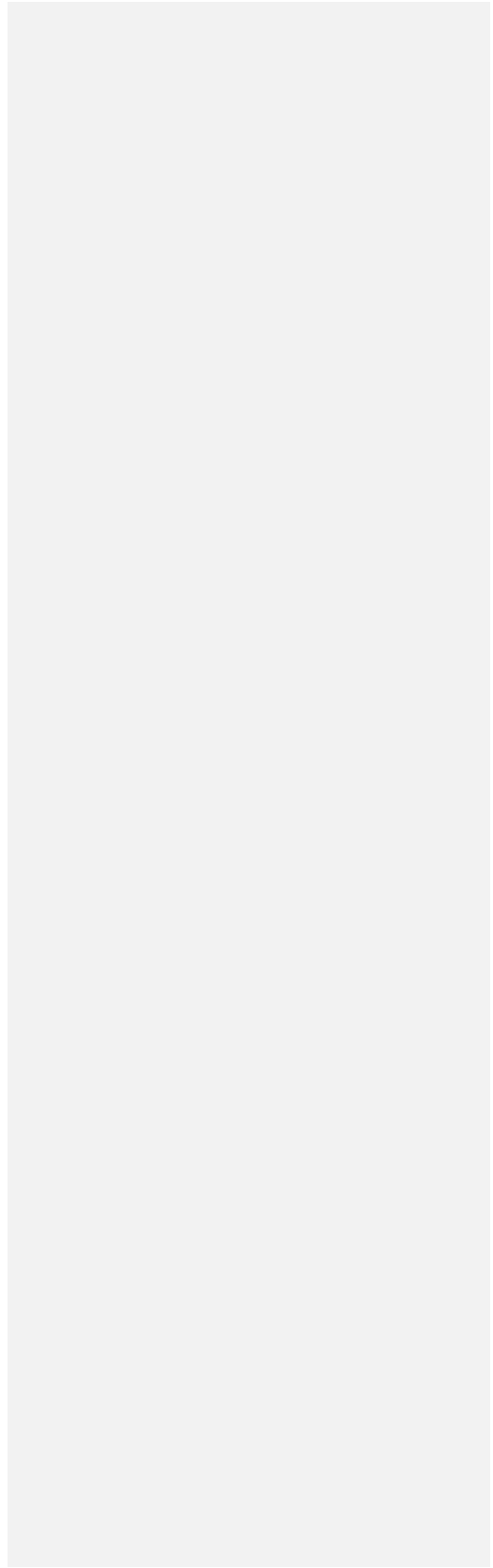
## **Kew Green – Unauthorised Encampments**

On 25 May 2021, Kew Green was visited upon by 14 caravans and associated vehicles. The group remained un) | 1 June 2021, un) | an Order for Possession was secured remove the Travellers.

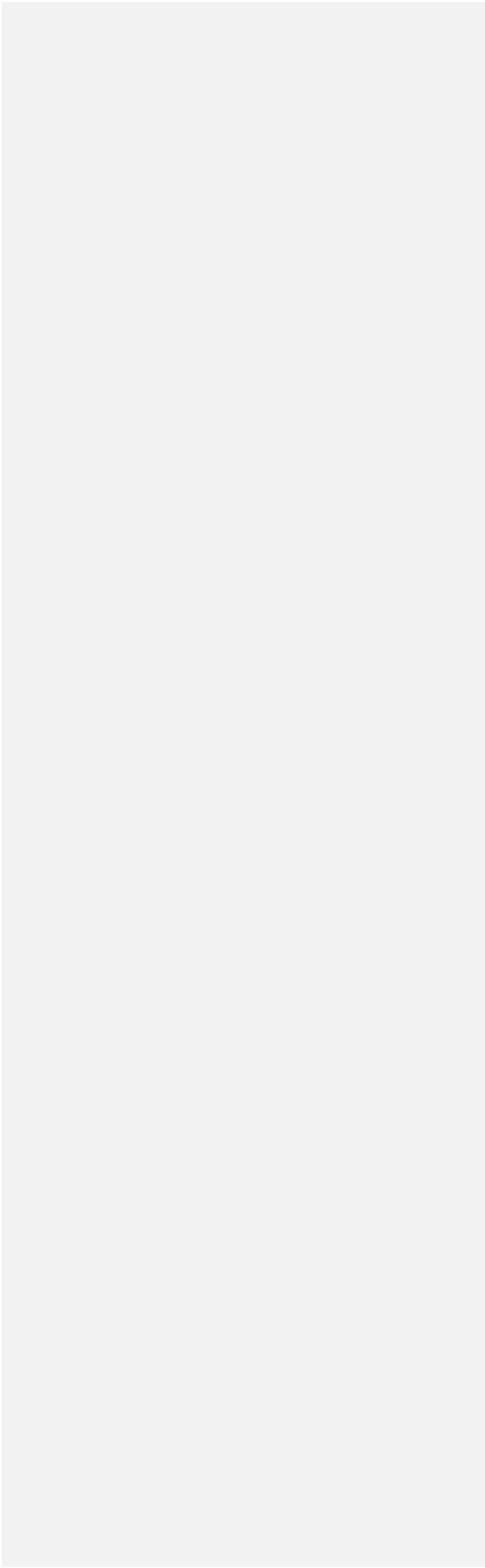
The following informa) on supports this report.

**Photos received from Council's Park Guard service, 27 May 2021**









On 2 June 2023, Kew Green was visited upon by 15 caravans and similar number of supporting vehicles (cars & vans). The group left on their own accord on 5 June 2023.

The following information supports this report.

**Photos received from Council's Park Guard service, 2 & 4 June 2023**





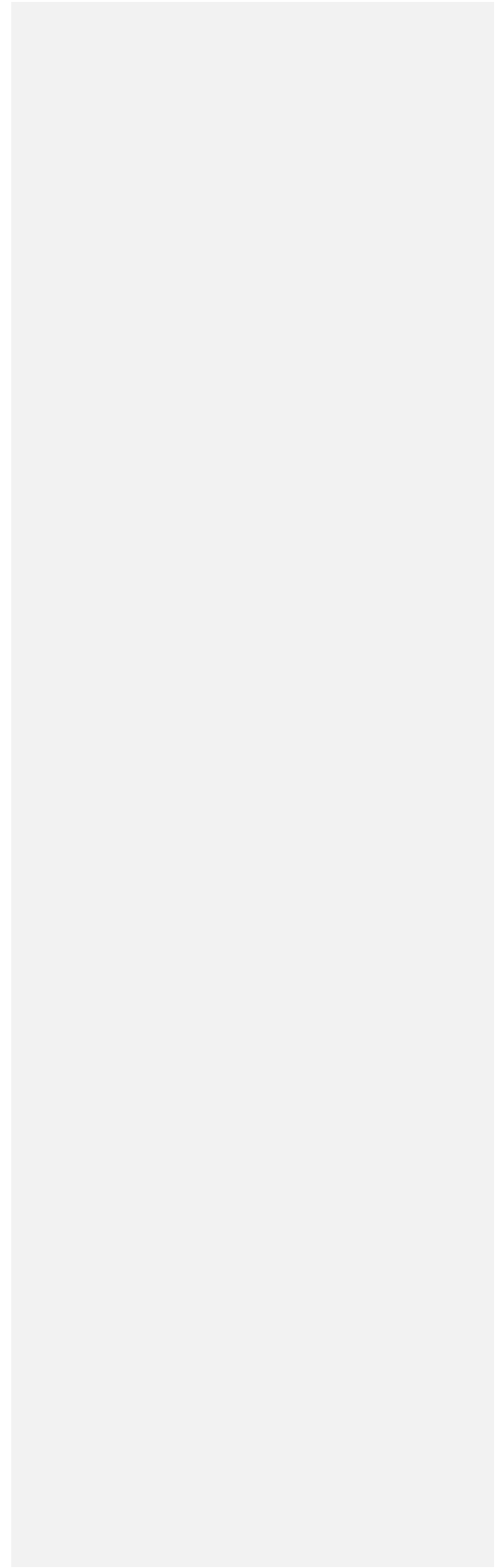
## Ham Riverside – Unauthorised Encampments

On 14 May 2020, Ham Riverside was visited upon by 7 caravans and 10 accompanying vehicles. The group only le2 once served with an injunc) on (4 June 2020).

The following informa) on supports this report.

Photos received from Council's Park Guard Services, 14 May 2020





## Old Deer Park – Unauthorised Encampments

On 12 July 2019, Old Deer Park was visited upon by 8 caravans and 13 vehicles. The group left on their own accord the following day (13 July 2019).

The following information supports this report.

Photos received from Council's Parks Patrol Contractor, 22 May 2020



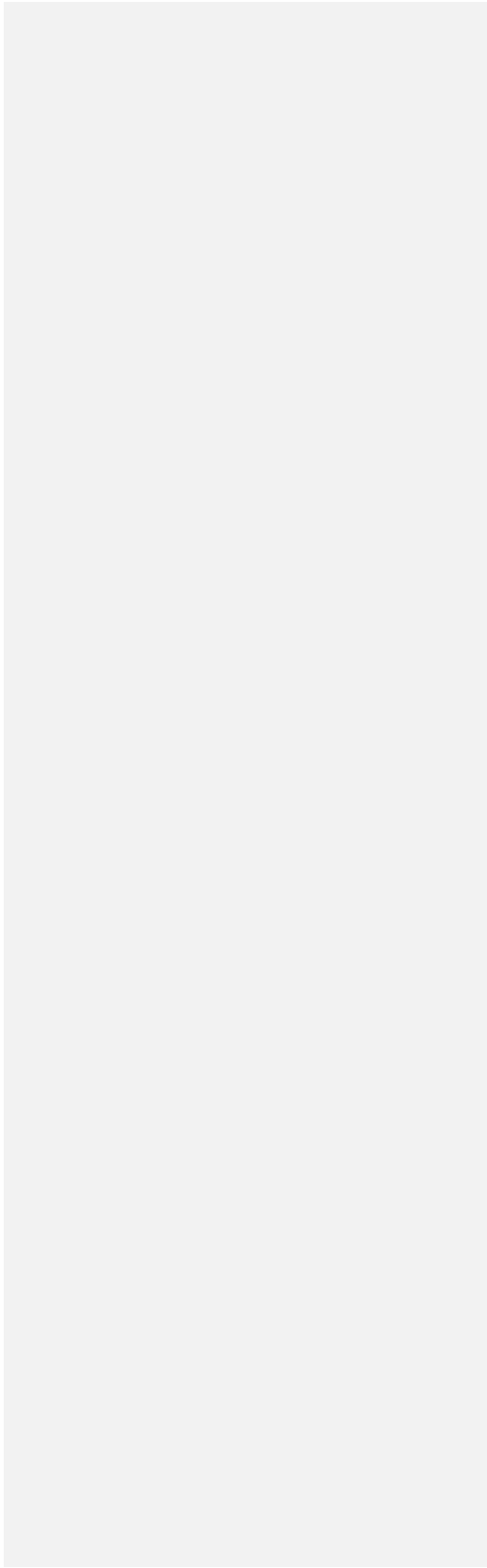
## Richmond Green – Unauthorised Encampments

On 14 September 2023, Richmond Green was visited upon by 38 residential vehicles, including 'dozens' of caravans. The group remained for one day before they were served with a notice to leave under Section 77(1) of the Criminal Justice and Public Order Act 1994.

The following information supports this report.

Photos obtained from the Daily Mail Website as at 15 September 2023







**IN THE HIGH COURT OF JUSTICE**

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**KING'S BENCH DIVISION**

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972  
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**Claimant**

**-and-**

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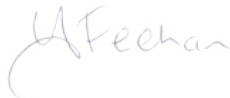
**Defendants**

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**EXHIBIT "YF6"**

---

This is Exhibit Sheet "YF6" referred to in the Witness Statement of YVONNE FEEHAN dated 17 September 2024.



.....  
YVONNE FEEHAN

---

**From:** [REDACTED]  
**Sent:** 01 August 2022 22:28  
**To:** Yvonne Feehan; [REDACTED]  
**Subject:** Fwd: Kew Green. URGENT

Official

Hello,

Sending you the urgent message below - a traveller group have just arrived in Kew Green and are causing a disturbance.

Could you look in to it ASAP please?

Thank you!

[REDACTED]

Get [Outlook for Android](#)

---

**From:** [REDACTED]  
**Sent:** Monday, August 1, 2022 10:18:35 PM  
**To:** [REDACTED]  
**Subject:** Kew Green. URGENT  
Hello

A group of travellers are in the process of setting up camp on the East side of Kew Green. The noise is already intolerable.

The council needs to take immediate legal action to have them moved on. It also needs to take positive action to stop this recurring problem.

Thank you

[REDACTED]

Sent from my iPhone

**From:** Trees & Parks <Trees&Parks@richmond.gov.uk>  
**Sent:** 02 August 2022 11:02  
**To:** Yvonne Feehan  
**Subject:** FW: Objection to travellers on Kew Green

FYI

---

**From:** [REDACTED]  
**Sent:** 02/August/2022 10:04 (BST)  
**To:** parks@richmond.gov.uk, [REDACTED], [REDACTED], [REDACTED]  
**Subject:** Objection to travellers on Kew Green

Dear Parks and Councilors  
I'm sure you are already aware that last night 01/08/2022 a group of around 10 traveller families moved onto Kew Green.  
I am officially raising an objection to this as they cause damage to the grounds and local area.  
In addition to this they also cause significant business disruption to not just this business but other businesses in the local area. Every time we have reported thefts, intimidation, and harassment. (these have been called in to the police) but with 2.5 police personnel in the area there is simply not enough resources to deal with this adequately.  
I would like to be kept up to date with your current status and what is being done to remove them along with the time in which they are expected to be removed in order to properly protect my business and its assets.  
During this period I have to fund additional business support i.e. door and security staff during this period which is an additional and unwelcome cost to running a business.  
I understand the council have been working hard in making legal moves to make it easier to move them on, however it is time that a physical preventative measure is discussed in respect of Kew Green. Whilst residents are also affected local businesses are shouldering the largest costs themselves which can no longer be sustained.  
I look forward to the councillors replies  
Further to this I am opening a discussion with the councillors included in this email, my local MP and the mayor's office as more need to be done to prevent such occurrences.

As a rate paying business I am disappointed that this situation is allowed to continue year after year.



This email message has been delivered safely by Mimecast.  
\*\*\*\*\*

Reliance upon information or requests contained in or attached to this electronic document is solely at the recipient's own risk. [REDACTED] will only accept responsibility or enter into engagements when the recipient is supplied with a document or memorandum bearing a manuscript signature of a Director or other authorised signatory.

The views and opinions expressed in the email are those of the author and do not necessarily represent those of the company. By communicating with [REDACTED] employees by email, any persons external to [REDACTED] will be deemed to have consented to having their communications monitored if breaches of the communications policy are suspected.

The content of this e-mail is confidential, for the addressee only and may contain legally privileged information. The content is not to be disclosed to anyone other than the addressee. Unauthorised recipients are requested to preserve

this confidentiality and to advise us as soon as possible of any error in transmission.

Whilst [REDACTED] has taken reasonable precautions to check out-going emails for viruses, it is seen as the recipient's responsibility to check it and any attachments for viruses on receipt.

[REDACTED]

---

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**From:** [REDACTED]  
**Sent:** 02 August 2022 11:22  
**To:** Yvonne Feehan; [REDACTED]  
**Subject:** Fw: Travellers on Kew Green

Official

Hello,

I know you're already on the case, but can I flag the waste issue below as well.

Thanks,

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 02 August 2022 11:13  
**To:** [REDACTED]  
**Subject:** Re: Travellers on Kew Green

And right now the kids are in the Kew pond... scaring the ducks and throwing waste in it! This is unacceptable!

On Tuesday, August 2, 2022, [REDACTED] > wrote:  
Thanks [REDACTED]. But what is the long term solution? This is the 3rd time in 18 months!

On Tuesday, August 2, 2022, Bridges-Westcott, Alice (Cllr) <[Cllr.A.Bridges-Westcott@richmond.gov.uk](mailto:Cllr.A.Bridges-Westcott@richmond.gov.uk)> wrote:

Official

Dear [REDACTED],

Thank you for your email and I'm sorry you're going through this.

I alerted our parks team last night and they are working on removing them from the site. Park guard is there this morning collecting all relevant information in order to do the legal proceedings.

If you see anything criminal taking place, then please do call the police as well.

Thank you,

[REDACTED]

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---

**From:** Trees & Parks <Trees&Parks@richmond.gov.uk>  
**Sent:** 02 August 2022 12:30  
**To:** Yvonne Feehan  
**Subject:** FW: Travelers on Kew Green

FYI

---

**From:** [REDACTED]  
**Sent:** 02/August/2022 11:31 (BST)  
**To:** parks@richmond.gov.uk  
**Subject:** Travelers on Kew Green

Hi. I just got a message saying you could help. There are travellers on Kew Green... again. This is the third time in 18 months. When is this going to stop? I do not feel safe. Also the petrol generators are a fire hazard on the dry grass!

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Tuesday, August 2, 2022  
**Subject:** Travelers on Kew Green  
**To:** "[REDACTED]"

Official

Dear [REDACTED],  
Please could you send an email to :  
[parks@richmond.gov.uk](mailto:parks@richmond.gov.uk)  
With regards to the above.  
Thank you  
Kind regards,  
[REDACTED]

London Borough of Richmond upon Thames  
Tel: 020 8891 1411

For information about all the services provided by the London Borough of Richmond upon Thames please visit:  
<http://www.richmond.gov.uk>

You can also follow us on Twitter for up to date information and news:  
Twitter [@LBRuT\\_Help](https://twitter.com/LBRuT_Help)

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---

**From:** Trees & Parks <Trees&Parks@richmond.gov.uk>  
**Sent:** 02 August 2022 14:03  
**To:** Yvonne Feehan  
**Subject:** FW: Kew Green situation

FYI

---

**From:** [REDACTED]  
**Sent:** 02/August/2022 13:01 (BST)  
**To:** parks@richmond.gov.uk  
**Subject:** Kew Green situation

Hello

The council have suggested that I email you in order to add my name to those protesting about the presence of travellers on Kew Green.

I am also concerned for the welfare of the dogs on the Green accompanying the travellers.

As a local resident and council taxpayer, I wonder what can be done to prevent yet another recurrence of this outrageous act of trespassing? I have written to the Home Office about a possible change in the law but perhaps some sort of obstacles should be erected so that vehicles cannot access the Green. It would be a shame, but this is a threat to our safety and as such wholly unacceptable.

Yours,

[REDACTED]

---

**From:** Matt Almond [REDACTED]  
**Sent:** 02 August 2022 15:16  
**To:** [REDACTED]  
**Cc:** Yvonne Feehan  
**Subject:** RE: Kew Green - Traveller Incursion

Official

Dear [REDACTED],

Thank you for contacting the Parks Team at the London Borough of Richmond upon Thames, regarding the traveller incursion at Kew Green.

The Parks Team attended site this morning with the Police and carried out a full welfare check of all individuals and vehicles associated with the encampment. This information gathering is key to starting the legal process and the Council's Legal Team are now liaising with the High Court to secure a hearing date at the earliest opportunity, so that the Council can be awarded with a possession order. Upon receipt of a possession order from the High Court, the Parks Team will serve notice on the encampment and upon the expiration of notice, instruct bailiffs to remove all associated individuals and vehicles.

The Parks Team are not in a position to quote a timeline for enforcement against the encampment in question, however the Police have confirmed that additional resource will be assigned to monitoring the encampment, and our Parks Patrol Contractor (Parkguard) will also be monitoring the site closely, working in collaboration with Police Teams to share intelligence and evidence.

The Parks Team has explored the feasibility of introducing further railings around Kew Green, however, apart from planning constraints, finance and the ownership of land (Crown Estate); in our experience from previous traveller incursions at other sites such measures do not prevent unauthorised access. Historically individuals remove padlocks, or damage, vandalise or remove the gates/posts required for vehicle access. Previously when the Parks Team has tried to attribute such damage etc. with unauthorised access in the hope of using it as evidence of 'forced entry' it has been unsuccessful, as the individual(s) has/have to be witnessed carrying out such an act.

On behalf of the Parks Team, please may I take this opportunity to thank you for your patience and support in this matter.

Kind regards,

[REDACTED]

[REDACTED]  
**Parks Operations Manager**

Serving Richmond and Wandsworth Councils

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]



Email: [REDACTED]

---

**From:** [REDACTED]

**Sent:** 02/August/2022 10:04 (BST)

**To:** [parks@richmond.gov.uk](mailto:parks@richmond.gov.uk), [REDACTED], [REDACTED], [REDACTED]

**Subject:** Objection to travellers on Kew Green

Dear Parks and Councilors

I'm sure you are already aware that last night 01/08/2022 a group of around 10 traveller families moved onto Kew Green.

I am officially raising an objection to this as they cause damage to the grounds and local area.

In addition to this they also cause significant business disruption to not just this business but other businesses in the local area. Every time we have reported thefts, intimidation, and harassment. (these have been called in to the police) but with 2.5 police personnel in the area there is simply not enough resources to deal with this adequately.

I would like to be kept up to date with your current status and what is being done to remove them along with the time in which they are expected to be removed in order to properly protect my business and its assets.

During this period I have to fund additional business support i.e. door and security staff during this period which is an additional and unwelcome cost to running a business.

I understand the council have been working hard in making legal moves to make it easier to move them on, however it is time that a physical preventative measure is discussed in respect of Kew Green. Whilst residents are also affected local businesses are shouldering the largest costs themselves which can no longer be sustained.

I look forward to the councillors replies

Further to this I am opening a discussion with the councillors included in this email, my local MP and the mayor's office as more need to be done to prevent such occurrences.

As a rate paying business I am disappointed that this situation is allowed to continue year after year.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kew

[Richmond upon Thames](#)

[TW9 3BH](#)

Tel: 020 8940 1208

Email: [REDACTED]

Website: [REDACTED]

Twitter: [REDACTED]



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[REDACTED]

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**From:** Trees & Parks <Trees&Parks@richmond.gov.uk>  
**Sent:** 02 August 2022 16:32  
**To:** Yvonne Feehan  
**Subject:** FW: Travellers on Kew Green

FYI

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**From:** [REDACTED]  
**Sent:** 02/August/2022 16:20 (BST)  
**To:** parks@richmond.gov.uk  
**Subject:** Travellers on Kew Green

Dear Parks Department,

This is to let you know a group of travellers arrived this morning on Kew Green. If they could be dispersed as soon as possible that would be greatly appreciated.

Regards,

[REDACTED]

Sent from my iPhone

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**From:** Customer Services Richmond <customer.services@richmond.gov.uk>  
**Sent:** 03 August 2022 09:02  
**To:** Yvonne Feehan  
**Subject:** FW: Make an enquiry has been submitted - FS-Case-441609649

fyi

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**From:** FormsNoReply@richmond.gov.uk  
**Sent:** 02/August/2022 18:32 (BST)  
**To:** customer.services@richmond.gov.uk  
**Subject:** Make an enquiry has been submitted - [REDACTED]

An online Make an enquiry has been submitted.  
The reference for this request is [REDACTED]  
**Which service are you interested in?:** Other  
**Please specify:** Traveller encampment Kew green  
**Your enquiry:** Hi an illegal traveller encampment has set up on Kew green  
**Title:** Mr.  
**First name:** [REDACTED]  
**Last name:** [REDACTED]  
**Email:** [REDACTED]  
**Telephone:** [REDACTED]  
**Would you like a copy of the enquiry to be sent to your email address provided?:** Yes  
**Address:**

Postcode	Select the address	addressNotFound
[REDACTED]	[REDACTED]	

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**From:** Yvonne Feehan [REDACTED]  
**Sent:** 03 August 2022 11:18  
**To:** [REDACTED]  
**Cc:** Trees & Parks  
**Subject:** RE: Travelers on Kew Green

Dear [REDACTED],

No doubt you will have noted the travellers left site last night and we have cleaned up any litter left behind. Sites that have had railings cuts include Heathfield Rec, Ham Lands, Ham Riverside Pitches – these are all public open spaces not behind motorways.

I suggest you continue to discuss with your ward cllrs but in the meantime we are continuing to seek the Final Injunction which would mean we would be able to move them off usually within 24 hours from serving them. This is what we had in place before the courts withdrew and it was effective.

Regards

Yvonne Kelleher  
Parks Service Manager  
Serving Richmond and Wandsworth Councils

[REDACTED]  
[REDACTED]  
[www.richmond.gov.uk](http://www.richmond.gov.uk) / [www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)

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**From:** [REDACTED]  
**Sent:** 02 August 2022 17:54  
**To:** Kelleher, Yvonne [REDACTED]  
**Cc:** Trees & Parks <Trees&Parks@richmond.gov.uk>  
**Subject:** Re: Travelers on Kew Green

Yes and I have been worrying for our safety since they arrived on our green last night. I understand everyone is doing what they need to do to move them off the green but what is the long term plan? Which Greens in the borough have had their railings cut by travellers. Completely different on rough land behind a motorway with no one to see it happen. Even at night we'd hear the noise here. Which is a question which was asked by one of our neighbours just now. Maybe worth asking [REDACTED] to help us with this...

On Tuesday, August 2, 2022, Kelleher, Yvonne [REDACTED] wrote:

Official

Dear Ms [REDACTED],

Thank you for your email and I can understand your frustrations. We are applying once again for an Injunction for the site which would mean we would have powers to remove much much quicker (usually within 24 hours). To give some background on 6<sup>th</sup> March 2019 Richmond Council had obtained an Injunction against 'Persons Unknown' to prevent unlawful encampments at various green spaces in the Borough. This had the positive effect of deterring Travellers from coming to the borough and we saw significant drop in incursions.

On 16<sup>th</sup> October 2020 Mr Justice Nicklin, Judge of the High Court, ordered that a total of 38 Injunction cases be reviewed, and on 24<sup>th</sup> May 2021 the Court held that it was not possible to obtain final injunctions against Persons Unknown unless it was possible to identify such persons, and that it injunctions could not be enforced against newcomers (i.e. persons who came onto the land subsequent to the injunction being ordered). As a result, the Council's Injunction was discharged.

The judgment had potentially wide and serious consequences for a range of pre-emptive injunction orders frequently sought by local authorities to prevent unlawful or criminal behaviour for the benefit of residents. However, 14 Local Authorities, including Richmond and Hillingdon Councils (represented by Richmond's in-house legal team at SLLP) appealed to the Court of Appeal and on 13<sup>th</sup> January 2022 the Court of Appeal unanimously allowed the appeals finding in favour of the Councils. The Court of Appeal recognised and confirmed the benefit of such preventative injunctions.

So please be assured we are trying to get the Injunction back in place. Regarding the fencing, as I said previously we know from our experience in other parks and from other land managers this does not deter them from entering they simply cut gates/fencing and cause even more criminal damage.

This morning 8 police officers attended with us so we are being supported by the police but they will only use their powers to remove the travellers if they have sufficient evidence from residents that their lives are being impacted with ASB so I would urge you and your neighbours to report all and every issue you may experience as the more information they have the stronger the case.

Please be assured we are doing all we can, I have spent since 10pm last night dealing with this matter and working with our Legal Team to get all the necessary paperwork filed in High Court by 2pm today so that the process is as quick as possible.

Regards

Yvonne Kelleher  
Parks Service Manager  
Serving Richmond and Wandsworth Councils

  
[www.richmond.gov.uk](http://www.richmond.gov.uk) / [www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)

**From:** [REDACTED]  
**Sent:** 02 August 2022 16:09  
**To:** Kelleher, Yvonne [REDACTED]  
**Cc:** Trees & Parks <[Trees&Parks@richmond.gov.uk](mailto:Trees&Parks@richmond.gov.uk)>  
**Subject:** Re: Travelers on Kew Green

Also can't you give them fines for parking on the green? Or can we park on the green?

And the petrol generators? Is that not a cause of concern? Health and safety? Are we allowed? I thought you get fines for that too? Sorry but feel like each time the response is there is a process you need to follow but no long term solution for the residents of Kew green.

On Tuesday, August 2, 2022, [REDACTED] wrote:

Thanks for your message but this is the same sort of message we receive each time (third time in 18 months) what measures are in place for this not to happen again... it takes about a week if not more because they usually come on a Friday so nothing happens over the weekend... it is not safe. Last time 5 of them came into my house! It was reported. This morning two of them jumped on a bus and harassed a polish women. I can't take my children to the green or playground as they are intimidating and again not safe. You talk about budget... but what about safety? What about the costs/ times each time this happens? Can [REDACTED] not get involved? Or our local councillors? Also this time last year (4 of August to be exact) one of the playground equipments was broken by the travellers... and still not fixed. When will that be sorted?

On Tuesday, August 2, 2022, Kelleher, Yvonne [REDACTED] wrote:

Official

Dear Samuel,

Thank you for contacting the Parks Team at the London Borough of Richmond upon Thames, regarding the traveller incursion at Kew Green.

The Parks Team attended site this morning with the Police and carried out a full welfare check of all individuals and vehicles associated with the encampment. This information gathering is key to starting the legal process and the Council's Legal Team are now liaising with the High Court to secure a hearing date at the earliest opportunity, so that the Council can be awarded with a possession order. Upon receipt of a possession order from the High Court, the Parks Team will serve notice on the encampment and upon the expiration of notice, instruct bailiffs to remove all associated individuals and vehicles.

The Parks Team are not in a position to quote a timeline for enforcement against the encampment in question, however the Police have confirmed that additional resource will be assigned to monitoring the encampment, and our Parks Patrol Contractor (Parkguard) will also be monitoring the site closely, working in collaboration with Police Teams to share intelligence and evidence.



The Parks Team has explored the feasibility of introducing further railings around Kew Green, however, apart from planning constraints, finance and the ownership of land (Crown Estate); in our experience from previous traveller incursions at other sites such measures do not prevent unauthorised access. Historically individuals remove padlocks, or damage, vandalise or remove the gates/posts required for vehicle access. Previously when the Parks Team has tried to attribute such damage etc. with unauthorised access in the hope of using it as evidence of 'forced entry' it has been unsuccessful, as the individual(s) has/have to be witnessed carrying out such an act.

On behalf of the Parks Team, please may I take this opportunity to thank you for your patience and support in this matter.

Regards

Yvonne Kelleher  
Parks Service Manager  
Serving Richmond and Wandsworth Councils

[REDACTED]  
[REDACTED]  
[www.richmond.gov.uk](http://www.richmond.gov.uk) / [www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)

---

**From:** [trees&parks@richmond.gov.uk](mailto:trees&parks@richmond.gov.uk) <[trees&parks@richmond.gov.uk](mailto:trees&parks@richmond.gov.uk)>  
**Sent:** 02 August 2022 12:30  
**To:** Kelleher, Yvonne [REDACTED]  
**Subject:** FW: Travelers on Kew Green

FYI

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**From:**  
**Sent:** 02/August/2022 11:31 (BST)  
**To:** [parks@richmond.gov.uk](mailto:parks@richmond.gov.uk)  
**Subject:** Travelers on Kew Green

Hi. I just got a message saying you could help. There are travellers on Kew Green... again. This is the third time in 18 months. When is this going to stop? I do not feel safe.

Also the petrol generators are a fire hazard on the dry grass!

----- Forwarded message -----

From: [REDACTED]  
[REDACTED]

Date: Tuesday, August 2, 2022  
Subject: Travelers on Kew Green  
To: [REDACTED]  
[REDACTED]

Official

Dear [REDACTED]

Please could you send an email to :

[parks@richmond.gov.uk](mailto:parks@richmond.gov.uk)

With regards to the above.

Thank you

Kind regards,

[REDACTED]

[REDACTED]

London Borough of Richmond upon Thames

Tel: [REDACTED]

For information about all the services provided by the London Borough of Richmond upon Thames please visit:  
<http://www.richmond.gov.uk>

You can also follow us on Twitter for up to date information and news:

Twitter [@LBRuT\\_Help](https://twitter.com/LBRuT_Help)

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**From:** [REDACTED]  
**Sent:** 11 August 2022 13:37  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Travellers on Kew Green again (Case Ref: SO36636)  
**Attachments:** 20220811\_065602626\_iOS.jpg; 20220811\_065621876\_iOS.jpg; 20220811\_065643827\_iOS.jpg; IMG\_20220811\_0001.pdf

Dear [REDACTED]

Thank you for your response, although you do not address the emboldened section of my email. However, in your earlier responses yesterday to other constituents, I note you said *“As you may already be aware, this kind of fencing has successfully prevented this issue on other greens in the borough and we hope it will prove an effective barrier and deterrent in this case. We believe that given the repeated nature of this problem, it should be possible to now secure the resources required to address this issue.”* I deduce from this that railings have been an effective measure in Twickenham, and that the total costs of the previous traveller visits, in terms of policing, parks patrol, welfare visits, legal costs and clean up make railings a cost-effective solution.

You say that ward councillors are *“exploring how best to make the case for this fence to council officers”*. (I’m not an expert in local government, but my understanding is that council officers serve the Council, and by default councillors, rather than the other way round.) Although the travellers have now left, I wanted to share with you some details of their departure in the hope that they might contribute to the case for extending the railings. I am also copying in Yvonne Kelleher, as the Parks team have hitherto appeared to be opposed to the idea of railings and I am aware the Ms Kelleher had an active role in instigating legal proceedings.

A couple of hours before their departure yesterday, we witnessed travellers throwing rubbish on the Green – and I don’t mean the odd bit of litter but whole bin bags tipped out in their entirety onto the grass, along with hundreds of pieces of paper. On closer inspection this morning, these appear to be multiple copies of a document, signed by Ms Kelleher and witnessed by what I assume to be the Council’s lawyers (a few pages of which are attached), outlining the incidents that had occurred and the steps that had been taken as part of the request to grant a possession order. I am also attaching a couple of photos of the litter which covered large areas of the Green and included numerous nappies, empty food cans and other food waste in various states of decay, as well as a surprising number of toys. Excrement from the accompanying dogs was also amongst the waste. The contractors clearing up this morning did an amazing job and deserve our utmost gratitude for a task they really shouldn’t have to do.

I do hope that those of you copied on this email will be able to attend the community meeting that the [REDACTED] [REDACTED] has kindly offered to host on Wednesday 17 August at 4pm.

Kind regards,

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 11 August 2022 09:37  
**To:** [REDACTED]  
**Subject:** Re: Travellers on Kew Green again (Case Ref: SO36636)

Dear [REDACTED]

I am sorry that the recent occupation of Kew Green has caused so many issues in the local community and I want to reassure you we are doing everything we can to move these vehicles on quickly. I know that your ward councillors are coordinating closely with the police and local authorities and that Cllr. Bridges-Westcott attended the site and spoke with the police late on Tuesday evening.

I believe that your ward councillors are supportive of a fence surrounding the green and are currently exploring how best to make the case for this fence to council officers. I have given them what support I and my office can offer in this regard and I hope that this campaign will be treated with the seriousness it deserves. I realise the frustration and concern caused by the repeated occupation of the Green and while I know both your councillors and council officers are working hard to remove the trespassing vehicles as quickly as possible, I do recognise that preventative measures are needed to prevent similar actions taking place in the future.

Thank you for getting in touch, if you have any further issues or problems, please don't hesitate to get in touch again.  
Kind regards,

[Redacted]  
[Redacted]

[Redacted]  
[Redacted]

Any personal data [Redacted] staff members receive will be treated in accordance with [Redacted] privacy policy as detailed at [saraholney.com/privacy-policy](http://saraholney.com/privacy-policy). Please email [Redacted] if you would like to exercise any of your legal data rights

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From: [Redacted]  
Sent: 9 August 2022 17:42  
To:  
Cc: , <  
Subject: Travellers on Kew Green again

Dear [Redacted],

You may already be aware that travellers have again arrived on Kew Green – only a week after their last visit. Whilst the last visit was relatively brief, and so presumably didn't trigger a costly legal process, there were certainly costs to local residents, council tax payers and your constituents in terms of policing, parks patrol and a significant clear up which included abandoned gas cannisters – of considerable concern in the current heatwave, not to mention several incidents of anti-social behaviour. The impact on local businesses is considerable too – the owner of Abyam newsagents was advised by the police, on a previous occasion that the best thing she could do was to close her shop.

This is, to my knowledge, at least the fifth incursion since I have lived here and the Council's go-to response has been to suggest legal action. Not only is this ponderous and expensive, it is absolutely not a deterrent – hence the repeat visits. In today's world of social media, it is hardly surprising that this is becoming a popular stop over for travellers.

Local residents have on numerous occasions suggested extending the existing white concrete post and steel bar railings around the perimeter of the Green but the response of the Parks Department\* is that these will be cut through. Kew Green is directly overlooked by around 50 houses, the posts are concrete and the bars steel so would require very high powered and noisy equipment to cut through them - honestly, this is a totally spurious argument. The arguments in respect of Crown Land and planning consent are also an irrelevant diversion, given that there are already existing railings which could simply be extended, as indeed was the case historically.

Twickenham Green, as below, has more extensive railings, not dissimilar to those already on Kew Green but despite repeated requests to local councillors last year, I was unable to confirm my belief that this has prevented a similar problem there.

**I am loath to involve the Council, and by implication, local council tax payers in the cost of a Freedom of Information request but believe that local residents have a right to know whether this has been an effective measure in Twickenham, and what the total costs have been for the previous traveller visits, in terms of policing, parks patrol, welfare visits, legal costs and clean up.**

I hope that you will be able to use your influence with the Council to secure this information on behalf of your constituents without a formal Freedom of Information request.

[Embedded Image]

\* The Parks Team has explored the feasibility of introducing further railings around Kew Green, however, apart from planning constraints, finance and the ownership of land (Crown Estate); in our experience from previous traveller incursions at other sites such measures do not prevent unauthorised access. Historically individuals remove padlocks, or damage, vandalise or remove the gates/posts required for vehicle access. Previously when the Parks Team has tried to attribute such damage etc. with unauthorised access in the hope of using it as evidence of 'forced entry' it has been unsuccessful, as the individual(s) has/have to be witnessed carrying out such an act.

Kind regards,

██████████

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*Any personal data ██████████ staff members receive will be treated in accordance with ██████████ privacy policy as detailed at ██████████. Please email ██████████ if you would like to exercise any of your legal data rights.*

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**From:** [REDACTED]  
**Sent:** 12 August 2022 14:27  
**To:** [REDACTED] Yvonne Feehan  
**Subject:** Fw: Travellers on Kew Green

Official

Hi both,

Could you take a look at the second paragraph about the grass and the alleyway please?

Thank you!

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 11 August 2022 08:21  
**To:** [REDACTED]  
[REDACTED]  
**Subject:** Travellers on Kew Green

Hello,

As you might well be aware there was a travellers incursion on Kew Green this week. It was the second time in the last two weeks.

While I'm happy to see the council crews already clearing up the inevitable mess, I would like to ask the council to inspect the little strip of grass at the top of Priory Road, bordering the Green where big piles of what looks like human excrement have appeared in the last couple of days, and also the alley leading to Haverfield Gardens which is often used as toilet.

I would like to ask what the plans are to prevent this from happening again. There was the widely publicised incident last year, twice and now twice in the space of only two weeks.

I have been a local resident for over 25 years, I walk my dogs on the Green and I walk there on my way to Kew Bridge Rail Station. It feels intimidating and unsafe.

I also want to point out the fire risk, especially in the current conditions. The travellers use generators and they have used barbeques and gas bottles. One spark is all it takes for a fire to start.

I trust the Council will take the steps needed to keep the residents safe.

Best Regards

---

**From:** [REDACTED]

**Sent:** 18 August 2022 17:07

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Meeting of Kew Green area residents

Dear all

There was, yesterday afternoon, a meeting of people who live on, or close to, Kew Green along with operators of businesses. I am conveying, for your information and consideration, the key points discussed. I won't repeat detail from earlier emails which you can refer to if necessary.

1. Appreciation of support shown by councillors and our MP, but concern as to when this support would be converted into tangible action;
2. Recognition that the solutions desired (in terms of making the east side of Kew Green a less desirable target) was a more medium term issue as opposed to the high level of fear around another incursion over the bank holiday weekend;
3. Recognition of the prompt, extensive, and thorough, clean up operations following recent invasions;
4. Recognition that the council had instigated legal processes, but this is after the event and local residents had already suffered fear, stress, intimidation, assault and damage to property; and
5. Desire for a full, single, meeting with our councillors, MP and council executive officers to convey the depth and strength of feeling and to hear what was going to be done, when and how. Natasha Samuel (who I have copied into this email) was going to take forward the organisation for such a meeting, with a desire for this to be sooner rather than later albeit recognising the impact of the holiday season.

It is worth noting the following:

#### **Short term**

Numerous concerns over the bank holiday weekend. Fortunately, the majority were able to quell calls for residents to take matters into their own hands. Suggestions of parking cars to block entry to the green (whether residents or more likely the numerous Zip cars parked around the green) were aired. There were also suggestions of building a fence ourselves. As noted these ideas were largely constrained, but have not gone away.

Residents will speak with the Kew Horticultural Society (who have their annual show on the Green over the bank holiday weekend) to see if their marquees and stalls can be erected before the Friday afternoon as this may act as a limited deterrent. Also if interfered with would give grounds for police action.

Reference was drawn to The Police, Crime, Sentencing and Courts Act 2022 which became law in April 2022. It is understood that incursions of the sort we have seen are, under this legislation, potentially criminal offences. All that is required is for the occupier of the land (Richmond Council) to instruct the police to require the Travellers to leave and their failure to do so, immediately, is a criminal offence. It carries a fine and the ability for police to seize vehicles. Unsurprisingly residents are keen that the council instructs the police as soon as possible if an incursion arises and, secondly, that the police act with the requisite authority and resources to move them on. Most residents and business people were left with the impression that this was a readily available tool that they expected to be used. If nothing else this point has raised an expectation with local residents and businesses.

#### **Medium term**



Proposals previously communicated to you had the full support of residents. Frustration was expressed by some that these proposals had not been adopted when raised after previous incursions, but there was some (reluctant) acceptance that the position had now changed given the frequency of incursions.

The more militant were guided away from getting the work done themselves during a considered, if sometimes fractious, discussion.

The key issue for residents was when would vocal support turn into solid actions with deadlines etc. It was suggested that our councillors should table a motion for debate at council noting the trauma, loss of business and costs incurred as a consequence of the incursions with a motion to instruct the executive to implement actions to limit the risk of this happening by implementing the proposals made by residents, and supported by our councillors and MP. It was decided that this was best discussed with councillors at the proposed future meeting in case they felt there was a better way of dealing with this.

A number of additional ideas to those already raised with you were also discussed. Some of these were simply alternative ways of achieving the same objective, which some present felt were less likely to gain traction. However one simple, positive, suggestion involved a slight modification to the length of double yellow line parking restrictions which, if reduced modestly (approx 8m) could help to reduce the ease with which Travellers access the Green.

Overall the meeting was of the view that the status quo was unacceptable.

### **Policing**

There was a lot of discussion concerning the policing of the last two incursions particularly. Numerous examples were given of here people felt that police had simply stood back and had not been prepared to intervene to protect them or their property. It was felt that there had been too few police officers present, and for too little time. It was recognised that on the last incursion police response had been quicker but there was a feeling that this was in the category of too little, too late.

There was a long list of offences committed where , simply put, nothing had been done.

It is recognised that operational policing matters are for the constabulary, and not the council. However the residents felt that they ultimately pay for the policing, in part via the local council, and that this needed to be addressed.

Additionally there was discussion of reinvigorating a Kew Green Residents Association to facilitate easier communication, and regular meetings with councillors and officers. This has been taken away for considering the number of local organisations (albeit with quite specific purposes) in existence already.

I hope that you find this helpful. As always I am more than happy to answer any questions, provide clarification of discuss more generally.

██████████  
██████████

Sent from my iPad

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-**

**KING'S BENCH DIVISION**

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

**B E T W E E N :-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /  
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary  
accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 6 SITES  
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON  
THE SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 6 SITES WITHIN  
THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE  
SCHEDULE ATTACHED TO THIS ORDER MARKED "1"**

**Defendants**

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**EXHIBIT "YF7"**

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This is Exhibit Sheet "YF7" referred to in the Witness Statement of YVONNE FEEHAN dated 17 September 2024.



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**YVONNE FEEHAN**

**[ RESTRICTED – CONTAINS PERSONAL DATA ]****Parkguard Incident Reports**

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**Patrol No** P089189

**Report No** R858202

**Date** 26/07/2024

**Location** Ham Common

**Time In** 21:32

**Text** ATTENDED A TRAVELLER ENCAMPMENT AT THIS LOCATION; P1 INFORMED. WE WERE INFORMED BY A TRAVELLER THAT THEY WERE STAYING HER DUE TO A FEMALE IN HOSPITAL GIVING BIRTH AND THEY WOULD BE LEAVING IN THE NEXT FEW DAYS. WE PROVIDED THEM WITH BIN BAGS.

Call Reference: HAM COMMON, Control-Room Received: ?, Patrol Received: 21:15 We attended this location due to receiving information from Richmond Careline that a traveler encampment was present on the common that had arrived within the last hour. We conducted a mobile patrol of the open space before starting a foot patrol towards the various vehicles. We contacted P1 to update him about the situation and inform that we would conduct a site assessment/welfare check. We approached the first couple of caravans where we were greeted by an IC1 male and his family who claimed that they were present because a female was in hospital giving birth and that they would be able to leave in the next couple of days. He claimed that there were no vulnerable persons on site. We asked if they would need bin bags which they agreed to so we patrolled back to the vehicle to grab a handful. We liaised with a couple of local residents who were curious what was happening. We informed them of the current situation, that we were following protocols and advised them to remain vigilant whilst the encampment is present. We patrolled back towards the site where we handed the black bin bags to one of the males who thanked us and spoke with a male driving his vehicle. We then began our patrol of the encampment, liaising with several adults/children informing them we were present to carry out a site assessment and complete welfare checks. All persons on the site were friendly and displayed no signs of aggression at any point during our patrol. We were told a different story by another male that the group were present due to a wedding taking place and that they would be leaving Tuesday at the latest- showing that there are discrepancies in their stories. We ascertained that at least one of the families is usually based in Bristol. There were a very large number of vehicles spread across the length of the common, including multiple driving in circles and around the perimeter making getting registration plates difficult. These vehicles were already causing damage to the grass including the cricket pitch. We systematically worked our way along the lines of vehicles and noted down vehicles/caravans from I1-I42. There were at least 6 dogs seen on site, several of which were very young/small, tethered to stakes put in the ground near to several of the caravans. There was a small amount of littering on site and fly tipping consisting of waste bags already building up around several of the trees. The majority of caravans has gas containers and generators. We contacted 999 whilst patrolling through the site as we had concerns surrounding the sheer number of people and the reckless driving across the common. We were informed that the Police had already been made aware of the situation but were thanked for the information and were given a CAD reference. We witnessed one vehicle driving at speed and beeping at a fox that was on the common which resulted in it being forced off towards the main road towards HAM COMMON WOODS. We didn't witness the fox being injured as it ran away. We returned to the vehicle where we liaised with another couple of residents to inform them of the situation and offer reassurance which they thanked us for. Our patrol was captured on BWV. We monitored the encampment and pond for a period and updated the relevant persons about our findings. This location will be monitored on future visits.

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<b>Tag Code</b>	Pol-Ref (01) - Police References- CAD, URN, STORM
<b>Reference</b>	CAD 8364/26/07/2024
<b>Patrol No</b>	P089209
<b>Report No</b>	R858310
<b>Date</b>	27/07/2024
<b>Location</b>	Ham Common
<b>Time In</b>	14:55
<b>Text</b>	<p>ATTENDED TO MONITOR THE TRAVELLER INCURSION STILL IN SITU; PICTURES TAKEN RELEVANT PERSONS INFORMED. I OBSERVED A DEAD BIRD WHICH WAS DISPOSED OF.</p> <p>I attended this location, due to a recent traveller incursion, I parked my vehicle opposite the POND, I exited my vehicle and monitored for a period, pictures taken, relevant person informed. I returned to my vehicle and made my way around the perimeter and parked opposite the Cricket Pitch, observing several caravans parked on/around the Pitch, several vehicles were observed entering/exiting onto UPPER HAM ROAD, there was a light footfall of park users passing through. I again exited my vehicle and took further pictures of the caravans, cars and vans upon the OPEN GREEN SPACE, relevant person informed. I started a foot patrol of the Green, passing the POND in the direction of the traveller site, I observed a dead rook on the ground, which appeared to have been killed, other than by natural means, I briefly engaged with a nearby female from the travelling community, before removing the dead bird and disposing of it appropriately. I continued patrolling around the site, noting substantial amounts of littering throughout, mainly of empty juice/water bottles. I noted the previously reported caravans remain in situ, however several appeared to have changed position, each caravan appeared to be equipped with a small generator and 2/3 large butane canisters, concerns are due to the hot weather/direct sunlight this could be an health/safety issue. I was approached by 2 young males from the community, who asked me how long they can stay, I advised them an application will be made to the court as soon as possible, I noticed a small dog tethered to a kennel, there was no water/food present, I politely asked both young males if they could provide the dog with some water, due to the current heat, they advised they would ensure the dog was watered/fed. One of the two males left, I noticed a couple of deep/large holes around the base of a tree, exposing the root system, pictures taken, relevant person informed, several meters along there was damage to the Green of rutting, where there appears a vehicle has wheel spun, pictures taken relevant person informed. I observed vans/cars driving around also on/off the Open Green Space more frequently, and then appeared to park next to other caravans, there was tread marks throughout, also indicative they had been circulating the POND. I checked the CRICKET TABLE due to multiple caravans, were within the boundary of the Pitch and close proximity of the Cricket table. A spike had been removed from the Cricket Square and discarded on the ground, the chain marking a section of the Boundary had been removed, and the positioning for the stumps had been damaged leaving several large holes. I was approached by security staff, we updated/debriefed regarding the situation, when P1-P3 arrived and updated me surrounding the British vehicle index numbers, provided earlier. Officers departed the area advising they would return later, to ascertain if there are further issues that need addressing. The security team advised where they were going to park their vehicle, I briefed them of a high visibility presence also to continually monitor and log anything unusual. I returned to my vehicle, following a call from PO408 advising of his arrival, I departed the location and made my way over to BURNELL AVENUE, where I met with PO408 at 15:55PM. Once PO408 boarded the vehicle, we proceeded back to the</p>

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above named, parked our vehicle along side the perimeter and proceeded to conduct a foot patrol. The first thing we noticed was the vehicle tire marks all over the grass area around the cricket playground and the caravans' parking site. We approached a group of male and female travelers with their children. We advised them to keep the area clean and tidy and to ensure all their rubbish was kept in one area under the tree for easier collection after their departure. They agreed to our request and stated they have been keeping the place tidy. We then checked by the small lake, where we saw four children. We ensured they were not getting into the water or disturbing the birds in the lake. They engaged with us, asking questions about the birds and mentioned they saw someone hitting a duck with a rock and killing it earlier. We advised them to stay away from the birds and not enter the water as it is dirty and contaminated by bird droppings. They agreed and thanked us for the information. We noted damage to the chain and the ground within the cricket square, which we documented with photographs. We believe this damage was caused by the travellers' vehicles driving on the grass. Afterward, we returned to our vehicle and monitored the site for a period before meeting with the security team overseeing the area. We updated them on the situation and advised them not to engage with the travelers but to monitor their movements and report any issues. We then proceeded to our next location. We returned to the site for reassurance and saw the suspects still driving their vehicles up and down the park on the grass and some were washing their caravans which will get the grass wet and cause more damage to the ground as they driving throw it. We monitored them from, distance and had a few local residence who stopped by us and talked about their frustration about the travelers being around the park and that they are happy to see us patrolling around. We received a call reporting some travellers parked their vehicles inside the green sport area around HAM HOUSE STABLES and that they are setting a camp site. We attended immediately where we noticed the gate was unlocked. We drove up to the suspects and saw two adults males IC1 and a women IC1 with about seven kids where the two males were setting up the tents and kids were running around and about. We spoken the male telling him that they should not be parking in here and how did they get in. He said that he drove in because the game was open and that he is aiming to camp with his family for the night and maybe he will go tomorrow. We told him that it is a council site and that he may get fined, he said he will be removing his vehicles the soonest he finish setting the tents and he will be locking the gate after.

**Time Out** 15:21

**Patrol No** P089209

**Report No** R858652

**Date** 27/07/2024

**Location** Ham Common

**Time In** 20:17

**Text** OBSERVED A CARAVAN BEING JETWASHED AT THE EDGE OF THE GREEN, OBSERVED SEVERAL VEHICLES FROM THE INCURSION  
We returned to this location due to an ongoing traveller incursion. Upon approach we immediately noted a caravan being jet washed, positioned at the edge of the Green concerns are contamination of the soil, also if vehicles are moved when the ground is wet, this could potentially cause damage to the Open Green Space. We remained and monitored for a period, noting various vehicles from the travelling community circulating the OPEN GREEN SPACE, some occasionally existing/ entering, we were approached on several occasions by residents, who expressed their concerns, regarding their safety crossing the Green referencing said vehicles, they thanked us for attendance. We received a call from

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our Client at 20:26hrs, reporting 2 vehicles having entered onto HAM RIVERSIDE PITCHES and appears a tent has been erected, unsure if associated with the travelling community at said location or people camping. We proceeded over to the said location, observing the vehicle access gate to be open. We conducted a slow mobile patrol with our light bars activated, crossing the OPEN GREEN SPACE towards the BASEBALL PITCHES. We parked our vehicle opposite vehicle I1, we engaged with an IC1 adult male P1 who was inflating a blow-up bed, we asked how he had gained access, P1 advised the gate was open and we will have to get a court order to remove them tonight. We advised him of the by-law breach and issued an advisory on this occasion, due to several young children were present, additionally advising it's a finable offence. P1 stated he will leave in the morning along with his brother P2 and both their wives/children, we witnessed P2s vehicle I2 parked slightly nearer to the Baseball Pitch. We returned to our vehicle and made our way back to HAM COMMON. We monitored for a further period, observing vehicles proceeded to travel back/forth across the Green, we then noted 2 large caravans hitched to their respective vehicles, however, didn't appear to move, they remained stationary. There were no further issues at this time. I returned PO408 to his vehicle on BURNELL AVENUE, then departed for the next location.

**Outcome Code** M, M-R

**Time Out** 22:55

(I1)

**Type** Other

**Reference** EM65RZU

**Description** SILVER FORD TRANSIT

**Tag Number**

(I2)

**Type** Other

**Reference** BG26EDV

**Description** BLACK NISSAN

**Tag Number**

**Patrol No** P089222

**Report No** R858563

**Date** 28/07/2024

**Location** Ham Common

**Time In** 13:49

**Text** ENGAGED WITH P1 IN REGARD TO PARKING. ENGAGED RESIDENTS.  
 Prior to attending this location, I made my way over to HAM RIVERSIDE PITCHES, due to a camp site within close proximity to the BASEBALL PITCH and an unauthorised vehicle parked next to the tents. There was no parking available, so I parked my vehicle in front of said location's access gate, when I witnessed a vehicle I1 approaching the gate. I exited my vehicle and engaged with an IC1 male, who I will refer to as P1, as he exited his vehicle and

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opened the gate, he stated he needs to pick his children up along with his wife, I advised P1 if he leaves I will secure the gate preventing him from re-entering, also issue FPNs against each vehicle and the encampment, P1 appeared indifferent. I moved my vehicle allowing him to exit, whilst he returned to his and departed from the area. I repositioned in front of the gate, then made my way on foot to ensure it was secured, I noted it had been cut and the U lock had been seriously damaged along with the casing which protects the lock from malicious damage, I called P2 requesting if a replacement lock could be obtained as a matter of urgency, pictures taken, relevant person informed. However there was no persons available, I pulled the gate shut, returning to my vehicle, when P1 returned with 2 IC1 adult females and 6 young children, I advised P1 I believe he is associated with the traveller community on HAM COMMON, and they will be entered onto the application for the pre court proceedings, also I strongly believe they had damaged the lock to enter/exit as I had witnessed the lock secured by a local resident earlier, there was no attempts to deny/confirm, both females made their way on foot across the field accompanied by their children. I then made my way over to the above named, where I remained and monitored for a period, I engaged with several local residents, who thanked me for my reassurance. Whilst observing cars/vans could be witnessed continually driving across/around the Open Green Space. I noticed a young IC4 male who appeared to deliberately kick a ball against one of the caravans, when noticing an IC1 adult male exit from the caravan, I noted him running along the perimeter to get away. I called the young male over and activated my BWV, I advised him of what I had witnessed advising him to apologise, the male began to approach us, I continued ahead and intercepted him, advising him I've advised the young male to apologise, he stated "that's fine and not to worry" as he has young children of his own, he then stated, however if this was any other of the community it could have a different outcome, I thanked him for his understanding, he returned to his caravan, I then returned to my vehicle. Whilst I continued to monitor, I was approached by local residents/park users, there were several allegations made of theft from local shops also defecating in the alleyways. I was then passed by a speeding vehicle, believed to be travelling approx. 45/55 MPH along HAM COMMON (road) towards UPPER HAM ROAD, I checked the index number of I2 which came back with results found. I remained and monitored for a further period, updating P2 of the ongoing issues, whilst providing a high visibility presence and community reassurance to park users/residents.

**Time Out** 16:58

(I1)

**Type** Vehicle  
**Reference** EK65RZU  
**Description** silver/ ford van  
**Tag Number**

(I2)

**Type** Vehicle  
**Reference** ND21HND  
**Description** SILVER/TOYOTA  
**Tag Number** NO RESULTS

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**Patrol No** P089248  
**Report No** R858783  
**Date** 29/07/2024  
**Location** Ham Lands  
**Time In** 12:27  
**Text** I drove towards HAM COMMON to conduct a cursory check of the encampment and pond for any major issues to report. The site appeared very similar to when I last witnessed it on Friday evening but there was littering scattered throughout as well as multiple bin bags left in the centre of the common. There were very few park users present and only a small number of travellers outside their caravans. No one was seen causing distress to the wildlife at the pond but there was minor littering surrounding it consisting of food packaging and a small single inflatable pool seen floating in the water. Several of the dogs were seen tethered to a stake or running free at the site, not kept under supervision or under proper control.

**Outcome Code**  
**Time Out** 14:15

**Patrol No** P089267  
**Report No** R858913  
**Date** 30/07/2024  
**Location** Ham Common  
**Time In** 09:16  
**Text** MET WITH P1, VARIOUS OTHER POLICE OFFICERS AND BAILIFFS TO ASSIST IN SERVING COURT PAPERWORK TO THE ILLEGAL ENCAMPMENT PRESENT; ON MEETING P1 I WAS INFORMED AN INCIDENT HAD TAKE PLACE WITH A GERMAN SHEPHERD DOG.  
Call Reference: HAM COMMON, Control-Room Received: ?, Patrol Received: 08:00 We attended this location to meet with P1, various other Police Officers and Bailiffs to assist in serving court paperwork to the illegal encampment present the Hearing as well as the Particulars of claim for possession. On my way to this location I liaised with P1 who informed me that an incident had occurred involving a German Shepherd on site that had badly bitten a member of public is attending hospital for their injuries. He also informed me that a dog unit would be attending to sieze the dog to enable it to be assessed. I was informed by PS227 that she had witnessed I1, I2 and I3 with several male members of the travelling community parked outside of ST ANDREW'S CHURCH, coming and going to this location and loitering within the church yard. PS227 witnessed them with large water tanks taking water from the church. I met with PS227 before parking alongside HAM POND where we met with P1. We liaised with for a period about the plan of action whilst we waited for the bailiffs arrival. We began a foot patrol around the pond to check for any wildlife issues or damage to the land. We came across several areas with human excrement, some of which had been smeared across the grass as well as a large number of dirty tissues at the perimeters of the pond. There was a pile of grass clippings approx 1 metre wide with wildflowers fly tipped nearby. We came across a large amount of littering inside the pond itself consisting of plastic bottles, a plastic cricket wicket/bat as well as a couple of small inflatable paddling pools. Some sort of substance had been dumped into the water which



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was photographed along with the rest of the littering to forward to the relevant person. We liaised with a female local resident who expressed her fears towards the German shepherd that still appeared to be loose on the common- we reassured her that the dog was being dealt with appropriately. We passed the dog which we ascertained had since been tethered to a stake pushed into the ground but it was barking at passers by. A large number of Police units arrived including EMT, RDT, LZP, RBM, QDK and dog units HR and RGC. We monitored the site until the bailiffs P2 and P3 arrived inside I1. We greeted P2 and P3 as well as several of the officers before being approached by a couple of males in their vehicles on the common asking what was happening. P1 explained the situation to them, that the hearing is set to take place on the 01/08/2024 and the fact that the court paperwork would be served by the bailiffs now. The males were understanding and accepted that we needed to carry out our roles. We then separately assisted P1, P2 and P3 around the encampment so that the 35 notices could be handed out to every caravan and then attached to various trees around the perimeters which was captured on BWV. DH729 monitored whilst P1 liaised with a couple nearby to the German shepherd to inform them of the dog bite incident that took place earlier in the day which they were unaware of. P1 explained that the victim was currently in hospital for their injuries and the owner of the dog needs to allow it to be seized for an assessment of the dogs behaviour to take place. The couple denied owning the dog and said the owner was not currently present before the male became slightly irate, denying that the dog bit anyone. P1 reasoned with the male for a period before we noticed a younger male had untethered the dog and began walking off with it. The dog unit ran over to liaise with the young male as well as the group that had started to form. They calmly explained that the dog needed to be seized for an behavioural assessment to take place but did not have concerns as the dog was standing calmly next to them. We then continued around the site handing out the court papers and assessing the site for damage. A phone was found on the grass near to one of the caravans so we approached the vehicle asking if they knew who the phone belonged to. The female on board claimed it belonged to her sister before calling her over. We asked the female to confirm it belonged to her by unlocking the phone before she thanked us for handing it in. There were large numbers of fresh tyre marks on the grass, littering scattered throughout as well as multiple full bin bags that had been left surrounding the trees in the centre of the common. A lot of the bin bags had been ripped open by foxes but some were left untied so we could see garden waste inside a few of them. The cricket net had been badly damaged as the centre section of the net had been pulled down and there were 10 young children playing inside it. There was a section of grass that had been burnt with an unknown burnt item left behind. One of the trees had been stripped of its bark with a sharp tool that was also photographed. There was a large pile of littering/fly tipping near to the edge of the common towards HAM COMMON WOODS which one of the males claimed was dumped by an unknown vehicle separate to the encampment. This pile consisted of food littering/waste, cardboard, kids toys, used nappies and open containers of washing liquid. CL later attended and picked up this waste along with the bags left in the centre. There were multiple small dogs at the site, many of which were tethered to stakes without proper access to shade or drinking water. We directed a couple of the occupants to provide drinking water to their dogs which they were compliant with. One put down a bowl of water just out of reach of the dog so we approached to push it closer- one of the dogs appeared malnourished, had diarrhoea and was extremely thirsty. We liaised with several of the young children including one that ran up to each of us to give a hug. Once all 35 court documents had been issued to the encampment/attached to the surrounding trees we were thanked by P1/P2 for our assistance on the site and informed that they would return on the 01/08/2024 if needed. We were also thanked by P3 who departed from the location. We were approached by a male local resident on his motorbike who asked if he was permitted to ride it on the common, to which we said he wasn't. The male then asked why the travellers were permitted to before expressing his concerns around some of the younger males present that had sexually

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harrassed his 16 year old daughter on the previous evening nearby to the common. The male confirmed that he had reported this incident to the Police so we reassured that we are continuing to maintain a high visibility presence and that the site is in the process of being moved on. We advised him to remain vigilant, he thanked us for our presence in the area..

**Time Out** 12:15

(I1)

**Type** Vehicle  
**Reference** LY18 MXX  
**Description** White Mercedes  
**Tag Number**

(I2)

**Type** Vehicle  
**Reference** DY22 KOE  
**Description** White Vauxhall Van  
**Tag Number**

(I3)

**Type** Vehicle  
**Reference** DU21 OZT  
**Description** VAN  
**Tag Number**

(I4)

**Type** Vehicle  
**Reference** 52-G-7400  
**Description** VAN  
**Tag Number**

**Tag Code** Pol-Ref (01) - Police References- CAD, URN, STORM

**Reference** CAD 7464/26/07/2024

**Patrol No** P089325

**Report No** R859362

**Date** 01/08/2024

**Location** Ham Common

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**Time In**

12:51

**Text**

ATTENDED WITH POLICE, BAILIFFS AND CLIENT STAFF TO OVERSEE THE TRAVELLERS LEAVING THE LOCATION

I returned to my vehicle, there were no further issues I departed for the above named, upon entry of HAM COMMON (road), through my observations, multiple caravans/vans appeared to have again repositioned around the open green space. I parked my vehicle opposite the Pond and commenced a foot patrol, multiple caravans have now parked on/around the cricket table/pitch. I patrolled anti-clockwise around the Pond, noting a large pile of green waste of a small tree, apple tree limbs and hedge trimmings, slightly further along was new/historic human excrement, some had been smeared across the grass, towards the roadside, there were substantial amounts of discarded tissues, scattered mainly around the water's edge, and local wildfowl foraging around the tissues, this could be a potential wildlife hazard/health/safety issue, pictures taken, relevant person informed. Upon approach to a small platform I noted an adult size pedal bike in the Pond, along with the following items of a large, discarded cardboard box, empty food containers, water bottles, I observed 5 coot chicks being led by a parent, having to navigate the floating litter, which is again a wildlife hazard. I continued to patrol the perimeter, there was several medium sized stones, had been removed from the Rock Garden and were now scattered around the water bed of the Pond, there was further human excrement/tissues in close proximity to the benches, nearby was a pungent smell of urine, next to a bin was fly-tipping of a discarded roof rack, pictures taken, relevant person informed, exact location (stays.trains.issues). I checked the Rockery, noting serious damage to not only the support wire, also the removal of the quarry stones, pictures taken, relevant person informed. Slightly further along, I observed the previously reported fly tipping of green waste remained in situ, however had grown in size, there was now 3 separate large piles of green waste, pictures taken, relevant person informed, exact location (host.bugs.envy). I continued my patrol towards the cricket square, all the poles previously surrounding the Pitch had been removed and discarded around the site, there was no trace of the chain. There was damage to the grass and multiple tyre tracks throughout, I patrolled along the central tree line, when I was approached by several young IC1 male from the travelling community asking if I was a Police Officer, I advised I have attended on behalf of the council, advising I am currently doing an assessment of how many removal vehicles I will need to remove the refuse bags, they thanked me then left. Placed around the base of each tree was copious amounts of fly tipping of green waste along with what appeared items from a house clearance that was mixed with refuse from the caravans, the contents from one of the bags had unidentified items burned and scattered around the floor, leaving scorch marks on the ground, pictures taken, relevant person informed. The area was quiet apart from several groups of young children, roaming the site, I checked the cricket net for any further damage, there was significant amounts of littering clustered around the edges, consisting of mainly fragments of the pre- court possession order, the centre column of the Net had been bent further than previously reported and the nets were stretched in areas, there was human excrement upon the fabric of the cricket table, along with littering of crushed empty energy cans. I was in the process of entering the other section of the site when I noted P1 arrive with 2 other officers and were making their way towards me. We conducted a joint patrol around the site, engaging with members of the traveller community, who continued to be polite, there area remained quiet observing several vehicles, occasionally enter/exit. P2/P3 we observed arriving, I updated P4 of the current issues also advising all teams were now present. I provided P4 with photographic evidence along with a small video. I joined P1-P3 whilst monitoring the area, waiting for the High Court Writ, we debriefed on how we are going to approach members of the travelling community. We were approached by multiple people, who expressed their concern, if the travelling community would leave today, we advised of the due process, they thanked us in the matter. We were approached by P5 who was concerned regarding the damage to the

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Pond and the immediate surrounding area, he advised us the Cricket Net was insured, so they can be replaced. We were then advised by P3 the High Court Writ has been sent through, P1-P3 made our way around to each caravan/vehicle, we engaged with the community advising the possession of land was to take from immediate effect. Members of the community asked if they could leave at 18:00 when the males return, we confirmed we would give them time to pack away their items and leave the area, they thanked us in the matter, we asked them where their next location would be, information received BASILDON ESSEX/LEEDS. There started to be a notable amount of activity of vehicles, entering onto the open green space, the female members of the community were clearing away small items and discarding full refuse bags onto the Green, multiple vehicles were observed being hitched onto their respective caravans

**Time Out**

21:12

(I1)

**Type**

Vehicle

**Reference**

YS23GHG

**Description**

GREY/PERGUOE

**Tag Number****Tag Code**

Disp-FPN (01) - Fixed Penalty given (LA)

**Reference**

PS00365a

**Tag Code**

Pol-Ref (01) - Police References- CAD, URN, STORM

**Reference**

CAD 7464 26/7/24

**KING GEORGES FIELD****Patrol No**

P089452

**Report No**

R860608

**Date**

06/08/2024

**Location**

King George's Field (Durdans Park)

**Time In**

09:09

**Text**

ATTENDED TO REPORTS OF A TRAVELLER ENCAMPMENT THAT HAD ARRIVED LATE ON 05-08; TRAVELLERS HAD REMOVED THE BOLLARDS TO ENTER. ALL VEHICLES ON SITE RECORDED AND TIME FRAMES DISCUSSED WITH A TRAVELLER MALE. LITTER IN THE HEDGES, BINS OVERFLOWING.

Call Reference: KING GEORGE'S FIELD, Control-Room Received: ?, Patrol Received: 08:00 We attended this location as a result of receiving intel from P1 that a traveller encampment had arrived late on the 05/08/24. We began a foot patrol starting within the car park where we ascertained that the travellers had gained access by removing three of the

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concrete bollards as well as the anchor which were seen lying in various places nearby. A couple of orange pulleys were also left on the ground so we suspect a winch was used to pull the bollards out of the ground. We photographed the damage to forward to the relevant person as proof of the aggravated point of entry. There was littering including food packaging, used tissues and excrement amongst the hedges at the edges of the car park. We were approached by a male in his early 50s asking what the legal process and time frame will be which we explained to him. He informed us his wife has a hospital appointment at midday in Luton which he has to drive her to. We began our patrol of the encampment, writing down the registration plate of every vehicle and caravan witnessed which is captured on BWV. We were approached by several different groups of males throughout our patrol asking questions about when they were required to leave and the legal process so we provided them with the necessary information. None of the travellers displayed any signs of aggression or attitude at any point. One of the males made comments about wanting to buy the land to build a house on it and who the relevant person is to contact whilst another referenced how wealthy the area was and 'joked' about how he wants to take their money to become rich. One male added that the encampment were planning to stay on the site until Sunday. We were contacted by P2 who informed us that he was caught up in Lambeth would be able to assist us at the encampment at some point during our shift. A couple of pairs of males arrived at the tennis courts with the relevant equipment who began playing. There were a very large number of caravans, cars and vans throughout the site as well as two wood chippers, most of which were parked at the perimeters (11-194). Damage had been sustained to the grass throughout by the various vehicles which was photographed. We established that most caravans had at least one female present inside, there were a large number of young children running around the site as well as babies being carried around. The travellers were not forthcoming about the number of occupants or any vulnerabilities. A large number of dogs/puppies were seen throughout, a couple of which were recognized from the previous encampment on HAM COMMON. A small number of dogs were running free across the field but the majority were tied with very short leashes to caravans, tree cages and benches. Only a couple of dogs had access to water and the majority appeared malnourished. Multiple areas were seen with dog fouling that had been left surrounding the caravans. Littering was also witnessed throughout surrounding some of the caravans and amongst the bushes consisting of food packaging and used tissues. The bin in the far corner near to the stables was heavily overflowing with littering, dog fouling bags and a pair of black shorts had been left. A blue plastic barrel had been fly tipped along with cardboard, some sort of goal/net and a couple of full black bin bags in different areas. Each caravan had several water containers/billy cans, a generator, long wires (some of which was damaged with wire tape fixed) and several large gas containers being used as well as a washing machine. At the far end of the field there was a roll of turf left but it didn't appear to have been taken from the cricket table. We greeted several travellers when passing and taking photographs. We returned to the car park where we noticed a couple of signs attached to the fencing surrounding the tennis courts had been ripped off. We checked the vehicle access gate to the side of the courts alongside SD Rosie where we saw that the padlock was left closed but hanging from the chain leaving it unsecured. We returned to the vehicle to monitor before contacting P3 to update him on the encampment, sent across the vehicle details, photographs and informed him about the access gate that had been left unlocked. After a period, multiple of the vehicles began driving across the open space before departing towards RIVERSIDE DRIVE. Some of the vehicles repeatedly left the location before arriving again shortly after. A small number of park users arrived in the car park before departing shortly after after noticing the encampment present. Police Unit RCD was also witnessed arriving that did a lap of the car park before departing 10 seconds later towards HAM STREET CAR PARK. At approx midday we carried out a mobile patrol of HAM COMMON WOODS to check for any unauthorized vehicles and fly tipping. We noticed one of the vehicles exiles from the current site driving out of HAM GATE AVENUE. We

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drove past ST ANDREW'S CHURCH noticing several previously reported pairs of boxers hanging on surrounding trees. We passed a CL vehicle parked in front of the church. Fly tipping consisting of several piles of green waste along with several used tissues had been dumped at what3words location: feast.herb.purely but no further vehicles were seen parked or loitering. We conducted mobile patrol of HAM COMMON where no vehicles were seen trespassing and the green space/pond was clear from any littering or fly tipping. We then drove into HAM STREET CAR PARK where there were a large number of vehicles parked and the previously reported fly tipping consisting of a duvet and garden waste was still present in one of the corners. We returned to KING GEORGE'S FIELD where we were approached by a local resident who lives on the corner of HAM COMMON who expressed his concerns and distress surrounding both encampments. He complained about the state of the common once the site had been cleared and has concerns about the damage that will be sustained to this site also. It began to rain heavily but large numbers of vehicles continued to drive across the field including the cricket pitches. A couple of young children were seen playing with a piece of string that had been tied high up to a section of the tennis courts. We remained and monitored for a period of time to continue to gather intel and to check for any unwanted/suspicious activity. We returned to KING GEORGE'S FIELD, liaising with P2 on our way who informed us he would be arriving in the next half an hour. We noticed three young males aged ten or below within the tennis courts with rackets, two of which began hitting the signage within the courts. When noticing us approaching them, one male stopped but the other continued smashing the signage which resulted in the sign on court 3 being destroyed and the one in 2 damaged. We warned them more than five times to stop which were ignored. The main culprit refused to stop when directed before the three boys spoke to us through the fencing. One of the boys claimed the main culprit has autism to which he denied and laughed. We warned the boys that they were on BWV and that they had committed criminal damage, which they didn't react to. All three males left the courts, hitting the bin and electricity unit as they left. The main culprit stared into a park users vehicle parked nearby to the courts entrance before walking over to our vehicle to ask about the dog on board. We monitored him before he joined the other boys on the open space. We then checked the new fly tipping seen in the corner of the car park consisting of large numbers of wooden posts with nails sticking out of them, a large yellow sandbag filled with garden waste and insulation foam. A piece of paper was also located near to the bin at the edge of the car park that had what looked like human excrement inside. We photographed this and captured it on BWV which were forwarded to the relevant person. Multiple vehicles continued to drive across the open space at high speeds, one van in particular drove in circles whilst paying close attention to our vehicle. P2 arrived at approx 1545 alongside another male officer who we updated on our findings and liaised with for a period. P2 informed us that one of the travellers had left his van parked outside the YMCA with a lone dog inside. The windows were only slightly cracked open and the dog had no drinking water which they were very concerned about. P2 then began patrolling around the field to search for 'Mr Hart' who was the owner of the vehicle with the dog inside. The young male who damaged the signage returned to our vehicle asking questions about SD Rosie and was witnessed throwing a glass cup into the bushes which we scolded him for. He then grabbed one of SD Rosie's rubber balls and ran off with it onto the tennis courts refusing to return it. There were now a pair of adults using the court appropriately who were being disturbed by the nuisance child. He eventually returned the ball by throwing it over the fencing. We liaised with the pair of females and males who collectively decided they didn't want to play any further despite paying because they were being badly disrupted. There were a handful of young children running freely around the courts, bouncing on nets, pushing a trolley around and had allowed a small dog inside. The gate at the far side of the tennis courts had been broken into so the gate was wide open allowing anyone access. We liaised with both pairs who complained that they had paid- we informed them to contact the council to get a refund and reassured that the encampment was being dealt with. We

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advised them to use alternative courts in the mean time for their safety and to avoid being disturbed when playing which they agreed to- they thanked us for our presence in the area. We then contacted P2 to inform him our shift was finishing and that we would return first thing in the morning. This location will be monitored on future visits.

**Time Out** 16:00

**Tag Code** Disp-FPN (01) - Fixed Penalty given (LA)

**Reference** PS00386a

**Tag Code** Disp-FPN (11) - Fixed Penalty given (LA)

**Reference** PS00390a

**Patrol No** P089480

**Report No** R860869

**Date** 07/08/2024

**Location** King George's Field (Durdans Park)

**Time In** 08:58

**Text**

ATTENDED TO ASSESS ANY FURTHER DAMAGE DUE TO THE TRAVELLER INCURSION; LITTER, FLY TIPPING AND HUMAN EXCREMENT FOUND IN AREAS. DAMAGE TO THE GATE TO THE PITCHES. ENGAGED POLICE OFFICERS AT THIS LOCATION IN REGARD TO THE DAMAGE.

I attended this location due to an ongoing traveller incursion, also to assess any further damage to land/equipment, fly tipping also various by-law breaches. I entered the car park and parked my vehicle opposite the TENNIS COURTS. I began a foot patrol checking the perimeter of the carpark, noting the previously reported fly-tipping of a yellow builders bag, multiple fragments of wood, with various sized nails/screws, remained in situ, along with substantial amounts of littering of nappies and empty food containers, mixed amongst the litter was human excrement and discarded tissues, pictures taken, relevant person informed. I checked the TENNIS COURTS, there was no persons present at this time, however there was littering of mainly sweet wrappers and several small segments of concrete. I then received a call from P1 informing me of damage to the gate leading onto HAM RIVERSIDE PITCHES, I advised P1 I was currently conducting an assessment of the area, once completed I will make my way over, he thanked me in the matter. I checked the vehicle access gate, to ensure there had been no damage/tampering, none was observed at this time, there was human excrement/tissues within several small clearings of the perimeter vegetation along with fly-tipping of a discarded cardboard box, previously containing a Bush 32 inch smart TV along with other house hold items, pictures taken, relevant person informed. I entered onto the OPEN GREEN SPACE taking note of the number of vehicles present, the area was fairly quiet and only the occasional vehicle would enter/exit, I was positively greeted by an IC1 adult male, who is a member of the travelling community and was curious why I had attended, I advised him I was conducting an assessment of the area, he briefly discussed the weather thanking me for the information. I crossed the CRICKET PITCH/TABLE noting there was multiple tyre tracks, crisis/crossing around the Pitch leaving slight rutting to the ground, there were several areas where

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vehicles had turned sharply causing circular tracks across the Cricket Table, pictures taken, relevant person informed. I patrolled the rear of the perimeter, noting next to the fence line of the PADDOCKS was a significant amount of fly tipping of 7 refuse bags and a medium sized cardboard box with 3 discarded rugs, slightly further along was fly-tipping of a large pile of wood chippings, and further fly-tipping of 6 refuse bags, human excrement in various areas. I went back around to the entry point, observing a small dog tethered to a bench barking, there appeared to be no water/food available. I returned to my vehicle and made my way over HAM RIVERSIDE PITCHES and parked in front of the vehicle access gate, immediately observing a grass cutter, parked where the gate had previously been positioned. I made my way on foot over to the driver, who advised me P1 had requested he blocks the access point to prevent any attempts to gain entry onto the land. The post/anchor had been removed from the ground, however remained locked to the bar gate and attained an open position, I called 101 advising of the criminal damage also the area is a NATURE RESERVE, concerns are animal welfare issues because there are several protected species of wildlife onsite, also adding to the report criminal damage caused to KING GEORGE'S FIELD. When I noted an unmarked police vehicle arrive and parked next to the entrance of HAM HOUSE, recognising P2-P4 make their way on foot over to me, I engaged with the officers regarding damage to the gate and the time window, which the damage had occurred. As there were no persons from the travelling community witnessed causing said damage, police would only intervene on a breach of the peace, no section 61 will be issued on this occasion and to continue with the possession of land. I observed contractors, Continental landscapes park opposite, I engaged with P5 who had attended to replace the post into it's rightful place, we observed the remedial works being carried out, also capturing on BWV, the replacement of the post/gate. I patrolled the encampment along with P2, to ascertain if there had been any further changes, when we were approached by a white van containing 2 IC1 adult males, they asked us how long they could stay, we advised court documents are going to be served today, he asked if we could delay, requesting if they could remain until Sunday, when a flatbed truck pulled along side us again with 2 IC1 males, one of the male's was hostile stating "we'll leave when we're ready" the other male attempted to defuse the situation, he also stated to become hostile, I informed him we're here to inform them and "not to shoot the messenger" the males in the flatbed truck then left, the male in the white van we originally spoke to stated he will be leaving Thursday, we returned to the car park. When we were joined by P6 who is a bailiff from Equivo and had attended to serve pre court documents. We were then joined by P7 who had arrived with the Borough Inspector, we all proceeded to make our way around the caravans, accompanied by police officers serving the court documentation to the occupants. We were joined by P7 who had attended with SW192 Inspector. We all accompanied P6 around to each caravan serving legal documents to the occupants, a couple of which weren't present. Vehicles driven by members of the travelling community were becoming notably active, and observed leaving the location, I pointed out to a couple of the officers to be mindful where they stepped due to the substantial amounts of dog fouling throughout. Once all the notices had been served, I assisted P6 to attach the remaining court documents, one to a nearby tree, two to the access gates, one on park signage and a further 3 to the railings. P6 thanked me for my assistance. I made my way over to P2-P5 who were stood by the Tennis Courts, when I noticed a naked young IC1 male Approx age 5/7 enter the rear gate of the Tennis Courts, 2 younger children, alerted the mother, who quickly made her way from a caravan next to the fence line. A couple of IC1 adult males were engaged in a game of pairs on court one, I advised them of the young child. The IC1 adult female claimed "when passing claimed " he is autistic". She then scooped the child up, returning to her caravan, the 2 young children remained on court one, attempting to play with several items that had been left, I politely requested them to leave and suggested it may be better for them to play on the grass, they immediately gathered their toys, exiting the Tennis Courts onto the OPEN GREEN SPACE, both males thanked me in the matter. I returned to my vehicle, which had



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remained parked on HAM STREET. I made my way into HAM STREET CARPARK, conducting a mobile patrol checking the heras fencing to ensure there was no tampering/breaches, none was observed on this occasion. I noticed a significant amount of fly tipping of 6 refuse bags, duvet cover and what appeared a dismantled wooden barrel, multiple fragments of wood with various sized screws/nails, which could be a health/safety issue. I drove back to said location and parked my vehicle in one of the bays, I remained and monitored for a period with police officers, we further debriefed regarding other issues, which were addressed. All units left the location. whilst I continued to monitor, the 2 adult males who had previously been playing tennis also left. I noticed 2 young IC1 males who I recognised from the travelling community, scaling the wire fencing of the tennis court and climb out over the top, 5 young children then entered the area via the back gate, and were observed in possession of various toys and a football, a couple of the children were observed pulling on the tennis nets, I noted one of the children, remove his lower garments and urinate on the net's. I was approached by several local resident dog walkers, who informed me of human excrement/tissues within HAM COMMON WOODS, expressing their concerns, stating they regularly walk their dogs in said area, additionally alleging the travelling community have been using a standpipe within ST ANDREWS CHURCH YARD, for personal hygiene purposes, stating multiple items of under garments are strewn around the entrance and around the parking area, I thanked them for the information, stating I will add the details to my report, they thanked me in the matter. Several vehicles were driving around the Green Space some at speed, concerns for the health/safety of young children/dogs left to roam the area, 6/7 vans exited onto HAM STREET in the direction of RIVERSIDE DRIVE, I called and updated P1, also provided evidential photos, I was informed security have arrived and have secured HAM RIVERSIDE PITCHES. I returned to my vehicle, conducting a mobile cursory patrol of RIVERSIDE DRIVE, HAMLANDS and URNELL AVENUE, checking perimeter security posts remain in situ. Under my observation there had been no damage/tampering at this time, I made my way over to HAM GATE AVENUE checking any vulnerable target areas, I noted the previously reported fly tipping of green waste remained in situ. I parked next to ST ANDREWS CHURCH to check/verify information provided by residents. I began my foot patrol, checking the entrance to the Church Yard, the area was clear, apart from a couple of personal hygiene products and water around a large surface area of the floor. I returned to my vehicle, whilst making my way back towards KING GEORGE'S FIELD, I conducted a mobile cursory check of HAM COMMON. I returned to said location and parked my vehicle opposite the Tennis Courts, I remained and monitored for a period, providing a high visibility presence, vehicles belonging to the travelling community, continued to enter/exit location and circulate around the encampment to various caravans, there were approx 6/8 young children entering the tennis courts, which were now littered with toys and a substantial amount of general littering. A dog lead appeared to have been attached to the surrounding fence and a couple of young children were pulling on the lead, other young children of Approx 2/3 roaming the Open Green Space, I was approached by residents on several occasions, enquiring about the procedures to clear the area, after a conversation and reassurance, they thanked me in the matter. I was then approached by an IC1 adult male, who appeared quite distressed, he advised me he allegedly witnessed 3 males believed to be associated with the travelling community, attempting to remove security posts on the edge of BURNELL AVENUE, venting his concerns if they access the area. I asked him if he was a resident, which he confirmed, I advised him to call 999 if any persons return and are seen removing the posts, additionally I will be informing the parks team, he thanked me in the matter. I made my way towards said area, conducting a cursory check of RIVERSIDE DRIVE, a gate leading to TEDDINGTON LOCK remained secure, however had been left open, once arriving at BURNELL AVENUE, I immediately called P9 to inform him of the situation, there was no response I left a voice mail. I began a foot patrol checking all the posts, ensuring they remained in position, all appeared in order at this time, I returned to my vehicle, travelling

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back the same direction I had taken noticing a white van parked on RIVERSIDE DRIVE next to the Children's Play Area, as I neared I could see the vehicle had Irish plates, I immediately informed P10, who advised she will contact security staff to attend. I thanked her in the matter. I departed the area for the next location.

**Outcome Code** Alert-RP, Disp-BAP, DISP-BWV, Disp-WA, M, M-R, Pol-Ref, TK, UOP-AP, UOP-E  
**Time Out** 16:04

**Tag Code** Pol-Ref (01) - Police References- CAD, URN, STORM  
**Reference** CAD 2134 07/08/2024

**Patrol No** P089522  
**Report No** R861131  
**Date** 08/08/2024  
**Location** King George's Field (Durdans Park)  
**Time In** 12:42  
**Text**

ASSESSED THE TRAVELLER INCURSION; FLY TIPPING AND DAMAGE SECURITY POSTS. LITTER, NOS AND HUMAN EXCREMENT FOUND. SMALL DOG BIT A PATROL OFFICER ON THE BACK OF THE LEG. I1 AT THIS LOCATION ABANDONED, POLICE INFORMED.

I attended this location due to ongoing issues with a traveller incursion, fly tipping and various byelaw breaches. I parked my vehicle opposite the TENNIS COURTS, and began a patrol of the carpark, the damaged security posts remained laid on the ground, the previously reported fly tipping remained in situ, along with substantial amounts of new/historic littering of empty fast food containers and nappies, there was further amounts of human excrement/discarded tissues, nearby was 3 XL Nos canisters, and a full packet of balloons, which I confiscated, I ensured the contents of the canisters was fully expelled and disposing them appropriately. I continued to patrol along the side of the Tennis Courts, noting there was littering throughout of sweet wrappers and discarded nappies, I proceeded to conduct a thorough check of the perimeter vegetation, noting copious amounts of fly tipping of refuge bags along with human excrement/discarded tissues in the following areas, (latter.lobby.fully)(behave.dairy.report) as I continued along there was a discarded mattress conceal behind a nearby tree was a large cable reel, slightly further along was fragments of a second cable reel, (crass.punks.keen)(cheese.faced.placed). I entered onto the OPEN GREEN SPACE several small dogs ran towards me barking, a small black/white mixed breed dog bit me twice on the back of the leg, as it attempted to bite me again, I turned and shouted to it to stop, it continued to bark, however maintained a safe distance. I noted a quad bike parked next to one of the caravans and tracks along the grass leading to the vehicle, scattered throughout the Cricket Pitches was substantial amounts of littering, consisting of mainly empty water bottles. I continued to assess the perimeter of the SHOOTING RANGE/PADDOCKS, there was copious amounts of fly tipping of multiple refuge bags, various carrier bags containing food and empty food containers, discarded boxes of miscellaneous items, which could be a wildlife hazard, the previously reported wood chip pile had grown in size, nearby was a secondary pile of chippings that had been recently fly tipped, within close proximity was an open cement bag and the contents spilled across the ground, concerns due to contamination of the ground, opposite was further fly tipping of building waste, consisting of multiple fragments of Carex, masonry, dust sheets,

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wooden pallets and arcitraves, I noticed a second small quad bike parked next to a generator. I proceeded along the fence line of WALNUT ALLOTMENTS assessing the fence for damage/breaches, none was observed on this occasion, there was multiple refuge bags positioned next to the tree supports, I noted substantial amounts of dog fouling/human excrement in various areas of the perimeter, pictures taken, relevant person informed. As I crossed the Cricket Table towards my vehicle, I noticed what appeared a family accessing the Tennis Courts, an IC6 young male was observed entering with a football, I advised the young male football games are prohibited in the courts, when 2 young children, who appeared 2/3 years of age from the travelling community, entered via the back gate, and proceeded to run around the Courts an IC1 adult female then entered, I believed to be the mother along with a small dog, calling to the young children, who split and ran in different directions. The family I had spoken to decided to exit, I briefly engaged, when they advised of the damage to the YMCA by the travelling community, they stated they will make arrangements to attend another Tennis Court in the interim. I returned to my vehicle, where I remained and monitored for a period, whilst providing a high visibility presence and community reassurance to park users/residents. I received a call from P2 informing me of a vehicle he had witnessed earlier, which appeared to be abandoned on HAMLAND, I advised P2 I would conduct a foot patrol of the area, to ensure there was no further activity in the location. I made my way along with P1 over to HAM RIVERSIDE PITCHES, we briefly engaged with a dog handler securing the site, we crossed the pitches towards the Copes, there was damage to the OPEN GREEN SPACE indicative a vehicle had been turning sharply in circles, which could not only be a health/safety hazard also a potential danger to wildlife. We continued along the Bridal path, witnessing I1 blocking the path into the meadows, the nearside rear passenger door had been considerably damaged, by what appeared cutting equipment, we both checked the vehicle and found a log book with the owners details P4 along with an email address and contact number, this was removed due to GDPR to be secured on my vehicle, pictures taken, relevant person informed, exact location (rail.tigers.hints), due to concerns the vehicle has been stolen/abandoned and would be set alight, within a conservation area, police were informed, once details were provided, I was advised information would be passed to local SNT, we both checked around the filter routes, to ascertain if there has been further activity, we noted human excrement in several areas along with discarded tissues, within close proximity to I1. I returned to said location, again parking opposite the Tennis Courts, I noticed 2 young IC1 males from the travelling community attempt to enter the front access gate into the Tennis Courts, they both proceeded to urinate against the gate, I exited my vehicle however wasn't able to capture on BWV, one of the young male's, whom I have had previously engaged with, then scaled the fence utilising the gate levering himself over, I stated to the other young male to use the rear gate, he could seriously injure himself, I observed him make his way around the perimeter of the courts entering via the rear, I was then approached by an IC1 adult male from the travelling community, he asked if the community could purchase the land, I advised the area consists of 2 Cricket Pitches and common land, which belongs to Richmond Council, he pressed for extra time to remain, I reminded him of the hearing tomorrow, he appeared indifferent then left. I returned to my vehicle, when I was approached by P5, who wished to apologise for his aggressive behaviour towards me on a previous occasion, stating he shouldn't have behaved in such a fashion, I thanked his for the apology, it started to rain heavily P5 advised he's going to walk his dog, he left towards HAM STREET CAR PARK. when I noticed a flatbed truck, with MDF panels positioned at the sides of the bed of I2, which was loaded with green waste, enter onto the Open Green Space, and the vehicle proceeded to make it's way to the rear, I strongly believed said vehicle was about to dispatch the waste onto the pre-existing waste, so I made my way to the edge of the Green, with the intention of capturing said activity on BWV, however the occupants of the vehicle noticed my presence, and monitored me for a period, I checked I2 against an app plates didn't match registered, came back as a White Kia. There became notable activity

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on/around the Green of one particular vehicle, I3 who was now continually entering/exiting, I again conducted a vehicle check against an app, information was vehicle has no Tax/MOT and has been exported, I witnessed vehicle I4 enter at speed continually circulating the area, crisis/crossing the Cricket tables, I checked I4's index number against an app, information provided, no results found. I returned to my vehicle, again monitoring the location, when I was approached by an IC1 adult female P3 who advised me of the current issues with young children of the travelling community, constantly attending the location, she had been informed by an unknown source, several of the travelling community may attempt to steal some of the horses, she additionally advised she has stepped up security over the next couple of days, I thanked her for the information. I was then approached by several residents, who enquired about the court hearing and the due process, after a brief conversation, I advised them there is a court hearing tomorrow, they thanked me in the matter. I noticed the Green becoming notably busy with vehicle travelling between caravans and multiple vehicles were seen to exit onto HAM STREET, several vehicles remained parked next to their respective caravans, the 2 quad bikes I had noticed earlier, where being ridden around the Green and appeared to have a couple of young children sat on the tank, also driving across the rear Cricket Table. I observed several children of various ages enter into the Tennis Courts with large sticks attempting to hit balls that had been left, 2 young IC1 females then began to swing on the nets, it started to rain again, most of the children left apart from 2 young males, who were now throwing the balls to each other. I departed the area for the next location.

**Time Out** 19:56

(I1)

**Type** Vehicle  
**Reference** FR13EZG  
**Description** SILVER -MERC C220  
**Tag Number**

(I2)

**Type** Vehicle  
**Reference** HJ21WFH  
**Description** FLATBED TRUCK/WHITE  
**Tag Number** NO TAX/MOT

(I3)

**Type** Vehicle  
**Reference** SK22TVG  
**Description** SILVER/RANGER  
**Tag Number** NO RESULTS

(I4)

**Type** Vehicle

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<b>Reference</b>	FP59AZU
<b>Description</b>	BLACK/MERC SUV
<b>Tag Number</b>	No Tax
<b>Tag Code</b>	Pol-Ref (01) - Police References- CAD, URN, STORM
<b>Reference</b>	CAD 4242 08/08/2024
<b>Patrol No</b>	P089539
<b>Report No</b>	R861330
<b>Date</b>	09/08/2024
<b>Location</b>	King George's Field (Durdans Park)
<b>Time In</b>	11:39
<b>Text</b>	<p>ATTENDED TO MONITOR THE TRAVELLER INCURSION; ENGAGED MALE WHO I INFORMED THE HEARING WAS AT 1130HRS. LITTER IN THE HEDGE LINE AND TYRE TRACKS ON THE VERGE. FLY TIPPING ON THE HEDGE LINE.</p> <p>I attended this location due to an ongoing travellers incursions, fly tipping, criminal damage and various by-law breaches. I parked my vehicle opposite the TENNIS COURTS, when a vehicle I1 approached me, I engaged with an IC1 adult male from the travelling community, he asked if the community would have to leave today, I advised the hearing is at 11:30hrs and we would be directed by the court, he advised it may take a couple of hours to pack/leave, I stated the community would be advised of the outcome, he then returned to the OPEN GREEN SPACE. I began a foot patrol, noting 8 young children aged approx. 2/3 years old, throwing unknown items around the Tennis Courts 3/4, I continued my patrol of the carpark, the area was clear apart from littering clustered in the hedge line, and tyre tracks on the verge, indicative vehicles attempting to access the bar gate. I turned back and entered the OPEN GREEN SPACE, I immediately noticed the metal frame for the boot cleaner, was laid on the Cricket Table, I was approached by 4 young children 2 IC1 females aged between 4/5 and 2 IC1 males between 9/11, we briefly engaged, whilst the young females attempted to pickup the foot cleaner, I laid it back on the floor for safety purposes. The young males were then called by a couple of IC1 adult females, I continued to engaged with the young females, when I noted P1 approaching and police unit KTY Parked next to the edge of the Open Green Space. I patrolled along with P1 to check the rear fence line next to the SHOOTING RANGE/PADDOCKS, we noted further fly-tipping of green waste and building materials, copious amounts of littering mainly empty food containers also security tags, indicative of theft. pictures taken, relevant person informed. We patrolled along the fence line of WALNUT ALLOTMENTS to establish if there had been breaches/tampering, the fence appeared in good order, however there was copious amounts of new fly tipping of masonry, roofing materials, within the following locations (puts.gangs.hiding)(orchestra.voting.occup), pictures taken, relevant person informed. We returned to the carpark, updating officers of the situation, there was the occasional vehicle entering/exiting. Police units LZG, NKC and MKX entered along with bailiffs P2-P4 and security provided by Equivo, we were informed by legal possession of land had been given and P5 was on route with the high court writ. I attended with bailiffs and a couple of police officers, visiting the individual caravans, with the intention of informing the occupants, possession had been granted. There were several caravans occupied at this time, we noted multiple small young dogs of approx. 8/12 week old had been tethered to the caravans and unable to access shade, I also observed there was no means for the dogs to access water, I knocked on one of the caravans, attempting to alert the owner and request</p>

**[ RESTRICTED – CONTAINS PERSONAL DATA ]****Parkguard Incident Reports**

(Page 20 of 21)

water for the dog which, however there was no response, there were concerns for animal welfare. We returned to the carpark and waited for the writ to arrive, when P5/P6 attended, I engaged with both P5/P6 regarding the unfolding situation and the vulnerability/security of several sites. Once the writ arrived, I attended again with police/bailiffs whilst the court documents were attempted to be served, additionally accessing the site, noting further fly tipping of refuge bags next to the Cricket Pitches and the perimeter fence of the Tennis Courts, along with substantial littering throughout, several vehicles of the travelling community started returning, P4 intercepted them advising of the Writ, they refused to take the paperwork, stating their leaving. Once completing our patrol issuing the legal documents. We remained and monitored, I engaged with local residents/dog walkers, providing reassurance. I noted a young IC1 male whom I recognise from the travelling community climbing the fence surrounding the Tennis Courts, I directed him to get down, when he became abusive, I stated regarding his safety, which he reiterated from when I had previously instructed him not to climb the fence, he eventually climbed down and left, returning soon after with a rod and aggressively striking the hedge line, I robustly instructed him to stop, he apologised and left towards the caravans. The area was becoming notably busy with vans/cars entering/exiting. The young IC1 male again returned and was accompanied by another young IC1 male of approx. 10/11 years of age, both engaged with police officers, who sat in their vehicle, both young males were observed entering the back of the police vehicle and engaging with the officers. One of the police units left, returning after a short period with sweets for the young males. I was informed by P6 of possible attempts by 3 members of the travelling community trying to access BURNELL AVENUE OPEN GREEN SPACE, I immediately returned to my vehicle and made my way over said location. Whilst on route I noted the vehicle access gate leading to TEDDINGTON LOCK was open, will return and secure. I parked my vehicle on BURNELL AVENUE, noting a security dog handler present, I approached his vehicle on foot, we briefly engaged, I advised him of a report I had just received, he confirmed there has been no attempts to tamper/breach the security posts. I thanked him for the information advising I will update relevant people. I returned to my vehicle and proceeded back to where I had seen the open gate on RIVERSIDE DRIVE, I parked my vehicle on the hard standing, exiting my vehicle to secure the gate. I again returned to my vehicle and continued back to ST GEORGES FIELD. I parked opposite the Tennis Courts, exiting my vehicle and approached P5/P6 on foot to report my findings, they both thanked me in the matter, I noted police officers were still engaging with the 2 young males in the back of their vehicle, when an adult IC1 male from the travelling community approached police officers, he appeared to attempt to negotiate regarding a time the community would have to leave, he then returned to his caravan, returning after short period and further engage with officers. I continued to monitor the location and ongoing activities, noting 2 quad bikes being ridden back/forth across the pitches, several of the caravans appeared to be hitched to their respective vehicles, and adult females appeared to be packing away various household items. We noted multiple vehicles begin to stack behind each other, indicative they were preparing to leave. One group of caravans started to leave in single file the main gate, we noticed a flatbed truck arrive laden with green waste, once the vehicle was able to access, it was witnessed driven at speed to the rear of the location and the load dispatched, was unable to gain a visual on the index number, I proceeded to make my way passed other vans/caravans beginning to stack, when I was approached by said vehicle owner, who advised me he will be leaving in 20 minutes, I conducted a risk assessment and deemed it unsafe to continue over to the vehicle. I returned to the carpark, noting a police unit leaving, a second set of the travelling community the began to leave, followed by the last police unit, who advised they were going to follow and establish which direction they community were heading. I remained with bailiffs, P5/P6 advised they were leaving, I advised I will update them when all vehicles had departed and complete an assessment of the area, forwarding any pictures of relevance, they both thanked me in the matter. All the vehicles had vacated the area apart from 2

**[ RESTRICTED – CONTAINS PERSONAL DATA ]****Parkguard Incident Reports**

(Page 21 of 21)

caravans and 1 van. I proceeded over to the caravans with P1 to ascertain why the caravans remained, we engaged with an IC1 young adult female, who advised her husband was stuck in traffic caused by the caravans leaving, however will leave as soon as he arrives. We began an assessment of the complete perimeter, there was copious amounts of fly tipping, littering and human excrement which was logged for clearance, P1 took pictures and forwarded to relevant persons, we made our way back to the carpark noticing a white van enter, I intercepted the vehicle, and engaged with an IC1 young adult male, he advised he won't be leaving tonight, I advised his caravans/vans will be seized if they remain, he stated "I was only joking " and continued over to the caravans immediately hitching the vehicles, once they vacated the area, P2-P4 thanked me for my assistance in the matter, whilst P1 organised securing the area.. I returned to my vehicle, updating P5/6 they thanked me in the matter. I departed the area for the next location.

**Outcome Code** Alert-RP, Disp-BAP, DISP-BWV, Disp-CP, Disp-WA, M, M-R, SCD, UOP-E  
**Time Out** 20:00

(11)

**Type** Vehicle  
**Reference** WR18HDA  
**Description** white/van  
**Tag Number** NO TAX/MOT

**Patrol No** P089571  
**Report No** R861599  
**Date** 10/08/2024  
**Location** King George's Field (Durdans Park)  
**Time In** 14:54

**Text** REASSURANCE AND HIGH VISIBILITY PATROL CONDUCTED; NO ISSUES SEEN. We attended this location to conduct a cursory check of the area due to recent reports of unauthorised traveller encampments. Upon arrival we parked our patrol vehicle and conducted our cursory check of the area finding no suspicious persons or vehicles. Whilst checking this location we found security mobile officers parked in front of various gates who appeared to be ok and in good order. From this location we then made our way to Hamm Riverside pitches where we found the same outcome and no suspicious persons or activity for concern. We then continued with our cursory check of the area and made our way to Hamm street car park and whilst checking this location we found no suspicious persons or activity for concern. We found the area to be busy with park users and local residents and only small amounts of littering around the area but no visible issues for concern. With the area appearing to be in good order we then made our way to Riverside drive and whilst checking this location we again found no suspicious persons or any signs of any traveller encampments or issues for concern. Once the check of these areas appeared to be in good order and with no visible issues for concern found we departed this location.

**Outcome Code** AIO, Disp-CP, Disp-WA, M, M-R, TK, UOP-AP, UOP-E  
**Time Out** 15:15

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Claim No. KB-2024- 003315

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

B E T W E E N:-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM

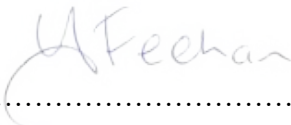
Defendants

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EXHIBIT "YF8"

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This is Exhibit Sheet "YF8" referred to in the Second Witness Statement of YVONNE FEEHAN dated 14 November 2024.



.....

YVONNE FEEHAN



# Welcome to Richmond Green

The London Borough of Richmond upon Thames Parks are enjoyed by thousands of residents and visitors all year round. This site is one of over a hundred green spaces in the Borough, managed by the Parks and Open Spaces Service. We aim to ensure we and enhance the rich diversity of habitats and species and ensure they are protected for the benefit and enjoyment of future generations, so that diversity remains the borough's prime natural asset.

These facilities are open to everyone. We hope you enjoy your visit. Please remember to:

- Respect other users of this site
- Keep dogs under control
- Use the bins provided
- Report any accidents or damage

Richmond Green has been an important open space since the Middle Ages when it hosted jousting competitions. The remains of Richmond Palace can be seen on one side of the Green. Many fine old houses, the central library and Richmond Theatre flank the Green.

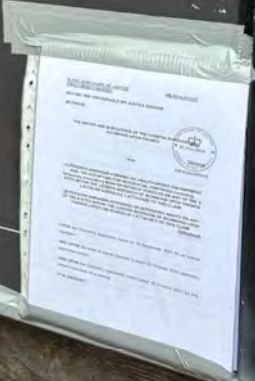
This site is managed by the London Borough of Richmond upon Thames and is covered by formal byelaws. We aim to improve our service and we would like to hear views and opinions from all sections of the community about this park or any aspect of our service.

If you would like to book any of the facilities or require any further information about the management of this site please contact us on -

telephone: 0208 891 1411  
email: [parks@richmond.gov.uk](mailto:parks@richmond.gov.uk)  
or visit [www.richmond.gov.uk](http://www.richmond.gov.uk)



This site is managed by the London Borough of Richmond upon Thames and is covered by formal byelaws and is subject to the terms and conditions of the Parks and Open Spaces Service. For further information please call 0208 891 1411 or visit [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks)





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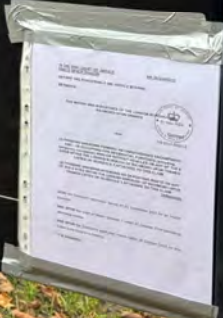
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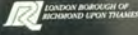
Richmond Green is a London Borough of Richmond upon Thames Park and is covered by formal byelaws and other regulations. For more information please contact the Parks and Open Spaces Service on 0208 891 1411 or visit [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks).







Welcome to  
**Old Deer Park**



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If you would like to book any of the facilities or require any further information about the management of this site please contact us on -

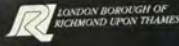
telephone: 08456 122 660  
email: [parks@richmond.gov.uk](mailto:parks@richmond.gov.uk)  
or visit [www.richmond.gov.uk](http://www.richmond.gov.uk)



This site is managed by the London Borough of Richmond upon Thames and is covered by formal byelaws and Public Space Protection Orders. For contact or phone call 0208 891 1411 or visit [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks)



Welcome to  
**Kew Green**



The London Borough of Richmond upon Thames Parks are enjoyed by thousands of residents and visitors all year round. This site is one of over a hundred green spaces in the borough, managed by the Parks and Open Spaces Service. We aim to conserve and enhance the rich diversity of habitats and species and ensure they are protected for the benefit and enjoyment of future generations, so that diversity remains the borough's prime natural asset.

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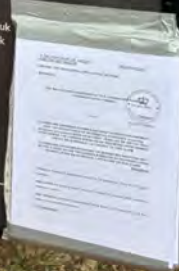
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email: [parks@richmond.gov.uk](mailto:parks@richmond.gov.uk)  
or visit [www.richmond.gov.uk](http://www.richmond.gov.uk)

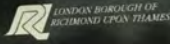


This site is managed by the London Borough of Richmond upon Thames and is covered by formal byelaws and Public Space Protection Orders. To contact us please call 0208 875 1411 or visit [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks)





## Welcome to Kew Green



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This site is managed by the London Borough of Richmond upon Thames and is covered by formal byelaws and Public Space Byelaws Order. To contact us please call 0203 891 1411 or visit [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks)



# Welcome to Ham Common

The London Borough of Richmond upon Thames Parks are enjoyed by thousands of residents and visitors all year round. This site is one of over a hundred green spaces in the borough, managed by the Parks and Open Spaces Service. We aim to conserve and enhance the rich diversity of habitats and species and ensure they are protected for the benefit and enjoyment of future generations, so that diversity remains the borough's prime natural asset.

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© Richmond Council 2015  
This site is managed by the London Borough of Richmond upon Thames and is owned by Richmond Council and is a public space. For more information, contact us on 0208 891 1411 or visit [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks)

Ham Pond is the Common's focal point. It dates back to when horses were watered on the Common. A purpose built horse track crosses the Common linking Ham Avenue with Petersham Road.

This site is managed by the London Borough of Richmond upon Thames and is covered by several bylaws. We aim to improve our service and we would like to hear views and opinions from all sections of the community about this park or any aspect of our service.

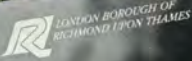
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Telephone: 0208 891 1411  
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# Welcome to Ham Lands Local Nature Reserve

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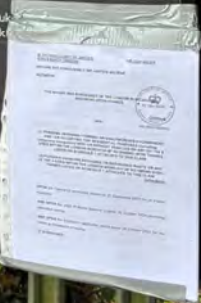
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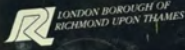
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# Welcome to King George's Field

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IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Claim No. KB-2024- 003315

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

B E T W E E N :-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
  
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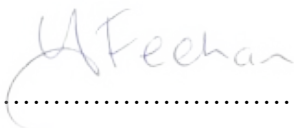
Defendants

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EXHIBIT "YF9"

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This is Exhibit Sheet "YF9" referred to in the Second Witness Statement of YVONNE FEEHAN dated 14 November 2024.



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YVONNE FEEHAN



# Public Notices

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## STATUTORY

### NOTICE OF COURT CLAIM

By Claim Form and Application Notice dated 25th September 2024, issued in the High Court of Justice under Claim Number: KB-2024-003315, the London Borough of Richmond upon Thames (the Council) has applied for an interim and final Injunction pursuant to Section 222 of the Local Government Act 1972 and/or Section 187B of the Town and Country Planning Act 1990 to prohibit Persons Unknown from forming an unauthorised encampment, entering to occupy for residential purposes or depositing waste, at any of the following sites:

- (1) Ham Lands; (2) Ham Riverside Drive Open Space; (3) Ham Riverside Pitches; (4) Kew Green; (5) Old Deer Park; (6) Richmond Green; (7) Ham Common; and (8) King George's Field.

NOTICE IS HEREBY GIVEN THAT the Court will consider the Council's application at the Royal Courts of Justice, Strand, London WC2A 2LL on 19th November 2024. (The judge and the exact time of the hearing will be published in the High Court Cause List the working day before the hearing).

Copies of the Court Proceedings are available for inspection at the Council's offices at Civic Centre, 44 York Street, Twickenham TW1 3BZ and on the Council's website at [https://www.richmond.gov.uk/latest\\_parks\\_updates](https://www.richmond.gov.uk/latest_parks_updates)

The Council's solicitors are: South London Legal Partnership, Merton Civic Centre, London Road, Morden SM4 5DX (Reference: LEG/BB/337/196)

Paul Chadwick, Director of Environment & Community Services  
 London Borough of Richmond upon Thames

## OTHER

## PROBATE & Trustee

**FRANK LEWIS WARD (Deceased)**  
 Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Wadhurst Manor Care Home, Station Hill, Wadhurst, TN5 6RY, who died on 28/11/2023, are required to send written particulars thereof to the undersigned on or before 08/01/2025, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.  
**Julian Ward,**  
 Ashurst Mill, Mill Stream Close,  
 Tunbridge Wells TN3 9TF

**SUSAN BUNJE (Deceased)**  
 Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Lion Road Care Home, 59 Lion Road, Twickenham, TW1 4JF, who died on 11/03/2023, are required to send written particulars thereof to the undersigned on or before 08/01/2025, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.  
**Kingsley Napley LLP,**  
 20 Bonhill Street, London, EC2A 4DN

**BERNARD BASIL MICHAEL THOMPSON (otherwise Basil Thompson)(Deceased)**  
 Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Flat 6 Makarosa St Andrews square, Surbiton, KT6 4EN, who died on 10/10/2024, are required to send written particulars thereof to the undersigned on or before 08/01/2025, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.  
**RUSSELL-COOK LLP,**  
 Riverview House 20 Old Bridge Street  
 Kingston-upon-Thames KT1 4BU

**PATRICIA JANE PHILLIPS (otherwise Jane Phillips)(Deceased)**  
 Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 2 Capel Lodge, 244 Kew Road, Richmond, TW9 3JU, who died on 30/03/2024, are required to send written particulars thereof to the undersigned on or before 08/01/2025, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.  
**Tynda Woods Solicitors,**  
 29 Woodbourne Road, Edgbaston, Birmingham, B17 8BY

**ELSIE MARY BEST (Deceased)**  
 Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 18 Fairways, Kenley, Surrey, CR8 5HY, who died on 26/08/2023, are required to send written particulars thereof to the undersigned on or before 08/01/2025, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.  
**APS Legal & Associates Ltd,**  
 Assured Probate Services, The Workshop Turbine Centre, Shirecocks Triangle Business Park, Coach Close, Worksop, Nottinghamshire, S81 8AP

**JILL PATRICIA REED Deceased**  
 Pursuant to the Trustee Act 1925 anyone having a claim against, or an interest in the Estate of the deceased, late of Hampton House, Upper Sunbury Road, Hampton, TW12 2DW; 77 Constance Road, Twickenham, TW2 7HX, who died on 03/07/2023, must send written particulars to the address below by 08/01/2025, after which date the Estate will be distributed having regard only to claims and interests notified.  
**Kerry Parsons**  
 c/o Herrington Carmichael LLP,  
 Brennan House, Farnborough Aerospace Centre Business Park, Farnborough, GU14 6XR.  
 Ref: KVP/REE335/1

**VALERIE HORWILL Deceased**  
 Pursuant to the Trustee Act 1925 anyone having a claim against or an interest in the Estate of the deceased, late of 6 Grovewood, Sandycombe Road, Richmond, TW9 3NF, who died on 11/05/2024, must send written particulars to the address below by 08/01/2025, after which date the Estate will be distributed having regard only to claims and interests notified.  
**Gregory White**  
 c/o Dixon Ward Solicitors,  
 16 The Green, Richmond,  
 TW9 1QD. Ref: RK/101874.002

**LOCALIQ**  
 Digital Marketing Simplified.

## What are Public Notices?

Public notices are adverts placed by councils and other local authorities to inform people of developments in their areas.

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To advertise your business contact the team today.

t: **01268 533 933**

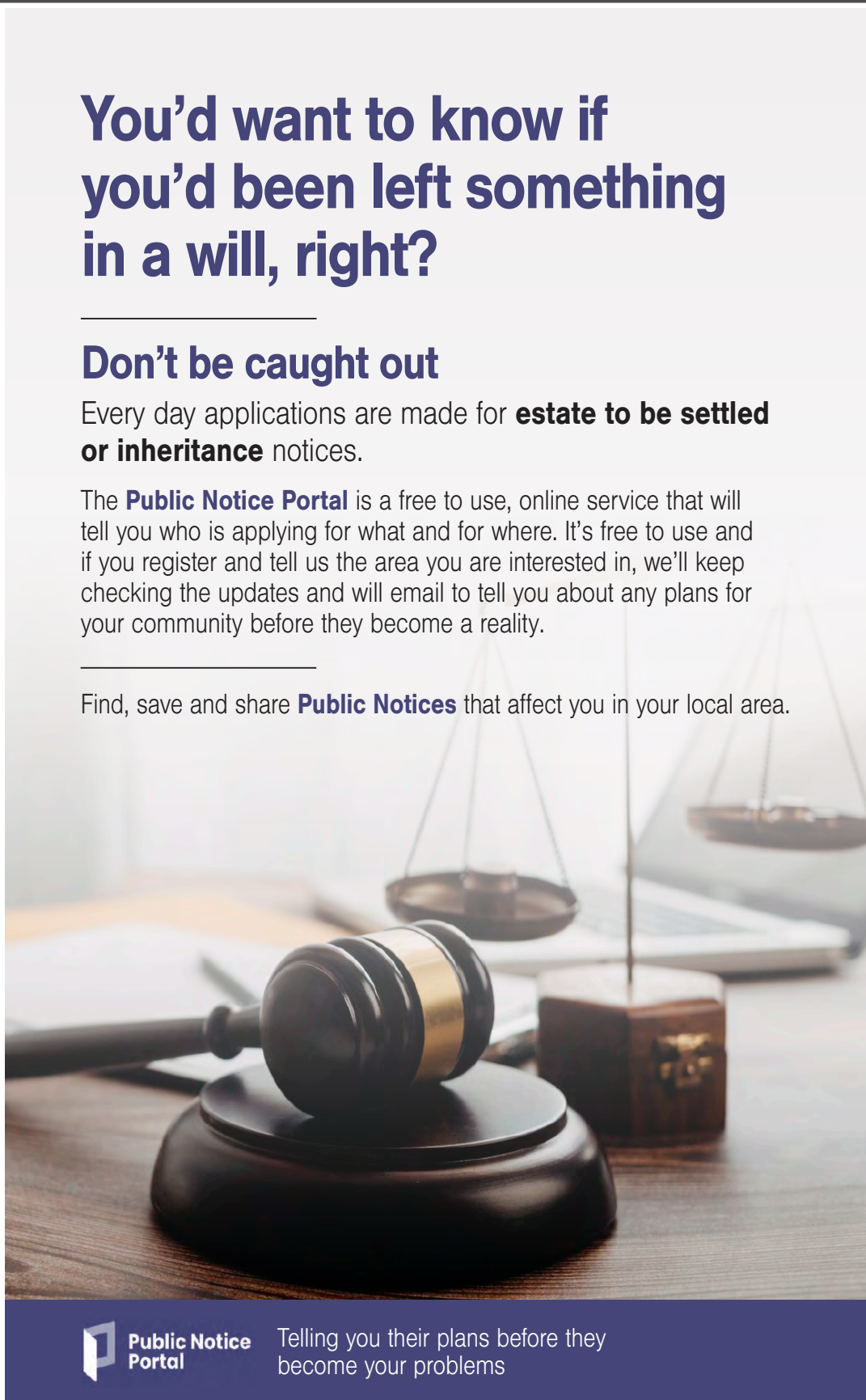
# You'd want to know if you'd been left something in a will, right?

## Don't be caught out

Every day applications are made for **estate to be settled or inheritance** notices.

The **Public Notice Portal** is a free to use, online service that will tell you who is applying for what and for where. It's free to use and if you register and tell us the area you are interested in, we'll keep checking the updates and will email to tell you about any plans for your community before they become a reality.

Find, save and share **Public Notices** that affect you in your local area.



Telling you their plans before they become your problems

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Claim No. KB-2024- 003315

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

B E T W E E N :-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM

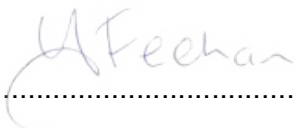
Defendants

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EXHIBIT "YF10"

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This is Exhibit Sheet "YF10" referred to in the Third Witness Statement of YVONNE FEEHAN dated 18 November 2024



.....  
YVONNE FEEHAN

**LONDON BOROUGH OF RICHMOND UPON THAMES**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**LONDON BOROUGH OF RICHMOND UPON THAMES PUBLIC SPACES  
PROTECTION ORDER 2023 (ANTI-SOCIAL BEHAVIOUR)**

The Council of the London Borough of Richmond upon Thames (in this Order called “the Council”) hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

This Order may be cited as the “London Borough of Richmond upon Thames Public Spaces Protection Order 2023 (Anti- Social Behaviour)”.

This Order came into force on 16 October 2017 and lasted for a period of 3 years, was then extended from 22 September 2020 for a further 3 years, and was further extended pursuant to section 60 of the Act from 22<sup>nd</sup> September 2023 for a further 3 years. This Order can be extended pursuant to section 60 of the Act.

In this Order the following definitions apply:

“Restricted area” means the land described and/or shown in the maps in the Schedule to this Order.

“Authorised officer” means a police officer, PCSO, Council officer, and persons authorised by the Council to enforce this Order.

“Self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

“Electric powered vehicle or skateboard” means a vehicle other than an invalid carriage (or motorised disability scooter driven by a person with a disability) or pram which is propelled by one or more electric motors”.

“Harm” means damage, loss or injury.

The masculine includes the feminine.

**The Offences**

**Article 1 – Feeding of animals**

No person shall feed birds and animals in the restricted area in a manner which causes or is likely to cause nuisance or harm or attract vermin.

## **Article 2 – Horses**

- (1) No person shall ride or lead a horse in the restricted area except:
- (a) In the exercise of a lawful right or privilege;
  - (b) With the express prior consent of the Council.

## **Article 3 – Bicycles etc.**

No person shall cycle, skate, slide or ride on a bicycle, tricycle, skateboard, scooter or other self-propelled vehicle or electric powered vehicle or skateboard in the restricted area in such a manner as to cause danger or damage or give reasonable grounds for annoyance or nuisance to other persons.

## **Article 4 – Bicycles etc. in enclosed play or sports areas**

No person shall cycle, skate, slide or ride on a bicycle, tricycle, skateboard or other self-propelled vehicle or electric powered vehicle or skateboard except a child's scooter within an area designated as a children's play area or a sports play area in the restricted area without the express prior consent of the Council.

## **Article 5 – Bicycles etc. chained to trees and structures**

No person shall cause any bicycle, tricycle, skateboard, scooter or other self-propelled vehicle or electric powered vehicle or skateboard to be chained or fastened to any tree in the restricted area.

## **Article 6 – Fires and barbeques in parks and opens spaces**

- (a) No person shall light a fire, barbeque (including disposable barbeques), candle or stove of any type in the restricted area without the express prior consent of the Council.
- (b) No person shall place, throw or drop in the restricted area anything likely to cause a fire.

## **Article 7 – Sky lanterns in parks and open spaces**

No person shall release in the restricted area a lighted sky lantern without the express prior consent of the Council.

### **Article 8 – Fireworks in parks and open spaces**

No person shall set off fireworks in the restricted area unless part of a licensed Display and that is subject to the prior consent of the Council.

### **Article 9 – Throwing etc. of objects likely to cause harm in parks and open spaces**

No person shall throw or use any device to propel or discharge any object in the restricted area which is liable to cause nuisance or injury to a person, animal or structure.

### **Article 10 – Alcohol**

- (a) No person shall drink alcohol in the restricted area (other than in premises licensed for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorized person as a result of nuisance.
- (b) A person is required to immediately surrender any alcohol in the restricted area, whether in an open or closed container, in his possession when required to do so by an authorised person who reasonably believes that the person has consumed, is consuming, or intends to consume alcohol in breach of 10(a) above.

### **Article 11 - Camping**

No person shall camp or sleep overnight, with or without a tent, or use a vehicle, caravan or any other structure for such purpose in the restricted area without the express prior consent of the Council.

Any enforcement of this Article by authorised officers will be carried out in conjunction with SPEAR and the multi-agency rough sleepers initiative and/or any other agency supporting the homeless in the borough.

### **Article 12 – Fishing in parks and open spaces**

- (a) No person shall fish in the restricted area unless in possession of a valid rod licence issued by the Environment Agency.
- (b) No person shall erect or use any bivouacs, day shelters or other similar structures in the restricted area for a period exceeding 24 hours beginning with the time at which the structure was first erected. Such structures must be completely open on at least one side and be used for active fishing.
- (c) No person shall erect or use any such structure in the same restricted area for more than one night in any period of 7 consecutive days.
- (d) No person shall erect or use any such structure for the purpose of overnight

sleeping unless actively fishing.

### **Article 13 – Power driven aircraft including drones**

(1) In this Article:

“model aircraft” means any “small unmanned aircraft” used for sporting and recreational purposes which weighs not more than 20 kg without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas;

“radio control” means control by a radio signal from a wireless transmitter or similar device;

(2) No person (except as provided in (3) below) shall, without express prior consent, cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the restricted area; or
- (b) land in the restricted area without reasonable excuse

otherwise than in a designated area for flying model aircraft.

(3) Where any part of the restricted area has been set apart by the Council for the flying of power-driven model aircraft, no use of such is permitted without express prior consent unless-

- (a) the aircraft weighs not more than 7kg without its fuel;
- (b) the aircraft is driven by the combustion of petrol vapour or other combustible vapour or other combustible substances;
- (c) gives a noise measurement of not more than 82Db(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
- (d) where it is reasonably practicable to fit, fitted with an effectual silencer or similar device
- (e) the aircraft is attached to a control line and kept under effective control;

**Article 14 – Injury to animals and damage to land etc.**

- (a) No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares in the restricted area, without the express prior consent of the Council.
- (b) No person shall cut, damage or remove any plant, shrub or tree in the restricted area, without the express prior consent of the Council.
- (c) No person shall dig into, damage or disturb the ground or remove or displace any stone, soil or turf in the restricted area, without the express prior consent of the Council.

**Article 15 – Planting of trees etc. and installations**

- (a) No person shall plant any tree, shrub or plant or structure in the restricted area without the express prior consent of the Council.
- (b) No person shall erect or install any post, rail, fence, pole, tent, booth, stand, building or other structure in the restricted area without express prior consent of the Council

**Article 16 – Golf in parks and open spaces**

No person shall, without express prior consent, drive, chip or pitch a hard golf ball with a golf club in the restricted area except on land set aside by the Council as a golf course or golf driving range.

**Article 17 – Use of land for organised events etc. in parks and open spaces**

No person shall use any part of the restricted area for events, organised sports club training/matches, or fitness training/classes without the express prior consent of the Council.

**Article 18 – Lewd behaviour**

No person shall engage in sexual activity or engage in lewd or sexually explicit behaviour in the restricted area which is likely to cause harassment, alarm or distress to another person.

**Article 19 – Urination and defecation**

No person shall urinate or defecate in the restricted area.

**Article 20 – Motor vehicles etc.**

No person shall, without reasonable excuse, bring onto or drive in the restricted area a motor cycle, motor vehicle, trailer or caravan without the express prior consent of the Council.

**Article 21 – Advertising in parks and open spaces**

No person shall carry out any advertising of any kind in the restricted area without the express prior consent of the Council.

A person or body whose goods, trade, business or other concerns are being given publicity by the advertising shall be deemed to have taken part in the advertising, in addition to any person physically taking part in the advertising.

**Article 22 – Trading in parks and open spaces**

No person shall provide or offer to provide any service in the restricted area for which a charge is made or engage in trading of any kind without the express prior consent of the Council.

**Article 23 – Unauthorised entrances in parks and open spaces**

No person shall create or use an unauthorised means of access into the restricted area from adjoining properties.

**Article 24 – Smoking in enclosed play or sports areas in parks and open spaces**

No person shall smoke tobacco, tobacco related products, smokeless tobacco products (including electronic cigarettes), herbal cigarettes, or any illegal substances in the restricted area.

**Article 25 – Nuisance to users of parks and open spaces**

No person shall intentionally obstruct, disturb or annoy any other person in or using the restricted area or those in neighbouring properties adjoining the restricted area.

**Article 26 – Obstruction of authorised officers in parks and open spaces**

No person shall obstruct an authorised officer in the proper execution of his duties under this Order.



## Penalty

It is an offence under section 67 of the Act for a person without reasonable excuse:

- (a) to do anything that they are prohibited from doing by a public spaces protection order, or,
- (b) to fail to comply with a requirement which they are subject to under a public spaces protection order.

A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

In respect of Article 10, it is an offence under section 63(6) of the Act for a person without reasonable excuse:

- (a) to consume, in breach of the order, alcohol or anything which the constable or authorised officer reasonably believes to be alcohol; or
- (b) to refuse to surrender anything in a person's possession which is, or which the constable or authorised officer reasonably believes to be, alcohol or a container for alcohol.

A person guilty of an offence under section 63(6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

If a constable in uniform or an authorised officer has reason to believe that a person has engaged, or is engaging, in anti-social behaviour, he may require that person to give his name and address to the police constable or authorised officer.

Any person who—

- (a) fails to give his name and address when required to do so, or
- (b) gives a false or inaccurate name or address in response to such a request,

is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL OF THE MAYOR AND  
BURGESSES OF THE LONDON BOROUGH  
OF RICHMOND UPON THAMES was affixed this  
22<sup>nd</sup> day of September 2023 in the presence of:

Signature

Name

Authorised Signatory

Seal Register No. 28543106



## **Schedule identifying Restricted Areas for Articles 1-26 of the Order**

### **Article 1 Feeding of Animals**

All open public land owned, adopted or managed by the London Borough of Richmond upon Thames including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas.

### **Article 2 Horses**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces. Rights of Way – A way over which the public have a right to pass and repass on foot, on or leading a horse, on a pedal cycle or with a motor vehicle, depending on its status.

### **Article 3 Bicycles etc.**

All parks and open spaces, including commons, grounds and wooded areas, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

Rights of Way – A way over which the public have a right to pass and repass on foot, on or leading a horse, on a pedal cycle or with a motor vehicle, depending on its status.

### **Article 4 Bicycles etc. in enclosed play or sports areas**

All parks and open spaces, including commons, grounds and wooded areas, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 5 Bicycles etc. chained to trees**

All parks and open spaces, including commons, grounds and wooded areas, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

All roads, footpaths, pavements, alleyways, towpaths, and grass verges maintained at public expense

### **Article 6 Fires and barbeques in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 7 Sky lanterns in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 8 Fireworks in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 9 Throwing etc of objects likely to cause harm in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 10 Alcohol**

All land within the Council's administrative area which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including roads, footpaths, pavements, grass verges, alleyways and towpaths, allotments, and parks and open spaces, including wooded areas.

### **Article 11 Camping**

All open public land owned, adopted or managed by the London Borough of Richmond upon Thames Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas.

### **Article 12 Fishing in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 13 Power driven aircraft including drones**

All open public land owned, adopted or managed by the London Borough of Richmond upon Thames Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas.

### **Article 14 Injury to animals and damage to land etc.**

All open public land owned, adopted or managed by the London Borough of Richmond upon Thames Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas.

## **Article 15 Planting of trees etc and installations**

All open public land owned, adopted or managed by the London Borough of Richmond upon Thames Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas.

## **Article 16 Golf in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

## **Article 17 Use of land for organised events etc. in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

## **Article 18 Lewd behavior**

All open public land owned, adopted or managed by the London Borough of Richmond upon Thames Council including roads, footpaths, pavements, alleyways and towpaths, all grass verges, and parks and open spaces including wooded areas.

## **Article 19 Urination and defecation**

All land within the Council's administrative area which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including roads, footpaths, pavements, grass verges, alleyways and tow paths, allotments , and parks and open spaces, including wooded areas. The restricted area includes the doorway or alcove of any premises to which the public has access.

## **Article 20 Motor vehicles etc.**

All land within the Council's administrative area which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including roads in the restricted area, footpaths, pavements, grass verges, alleyways and tow paths, allotments, and parks and open spaces, including wooded areas.

## **Article 21 Advertising in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

## **Article 22 Trading in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 23 Unauthorised entrances in parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 24 Smoking in parks and open spaces**

Enclosed play or sports areas in all parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 25 Nuisance to users of parks and open spaces**

All parks and open spaces, including commons, grounds and wooded areas and towpaths, managed by the London Borough of Richmond upon Thames Council. Details of these sites can be found at [www.richmond.gov.uk/parks](http://www.richmond.gov.uk/parks) and open spaces.

### **Article 26 Obstruction of authorised officers in parks and open spaces**

All land within the Council's administrative area which is open to the air and to which the public are entitled or permitted to have access (with or without payment) including roads, footpaths, pavements, grass verges, alleyways and tow paths, allotments, and parks and open spaces, including wooded areas.





IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Claim No. KB-2024- 003315

IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972  
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B E T W E E N :-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
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Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM
  
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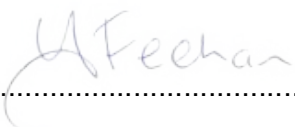
Defendants

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EXHIBIT "YF11"

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This is Exhibit Sheet "YF11" referred to in the Third Witness Statement of YVONNE FEEHAN dated 18 November 2024

  
.....  
YVONNE FEEHAN





*London Borough of Richmond upon Thames*

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## **BYE-LAWS**

**Relating to Pleasure Grounds and  
Open Spaces in the Borough**

# London Borough of Richmond upon Thames

## BYELAWS

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### Relating to Pleasure Grounds and Open Spaces in the Borough

Byelaws made under Section 164 of the Public Health Act, 1875, Section 15 of the Open Spaces Act, 1906 and Sections 12 and 15 of the Open Spaces Act, 1906 by the Mayor and Burgesses of the London Borough of Richmond upon Thames acting by the Council at a meeting of the Council held on the tenth day of December 1985 with respect to pleasure grounds.

1. Throughout these byelaws the expression "the Council" means the Mayor and Burgesses of the London Borough of Richmond upon Thames, acting by the Council, and the expression "the ground" means, except where inconsistent or incompatible with the context, each of the open spaces and pleasure grounds set out in the First Schedule to these byelaws and as identified on Map No.PRM1 sealed by the Council on the tenth day of December 1985 and deposited in the Town Clerk's Office.
2. An act by a person for the time being duly authorised by the Council for any purpose in connection with the management, maintenance, improvement or regulation of the ground and acting in the proper execution of that purpose or a person duly authorised by such a person and acting in the proper execution of such authority or a person acting in the legal exercise of some right in, over or affecting the ground shall not be deemed an offence against these byelaws.
3. A person shall not in the ground
  - (i) climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post, or other erection;
  - (ii) without reasonable excuse remove or displace any wall or fence in or enclosing the ground, or any barrier, railing, post, seat, board, plate or tablet, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the ground.
4. A person shall not, except in pursuance of a lawful agreement with the Council or otherwise in the exercise of any lawful right or privilege, bring

or cause to be brought into the ground any cattle, sheep, goats, or pigs, or any beast of draught or burden.

5. (i) A person shall not, except in the exercise of any lawful right or privilege, bring or cause to be brought into the ground any barrow, truck, machine or vehicle other than —
  - (a) a wheeled bicycle, tricycle or other similar machine;
  - (b) a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.
  - (c) a vehicle which is an invalid carriage complying with the requirements of and used in accordance with conditions prescribed by Regulations made under Section 20 of the Chronically Sick and Disabled Persons Act 1970  
Provided that this byelaw shall not be deemed to prohibit the driving over any public road or any track authorised by the Council for the purpose, and indicated in a notice board affixed or set up in some conspicuous position near to such track, of any vehicle, or, where the Council set apart a space in the ground for the use of any class of vehicle, the driving in or to that space by a direct route from the entrance to the ground of any vehicle of the class for which it is set apart.
- (ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle, tricycle or other similar machine in any part of the ground.
6. A person who brings a vehicle into the ground shall not wheel or station it over or upon
  - (i) any flower bed, shrub, or plant, or any ground in course of preparation as a flower bed or for the growth of any tree, shrub, or plant;
  - (ii) any part of the ground where the Council by notice board affixed or set up in some conspicuous position in the ground prohibit it being wheeled or stationed.
7. A person shall not affix any bill, placard, or notice to or upon any wall or fence in or enclosing the ground, or to or upon any tree, or plant, or to or upon any part of any building, barrier, or railing, or of any seat, or of any other erection or ornament in the ground.
8. A person shall not on the ground walk, run, stand, sit or lie upon
  - (i) any grass, turf, or other place where adequate notice to keep off such

grass, turf, or other place is exhibited;

Provided that such notice shall not apply to more than one fifth of the area of the ground;

(ii) any flower bed, shrub, or plant, or any ground in course of preparation as a flower bed or for the growth of any tree, shrub or plant.

9. A person shall not in the ground remove or displace any soil, turf, tree, shrub or plant.

10. A person shall not

(i) bathe, wade, or wash in any ornamental lake, pond, stream or other water in the ground;

(ii) intentionally, recklessly or negligently foul or pollute any such water;

(iii) kill, molest or intentionally disturb any fish or water fowl;

Provided that this byelaw shall not be deemed to prohibit bathing, wading or fishing from any part of the ground which, by a notice conspicuously exhibited near thereto, may be set apart by the Council for the purpose of bathing, wading or fishing

(i) during such periods as may be specified on the notice boards; and

(ii) by such number of persons not exceeding at any one time the number specified on the notice board.

11. A person shall not cause or suffer any dog belonging to him or in his charge to remain in the ground, unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any animal or waterfowl, and from entering any ornamental water. Provided that a person shall not cause or suffer any dog belonging to him or in his charge:

(a) to enter any enclosed part of the grounds listed in Part 1 of Schedule 2 to these byelaws which, by a notice affixed or set up near thereto is reserved as a children's play area or a sports area;

(b) to enter or remain in any of the grounds listed in Part 2 of Schedule 2 unless such dog be on a lead.

12. Where the Council set apart any such part of the ground as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position in the ground, for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person in the grounds may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the

ground, a person shall not in any space elsewhere in the ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such a space.

13. A person resorting to the ground and playing or taking part in any game for which the exclusive use of any space in the ground has been set apart shall
  - (i) not play on the space any game other than the game for which it is set apart;
  - (ii) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the ground by other persons;
  - (iii) when the space is already occupied by other players not begin to play thereon without their permission;
  - (iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein;
  - (v) except where the exclusive use of the space has been granted by the Council for the playing of a match in which he is taking part, not use the space for a longer time than two hours continuously, if any other player or players make known to him a wish to use the space.
14. A person shall not in any part of the ground which may have been set apart by the Council for any game play or take part in any game
  - (a) when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the ground;
  - (b) except at such times as may be prescribed by the Council and advertised by notice set up in the portion or portions of the grounds so appointed.
15. A person shall not in any ground play any game with a cricket ball, golf ball or any other hard ball to the danger of any other person using the ground. Provided that this byelaw shall not be deemed to prohibit the playing of any game with a hard ball in any part of the ground which may be set apart by the Council for the playing of organised games and described in a notice board affixed or set up in a conspicuous position in the ground.
16. A person shall not in the ground
  - (i) except as hereinafter provided erect any post, rail, fence, pole, tent, booth, stand, building, or other structure;

Provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure, upon such occasion and for such purpose as are specified in the application;

- (ii) sell, or offer or expose for sale or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of any agreement with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire in the ground such commodity or article.
17. A person shall not in the ground intentionally obstruct, disturb, or annoy any other person in the proper use of the ground, or intentionally obstruct or disturb any officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connection with the laying out or maintenance of the ground.
  18. Where the Council set apart any such part of the ground as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position on the ground, for the use of children under 15 years a person who has attained the age of 15 years shall not play or take part in any ball game in any such part of the ground unless such a person is bona fide in charge of a child or children under the age 15 years.
  19. A person shall not in the ground hold or take part in any public meeting except on any part of the ground which, by notice conspicuously exhibited, the Council set aside for public meetings.
  20. A person shall not take part in any public show or performance in the ground. Provided that this byelaw shall not apply to any person taking part in a bank show or any other entertainment held in the ground in pursuance of an agreement with the Council.
  21. A person shall not by playing any musical instrument or singing or by operating or causing or suffering to be operated any wireless set, gramophone, amplifier, tape recorder or similar instrument make, cause or suffer to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground.
  22. A person shall not break in any horse in the ground. Where any part of the ground, by notices affixed in a conspicuous position in the ground, has been set apart by the Council as a place where horse riding is permitted, a person shall not, except in the exercise of any lawful right or privilege —
    - (a) ride a horse in any other part of the ground;

- (b) ride a horse on any part of the ground so set apart to the danger or annoyance of other persons in the ground;
  - (c) ride a horse on any part of the ground so set apart when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting riding.
23. A person shall not in the ground except as provided by byelaw 24 hereof
- (i) release any power-driven model aircraft for flight or control the flight of such an aircraft;
  - (ii) cause any power-driven model aircraft to take off or land in the ground.
24. Where any part of the ground known as the Old Deer Park has, by a notice conspicuously exhibited in the ground, been set apart by the Council for the flying of power-driven model aircraft
- (i) no person shall in any other part of the ground
    - (a) release any power-driven model aircraft for flight or control the flight of such an aircraft; or
    - (b) without reasonable excuse cause any power-driven model aircraft to take off or land,  
in such other part of the ground.
  - (ii) no person shall fly a power-driven model aircraft in any such part of the ground so set apart,  
unless —
    - (a) the aircraft is attached to a control line and kept under effective control;
    - (b) the noise emitted by the aircraft gives a noise measurement of not more than 82 dB (A) at a distance of seven metres from the aircraft when measured by means of the equipment described, and by the method set out, in the Code of Practice issued in pursuance of the approval given by the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981;
    - (c) the aircraft is fitted with an effectual silencer or similar device except in relation to an aircraft to which the fitting of a silencer or similar device is not reasonably practicable.  
Provided that no power-driven model aircraft may be flown pursuant to this byelaw between the hours of two o'clock in the afternoon and sunset on Saturdays.
25. For the purpose of byelaws 23 and 24 the expression "model aircraft"

means an aircraft which either weighs not more than five kilogrammes without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order, and the expression "power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

26. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds.
27. Every person who shall infringe any byelaw for the regulation of the ground may be removed therefrom by any officer of the Council, or by any constable, in any one of the several cases hereinafter specified: that is to say—
  - (i) Where the infraction of the byelaw is committed within the view of such officer or constable, and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer or constable;
  - (ii) Where the infraction of the byelaw is committed within the view of such officer or constable, and, from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the ground of the person infringing the byelaw may result in another infraction of the byelaw, or that the removal of such person from the ground is otherwise necessary as a security for the proper use and regulation thereof.

#### Repeal of Byelaws

28. All existing byelaws for the regulation of public walks, pleasure grounds and open spaces made by the Council of the London Borough of Richmond upon Thames, the Council of the former Borough of Richmond (Surrey), the Council of the former Borough of Twickenham and the Council for the former Urban District Council of Barnes are hereby repealed.

*FAST REPORT*

*copy of the byelaws for the various pleasure grounds and open spaces in the London Borough of Richmond upon Thames, the former Borough of Richmond (Surrey), the former Borough of Twickenham and the former Urban District Council of Barnes are hereby repealed.*



**FIRST SCHEDULE**

**PART ONE**

**PUBLIC HEALTH ACT 1875**

Bell Hill Recreation Ground	Riverside Drive Open Space
Bridge Gardens	Terrace Field
Broom Road Playground	Terrace Gardens, Hampton
Cambourne Path	Terrace Gardens, Richmond
Cambridge Gardens	Terrace Walk
Carlisle Park	Town Hall Gardens, Richmond
Castelnau Recreation Ground	Twickenham Green
Crane Park	Udney Hall Gardens
Devonshire Lodge	Vine Road Recreation Ground
Fulwell Park	Wades Lane Recreation Ground
Garrick Lawn	Westerley Ware
Gothic Gardens (part)	Worple Way Open Space
Grove Gardens	York House Gardens
Grove Road Pleasure Ground	
Ham Lands (part)	
Ham Village Green (part)	
Hampton Hill Recreation Ground	
Hatherop Road Playing Field	
Heathfield	
Kew Green	
Kew Meadows Open Space & Path	
Kneller Gardens	
Lonsdale Road Plantation	
Manor Gardens, Teddington	
Manor Road Recreation Ground	
Mears Walk	
Midhurst Gardens, Richmond (part)	
Moormead and Bandy Close	
Murray Park	
North Sheen Park	
Old Deer Park	
Orleans Gardens	
Pest House Common	
Petersham Meadow	
Queen Elizabeth Walk, Barnes	
Radnor House Gardens	
Raleigh Gardens	
Richmond Green	
Riverdale Gardens	

FIRST SCHEDULE

PART TWO

OPEN SPACES ACT 1906

Barnes Reservoir	Melancholy Walk, Ham
Beaufort Court Playground	Midhurst Gardens, Richmond (part)
Beveree, Hampton	Mortlake Green
Buccleuch Gardens	Mortlake Terrace Gardens
Church Road Playground,	Palewell Fields
Teddington	Petersham Copse
Gothic Gardens (part)	Petersham Lodge Grounds
Cholmondely Walk	Queen Elizabeth Field, Ham
Ham Lands (part)	Russels Allotments
Ham Village Green (part)	Sandy Lane Playground
Hampton Nursery Lands	St. Albans, Hampton
District Park	Suffolk Road Recreation Ground
Hampton Nursery Lands	Tangier Green
Five Acre Park	Tapestry Court, Mortlake
Hampton Nursery Lands	The Avenues, Ham
One Acre Park	The Avenues, Petersham
Holly Hedge Field	
Holly Road Garden of Rest	
Hounslow Heath Open Space	
King George's Field, Ham	

**SECOND SCHEDULE**

Part One

Broom Road Playground  
Church Road Playground,  
Teddington  
Hatherop Road Playing Field  
Heathfield  
Kneller Gardens  
Moormead  
Palewell Fields  
Tangier Green

Part Two

Grove Gardens  
Queen Elizabeth Walk Barnes

The Common Seal of the Mayor and Burgesses of  
the London Borough of Richmond upon Thames  
was hereunto affixed in the presence of

L.S.

A I SIMMONDS  
Mayor

M J HONEY  
Chief Executive

The foregoing byelaws are hereby confirmed  
by the Secretary of State and shall come into  
operation on the 19th day of March 1986

Seal of the  
Secretary of State  
Home Department

Signed by authority of the Secretary of State  
this 4th day of March 1986

M E HEAD  
An Assistant Under Secretary of State

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

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

B E T W E E N :-

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES

Claimant

-and-

(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /  
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary  
accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES  
WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON  
THE SCHEDULE ATTACHED TO THIS CLAIM

(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN  
THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE  
SCHEDULE ATTACHED TO THIS CLAIM

Defendants

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EXHIBIT "JC1"

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This is Exhibit Sheet "JC1" referred to in the Witness Statement of Joanne Capper  
dated 21 November 2024.



.....  
Joanne Capper

## Research on Gypsies and Travellers in the London Borough of Richmond upon Thames

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### Planning

*27 February 2023*

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## 1. Executive summary

### Planning and Local Context

1.1 National guidance to inform local planning authorities' assessments of need is set out in '[Planning policy for Traveller sites](#)' (2015).

1.2 The definition includes "gypsies and travellers" and "travelling showpeople"; for planning related purposes it excludes those who have permanently ceased from travelling. However, this planning definition has recently been rejected by the Court of Appeal as it has been found to be discriminatory against elderly and disabled Gypsies and Travellers. The impact of this ruling is yet to be seen in a formal change to Government planning policy, though to reflect this ruling, this document will continue to consider the needs of those who have permanently settled due to age, ill health or disability.

1.3 There is one existing Traveller site in the borough in Hampton containing 12 pitches which is managed by Richmond Housing Partnership (RHP).

1.4 The purpose of this research is to inform the Council's new [Local Plan](#), building on earlier research published in 2016. It is also informing a Londonwide Gypsy and Traveller Needs Assessment currently being undertaken. Surveys of occupants on the site in Hampton were undertaken in 2013, 2015 and 2022 to understand existing and future needs. Unauthorised Gypsy and traveller encampments in the borough have also been considered in assessment of housing need.

1.5 Under the Data Protection Act, all research has been anonymised so that no personal information is revealed, and no individual respondent can be identified.

### Understanding accommodation supply and future needs

1.6 RHP undertook an assessment of the site in 2016 that advised 42 people were living on the site, including 25 children in 11 pitches accommodating families, from two extended families from the Irish Traveller community. They reported fewer young men than women aged 16-26. It was commented that at this age Traveller women tend to leave when they marry, which suggested that there may be capacity on the site in future years.

1.7 There are also Travellers that might be currently accommodated elsewhere. There have been relatively few unauthorised encampments in recent years, and there have been no applications for private sites which would give an indication that there is no additional demand for permanent transit infrastructure in the borough.

1.8 RHP hold a waiting list for the site – at the time of writing there were four families on the waitlist in February 2023. There were five waiting list applications in September 2013, two in March 2015, two in June 2016 and three in September 2017. A Lettings Policy sets out priorities to those with a Richmond connection and to the site. Pitches do become available over time – it is estimated that one pitch is vacated each year on average as there have been nine vacancies over a ten year period. However, using turnover as an approach to assessing supply can result in an under-estimation of need because it relies on making assumptions. However, in this case it is based on an in-depth knowledge of the site, rather than relying on broad assumptions.

1.9 Since the 2015 survey was carried out, RHP have amended the layout of the Hampton site which resulted in the reduction of one existing pitch. This was carried out on the basis that the rearrangement would benefit the existing residents. The pitch that was lost was very small and it has since been used to address overcrowding and has not affected the satisfaction of or overall number of residents that the site caters for.

1.10 There are other sources of information. In the 2021 Census, 85 residents identified their ethnicity as White Gypsy or Irish Traveller compared to 95 in 2011. The majority of residents identifying as White Gypsy or Irish Traveller in the borough live in Nursery Lands and Hampton North ward, which is where the surveyed site is located. 0.3% of the population in this ward are White Gypsy or Irish travellers compared to a rate of between 0% and 0.1% in all other wards across the borough. The Joint Strategic Needs Assessment (JSNA) [report on Gypsy and Traveller health](#) (2014) refers to the site in Hampton accommodating 51 residents, and of the remaining Gypsy and Travellers living in the borough 18% own their house, 60% live in socially rented accommodation, and 22% live in private rented accommodation, although the most recent [JSNA from 2021](#) simply refers to the Gypsy and Travellers population as reported in the 2011 census and the Count of traveller caravans (see section 4).

1.11 In 2013 a questionnaire was undertaken by RHP of the families living on the site in Hampton, and then repeated in 2015 and again, for this report, in 2022. In 2013 surveys from eight pitches were completed, in 2015 from seven pitches, and in 2022 from all 12 pitches, which were considered accurate and representative alongside RHP officer knowledge. The survey results are detailed by each question.

### 2022 Survey Results

1.12 All respondents were Irish Travellers, renting accommodation as their main home. In 2015, one of the respondents had moved from the site into bricks and mortar housing. The majority of respondents have lived there for more than 5 years, however, five households have started renting a pitch in the last 5 years, indicating that there is a degree of turnover in the site averaging at one per year.

1.13 Two respondents in 2013 shared their pitches with one other household, but none did in 2015. Only one pitch was reported as shared and is between two family members in 2022. In 2015 the surveys showed a total of 24 people – 9 adults and 16 children, including 7 pitches accommodating families. There was one young woman aged 16-26 and 2 young men of that age. In 2022, 40 people were counted (the increase owing to all households taking part in the survey)- consisting of 13 adults and 27 children. There are 3 young women and 4 young men aged between 16-25, which marks an increase in this age group.

1.14 Satisfaction with current accommodation increased overall from 2015 to 2022, however, 25% of responses were listed as dissatisfied or very dissatisfied with the site. In 2013, no respondents were looking for somewhere else to live, in 2015 one respondent was – due to not having enough space and looking for better facilities. In 2013 two respondents had someone in their household looking for somewhere else to live, but in 2015 no residents were identified by respondents as looking for somewhere else to live. In 2022, no respondents were looking for somewhere else to live.

1.15 In 2013 future needs were identified as:



- 2013 – five pitch requirements (one male, four female)
- 2018 – one pitch requirement (one female)
- 2019 – one pitch requirement (one male)

1.16 In 2015 future needs were identified as:

- 2015 – one pitch requirement (one female)
- 2017 – three pitch requirements (one female, two male)
- 2020 – one pitch requirement (one female)

1.17 In 2022 future needs were identified as:

- 2022 – three pitch requirements (two female, one male)
- 2025 – two pitch requirements (two female)

1.18 The majority of those looking for future pitches are not willing to live in bricks and mortar and are seeking accommodation in Hampton. The most popular of any factors that would encourage moving into bricks and mortar was the type and design of housing, private outdoor space and space for caravan/additional vehicles.

1.19 All residents surveyed reported that they have travelled at some point in their lives. There are a number that have ceased travelling due to ill health or family commitments. No respondents have travelled in the 12 months prior to being surveyed.

#### Survey Analysis and Further Comments

1.20 The survey analysis, with comparisons between 2013, 2015, and 2022, illustrates a site comprised of long standing, settled residents. Between the surveys there was movement within the site which appeared to stem largely from existing residents and their families, changing the composition of pitches. The surveys across all years identified a limited number of young men who may wish to start to form their own families and look for pitches on the site - in the latest survey, only one male with future housing need on the site was identified. The five individuals identified for pitch needs in the next 5 years are not on RHP's housing waiting list or on the housing register for the borough. In recent years there has remained only a limited site waiting list.

1.21 Overall this research suggests that the size of the site and the way that it is managed do allow for some natural turnover. This position is likely to continue with effective site management given one pitch is vacated each year on average.

1.22 While generally there is little desire to move into bricks and mortar, it appears that one respondent in 2015 has moved. Clearly this would depend on individuals' circumstances, given the 'psychological aversion' to housing that is recognised in case law. The analysis does confirm the factors that would need to be addressed in considering any move – complexities including the type of housing available and the support that might be received. There are currently two single-person households living in family-sized pitches.

1.23 The analysis shows RHP's management of the site, services available and support to residents are clearly highly valued, and available to beyond those living on the site. The difference in the analysis between 2015 and 2022 does suggest that satisfaction with the site environment has increased, however, the number of respondents indicating that they are very dissatisfied has also increased.

Dissatisfaction appears to be related to the quality of on-site repairs and ongoing complaints regarding drainage. RHP has set up a caretaking service to respond to residents' needs, however from the most recent research, there is perhaps a need to assess how well this service performs on the site, and opportunities for any funding for improvements. It is positive that RHP's services and support are provided to those in extended families living in bricks and mortar.

### Unauthorised encampments

1.24 The analysis shows a small increase in unauthorised encampments in recent years, although levels remain relatively low. The Council has sought injunctions to protect Council-owned land from unauthorised encampment, but this is to reduce time and cost of enforcement. There are no existing transit pitches in the borough, and no indication of a local need arising.

### Travelling Showpeople

1.25 There are no sites for Travelling Showpeople in the borough. While there are a number of fairs, circuses and shows held regularly in the borough's open spaces, there is no indication of any need specifically within the borough for pitches to meet their seasonal working needs.

### Conclusion and recommendations

1.26 To conclude, the outcome of this research suggests that there is no demonstrated need for additional pitches, nor any signals indicating unmet need arising from elsewhere in the borough. There remains the need to continue to protect the existing site through the Local Plan, which will continue to accommodate existing and future needs of the existing Gypsy & Traveller population within the borough. At this stage there are no plans to identify or allocate additional pitches. There is no need arising within the borough from unauthorised encampments or for travelling showpeople that suggests a need for transit sites, although this could be explored in pan-London work.

1.27 The research provides evidence for the continued joint working within the Council, RHP, Public Health and other bodies, to support the existing residents on the site. For any Gypsies & Travellers living in bricks and mortar, there may, as previously identified, be opportunities for other solutions to improve support to address needs. This could be through providing floating support to those in bricks and mortar to address issues of isolation, managing a home and maintaining a tenancy. The GLA Assessment may further inform what support can be provided to Gypsies and Travellers in bricks and mortar.

1.28 As with the pan-London consultation, there will be further evidence that may inform research, and reporting through the authority's Annual Monitoring Report will continue to be reviewed. Under the Duty to Cooperate, the Council continues to liaise with neighbouring boroughs, as relevant, although to date discussions have not identified any cross-boundary issues related to Gypsy & Traveller movements. It is recommended that the survey of families on the existing site in Hampton is repeated to continue monitoring. In light of recent changes to Government guidance, the most recent survey has explored the extent to which those resident within the Borough have permanently ceased from travelling, however, as confirmed by a recent Court of

Appeal challenge in relation to the Government definition, the Council still needs to have regard to the requirements of the Equality Act.

## 2. Planning and Local Context

2.1 Accompanying the NPPF, the [Planning policy for Traveller sites](#) sets out that local planning authorities should make their own assessment of need for the purposes of planning and make plans to meet need. For the guidance, “travellers” means “gypsies and travellers” and “travelling showpeople”.

2.2 [Planning policy for Traveller sites](#) was revised in August 2015 when the Government changed the definition of “traveller” for planning related purposes so that it excludes those who have permanently ceased from travelling.

2.3 The CLG Guidance [Gypsy & Traveller Accommodation Needs Assessments](#) (2007) was not formally withdrawn by Government. The [Housing and Planning Act 2016](#) at section 124 ‘Assessment of accommodation needs’ removed the requirement in the Housing Act 2004 for a separate Gypsy and Traveller assessment, which can now be part of the general assessment of housing needs to include all people residing in or resorting to the district in caravans or houseboats. The Government clarified during [Parliamentary debate](#) on the Bill that this change does not remove the duty on local authorities to assess their housing needs and make provision for sites, and stated they will consider incorporating any necessary elements of the current “Gypsy and Traveller Accommodation Needs Assessments Guidance (2007)” in wider planning guidance, to which local authorities must have regard. In 2016 [Review of housing needs for caravans and houseboats: draft guidance](#) was published. These sources of guidance have been used to guide the methodology for this research.

2.4 Many local planning authorities needs assessments for Gypsies and Travellers were distinguishing between those meeting the Government definition, and those who seek culturally appropriate accommodation, recognising that under the Equality Action (2010) as a result of their protected characteristics. Then in October 2022 the Court of Appeal ruled the planning policy definition of Gypsies and Travellers discriminates against disabled and elderly members of the community, in the case [Smith v Secretary of State for Levelling Up, Housing & Communities & Anor \[2022\] EWCA Civ 1391](#). Although in any case the weight is for a decision-maker, it is considered relevant to this study to note the importance of the traditional way of life, and that Gypsies and Travellers who are too old or ill to travel any more still wish to adhere to their cultural traditions, and live in caravans.

2.5 Some authorities are also now including reference to boat dweller accommodation needs, following the Housing and Planning Act 2016 reference to housing needs of those residing in inland waterways.

2.5 In the borough there is one existing permanent Traveller site at Bishops Grove in Hampton, now called Priest Close and Chapter Way, which is managed by Richmond Housing Partnership (RHP). This currently contains 12 pitches, and there is no identified capacity for expansion.

2.6 The key purpose of this research is primarily to inform the Council’s new [Local Plan](#). It updates the previous [Research Report published in 2016](#), which found: there was no demonstrated need for any additional pitches within the borough, nor any signals that there was an unmet need for gypsy or traveller accommodation into the future, and no needs arising for travelling showpeople within the Borough. The Inspector found the Local Plan sound (adopted July 2018).

2.7 The Council has liaised with and asked RHP to undertake surveys of occupants on the site in 2013, 2015 and 2022 to understand existing and future needs. The involvement of RHP ensured the credibility and acceptance within the local Gypsy and Traveller community. The site surveys also invited contacts of Gypsies and Travellers and Showpeople who live in bricks and mortar within Richmond upon Thames to take part.

2.8 At the same time as this research has been undertaken in 2022, a London-wide Gypsy and Traveller Needs Assessment is being undertaken by consultants RRR to assess the accommodation needs of Gypsies, Travellers, Travelling Showpeople, and the Roma community in London over the period 2022 to 2032. The quantitative and qualitative data outputs of the council's research [all personal details removed] have been shared to feed into the assessment. RRR have also been resourced to undertake online household surveys of households residing in bricks and mortar accommodation, visiting sites, yards and stopping places across London, as well as other stakeholder surveys.

2.9 The Data Protection Act 1998 covers personal information provided to the Council as part of this research and so the information collected has been anonymised in this report. This is to safeguard the privacy of those who participated so that no personal information relating to specific individuals is made public and no individual respondent can be identified through the description of where or how they live or their other circumstances.

### 3. Unauthorised Encampments

3.1 Historically in the borough there have been relatively few unauthorised encampments. As there has been an apparent small increase in unauthorised encampments since the 2015 research was carried out, details have now been added into this research. However, it appears the total number of these unauthorised stays remains at a level lower than those of neighbouring local authorities.

3.2 The borough sees an average of 3.3 unauthorised encampments of varying sized and stay-lengths per year. With the exception of 2018, 2019 and 2021, there were only two encampments seen per year. The number of unauthorised encampments peaked in 2018 at seven. In 2019 and 2021 there were five encampments in each year. There were only two encampments in 2022. It has been reported that residents of unauthorised encampments do not engage with Council officers when approached for welfare checks, which suggests that for now at least, there is little desire to stop on official pitches, nor attribute to local needs. It can be inferred from this that there is no local demand for transit stopping infrastructure.

3.3 The majority of unauthorised encampments occurred in four locations spaced between Ham, Petersham and Riverside and North Richmond and Kew, however, there have been other sites used less frequently in the West of the borough.

3.4 In recent years, a Borough-wide preventative injunction was in place to protect the borough's parks and open spaces and any Council owned land from unauthorised encampment. It also sped-up the enforcement process that officers go through. These broad injunctions have been found to be impermissible and they are set to go to appeal at the Supreme Court in 2023, meaning that this approach has ceased to be a viable option.

3.5 In the case of *The London Borough of Bromley vs Persons Unknown*: the borough tried to appeal a previous refusal of their boroughwide injunction, but were again refused. In the case, unauthorised encampments in Bromley (11 in 2016, 12 in 2017, 12 in 2018) were described as 'relatively small numbers' Richmond saw approximately six times fewer encampments as Bromley in comparative years.

3.6 Bromley's appeal was in part rejected as the injunction covered the whole borough and effectively forced any gypsies and travellers onto other boroughs as there were no legal stopping sites in the borough. Richmond is in a similar position of having very few encampments and (with a borough-wide injunction in-place) no stopping provision within the borough. This example and concerns around proportionality have posed an opportunity to change the council's legal approach to unauthorised encampments.

3.7 The adjoining authority of Surrey County Council sought, in 2021 to bring forward a proposal for the county's first transit site in the east of the borough, a 10-pitch transit site in Merstham (subject to planning permission), to reduce the occurrence of unauthorised encampments. Surrey County Council's evidence of unauthorised encampment data identifies that there are an average of over 100 recorded unauthorised encampments across Surrey every year on private- and local authority-owned land, with numbers within the east of Surrey (Tandridge, Reigate & Banstead, Epsom & Ewell and Mole Valley) ranging between 25 and 30, which equates

approximately to 1 unauthorised encampment per week with the average duration of stay being 6.4 days. Their strategy is for a further transit site planned in the future to be built in the west of the county, but there are no identified sites or timescales.

3.8 Going forward, in place of a long-term injunction, the injunction in Richmond is planned to be limited to a one-year period with reviews taking place annually thereafter. Furthermore, in place of a restrictive borough-wide injunction, the injunction will be limited to a number of high-profile and vulnerable sites to mitigate the impact on Gypsy and Traveller communities. These actions will make the injunction more proportionate and appropriate.

### Transit sites

3.9 There is currently no recommendation for permanent transit sites to be located within the borough. The number of encampments seen across the borough is very small and there is no evidence to suggest that there is enough demand for a stopping site in the area.

3.10 There is a proposal for a new transit site in East Surrey near to Merstham, subject to planning permission. In the instance that this site goes ahead, it has been noted that the newly available pitches, combined with existing transit sites in Borehamwood will provide accommodation for Gypsies and Travellers that may otherwise stay in Richmond. It is not clear to what extent these sites will help with accommodating demand, so annual reviews of unauthorised encampments considering the size, stay length and impact on the borough should be carried out.

3.11 Officers attending unauthorised encampments report that residents do not engage with authorities when approached for welfare checks. This reluctance to engage and provide detail of what stopping provision is required suggests that there is no local connection for these groups and that stays are short-stops on longer transitory journeys.

3.12 Taking into account the case of a new and unused site in Wolverhampton, it is difficult to assess how well used a new transit site would be by Gypsy and Traveller communities.<sup>1</sup> It has been noted by officers that encampments typically occur on green space that is along travelling routes from the north to the south of the borough. Kew Green, where four of the five most recent encampments have taken place, is a connecting point of the north circular and south circular roads; this may explain its popularity as a stopping place. This suggests that if a permanent stopping site in the west of the borough were identified, it may not be on a preferred route and would go unused. Assessing stopping need at a borough level may not be appropriate, as the consideration of strategic routes on a broader scale may be required.

### Negotiated Stopping

3.13 Dependent on monitoring outcomes, in the long term, the Council could also consider the use of Negotiated Stopping Agreements.

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<sup>1</sup> [Wolverhampton's traveller transit camp unused almost one year after opening | Express & Star \(expressandstar.com\)](https://www.expressandstar.com/news/2022/02/10/wolverhampton-traveller-transit-camp-unused-almost-one-year-after-opening/)

3.14 Negotiated Stopping describes agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed period of time, with the provision of some services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides. This approach could also prompt more engagement from Gypsy and traveller households to identify individual circumstances to better assess needs, however, as residents have not in the past engaged with officers and there are currently no designated suitable sites, this would be a complicated process.

3.15 The ongoing London-wide Gypsy and traveller Accommodation Needs Assessment being carried out by RRR for the Greater London Authority may provide further insight, taking a strategic view of needs across London and the opportunities for a managed approach.



#### 4. Understanding accommodation supply and future needs

4.1 The most recent survey can be used to estimate the number of people living on the site and their household make up. This can be hard to pin down at any point in time because some individuals and family units will leave the site for either short or extended periods to travel. The existing Traveller site within Richmond Borough accommodates 40 people including two extended families from the Irish Traveller community:

- There were currently 12 pitches on site which accommodated single-person households and families with children (8 of these families appear to be headed by single parents). In total from these pitches there were 40 people living in these families of which 27 were children.

4.2 From a desktop survey carried out by DTZ in 2012 it was commented that Traveller women living on sites often tend to leave when they marry – joining their husband’s site, although individual family needs may vary. On balance, this suggested there should be capacity on the site in future years if the young women leave to form families. Conversely, they stated there is significant potential for the population of the site to expand in future years, leading to overcrowding, if these young people remain on the site and begin to form their own families. However, no overcrowding has occurred in the last decade, and it appears that some young people choose to leave the site, and some choose to stay depending on personal circumstance.

4.3 There are also Travellers that might be currently accommodated elsewhere e.g. in housing or living outside of the Borough but who wish to join the site via the waiting list. However, there have been no applications for private sites which indicates that there is no additional need/demand. Research has established that there are sometimes negative psychological effects for Gypsies and Travellers moving into housing. This is caused by the transition from living in a close-knit community to a single dwelling which can result in social isolation and can cause stress and depression amongst Travellers.

4.4 RHP hold a waiting list for the site and as of November 2022, there were four families on the waiting list, for which applications now have to be renewed annually. All of those on the waiting list had a connection to someone on the site. RHP operate a Lettings Policy which sets out priorities to those with a Richmond connection and to the site, with decisions agreed by a panel.

4.5 From the 2021 Census, 85 residents identified their ethnicity as White Gypsy or Irish Traveller in the borough which is 10 fewer than in 2011. This was the second lowest for Outer London boroughs, this follows the same pattern as reporting in the 2011 census. This figure may be an underestimate as some people may prefer not to identify themselves or identify themselves within wider Census categories, such as White Irish. The 2011 Census data also provided information on household overcrowding and under-occupation for different ethnic groups in England and Wales, which suggests that in the White Gypsy or Irish Traveller there were higher proportions of households considered to be overcrowded (with a bedroom occupancy rating of -1 or less, having fewer bedrooms than the notional number recommended by the bedroom standard) than in other ethnic groups.

4.6 The Joint Strategic Needs Assessment (JSNA) [report on Gypsy and Traveller Health Needs](#) (May 2014) was based on interviews with six matriarchs from the site in Hampton, and refers to the 95 Gypsies and Travellers within the borough identified in the 2011 census, of which the site in Hampton houses the majority with the remaining 44% made up of 18% who own their house, 60% who live in socially rented accommodation, and 22% who live in private rented accommodation.

4.7 The [Government Count of Traveller Caravans](#) happens twice a year, both authorised and unauthorised sites. The number of socially rented caravans on authorised sites within the borough has remained at 12 sites and there have been no unauthorised sites reported in each count.

4.8 Through RHP, in 2013 a questionnaire was undertaken of the families living on the site in Hampton. This was then repeated in summer 2015, with identical questions, to gain comparative data over time and assess the current and future situation in more detail. In 2022, the same survey was conducted with an additional set of questions regarding travelling habits (to account for the government's change of guidance).

4.9 In 2013, surveys from eight pitches were completed. In 2015 surveys from seven pitches were completed, and in 2022 from all twelve pitches. In some analysis, comments have been reworded and shown in [brackets] to ensure personal sensitive information is not revealed.

#### 2013, 2015 and 2022 Survey Results:

In 2013, 2015 and 2022, all respondents were Irish Travellers **(Q1 Ethnicity of respondent)**. In 2013 and 2022 all rented an on site pitch/plot, but in 2015 one of the respondents was in conventional bricks and mortar housing – rented from a housing association. This respondent did not complete a survey in 2022. **(Q2 Details of current accommodation)**.

Of the caravans/mobile home/chalet on each pitch, these ranged in size from 2 bed to 4 bed in 2022 **(Q3 Type and size of current accommodation)** and from 1 bed to 3 bed where stated in 2015. For all respondents in 2013 and 2015, this was their main home **(Q4 Is this your main home?)**.

In 2022 five respondents had lived there between 1 to 5 years and all the other respondents had lived there more than 5 years. In 2015 two respondents had lived there between 1 to 5 years and in 2013, only one respondent had lived there less than 5 years. **(Q5 How long have you lived here?)**

Two of the respondents in 2013 shared the pitch with one other household **(Q6 Is the pitch shared with another household(s)? e.g. extended family members)**, of which one had been doubled up for 3 months and one respondent for 4 years **(Q7 If the pitch is shared with another household, how long have you been 'doubled-up' for?)**. In 2015 none of the respondents shared the pitch with another household, but two respondents raised that visitors or family members sometimes stayed. This is similar to the 2022 responses – only one pitch is described as 'shared' which is between two family members'

The information given on the composition of households surveyed (**Q8 Please describe the composition of your household(s)**) in 2013 showed:

- 5 pitches on site which accommodate families with children (4 of these include families headed by single parents). In total there are approximately 21 people living in these families of which around 15 are children.
- 1 pitch accommodating a single adult (1 person)
- 1 pitch accommodates two adults (2 people)
- 1 pitch accommodates three adults (3 people)
- There are more than 27 people living on site – 12 adults and 15 children.
- 14 children between the ages of 2 years and 15 years on the site.
- 1 young woman aged between 16-26 on the site, and no young men of that age range.

In 2015, the composition of households showed:

- 7 pitches on site which accommodate families with children (6 of these include families which appear to be headed by single parents).
- There are more than 24 people living on site – 9 adults and 16 children.
- 11 children between the ages of 2 years and 15 years on the site.
- 1 young woman and 2 young men aged between 16-26.

In 2022, the household compositions were as follows:

- 9 pitches on site which accommodate families with children (8 of these include families headed by single parents). In total there are 35 people living in these families including 25 children.
- 2 pitches accommodating a single adult.
- 1 pitch accommodating two adults.
- There are 40 people living on site- 13 adults and 27 children.
- 19 children between the ages of 2 years and 15 years on site.
- 3 young women and 5 young men aged between 16-26 on site.

In terms of satisfaction (**Q9 How satisfied are you with your current accommodation?**) in 2013, seven respondents were satisfied or very satisfied, with one respondent very dissatisfied. In 2015 only two respondents were satisfied or very satisfied, with three respondents neither satisfied nor dissatisfied, and two respondents dissatisfied. In 2022, five respondents were satisfied, with four neither satisfied or dissatisfied. Three respondents were dissatisfied or very dissatisfied.

In 2013 no respondents were looking for somewhere else to live (**Q10 a) Are you looking from somewhere else to live?**) although one respondent indicated this was not at present - as may need something cheaper, depending on the benefit changes (**Q11 a) What are your main reasons for wishing to move?**). In 2015 only one respondent was looking for somewhere else to live – not enough space and looking for better facilities. In 2022 no respondents were looking for somewhere else to live, though one single-person household was hoping to downsize.

In 2013 two respondents had someone in the household looking for somewhere else to live (**Q10 b) Is someone else in your household looking for somewhere else to live?**) with the main reasons identified as not enough space (x 2 respondents), getting married (x 1 respondent), and looking for better facilities (x 1 respondent) (**Q11 b) What is someone else in your household's main reasons for wishing to move?**). In 2015 no respondents identified anyone in the household looking for somewhere else

to live. In 2022, one respondent indicated that a close family member wants to move to the site, it is unclear if she is on the waiting list or not.

In 2013 future needs were identified (**Q12 Please provide details for you and members of your household likely to require their own pitch/plot in the borough in the next 5 years. Please include other family members you anticipate joining you on the site (e.g. extended family living elsewhere) in the next 5 years.**) as:

- One pitch requirement now (female), not registered on a site waiting list or a housing register, willing to live in bricks and mortar and in any location.
- Four pitch requirements estimated for 2013 (one male, three female including two with other adult(s)/families), two of whom were not registered on a site waiting list or a housing register/two of whom were registered on both, all not willing to live in bricks and mortar and seeking accommodation in Hampton.
- One pitch requirement estimated for 2018 (female with family), not registered on a site waiting list or a housing register, not willing to live in bricks and mortar and seeking accommodation in Hampton.
- One pitch requirement estimated for 2019 (male with family), not registered on a site waiting list of a housing register, not willing to live in bricks and mortar and seeking accommodation in Hampton.
- A total of seven pitches identified in the 2013 surveys, covering the period 2013 to 2019.
- Two respondents indicated future needs but did not provide specific details - one respondent stating would like children to move on, and one respondent stating too early to say as daughters are too young.

In 2015, the future needs were identified as:

- One pitch requirement estimated for November 2015 (female), registered on a site waiting list with RHP and a housing register, not willing to live in bricks and mortar and seeking accommodation in Hampton.
- Three pitch requirements estimated for 2017 (one female with other adults, two male), all registered on a site waiting list with RHP/other and on a housing register, all not willing to live in bricks and mortar and two seeking accommodation in Hampton, one not specified.
- One pitch requirement estimated for 2020 (female), registered on a site waiting list with RHP and a housing register, not willing to live in bricks and mortar and seeking accommodation in Hampton.
- A total of five pitches identified in the 2015 surveys, covering the period 2015 to 2020.

In 2022, future needs were identified as:

- Three pitch requirements for 2022 (two female, one male). None are registered on the site waiting list or borough-wide housing register. All are seeking accommodation in Hampton and aren't willing to live in bricks and mortar.
- Two pitch requirements for 2025 (both female). None registered on site waiting list or the housing register, not willing to live in bricks and mortar and looking for accommodation in Hampton.
- A total of five pitches identified in the 2022 surveys, covering the period 2022-2030.

The factors that would encourage living in bricks and mortar identified in 2013, 2015, 2022 were (**Q13 Are there any factors that would encourage you/someone else in your household to move into/remain in bricks and mortar housing?**):

	No of respondents		
	2013	2015	2022
Space for touring caravan/trailer/additional vehicles	2	1	6
Type and design of housing e.g. prefer a house to a flat	3	3	5
Private outdoor garden space	2	3	6
Easier access to education, health and other services		2	3
Support to maintain community links and avoid isolation	1	2	1
Assistance with repairs and/or adaptations to the property		1	1
Assistance with form filling, welfare and financial advice	1	1	2
<i>Other (as specified):</i>			
Peace and quiet		1	
I would like a house but would feel scared		1	
On one level only bungalow or house		1	
Near family who live on site. Very important		1	
Bungalow house with garden		1	
Near to the site and family and friends. Travelling community.		1	1

Note that in 2013 there were four respondents, two respondents in 2015 and three in 2022 which identified no factors that would encourage them to live in bricks and mortar.

In 2022, questions regarding travelling habits were posed to residents for the first time. When asked about recent travelling, **(Q14 Have you or someone in your household travelled in the last year?)** four respondents indicated that they had travelled previous to the last year and eight respondents had not travelled ‘for a long time’.

The motivations for travel are predominantly to visit family, with 11 respondents highlighting this reason. Other responses to this question were, tradition (three respondents) and holidays (three respondents) **(Q15 - Main reasons for travelling?)**.

Regarding specific travelling habits, all respondents identified travel within the UK and Ireland. Four respondents have not been able to travel at all due to family commitments or ill health. **(Q16 - When and where do you travel?)**. When asked about future plans, six respondents intend to travel in the next two to five years and one intends to travel in the next year. The remaining respondents indicated that they have permanently or temporarily ceased from travelling **(Q17 - Will you travel in the future?)**.

Five respondents highlighted ill health as a reason for not travelling, and six respondents indicated that family commitments (young children or family members who require support) prevent them from travelling. One respondent identified the lack of stopping places nationally as a barrier to travelling. **(Q18 - What reasons do you have for not travelling?)**. Additional comments **(Q19 - Is there anything else you would like to tell us about your travelling patterns?)** on travelling are similar. Two respondents highlighted the difficulty in finding short-term pitches - ‘We do not travel as much anymore because places we used to go are not open.’ Health barriers and family commitments were also reiterated.

In relation to feeling part of the community (**Q20 Do you feel you are part of the wider community?**) in 2013 six respondents felt they were part of the wider community, one respondent felt they were sometimes (because they were brought up in a house) and one respondent felt they were not part of the wider community. In 2015, two respondents felt they were part of the wider community, four respondents felt they were sometimes (because if people know they are a traveller they have been blanked or experienced racism) and one respondent felt they were not part of the wider community (because they don't really mix).

In 2022, two respondents felt they weren't part of the wider community, seven do on site but not beyond, and three felt part of the wider community (though one advised 'except for one pub which does not allow travellers').

To promote cohesion respondents in 2013 and 2015 identified the following factors (**Q21 What would you like to see more of to promote cohesion?**):

	No of respondents		
	2013	2015	2022
Community events	6	4	4
Links through schools	1	4	6
Cultural Events	1	4	
<i>Other (as specified):</i>			
More events for children		1	
Exercise class		1	
If the site was nicer and more environmentally welcoming		1	
[Support in education to stop bullying]		1	
Drop in at old community centre			2
Training for older children (e.g. beauty therapy)			1
Support sessions to discuss rent, repairs etc.			1

In both 2013 and 2015 there were two respondents in each year that didn't know or didn't identify any factors to promote cohesion. In 2022, three respondents didn't identify any factors.

In terms of the existing forms of support currently accessed (**Q22 What forms of support do you/someone else in your household currently access?**) these were identified as:

	No of respondents		
	2013	2015	2022
Assistance with form filling, welfare and financial advice	8	4	12
Healthcare through GP and visiting clinics	7	3	10
Education and training	5	3	2
Community events and activities e.g. children's holiday club	2	4	1
<i>Other (as specified):</i>			
[Health body]	1		
[Landlord] Customer Support Advisor	1		
Caretaking service		1	

CAB			1
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In 2013 it was noted by a couple of respondents that assistance with form filling etc. was through their landlord for example explaining letters. In 2015 it was noted by some respondents that their landlord provided support, and that in some areas such as healthcare and education the support was not very good, for example not listened to or slow responses.

In 2013 seven respondents said they did not find it difficult to access services, while one respondent said that did have difficulty because they get asked too many questions that they don't know how to answer (**Q23 Do you find it difficult to access services i.e. health, education, housing, police, benefits advice?**). In 2015 five respondents said they did not find it difficult to access services, while two respondents said they did find it difficult to access services sometimes, one because people are racist and one because they considered their GP was not listening. In 2022, eight respondents found it difficult to access services, mainly in health due to the difficulty in getting a GP appointment; one respondent advised that contacting RHP regarding repairs was difficult. Four respondents did not find it difficult to access services and one mentioned the availability of RHP on site.

In 2013 six respondents had children (or grandchildren) in school placements (or starting soon)/access to other learning and development opportunities, with two respondents having no children in school placements/access to other learning and development opportunities, of which one specified because they did not have children (**Q24 Do your children have school placements and access to other learning and development opportunities?**). In 2015 three respondents had children in school placements (or starting soon)/access to other learning and development opportunities, with five respondents having no children in school placements/access to other learning and development opportunities, of which two specified because it was too early and two because children had left school/are older. One noted that when grandchildren stay [for an extended period] the education services are slow to get them into school. In 2022, five households had children with school placements and two did not. Four respondents answered N/A due to their children being too old. One mentions trying to get their child into college to set up a local business.

In 2013 there were seven respondents, in 2015 three respondents and in 2022 five respondents, who did not identify any other forms of support that they would like to have access to (**Q25 What forms of support would you/someone else in your household like to have access to?**). Respondents identified the following forms of support that they would like to have access to:

	No of respondents		
	2013	2015	2022
Assistance with form filling, welfare and financial advice	1	1	3
Healthcare through GP and visiting clinics			4
Education and training			
Community events and activities e.g. children's holiday club		1	4
<i>Other (as specified):</i> Support to keep the site nice and safe for our children		1 1	

Support to do the site up as it is very depressing living here			1
Exercise and gym membership			1
Citizens Advice on site			

In both surveys additional support was identified that would improve quality of life and well being (**Q26 What additional support would improve you and your families' quality of life and well being?**). Comments in 2013 raised:

- Cleaning of the site; caretaking services and maintenance on the site;
- Streets/roads at Chapter Way maintained and cleaned like the surrounding ones;
- More presence on the site with maintenance and repairs;
- The cleaning of the pathways and roads on the site;
- The cleaning of pathways and roads on the site;
- The management of visitors and ASB.
- One respondent said they didn't know.

Comments in 2015 raised:

- Better quality of living. Better facilities on site;
- Caretaker and handyman. Better fences, gates. It's depressing at the moment, all concrete wall and open lands adjacent with foxes and rats. Would like more greenery. The gates are not safe for children;
- Regular cleaner/caretaker, maintenance man to keep the site tidy;
- The site needs major improvements. Needs planting and greenery. Control of the fly tipping on site. Better gates and walls. The present walls are grey ugly concrete and the gates are cattle gates. Very depressing. Would like the parking to be controlled as I cannot access my plot from the access road as vehicles are parked in the way. I do not want to move to a house/flat. I like living on the site as friends and family are here but I feel ashamed as the site is so depressing and uncared for.;
- I think the site needs major improvements;
- Fix pitch, sewage
- One respondent did not comment.

2022 comments:

- More frequent postal service
- Larger bins or more frequent bin service as foxes rummage through the bins
- Better drainage on site
- Better access to GP
- Larger site to reduce waiting times
- Caretaking service
- Better quality of repairs to buildings

Respondents identified the following forms of communication as the best ways to keep informed (**Q27 What's the best way to keep you/someone else in your household informed about services for gypsies and travellers?**):

	No of respondents		
	2013	2015	2022
Visit by RHP officer / support worker	7	3	10
Visit by health / education worker	1		2



Electronic communication e.g. email			11
Postal communication e.g. newsletter	1	3	4
Community / Voluntary group			
Site notice board		1	1
<i>Other (as specified):</i>			
[Health body]	1		
Prefer face to face or phone		1	
Phonecall		2	
Letter		1	

One respondent in 2015 noted literacy issues so postal communication would not be a good way. In 2022, a number of respondents highlighted the poor postage service which limits the effectiveness of newsletters. All respondents in this year who identified electronic communication wrote ‘whatsapp’ or ‘text’ alongside this response.

There was an opportunity to record any other comments (**Q28 Any other comments of relevance**). In 2013 one comment was made:

- Want to remain here; have no interest in moving or living in bricks and mortar. Would like to see another site built to home future family as I want to see my family grow up around me.

In 2015 three comments were made:

- Need to improve the site as the environment is very depressing surrounded by concrete walls and gates that look like they belong on a big farm.
- The maintenance and cleanliness of the site needs improvements. Need more security for plots i.e. better gates that are safe. The concrete walls are ugly and depressing. We used to have nice brick walls and it was more homely and prettier. Planting in communal areas to make it look prettier. Hedges would be nice and grass. Fencing off open areas of land adjacent to site where rats + foxes live so near to us.
- Speak to [landlord] about having cooking and cultural activities in Chapter Way. Childcare facilities being available. More activities during school holidays.

In 2022, the comments made were as follows:

- Would like more traveller sites in Richmond but smaller ones that are family run.
- Repairs on site and Universal Credit support are needed. Help from RHP helped with my UC arrears. I would like extra support with utility bills as the costs of electric are very high.
- More pitches in Richmond would help families live closer together and would provide community family support.
- The site is very messy. We do not have any street cleaners and the bin area is too small and gets dirty. The drainage on site is very poor and causes waste to emerge from blocked grids.
- There aren’t enough sites in the borough. Other areas have more sites and pitches. It would be good to have smaller sites that are easier to manage and can be run by the families who are on site.
- There are barriers to being offered a pitch on site. I needed so many letters of support from doctors and social workers to get a place.
- The site is in poor disrepair. I feel ashamed when family visit. The block between pitches feels like a prison and the roads are filled with holes. The drains are always blocked and it floods in the winter. I am going to contact my MP.
- Would like nicer walls and gates to the property boundaries. Repairs are of poor quality. We had no door to the shed all winter and now the temporary gate is failing. I would like more greenery and plants- I would look after them.

- I would like another site in the borough or smaller sites with only 3 or 4 pitches. It would be easier to manage and result in a stronger community. Sites in South Ireland and Maidstone, Kent, are well-run small family sites- some of which are privately run.
- The site is old and needs a caretaking service. The firewalls between pitches should be removed and fenced in. There is always rubbish in communal areas and drainage on site is poor.

Contact details were requested if the respondent knew of any others who are in bricks and mortar and who may wish to be interviewed as part of the Council's research (**Note for Interviewer – leave contact details if the respondent knows of others who are in bricks and mortar who would be happy to be interviewed**) however in all years no additional contacts were identified through this means.

#### Survey Analysis and Further Comments:

4.10 The survey results, and the ability to compare against the makeup of the site in 2013, 2015 and 2022, continue to illustrate a site comprised of long standing, settled residents, from two extended families of Irish Travellers.

4.11 The survey results show that in the period between 2013 and 2022, there was movement within the site which appeared to stem largely from existing residents and their families. The composition of some pitches had changed, for example relatives had moved on, or a child now had their own pitch [when each survey is viewed in its entirety, with personal details]. The 2013 survey identified an immediate need for at least five pitches which had reduced to an immediate need for one pitch in the 2015 survey. The most recent survey identified the immediate need for three pitches- however the three individuals requiring a pitch are not registered on the site waiting list or housing register. There were only a limited number of young men identified who may wish to start to form their own families and look for pitches on the site, in the 2022 survey, only one male was looking for a pitch on site.

4.12 The latest position from RHP in 2022 is that there are no void pitches, all pitches, except three with single adults, are occupied by families. Of those occupied by families, all pitches apart from one are currently registered as single mothers, however it should be noted that the fathers of the children are regularly on-site and the trend continues for family compositions to increase. There are currently a total of 40 people living on the site – 13 adults and 27 children. There has remained only a limited waiting list. There have been nine vacancies over a ten-year period.

4.13 Overall, this research suggests that the size of the site and the way that it is managed do allow for some natural turnover and that position is likely to continue, with effective site management given one pitch is vacated each year on average. This estimate is based on in-depth knowledge of the occupants of the site, looking at historic patterns in turnover (including assessing moves within the site [by name/personal relationships], and how long they have lived there), demonstrated through site surveys over a number of years, to inform future trends based on current occupants (including by age). Therefore it is considered to justify this approach in the borough circumstances, due to the size of the site and the way it is managed by RHP.

4.14 While generally there is little desire to move into bricks and mortar, it appears that one respondent in 2015 moved. Clearly this would depend on individuals circumstances, given the 'psychological aversion' to housing which is recognised in

case law. The analysis does confirm the factors that would need to be addressed in considering any move – complexities including the type of housing available and the support that might be received.

4.15 As set out in section 2 of this report, due to the Government definition excluding those who have permanently ceased from travelling, the 2022 survey included for the first time questions about travelling habits. A number of respondents did indicate they have ceased from travelling, and may therefore be seeking culturally appropriate accommodation. However, given the recent challenge to the Government definition, and as it is clear that those surveyed are affected by health needs, it is not considered appropriate to exclude their needs from consideration, and this research continues to consider the needs of those who have permanently settled due to age, ill health or disability.

4.16 The analysis shows RHP's management of the site, services available and support to residents are clearly highly valued, and available to beyond those living on the site. The difference in the analysis between 2015 and 2022 does suggest that a degree of dissatisfaction with the site environment has remained and that recurring issues with drainage and waste collection have continued. Since the time of the 2015 surveys, RHP has acted on the request of residents and a weekly caretaking service is now provided. One of the main concerns was the open area at the back that had been used for dumping, which has been gated off and there has not been any fly-tipping since. This illustrates that RHP has listened and responded to residents needs to provide supportive management. It is positive that RHP's services and support are provided to those in extended families living in bricks and mortar, who trust RHP to help them with health and wellbeing, benefits, training and education.

#### Unauthorised encampments:

4.17 There has been an apparent small increase in unauthorised encampments in the borough since the previous research, however these numbers appear low compared to neighbouring boroughs. Although the Council is one of a number of authorities that has sought to use injunctions to protect Council-owned land from unauthorised encampment, this is largely to reduce the time and cost of the enforcement process. There are no transit pitches in the borough, and the levels and patterns of unauthorised encampments do not indicate a local need arising within the borough.

#### Travelling Showpeople:

4.18 There are no sites for Travelling Showpeople or Transit pitches in the borough. Merton Council previously led discussions in 2012 and 2013 with south London authorities, finding that Travelling Showpeople accommodation needs, including working patterns, were met across south London and adjoining south-eastern areas. While there are a number of fairs, circuses and shows held regularly in the borough's open spaces, there is no indication of any need specifically within the borough for pitches to meet their seasonal working needs.

The ongoing London-wide Gypsy and Traveller Accommodation Needs Assessment being carried out by RRR may also provide the opportunity to consider needs across London.

Riverboat Dwellers:

4.19 Other boroughs have considered the accommodation needs of households living on boats on the River Thames. However, within the borough, the Thames is designated as Metropolitan Open Land (MOL) and therefore the character and openness of the river are safeguarded from inappropriate uses.

4.20 There is no evidence to suggest that there is any need to introduce new provision for riverboat dwellers within the borough. There have been no requests for moorings from the Traveller community and no reports of any unauthorised moorings of riverboats by the Traveller community which indicates that there is no requirement for any additional permanent moorings in the borough. There is a [London Mooring Strategy](#), produced by the Canal and River Trust, which has identified zones for potential additional moorings elsewhere in London.

4.21 The ongoing London-wide Gypsy and Traveller Accommodation Needs Assessment being carried out by RRR for the GLA may introduce additional understanding of current mooring provision and identify additional need in this regard.

## 5. Conclusion and recommendations

5.1 The outcome of this initial research suggests that there is no demonstrated need for additional pitches, nor any signals indicating unmet need arising from elsewhere in the borough. There remains the need to continue to protect the existing site through the Local Plan, which will continue to accommodate existing and future needs of the existing Gypsy & Traveller population within the borough. At this stage there are no plans to identify additional pitches.

5.2 The research provides evidence for the continued joint working within the Council, RHP, Public Health and other bodies, to support the existing residents on the site. For any Gypsies & Travellers living in bricks and mortar, there may be opportunities for other innovative solutions to improve support to address needs such as providing floating support to those in bricks and mortar to address issues of isolation, managing a home and maintaining a tenancy.

5.3 The need for site improvement works has been identified in the past. A funding bid was submitted in January 2015 to the GLA's Traveller Pitch Fund (funding to be spent by March 2015) for environmental improvements to the existing site (hard landscaping/tree work, replacement fencing, lighting upgrade, CCTV upgrade, gully's/sewage works to address inadequacies). Although funding was not obtained, and drainage problems continue to have been raised in the 2022 survey. Identifying funding for improvements remains an ambition to take forward, with this research providing an up to date justification as to the need for improvements. There could be opportunities for future funding, as there was a recent Government Traveller Site Fund in 2022/23 for capital funding to support local authorities, including to refurbish existing permanent traveller sites, and the Mayor of London making capital funding available through the Affordable Homes Programme for remodelling existing sites.

5.4 The timing of the publication of this research is to inform the new Local Plan. There will be consultation that may inform further research, and reporting through the Authority's Monitoring Report will continue to keep under review. Under the Duty to Cooperate, the Council continues to liaise with neighbouring boroughs, as relevant, although to date discussions have not identified any cross-boundary issues related to Gypsy & Traveller movements. There could be further work with RHP, Public Health, and the Traveller Education Service to ascertain the extent of those living in bricks and mortar within the borough, although often any records are confidential and will be difficult to access for research purposes. The GLA's survey of Gypsy and Travellers in London may provide an additional source of information. It is recommended that the survey of families on the existing site in Hampton is repeated to continue monitoring. Dependent on future changes to Government guidance, questions regarding travelling habits may be removed or retained.



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# **Report to the London Borough of Richmond upon Thames**

**by Andrew Seaman BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local  
Government**

**Date: 26 April 2018**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Richmond upon Thames Local Plan**

The Plan was submitted for examination on 19 May 2017

The examination hearings were held between 26<sup>th</sup> September and 12<sup>th</sup> October 2017

File Ref: PINS/L5810/429/10

Council's existing Housing Strategy and the London Plan such that I am satisfied the Plan is adequately informed and robust. The Council relies upon its AMR to assess the effectiveness of the policy approach and I have no reason to consider that this is not capable of being effective.

44. With regard to gypsies, travellers and travelling showpeople and as illustrated by its Research on Gypsies and Travellers (SD27), the Council has sought to engage with neighbouring authorities in addition to relevant representative bodies, including the Richmond Housing Partnership (RHP), in assessing the level of need within the Borough. The Council concludes that there is no demonstrated need for any additional pitches within the Borough nor are there any signals that there is an unmet need for gypsy or traveller accommodation into the future. The RHP manages the single existing Borough site which is deemed to be adequate. The Council's research has found no needs arising for travelling showpeople within the Borough. On the basis of the available evidence which appears proportionate to the issue at hand, I have no reason to reach a different conclusion.
45. Policy LP 35 sets out the Council's requirements for its housing mix and applicable standards. This has had regard to the evidence base, including the SHMA. I am satisfied that part A of the policy contains a justified emphasis upon family sized accommodation whilst retaining sufficient flexibility for site considerations to be accounted for, thus ensuring the policy will be effective in implementation.
46. Parts B and E of the policy require compliance with the Nationally Described Space Standard and clarifies the application of Building Regulation Requirement M4 (2 and 3). These requirements have been considered for their effect upon development viability and their adequate justification is summarised within the supporting text of the plan which also allows some flexibility for circumstances where the requirements of the policy may be impractical. I find these parts of Policy LP 35 to be justified and effective.
47. Part D of Policy LP 35 seeks to ensure that the amenity space for new dwellings is adequate. The criteria listed are reasonable and there is sufficient flexibility in the phrasing of both the policy and its supporting text to enable suitable judgements to be reached on the acceptability of development proposals such that I am satisfied it would be effective in implementation.
48. In contrast, Part C of the policy introduces a prescriptive requirement for compliance with specific external space standards. Whilst I have had regard to the extant LDF Development Management Plan adopted prior to the Framework being published, I note that this does not contain the same specific policy requirements and cross references the guidance contained in the Council's Residential Standards SPD (2010). The Local Plan explains that the SPD will be updated and I consider that this will be an opportunity to ensure that the guidance, rather than overly prescriptive policy, is appropriate to the current Richmond upon Thames Borough context.
49. There is insufficient evidence and justification for Part C to require compliance with the Council's current external space standards as expressed within LP 35. Consequently, I recommend that this part of the policy is modified to reference the need to provide appropriate external space with a cross

# Richmond Local Plan

## MAIN MATTERS, ISSUES AND QUESTIONS WITH DRAFT HEARINGS PROGRAMME

Inspectors

Jameson Bridgwater PGDipTP MRTPI

and

Graham Wyatt BA (Hons) MRTPI

Hearings commence 1000 Tuesday 25 June 2024

Civic Centre, 44 York Street, Twickenham, TW1 3BZ

This programme should be read in conjunction with  
the Inspector's Briefing Note

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**Charlotte Glancy**  
Programme Officer

**Tel:** 01903 776601

**Mobile:** +447519 628064

**E-mail:** [bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com)

**Web:**  
[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/draft\\_local\\_plan/draft\\_local\\_plan\\_examination](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/draft_local_plan/draft_local_plan_examination)

*The Examination Library is managed by the Programme Officer and contains all submission documents, representations and information relating to the examination. It will be updated as further documents are submitted. Documents can be downloaded from the examination website. In the run up to the examination paper copies can be provided if necessary, by contacting the Examination Office, C/O Banks Solutions, 80 Lavinia Way, East Preston, West Sussex, BN16 1DD*



- Is the living locally concept (Policy 1) and spatial strategy (Policy 2) supported by robust and up to date evidence and otherwise soundly based?

### **Main Matter 3 – Delivering new homes and an affordable borough for all (Policies 10 – 16)**

- Does the Plan and in particular Policy 10 New Housing make adequate provision to meet Richmond’s housing needs for the whole plan period (15 Years) and does the plan clearly set out a delivery trajectory that is achievable?
- Is the plan consistent with the Government objective of significantly boosting the supply of homes, as expressed in the NPPF? Do the Council’s latest HDT results have implications for the housing delivery and trajectory expectations in the submitted plan?
- Policy 11 Affordable Housing- Are requirements for affordable housing positively prepared, in a way that is aspirational but deliverable? Are the plan’s requirements consistent with the NPPF and in general conformity with the LP?
- Does Policy 12 adequately address the needs for all types of housing and the needs of different groups in the community?
- Having regard to Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022, a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles. Does the RLP make adequate provision to meet the housing requirement for Gypsies, Travellers and Travelling Show People in Richmond? Or considering this Judgement does the Council judge it necessary to review their assessment of Traveller site needs for the Borough?
- Policy 16 Small Sites – Is the annual requirement of 234 new homes per annum (3510 over the plan period) in accordance with Policy H2 of the LP consistent with the available evidence and deliverable?
- Are the delivering new homes and an affordable borough for all policies clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

**LONDON BOROUGH OF RICHMOND UPON THAMES**  
**LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC**  
**WRITTEN STATEMENT**

**MAIN MATTER 3:**  
**DELIVERING NEW HOMES AND AN AFFORDABLE BOROUGH FOR ALL (POLICIES 10**  
**TO 16)**

**TUESDAY 25 JUNE 2024**

**COUNCIL RESPONSES TO MAIN MATTER 3**

Document version: 06/06/2024

**3.5 Having regard to *Lisa Smith v SSLUHC [2022] EWCA Civ 1391* dated 31st October 2022, a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles. Does the RLP make adequate provision to meet the housing requirement for Gypsies, Travellers and Travelling Show People in Richmond? Or considering this Judgement does the Council judge it necessary to review their assessment of Traveller site needs for the Borough?**

The Council's document Research on Gypsies and Travellers (SD-068) already refers to and applies the updated definition as a result of the high court decision (*Lisa Smith v SSLUHC [2022] EWCA Civ 1391* dated 31st October 2022). Therefore, the assessment already assesses the need for additional pitches taking into account the high court decision. As per the Council's document Research on Gypsies and Travellers (SD-068), the evidence identifies the need for pitches within the borough can be accommodated within the existing site, taking account of the site specifics and the local demographic of the population on the specific site. The assessment of need is based on over 10 years of survey data carried out by the Council in conjunction with the Registered Provider that manages the site, resulting in the assumptions applied with SD-068 being specific to the needs of the local population within the borough. The assessment is informed by recent surveys carried out on the only Gypsy and Traveller site within Richmond (Hampton) and takes into account the specific demographics of the population on the site. The Council are also actively engaging with the GLA and RRR consultancy who are currently carrying out the London wide GTANA. This is still ongoing, but as a strategic study will need to be considered alongside the borough-specific evidence. In addition, regular counts are undertaken to satisfy Government requirements, and the Council's Housing team make regular visits to the existing site within Hampton in the borough. This informs the monitoring and management of supply.

**3.6 Policy 16 Small Sites – Is the annual requirement of 234 new homes per annum (3510 over the plan period) in accordance with Policy H2 of the LP consistent with the available evidence and deliverable?**

The borough has a strong reliance on small sites to deliver housing (see points included in 3.3). This annual requirement is derived from the GLA 2017 SHLAA and the approach is consistent with the London Plan Policy H2. The Council notes that the supporting text in the London Plan (Para 4.2.3) sets out that the small sites targets can be taken to represent a reliable source of windfalls (as per NPPF Para71).

This evidence of delivery on small sites in the Borough is clearly set out within the Housing Delivery Background Topic Paper (SD-019). The delivery on small sites has exceeded 234

MAYOR OF LONDON

# THE LONDON PLAN



THE SPATIAL DEVELOPMENT  
STRATEGY FOR GREATER LONDON  
**MARCH 2021**

### Policy H14 Gypsy and traveller accommodation

- A Boroughs should plan to meet the identified need for permanent gypsy and traveller pitches and must include ten-year pitch targets in their Development Plan Documents.
- B Boroughs that have not undertaken a needs assessment since 2008 should use the figure of need for gypsy and traveller accommodation provided in [Table 4.4](#) as identified need for pitches until a needs assessment is undertaken as part of their Development Plan review process.
- C Boroughs that have undertaken a needs assessment since 2008 should update this as part of their Development Plan review process.
- D Boroughs should undertake an audit of existing local authority provided gypsy and traveller sites and pitches, working with residents occupying these, identifying:
  - 1) areas of overcrowding
  - 2) areas of potential extra capacity within existing sites
  - 3) pitches in need of refurbishment and/or provision of enhanced infrastructure (including utilities, open space and landscaping).
- E Boroughs should plan to address issues identified in the audits.
- F Boroughs should actively plan to protect existing gypsy and traveller and Travelling Showpeople or circus people pitch or plot capacity, and this should be taken into account when considering new residential developments to ensure inclusive, balanced and cohesive communities are created.

- 4.14.1 Boroughs should **actively plan for gypsy and travellers' accommodation needs**, and should ensure that new sites are well-connected to social infrastructure, health care, education and public transport facilities, and contribute to a wider, inclusive neighbourhood.
- 4.14.2 The Mayor will initiate and lead a **London-wide gypsy and traveller accommodation needs assessment**, and will work to support boroughs in finding ways to make provision for gypsy and traveller accommodation. Until the findings of this new London-wide needs assessment are available for use in Development Plans boroughs should continue to plan to meet the need for permanent gypsy and traveller pitches in accordance with the requirements of [Policy H14 Gypsy and traveller accommodation](#), with a particular focus on Part B.

- 4.14.3 Insufficient pitch provision can lead to a rise in **unauthorised encampments**, with implications for the health and wellbeing of gypsy and travellers, community cohesion and costs for boroughs.
- 4.14.4 It is acknowledged that, in addition to permanent sites, suitable **short-term sites** are an important component of the suite of accommodation for gypsy and travellers. Research is currently underway to understand how a 'negotiated stopping' approach could work in London as a way of minimising the number of unauthorised encampments.
- 4.14.5 To assist boroughs in meeting identified need, **Mayoral funding** will be available through the Homes for Londoners Affordable Homes Programme for the provision of new pitches, on a single or multi-borough basis, and for refurbishment of existing pitches identified via an audit of existing pitches.
- 4.14.6 Where **new gypsy and traveller pitches** are proposed, the pitch and site layouts and the design of service blocks should be accessible and adaptable to ensure they are suitable for a range of users including disabled and older people, and families with young children.
- 4.14.7 If existing gypsy and traveller pitches or Travelling Showpeople's or circus people's sites or plots have to be **re-located or re-provided** within a borough, the new provision should take into account existing family or community groupings and avoid splitting these up wherever possible. Residents occupying pitches, sites or plots should be involved in the planning of any unavoidable re-locations to ensure satisfactory solutions are achieved, and replacement accommodation should be secured before relocation takes place.
- 4.14.8 The requirements of H14 are in addition to the duties under **section 124 of the Housing and Planning Act 2016**, which require local housing authorities to consider the needs of people residing in or resorting to their district with respect to the provision of both sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored.

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LONDON ASSEMBLY

# Negotiated Stopping Protocol for GRT Community

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## On this page

[> Question](#)[> Answer](#)

<b>Meeting:</b>	<b><u>MQT</u></b> on 23 June 2022
<b>Session name:</b>	<b><u>MQT on 23/06/2022 between 10:00 and 13:00</u></b>

<b>Reference:</b>	2022/2106
<b>Question by:</b>	<u>Sakina Sheikh</u>
<b>Organisation:</b>	<u>Labour Group</u>
<b>Asked of:</b>	<u>The Mayor</u>
<b>Category:</b>	<u>Equality, Diversity and Inclusion</u>

## Question

### Negotiated Stopping Protocol for GRT Community

What progress is the GLA making on creating a Negotiated Stopping Protocol for the Gypsy Roma Traveller Community?

## Answer

**Date:** Tuesday 28 June 2022

My team is actively working to implement a negotiated stopping pilot and is working with London Gypsies and Travellers and legal experts on the draft protocol. The negotiated stopping protocol will be an important tool to support better relations between members of the Gypsy, Roma and Traveller communities and landowners. I hope lessons from the pilot will help inform implementation of this approach across London.



While negotiated stopping is an important tool to meet the immediate needs of travelling families, we have to pursue long term and permanent provision of appropriate accommodation. The London-wide Gypsy and Traveller Accommodation Needs Assessment my planning and housing teams have commissioned will provide robust, consistent data on the amount and types of accommodation needed, which local authorities can use to inform their Local Plans. My housing team is also working to encourage and support applications to the Affordable Homes Programme 2021-26 to provide additional fully equipped sites and pitches where Gypsies and Travellers can stop or live for extended periods.

## Related questions

Question	Reference	Date
<a href="#"><u>Negotiated stopping protocol</u></a>	2022/0993	24 March 2022
<a href="#"><u>Negotiated Stopping</u></a>	2021/2588	24 June 2021
<a href="#"><u>Gypsy &amp; Roma Traveller Community</u></a>	2022/2102	23 June 2022
<a href="#"><u>Community engagement protocols</u></a>	2004/1742	15 December 2004
<a href="#"><u>Mayoral Community Infrastructure Levy in the Levelling Up &amp; Regeneration Bill</u></a>	2022/2100	23 June 2022
<a href="#"><u>Youth services for London's GRT community</u></a>	2022/2915	15 September 2022

Wit: Yvonne Feehan  
For: Claimant  
Date: 14/11/ 2024  
No.: 2  
Exhibits: YF8, YF9

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

**Claim No. KB-2024- 003315**

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

**B E T W E E N :-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**

**Defendants**

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**SECOND WITNESS STATEMENT OF YVONNE  
FEEHAN**

---

I, YVONNE FEEHAN, Parks Service Manager for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. I make this Statement on behalf of the Claimant, and to provide evidence of service of the proceedings in accordance with the Amended Order for Alternative Service of the Honourable Mr Justice Martin Spencer dated 22 October 2024.

Service on the Land

2. On 5<sup>th</sup> November 2024, I issued instructions to the Council's Park Guard service to effect service of the proceedings at each of the following sites:
  - (1) Ham Lands;
  - (2) Ham Riverside Drive Open Space;
  - (3) Ham Riverside Pitches;
  - (4) Kew Green;
  - (5) Old Deer Park;
  - (6) Richmond Green;
  - (7) Ham Common; and
  - (8) King George's Field.
3. A total of 15 packs of documents were prepared and provided to Park Guard, contained in clear plastic envelopes and comprising:
  - (1) Claim Form (containing Particulars of Claim);
  - (2) Schedules 1 & 2 to the Claim Form/Draft Order;
  - (3) Draft Injunction Order;
  - (4) N16A Application Form;
  - (5) First Witness Statement of Yvonne Feehan;
  - (6) Exhibits YF1-YF7;
  - (7) Order of Mr Justice Spencer (Alternative Service);
  - (8) Order of Mr Justice Bourne (Hearing).
4. I am informed by Park Guard, and believe it to be true, that these documents were attached to the gates/entrances to each of the sites listed in paragraph 2 by 10am on 6<sup>th</sup>

November 2024. I now refer to a series of photographs provided by Park Guard showing the packs at each of the Sites, marked **Exhibit YF8**.

Deposit at the Council's offices

5. I also confirm that a bundle of the documents listed at paragraph 3 were deposited at the Reception of the Council's Offices at Civic Centre, 44 York Street, Twickenham TW1 3BZ, on 6<sup>th</sup> November 2024 for inspection upon request by members of the public.

Posting to the Council's website

6. I also confirm that true copies of the said documents were made available on the Council's website on 6<sup>th</sup> November 2024 and can be seen at this address:  
[https://www.richmond.gov.uk/latest\\_parks\\_updates](https://www.richmond.gov.uk/latest_parks_updates)

Public Advertisement

7. I also confirm that notice of the proceedings was advertised in the Richmond & Twickenham Times, and published on Thursday 8<sup>th</sup> November 2024. A true copy of the Notice is set out at **Exhibit YF9**.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



YVONNE FEEHAN

Dated this 14th day of November 2024

Wit: Yvonne Feehan  
For: Claimant  
Date: 18/11/ 2024  
No.: 3  
Exhibits: YF10, YF11

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

**Claim No. KB-2024- 003315**

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

**B E T W E E N :-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**

**Defendants**

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**THIRD WITNESS STATEMENT OF YVONNE  
FEEHAN**

---

I, YVONNE FEEHAN, Parks Service Manager for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. I make this Statement on behalf of the Claimant, and to exhibit the documents to which I referred in my First Witness Statement dated 17 September 2024 (my “Witness Statement”).

#### Public Space Protection Orders and Byelaws

2. In my Witness Statement I referred at paragraph 56 to the Public Space Protection Orders (PSPOs) which Travellers are advised of in accordance with the Council’s usual procedure. A true copy of the London Borough of Richmond Upon Thames Public Spaces Protection Order (2023) is set out at **Exhibit YF10**.
3. In my Witness Statement I referred at paragraph 56 to the byelaws which Travellers are advised of in accordance with the Borough’s usual procedure. True copies of the relevant byelaws are set out at **Exhibit YF11**.
4. True copies of the PSPOs and Byelaws are available on the Council’s website and can be seen at this address:  
[https://www.richmond.gov.uk/services/parks\\_and\\_open\\_spaces/pspos\\_and\\_byelaws#pspo](https://www.richmond.gov.uk/services/parks_and_open_spaces/pspos_and_byelaws#pspo)

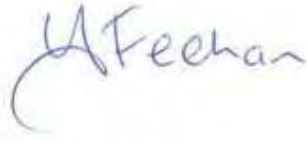
#### Conclusion

5. Unfortunately, the PSPOs and byelaws have not had the desired effect. The establishment of encampments, the occupation of the Sites and the depositing of waste has continued despite these Orders and byelaws being in place for many years.

#### STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a

false statement in a document verified by a statement of truth without an honest belief in its truth.

A handwritten signature in blue ink that reads "Yvonne Feehan". The signature is written in a cursive style with a large initial 'Y'.

YVONNE FEEHAN

Dated this 18th day of November 2024

Witness: Joanne Capper  
For: Claimant  
Date: 21/11/ 2024  
No.: 1  
Exhibits: JC1

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

**Claim No. KB-2024- 003315**

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

**B E T W E E N:-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**
  
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE ATTACHED TO THIS CLAIM**

**Defendants**

---

**FIRST WITNESS STATEMENT OF JOANNE  
CAPPER**

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I, Joanne Capper, Principal Policy and Information Planner, for the London Borough of Richmond upon Thames, of Civic Centre, 44 York Street, Twickenham, London TW1 3BZ WILL SAY AS FOLLOWS:

1. I make this Statement on behalf of the Claimant, further to the Order of by Mr Justice Freedman dated 20<sup>th</sup> November 2024.
2. There is now produced to me, marked “JC1”, an exhibit of copy documents to which I will refer in this statement. Where I refer to a document in that bundle, I refer to it simply as a number in square brackets.
3. I am in the full time service of the Claimant local planning authority (“the Council”) as Principal Policy and Information Planner in its Place Directorate. I am part of a team of officers that deals with planning policy including updating of the Council’s Local Plan made pursuant to the Planning and Compulsory Purchase Act 2004.
4. Within my role in planning policy, there is regular liaison with other officers in the Council, in particular with Yvonne Feehan and colleagues in relation to parks. This includes regular discussions about the evidence base and approaches to managing the needs of Gypsies and Travellers.
5. The Local Plan seeks to meet future needs and make effective use of land, with a spatial strategy to ensure opportunities for development to come forward by optimising the use of sites. However, it is recognised that there is limited land supply and constraints. The environmental constraints identified include the locally distinctive historic and cultural environment, parks and open spaces, the River Thames and its floodplain. As in previous Local Plans and the emerging Local Plan, the borough will struggle to meet objectively assessed housing and employment needs. The Local Plan seeks opportunities to meet the development needs in the borough unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework (“NPPF”). This approach is consistent with paragraph 11 of the NPPF.

6. The London Borough of Richmond upon Thames has over 2000 hectares of green space, of this, the Council's Parks Team manage 518 hectares. There are six sites of significant size in the borough provided by non-council authorities which contribute almost 1,575 hectares of multifunctional open space:

- Bushy Park (Royal Park, 364 hectares)
- Hampton Court Park (Historic Royal Palace, 201 hectares)
- Ham House (National Trust, 11 hectares)
- Kew Gardens (Royal Botanic Gardens, 124 hectares)
- Marble Hill Park (English Heritage, 25 hectares)
- Richmond Park (Royal Park, 851 hectares).

7. The Council are applying for an injunction for the following 8 sites equating to just over 124 hectares.

- Ham Lands
- Ham Riverside Drive Open Space
- Ham Riverside Pitches
- Kew Green
- Old Deer Park
- Richmond Green
- Ham Common, and
- King George's Field

The 8 sites above equal 24% of green space the Council manage and 6% of the total green space in the borough.

8. National guidance to inform local planning authorities' assessments of need is set out in 'Planning Policy for Traveller sites' (2015, Annex 1 updated 2023) which should be read in conjunction with the NPPF. The Council's updated Research on Gypsies and Travellers (2023) (the "Research") **[2-26]** has been published as part of the evidence base for the Local Plan. The evidence identifies the need for pitches within the borough can be accommodated within the existing site in Hampton, taking account of the site specifics and the local demographic of the population on the specific site. The assessment of

need is based on over 10 years of survey data carried out by the Council in conjunction with the Registered Provider that manages the site, resulting in the assumptions applied being specific to the needs of the local population within the borough. The assessment is informed by recent surveys carried out on the only Gypsy and Traveller site within Richmond (Hampton) and takes into account the specific demographics of the population on the site.

9. The Research updated the Council's earlier research published in 2015 which set out a similar overall position. In relation to the Council's adopted Local Plan, a Report to the Council by the Planning Inspectorate (2018) concluded **[27-28]**:

*“With regard to gypsies, travellers and travelling showpeople and as illustrated by its Research on Gypsies and Travellers (SD27), the Council has sought to engage with neighbouring authorities in addition to relevant representative bodies, including the Richmond Housing Partnership (RHP), in assessing the level of need within the Borough. The Council concludes that there is no demonstrated need for any additional pitches within the Borough nor are there any signals that there is an unmet need for gypsy or traveller accommodation into the future. The RHP manages the single existing Borough site which is deemed to be adequate. The Council's research has found no needs arising for travelling showpeople within the Borough. On the basis of the available evidence which appears proportionate to the issue at hand, I have no reason to reach a different conclusion.”*

10. The Council is currently preparing a new Local Plan. The Local Plan (Publication Version), along with supporting documents, was submitted to the Secretary of State for independent examination in public on 19 January 2024. Examination hearings were held in the summer. The Inspectors' Matters, Issues and Questions identified **[29-30]**:

*Having regard to Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022, a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to Gypsies and*

*Travellers who have ceased to pursue nomadic lifestyles. Does the RLP make adequate provision to meet the housing requirement for Gypsies, Travellers and Travelling Show People in Richmond? Or considering this Judgement does the Council judge it necessary to review their assessment of Traveller site needs for the Borough?*

11. The Council responded to these questions in the Council's Hearing Statement **[31-32]**, and the position set out in that response is reflected here in this statement. There were no unresolved objections relating to the policy approach to Gypsies & Travellers, and no participants at the Examination hearings in relation to this issue. The Examination is formally ongoing, awaiting consultation on the Inspectors' Proposed Main Modifications.
12. The Research notes at the time of writing there had been some recent unauthorised encampments. It notes there is no indication of a local need arising for transit sites (paragraph 1.24 **[7]** in the Executive Summary and at paragraph 4.17 **[24]**). This is kept regularly under review, through keeping the Local Plan evidence base up to date and regular meetings between planning policy and parks officers.
13. The London Plan 2021 sets out at paragraph 4.14.2 **[34-35]** in the supporting text to Policy H14 'Gypsy and traveller accommodation' that the Mayor of London will initiate and lead a London-wide Gypsy and Traveller accommodation needs assessment and will work to support boroughs in finding ways to make provision for gypsy and traveller accommodation. The Council are actively engaging with the GLA and RRR consultancy who are currently carrying out the London wide research. This is still ongoing with a report expected to be published in 2025, but as a strategic study will need to be considered alongside the borough-specific evidence. Given the borough's land constraints and the local needs, it is considered the approach to transit sites should be considered at a strategic level.
14. Officers are aware that Surrey County Council were bringing forward a proposal for Surrey's first transit site, via a coordinated approach between the

County, Districts and Borough Councils and Surrey Police. An application for Pendell Transit Camp, Land off Merstham Road, Merstham, Surrey to provide a ten-pitch transit site for the Gypsy, Roma and Traveller community was withdrawn in September 2023. Surrey County Council's Strategic Statement for Transit Accommodation within Surrey County set out that there is a need for transit sites, with the intention to deliver a site in the east and then the west of the county. Officers are aware there are transit sites including at/near Barnet (Hertfordshire), Horsdean (Brighton & Hove), Lewes (East Sussex), Westhampnett (West Sussex).

15. Regarding negotiated stopping, this issue is being dealt with on a London-wide basis by the Mayor of London. In 2022, at Mayor's Question Time, the Mayor confirmed **[36-38]**:-

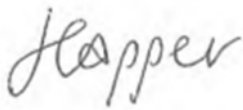
*"My team is actively working to implement a negotiated stopping pilot and is working with London Gypsies and Travellers and legal experts on the draft protocol. The negotiated stopping protocol will be an important tool to support better relations between members of the Gypsy, Roma and Traveller communities and landowners. I hope lessons from the pilot will help inform implementation of this approach across London.*

*While negotiated stopping is an important tool to meet the immediate needs of travelling families, we have to pursue long term and permanent provision of appropriate accommodation. The London-wide Gypsy and Traveller Accommodation Needs Assessment my planning and housing teams have commissioned will provide robust, consistent data on the amount and types of accommodation needed, which local authorities can use to inform their Local Plans. My housing team is also working to encourage and support applications to the Affordable Homes Programme 2021-26 to provide additional fully equipped sites and pitches where Gypsies and Travellers can stop or live for extended periods."*

16. The Council is committed to continuing joint working between planning policy and parks to keep under review, including a bi-annual discussion, and including an update upon publication of the London-wide research.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



.....

Joanne Capper

Dated this 21st day of November 2024

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-003315**

**KING'S BENCH DIVISION**

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

**B E T W E E N:-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE 1 TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE 1 TO THIS CLAIM**

**Defendants**

---

**SKELETON ARGUMENT OF THE CLAIMANT**

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*References in bold and in square brackets are to the page numbers in the Hearing Bundle*

**Preliminary**

1. The matter is listed as the Hearing of the application for an interim injunction [40-41]. However, it is thought that this may not be procedurally correct. Reference is made to the leading case of *Wolverhampton City Council v London Gypsies and Travellers* [2023] UKSC 47 @ § 238(i) and (ii). These paragraphs identify applications against Persons

Unknown as potentially neither interim nor final injunctions, but a new species of injunction all of its own, to be known as Newcomer Injunctions. The Court will also note paragraph 234 in Wolverhampton under the sub-heading *Cross-Undertaking*.

2. The Claimant would prefer, because of the matter of costs for this Hearing to be treated as a final hearing so as to avoid further attendance at Court, but of course the Claimant is very aware that the matter has been listed and notified to all the world as an interim Hearing and that the Supreme Court recognised Newcomer Injunctions could be interim or final order. Therefore the Court may consider it more appropriate to treat this Hearing as the interim Hearing.
  
3. The following argument is based on the Hearing being the Claimant's Application for an interim injunction in the terms of the Draft Order (subject to any appropriate alteration) [26-33]. As such the Court will be guided by the tests laid down in the well-known case of American Cyanamide v Ethicon [1975] AC 396. The principles being:
  - (i) Whether there is a serious question to be tried;
  - (ii) What would be the balance of convenience of each party should the order be granted (in other words, where does that balance lie?);
  - (iii) Whether there are any special factors
  - (iv) Whether damages could be an adequate remedy
  
4. In addition to the test in American Cyanamide, the Court will have regard to the Supreme Court judgment in Wolverhampton. In addition to the judgment in Wolverhampton, the Authorities Bundle includes a recent example of the High Court applying the Wolverhampton principles and guidelines in the case of Rochdale Metropolitan Borough Council -v- Shane Heron & Others [2024] EWHC 1653. The Rochdale case was to determine whether as final Order should be made, the interim order having made as long ago as February 2018, and so arguably at this stage the tests to be applied are not so stringent, but it is thought that the Court may benefit from the judgment in a like case that followed the Supreme Court decision in Wolverhampton.



**The Claim, Application and Proposed Order:**

5. The Claimant seeks an interim prohibitory injunction pursuant to Section 222 Local Government Act 1972, Section 187B Town and Country Planning Act 1990 in the terms set out in the Draft Injunction Order (“the Draft Order”) [26-33].
  
6. The Draft Order is sought against:
  - (1) Persons Unknown forming an unauthorised encampment and / occupying for residential purposes (including temporary occupation) with or without vehicles at any of the 8 sites within the London Borough of Richmond-upon-Thames.
  
  - (2) Persons unknown depositing waste on any of the 8 sites within the London Borough of Richmond-upon-Thames.
  
7. The sites that the Order seeks to protect are :
  - (1) Ham Lands,
  - (2) Ham Riverside Drive Open Space;
  - (3) Ham Riverside Pitches;
  - (4) Kew Green;
  - (5) Old Deer Park;
  - (6) Richmond Green;
  - (7) Ham Common;
  - (8) King George’s Field, Ham

**(“the Sites”)**
  
8. The specific terms of the Injunction sought are as follows:

As against the First Defendant

  - (1) That the First Defendant be prohibited from forming an unauthorised encampment on any of the 8 sites within the London Borough of Richmond-upon-Thames listed on Schedule 1 to the Order and shown edged red on the maps attached marked Schedule 2 without the express written permission of the Claimant as landowner;

- (2) That the First Defendant be prohibited from entering to occupy for residential purposes any of the 8 sites within the London Borough of Richmond-upon-Thames listed on Schedule 1 to the Order and shown edged red on the maps attached marked Schedule 2 without the express written permission of the Claimant as landowner;

As against the Second Defendant:

- (1) That the Second Defendant be prohibited from depositing waste on any of the 8 sites within the London Borough of Richmond-upon-Thames listed on Schedule 1 to the Order and shown edged red on the maps attached marked Schedule 2 without the express written permission of the Claimant as landowner;
9. By this application the Claimant is reacting to the occasions when Persons Unknown have entered onto the 8 Sites causing considerable damage to the Sites. In addition to the damage caused by the vehicles being driven over the land but on a number of occasions large quantities of waste have been left on the Sites.
  10. In addition to the damage caused and waste being deposited, the evidence will show that the occupation of the Sites by Persons Unknown has caused considerable anxiety to those living in the immediate vicinity of the Sites. The occupation has also resulted in the Claimant incurring considerable expense in having to commence legal proceedings to recover possession but also in clearing up and repairing the Sites after the occupation has ended.
  11. The evidence will show that there has been a weighing up of the circumstances and that the Claimant has resolved that it is necessary and expedient to seek the relief sought.
  12. The proposed injunction is intended to prevent the setting up of encampments on the Sites, where it is not uncommon for as many as 30--40 mobile homes, caravans and other vehicles to be in situ. This results in even more persons, men, women and children occupying the Sites.
  13. The proposed injunction is a preventative measure intended to discourage and cease any future unauthorised setting up of encampments and / or depositing waste on the Sites.

14. The Defendants are as precisely identified as possible so there can be no confusion as to the specific acts that the proposed injunction is seeking to address.
15. The proposed injunction will not prevent anyone (including members of the Travelling Community from entering the London Borough of Richmond-upon-Thames. Nor will it prevent anyone (including Travellers) from lawfully using the Sites. The proposed injunction seeks only prevent Persons Unknown from forming an unauthorised encampment and occupying the Sites and depositing waste on the Sites..
16. At each of the Sites that the proposed injunction seeks to protect from unlawful encampments and waste depositing, the Claimant will arrange to affix in a prominent place the terms of the Order in a transparent envelope or laminated copy, including the 8 Maps, identifying all the Sites where the injunction applies. This means that any person, including Travellers who seeks to gain entry for the purposes of forming an encampment and occupying and depositing waste at any of the Sites will have been notified that they form an encampment, occupy or deposit waste at the risk of being in contempt of court, if found to be in breach of the Order.
17. If anyone chooses to breach the injunction, the Penal Notice will make it clear that any breach could lead to imprisonment, fining or the seizure of assets. The Power of Arrest that is attached by virtue of Section 27 of the Police and Justice Act 2006 adds weight to the proposed Order and acts as a significant deterrent to any breach.
18. There are not at present thought to be any encampments or occupation on the Sites to which the proposed Order will apply. If that were to change between now and the date of service of the Order, it is proposed that any person on any of the Sites will not be treated as being automatically in breach, but instead will be treated as trespassers and possession claim would be commenced.
19. The proposed Order will not impact on lawful encampments or occupation and other activities and events on the Sites, even those that require the use of vehicles as such events are expressly authorised by the Claimant.

### **The Legal Entitlement to bring the Claim and Application**

20. Section 222(1) Local Government Act 1972 provides as follows:

“Where local authority consider it expedient for the promotion of the interests of the inhabitants of their area –

- (a) They may prosecute or defend or appear in any legal proceedings and in the case of civil proceedings, may institute them in their own name, and
- (b) They may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment”

21. Section 187B Town and Country Planning Act 1990

- (1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.
- (2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.

22. Section 37 of the Senior Courts Act 1981 provides that the High Court may by order, whether interlocutory or final, grant an injunction in all cases in which it appears to the court to be just and convenient to do so. An injunction is appropriate where the Court has before it material which enable it to conclude that, unless an injunction is granted a defendant will continue to defy and abuse the law.

23. It follows that pursuant to Section 222, a local authority has been given a general power to institute civil proceedings to promote or protect the interests of its inhabitants and pursuant to Section 187B, a local authority can seek an injunction if it thinks it necessary or expedient for any actual or apprehended breach to be restrained by an injunction. Support for the bringing of injunctions pursuant to Section 222 and 187B can be seen in the judgment of the Supreme Court in *Wolverhampton* at paragraph 45

24. This Claim and proposed injunction is brought against Persons Unknown. Obtaining injunctive relief against Persons Unknown is unusual but provided for under particular

specific circumstances. It is submitted those circumstances apply in this case especially as the injunction being sought is a prohibitory as opposed to mandatory injunction.

25. The leading case on injunctions against Persons Unknown is *Bloomsbury Publishing Group Ltd v News Group Ltd* [2003] EWHC 1205. However the present circumstances are more akin to the case of *Hampshire Waste Services Ltd v Persons Unknown* [2003] EWHC 1738; a case involving environmental protesters trespassing on the land where waste incinerators were located. The *Hampshire Waste* case involved the obtaining of interim injunctions as protests on the 'Global Day of Action Against Incinerators' were set to take place involving mass trespass. These protests were likely to have a large financial impact on the claimant company. The problem was that the claimant company could not name even one protester. The Vice Chancellor was prepared to grant the first injunction of its type against Persons Unknown.
26. Conventional service of the proceedings on Persons Unknown are impractical, so alternative methods of service under CPR 6.15 can be exercised. The Claimant obtained an Order for Alternative Service, which was subsequently amended [35-36, 37-39].
27. The commencement and service of proceedings against unidentified defendants was considered by their Lordships in the *Wolverhampton* case at paragraphs 50-56.
28. As the Court knows, the Claimant is seeking *quia timet* relief, to prevent apprehended wrongs and resulting harm. The principles applicable in relation to the grant of precautionary relief, are set out in *Vastint Leeds BV v Persons Unknown* [2018] EWHC 2456. The guiding principles are set at paragraphs 26 to 31. The decision in *Vastint* has since been approved in *London Borough of Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13 @ 83.
29. This then leads to the guiding conclusion in *Wolverhampton* at paragraph 167 that :

*“there is no immoveable obstacle in the way of granting injunctions against newcomer Travellers, on an essentially without notice basis, regardless of whether in form interim or final, either in terms of jurisdiction or principle”.*

and paragraph 186

*“we are satisfied that there is jurisdiction (in the sense of power) in the court to grant newcomer injunctions against Travellers, and that there are principled reasons why the*

*exercise of that power may be an appropriate exercise of the court's equitable discretion, where the general conditions set out in paragraph 167 above are satisfied."*

30. That said, as it is important to note that paragraph 167 continued :

*"But this by no means leads straight to the conclusion that they ought to be granted, either generally or on the facts of any particular case. They are only likely to be justified as a novel exercise of an equitable discretionary power if:"*

- (i) There is a compelling need, sufficiently demonstrated by the evidence, for the protection of civil rights (or, as the case may be, the enforcement of planning control, the prevention of anti-social behaviour, or such other statutory objective as may be relied upon) in the locality which is not adequately met by any other measures available to the applicant local authorities (including the making of byelaws). This is a condition which would need to be met on the particular facts about unlawful Traveller activity within the applicant local authority's boundaries.*
- (ii) There is procedural protection for the rights (including Convention rights) of the affected newcomers, sufficient to overcome the strong prima facie objection of subjecting them to a without notice injunction otherwise than as an emergency measure to hold the ring. This will need to include an obligation to take all reasonable steps to draw the application and any order made to the attention of all those likely to be affected by it (see paras 226-231 below); and the most generous provision for liberty (ie permission) to apply to have the injunction varied or set aside, and on terms that the grant of the injunction in the meantime does not foreclose any objection of law, practice, justice or convenience which the newcomer so applying might wish to raise.*
- (iii) Applicant local authorities can be seen and trusted to comply with the most stringent form of disclosure duty on making an application, so as both to research for and then present to the court everything that might have been said by the targeted newcomers against the grant of injunctive relief.*
- (iv) The injunctions are constrained by both territorial and temporal limitations so as to ensure, as far as practicable, that they neither outflank nor outlast the compelling circumstances relied upon.*
- (v) It is, on the particular facts, just and convenient that such an injunction be granted. It might well not for example be just to grant an injunction restraining Travellers from using some sites as short-term transit camps if the applicant local authority*

*has failed to exercise its power or, as the case may be, discharge its duty to provide authorised sites for that purpose within its boundaries.*

### **The Claimant's Case**

31. It is submitted by the Claimant that there is evidence to demonstrate a compelling need to prevent anti-social behaviour and enforce planning control on the Sites, which cannot be adequately met by any other measures. The establishment of encampments that are occupied by Persons Unknown and the waste depositing is a serious issue.
32. The evidence of Ms. Yvonne Feehan [43-67] plus exhibits sets out the occasions when the Sites have been the subject of an unlawful encampment and what that the encampments and waste depositing has caused real harm. This harm involves damage to the Sites, anxiety and fear amongst local residents and considerable financial loss, both direct and indirect. The Court is respectfully referred to paragraphs 34 to 44 and the Exhibits at "YF4" and "YF5" [93-95 & 96-142].
33. The Public Space Protection Order obtained, and local bye-laws have sadly not addressed the problem. The specific PSPO and Bye-laws are exhibited to the third witness statement of Ms. Feehan dated 18 November 2024.
34. Unfortunately the police are either not able or reluctant to exercise the powers afforded to them under Section 61 Criminal Justice and Public Order Act 1994. The powers set out under Sections 77 and 78 of this Act rarely assist and the Claimant has to revert to costly and time-consuming possession claims. The Equality Impact and Needs Analysis ("YF3" [83-92]).
35. There is also evidence as set out in Ms. Feehan's statement that the conduct has continued for some time and that it is therefore likely to be repeated. Ms. Feehan asserts that there is a real and imminent risk of the conduct that the injunction seeks to prevent re-occurring (see paragraph 66 [65]).
36. It is acknowledged by Ms. Feehan that there is no transit site in the Borough (see para 20 [51]), but of course the proposed Order is not Borough-wide, there are many other sites

(the full list of sites is set out at “YF2” [71-73]) that Travellers can potentially occupy, providing short-term or temporary accommodation. .

37. Ms. Feehan explains in her witness statement that the Claimant takes its Public Sector Equality Duty very seriously, giving due regard to all ethnic groups when delivering and developing its services. In particular, the Claimant has considered the health, care and well-being needs of the Traveller Community within its Public Health Joint Strategic Needs Assessment. Ms. Feehan also gives evidence as to the steps that the Claimant adopts when an encampment comes to be established (see paras 53-55, 58 [62-63] and exhibit “YF7” [168-189]).
38. The Court will also note from Ms. Feehan’s evidence and The Equality Impact and Needs Analysis (“YF3” [83-92]) that the Claimant is aware of the need to engage with responsible bodies representing the Traveller Community and that this dialogue will improve relations and understanding and provision for the Travellers.
39. It is submitted that the Claimant has fulfilled the very clear obligation of ensuring that this Claim and the Application for an injunction have come to the attention of the public. Evidence of service is set out in the second witness statement of Ms. Feehan [190-192] and the exhibits at “YF8” and “YF9” [194-208 & 210].
40. The Court can be satisfied that the Claimant will take an equally professional and conscientious approach to ensuring the Order is served in accordance with the proposed methods of service. (see Draft Order 26-33]). The proposed Order includes of course undertakings on the part of the Claimant which they will not breach.
41. The Liberty to Apply provisions are set out under the section of the proposed Order that is headed in capitals **IMPORTANT NOTICE TO THE DEFENDANTS** at paragraph 6. In addition paragraph 2 under the same section advises the reader of the right to ask the Court to vary or discharge the Order.
42. It is believed that the evidence of the Claimant and the manner in which it has conducted this Claim and Application so far, should leave the Court in no doubt that the Claimant can be seen and trusted to comply with the most stringent form of disclosure duty on



making an application, which of course includes presenting to the court everything that might have been said by the targeted newcomers against the grant of injunctive relief.

43. The Claimant entirely respects the need for temporal and geographical limits in its proposed injunction. To that end as the Court knows the Claimant has limited its application to the Sites. These 8 sites are the most vulnerable and the most occupied in the Borough. They are 8 out of 131 sites, so it is submitted it could not be said that this is Borough-wide.
44. As for timing, at this stage the Claimant seeks an interim injunction only to the date set for the hearing of the Claim seeking the final injunctive relief. At the final hearing the Claimant will seek a time-limit of 1 year in accordance with the guidelines.

**Conclusion:**

45. The Court is respectfully reminded of the *American Cyanamide* tests
  - (i) Whether there is a serious question to be tried;
  - (ii) What would be the balance of convenience of each party should the order be granted (in other words, where does that balance lie?);
  - (iii) Whether there are any special factors
  - (iv) Whether damages could be an adequate remedy
46. In respect of those four tests, the Claimant submits :
  - (1) That having regards to the evidence served and filed, the Claimant has shown that the issue of unlawful encampments, occupation and waste depositing on the Sites is a very serious issue. Further, having regards to the guidance in *Wolverhampton*, it is submitted that the Claimant has a good claim to seek a Newcomer injunction as it meets the guideline tests set out by the Supreme Court.
  - (2) That the balance of convenience is in favour of the Claimant at this stage as the adverse consequences of encampment, occupation and waste depositing means that there is a compelling need for the relief sought. The Defendants have alternative locations in which they might visit which are less sensitive and vulnerable, so the

proposed injunction does not exclude the Defendants from a balance of convenience stand-point.

- (3) It is submitted that there are no special factors to be borne in mind. That said, it is recognised that there is arguably an Article 8 right that this application interferes with the right to a home. However, it is submitted that such a right under Article 8 does not extend to having a home on land that an individual does not own. As regards the application interfering with the right to a family and private life, that right, it is submitted is qualified and balanced against the rights of others (see Rochdale at paragraph 60).
- (4) Damages cannot be an adequate remedy
47. As regards the question of a Cross-undertaking in damages. It is submitted that although it is not a hard and fast rule and each case should be considered on its facts, because this claim is brought by a local authority exercising a law enforcement function in the public interest, the Court should not require an undertaking in damages. Support for there being no requirement to give a cross-undertaking can be seen in the judgment in the Rochdale case at paragraph 59.
48. It is submitted that the Claimant's application for an interim prohibitory injunction in the terms of the Drat Order to protect the Sites is appropriate in all the circumstances and that the Court should make an Order pending the final Hearing.

Gatehouse Chambers,  
1 Lady Hale Gate,  
Gray's Inn,  
London,  
WC1X 8BS

STEVEN WOOLF  
15th November 2024



**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2024-003315**

**KING'S BENCH DIVISION**

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

**B E T W E E N:-**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
RICHMOND UPON THAMES**

**Claimant**

**-and-**

**(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation) WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE 1 TO THIS CLAIM**

**(2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON THE SCHEDULE 1 TO THIS CLAIM**

**Defendants**

---

**SUPPLEMENTARY SKELETON ARGUMENT OF THE CLAIMANT**

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*References in bold and in square brackets are to the page numbers in the Hearing Bundle*

1. This matter came before Mr. Justice Freedman on 19 November 2024. Further to exchanges between His Lordship and counsel, the hearing was adjourned until Friday 22 November 2024, so as to give the Claimant the opportunity to serve further evidence.

2. The witness statement of Ms. Joanne Capper (Principal Policy and Information Planner for the London Borough of Richmond-upon-Thames) has been served in accordance with the Judge's Order.

Evidence:

4. The Claimant relies upon the evidence of Ms. Capper. Ms. Capper refers to:
  - (i) the National Guidance assessments of need set out in Planning Policy for Traveller sites (updated in 2023) alongside the National Planning Policy Framework;
  - (ii) The Claimant's updated Research on Gypsies and Travellers (2023), published as part of the Local Plan (see **Exhibit "JC1 / 2-26)**
5. This evidence identifies the need for pitches, which can be accommodated within the existing site in Hampton. The assessment of need is said by Ms. Capper (paragraphs 8-9) to be based on over 10 years of survey data carried out by the Council in conjunction with the Registered Provider that manages the site, resulting in the assumptions applied being specific to the needs of the local population within the borough (see **Exhibit "JC1 / 27-28)**.
6. As regards the local need arising for transit sites, it is clear that the research that was undertaken concluded there was no indication of a local need having arisen borough (see **Exhibit "JC1 / 7 & 24)**. This is supplemented by the Claimant's active engagement with the GLA carrying out widespread London research as explained by Ms. Capper at paragraph 13.
7. The Claimant also has the benefit of being part of the wider Surrey County Council approach to transit provision as explained in paragraph 14 of Ms. Capper's statement. The evidence states that there is a need for two transit sites and that it is intended to deliver a site in the east and that will be followed by a site in the west of the County.
8. Finally, Ms. Capper advises of the issue of negotiated stopping being considered on a London--wide basis by the Mayor.

Submissions:

9. Further to the submissions made in the Claimant’s Skeleton Argument dated 15 November 2024, the following submissions are intended to address the specific point made in *Wolverhampton City Council v London Gypsies and Travellers* [2023] UKSC 47 @ paragraph 189; namely

*“whether the local authority has complied with its obligations (such as they are) properly to consider and provide lawful stopping places for Gypsies and Travellers within the geographical areas for which it is responsible”.*

10. The first point to note is that both at the end of paragraph 189 of the *Wolverhampton* judgment, their Lordships did not make compliance with the three preliminary questions, a mandatory requirement. The wording that was used was :

*A failure by the local authority in one or more of these respects may make it more difficult to satisfy a court that the relief it seeks is just and convenient.*

11. That said, it is clearly the case that if the Court is satisfied that the local authority has complied with its obligations, it will be considerably easier for a local authority to make its case that it would be just and convenient to make the order it seeks to protect the land that it seeks to protect by way of a prohibitory order. In this specific case the 8 Sites specified in the Claim Form.

12. What then are those obligations. It is to be noted that the wording in paragraph 189 is *“properly to consider”* and *“provide lawful stopping places”*.

13. It is submitted that in respect of the expectation that there be proper consideration, the evidence of Ms. Capper supports the contention that the Claimant fulfils that requirement.

14. To make good the submission that the Claimant has complied with its obligations (such as they are) properly to consider, the Court is respectfully referred to paragraphs 191 to 195 of the *Wolverhampton* judgment as it sets out the extent of those obligations.

15. In particular reference is made to Section 6 of the Caravan Sites Act 1968 (“CSA 1968”) which qualified the duty imposed upon local authorities when exercising their powers

under Section 24 of the Caravan Sites and Control of Development Act 1960 (“CSCDA 1960”). In short the qualification resulted in local authorities having a duty to exercise their powers under Section 24 CSCDA 1960 “*to provide adequate accommodation for Gypsies and Travellers residing in or resorting to their areas*” (my emphasis).

16. Section 6 of CSA 1968 was repealed, but as paragraph 193 makes clear the power to provide sites for Travellers and Gypsies remained (Section 80 Criminal Justice and Public Order Act 1994). as it provided a means for local authorities to give effect to the assessment of the needs.
17. It is submitted that it can be seen that there is a needs assessment taking place by the Claimant of the accommodation needs both of those travelling through, but also the periodic review under Section 8 Housing Act 1985.
18. It follows that the first expectation; namely “*properly to consider*” has been achieved
19. As regards the second expectation; namely to “provide”, it is submitted that their Lordships could not have intended for a local authority to provide a stopping policy / transit site when one has been determined further to a properly considered needs assessment, that one is not required.
20. It could not have been expected that a transit site must be provided regardless of needs.
21. Further, reference is made to paragraph 202 in Wolverhampton, where it is said  
*The availability of transit sites (and information as to where they may be found) is also important in providing short-term or temporary accommodation for Gypsies and Travellers moving through a local authority area, and an absence of sufficient transit sites in an area (or information as to where available sites may be found) may itself be a sufficient reason for refusing a newcomer injunction.*
22. It is submitted therefore that not having a negotiated stopping transit site is not fatal to the Claimant’s application because although it may not be able to provide short-term or temporary accommodation for Gypsies and Travellers in its area, the Claimant is able to provide information as to where available sites may be found. As such, the provision of information meets the concern raised and means that it cannot be said that there is of itself, a sufficient reason for refusing a newcomer injunction.

23. Further and as an arguably mitigating factor, the Court will be aware from the witness statement of Ms. Feehan that the Claimant tolerates encampments on a short-term basis (see paragraph 53 to 58 [**62-63**])

Conclusion:

24. It is submitted that the first preliminary question identified by their Lordships at paragraph 189 of the *Wolverhampton* case is met. This is because the evidence of Ms. Chapper shows that the Claimant has properly considered needs and will provide information as to where the temporary accommodation may be found.
25. Put simply, it is submitted that even without an available stopping policy/transit facility, the Claimant has met the first preliminary question because it has undertaken a proper consideration of needs, found that there is no need, but is aware and can then pass on the correct information of locations where transit temporary accommodation can be provided.

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20<sup>th</sup> November 2024