

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. QB-

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

B E T W E E N :

SURREY COUNTY COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation)
WITH OR WITHOUT VEHICLES ON CHOBHAM COMMON, SURREY

(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM
COMMON, SURREY

Defendants

EXHIBIT "IH5"

This is Exhibit "IH5" referred to in the Witness Statement of Ian Horgan dated 16/08/2022


.....
IAN HORGAN

Dated 16/08/2022

COUNTY: SURREY, BERKSHIRE

SITE NAME: CHOBHAM COMMON

BOROUGH: SURREY HEATH/WINDSOR & MAIDENHEAD

Status: Site of Special Scientific Interest (SSSI) notified under Section 28 of the Wildlife and Countryside Act 1981. Part of the site is declared as a Local Nature Reserve (LNR) under S21 of the National Parks and Access to the Countryside Act 1949.

Local Planning Authority: Surrey Heath Borough Council, Windsor and Maidenhead Borough Council

National Grid Ref: SU 973 648

Area: 651.2 ha (1608.5 acres)

Ordnance Survey Sheets 1:50,000: 175, 176, 186 (part)

1:10,000: SU 96 NW, NE, SW, SE

Date notified (under 1949 Act): 1973

Date of last revision: 1980

Date notified (under 1981 Act): 1985

Date of last revision: 1993

Other Information: Gracious Pond is a Surrey Wildlife Trust Reserve. This site is listed in 'A Nature Conservation Review'¹. It forms part of Thames Basin Heaths proposed Special Protection Area (pSPA), proposed for designation under the European Commission Directive 79/409 on the Conservation of Wild Birds (the Birds Directive).

Reasons for Notification

Chobham Common is an area of extensive, open land which supports dry and wet heathland, bog, scrub and woodland, forming one of the largest surviving heathlands in the Thames Basin. It supports a rich variety of characteristic heathland plants and animals, including many which are rare² or scarce³. The heathland bird community is particularly rich, and includes nationally important breeding populations of nightjar *Caprimulgus europaeus*, woodlark *Lullula arborea* and Dartford warbler *Sylvia undata*, all birds listed on Annexe 1 of the Birds Directive.

Open heathland has been part of the Surrey landscape for thousands of years, during which time traditional grazing and gathering of brushwood and bracken maintained its character. Western Surrey was, at one time, largely covered by these open habitats, but drainage and development for intensive agriculture, forestry, housing and roads have severely reduced their extent, and many remnants have become invaded by scrub. Surviving examples of open heathland are thus particularly important.

The heathland has developed on the acidic soils of the tertiary sand and gravel deposits of the London basin (mainly Bagshot Sands). A prominent central ridge runs diagonally across the generally undulating terrain; in the north of the site lies another ridge and two linear depressions where the ground is waterlogged and

1 'A Nature Conservation Review', D A Ratcliffe (1977), Cambridge

2 Nationally rare species: recorded from 1-15 10x10 km squares in Britain, and listed in one of the draft or published Red Data Books

3 Nationally scarce species: recorded from 16-100 km squares in Britain

valley bogs have developed.

Large areas of dry heath and acid grassland occur on the higher ground along with extensive areas of bracken, gorse, birch scrub and invasive pine. Depressions in the southern part of the Common contain bog, carr, wet heath and acidic marshy grassland communities. Extensive areas of secondary mixed woodland occur around the margins of the site and at Gracious Pond, a former mediaeval fish pond. There are several small acidic ponds on the common, but these are of recent origin.

Dry Heath

The dry heath and acidic grassland complexes contain heather *Calluna vulgaris*, bell heather *Erica cinerea*, dwarf gorse *Ulex minor* and bristle bent grass *Agrostis curtisii* (for which Chobham is the most easterly location in Britain). Most of the purer heather stands are even-aged; these are prevented from reaching maturity by frequent accidental fires. Purple moor-grass *Molinia caerulea* is an important component of the bristle bent grassland and tolerates all but the driest areas. A colony of Deptford pink *Dianthus armeria* (which is very rare in Surrey) occurs on a small patch of grassland at the eastern edge of the site.

Wet heath and bog

The wet heath areas are dominated by cross-leaved heath *Erica tetralix* and purple moor-grass. The more boggy areas support round-leaved sundew *Drosera rotundifolia*, oblong-leaved sundew *Drosera intermedia*, cross-leaved heath, bog asphodel *Narthecium ossifragum*, common cotton grass *Eriophorum angustifolium*, bog pimpernel *Anagallis tenella* and heath spotted orchid *Dactylorhiza maculata*. Several rare Surrey species also occur in these bogs, including hare's tail cotton grass *Eriophorum vaginatum*, bogbean *Menyanthes trifoliata*, royal fern *Osmunda regalis*, the scarce³ marsh gentian *Gentiana pneumonanthe* and the rare² marsh clubmoss *Lycopodiella inundata*.

Woodland and scrub

Silver birch *Betula pendula* and Scots pine *Pinus sylvestris* have invaded large areas of dry heath. Areas of more mature mixed woodland contain oak *Quercus robur*. Alder *Alnus glutinosa* dominates the carr woodland at Gracious Pond and smaller areas of willow carr (*Salix* species) occur throughout the Common. Gracious Pond also contains two ponds, a stream and some drier oak woodland, and supports rich and varied populations of fungi, mosses and ferns.

Open water

There are several areas of standing water on Chobham Common which are of importance primarily for the rich invertebrate fauna they support. A pond in the north-east of the site has recently been created and some of the shallower ones fill only erratically. The largest water body, adjacent to Sunningdale golf course, is used as a reservoir and is too deep to support an extensive aquatic flora. The larger pond margins are dominated by rushes (*Juncus* species).

Bryophytes and lichens

The Common has a rich bryophyte (mosses and liverworts) and lichen flora. Bog mosses, including *Sphagnum compactum*, *S. palustre*, *S. recurvum* and *S. papillosum* are locally abundant in the boggy

areas. Other heathland species include the moss *Dicranum spurium* and the lichens *Cladonia strepsilis* and *C. arbuscula*.

Invertebrates

The Common is a very important national site for invertebrates, particularly ants, bees and wasps (Hymenoptera), aquatic beetles (Coleoptera), flies (Diptera), butterflies and moths (Lepidoptera) and spiders (Araneae). Sixty-four scarce or rare species have been recorded. Rarities include the ant *Formica rufibarbis*, known elsewhere in Britain only in the Isles of Scilly, the robber fly *Eutolmus rufibarbis*, the saladid bug *Micranthia marginalis* and sizeable colonies of the silver-studded blue butterfly *Plebejus argus*. Chobham Common has the largest known spider fauna in Britain (approximately 50% of all British species have been recorded here), including the rare *Oxyopes heterophthalmus*, *Cheiracanthium pennyi*, *Araneus alsine* and *Uloborus walckenaerius*.

Birds

The extensive open heath and scrub within the site support many species of characteristic birds, often at high densities. The population of nightjar *Caprimulgus europaeus* is particularly large. Other rare species include woodlark *Lullula arborea*, Dartford warbler *Sylvia undata* and hobby *Falco subbuteo*; the diverse bird community includes more than 80 species: more common birds include stonechat *Saxicola torquata*, tree and meadow pipits *Anthus trivialis* and *A. pratensis* and yellowhammer *Emberiza citrinella*.

Chobham Common SSSI forms part of Thames Basin Heaths pSPA, which consists of a group of heathlands extending from Wisley in Surrey to Tadley in Hampshire and Bracknell in Berkshire, supporting nationally important populations of a number of bird species. These include nightjar, woodlark, dartford warbler (all listed on Annex 1 of the Birds Directive as being rare and in need of protection) and hobby. Thames Basin Heaths pSPA, taken as a whole, supports an estimated 9.0, 29.2, 16.3 and 3.2% respectively of the British breeding populations of these species.

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. QB-

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

B E T W E E N :

SURREY COUNTY COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation)
WITH OR WITHOUT VEHICLES ON CHOBHAM COMMON, SURREY

(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM
COMMON, SURREY

Defendants

EXHIBIT "IH6"

This is Exhibit "IH6" referred to in the Witness Statement of Ian Horgan dated 16/08/2022


.....
IAN HORGAN

Dated 16/08/2022

Chobham Common Roundabout Car Park - Fly Tipping Photos 1.8.18









18.02.2019 Staple Hill & Chobham Common Roundabout





IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. QB-

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

B E T W E E N :

SURREY COUNTY COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation)
WITH OR WITHOUT VEHICLES ON CHOBHAM COMMON, SURREY

(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM
COMMON, SURREY

Defendants

EXHIBIT "IH7"

This is Exhibit "IH7" referred to in the Witness Statement of Ian Horgan dated 16/08/2022


.....
IAN HORGAN

Dated 16/08/2022

2019 Staple Hill & Chobham Common Roundabout Chicane's.







IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. QB-

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

BETWEEN:

SURREY COUNTY COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation)
WITH OR WITHOUT VEHICLES ON CHOBHAM COMMON, SURREY

(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM
COMMON, SURREY

Defendants

EXHIBIT "IH8"

This is Exhibit "IH8" referred to in the Witness Statement of Ian Horgan dated 16/08/2022


.....
IAN HORGAN

Dated 16/08/2022

Jacqueline Hughes

From: Jacqueline Hughes
Sent: 13 July 2022 11:21
To: 'jharte@epsom-ewell.gov.uk'
Subject: Chobham Common Injunction 2022 - (CR003.111218)
Attachments: Letter to SGTCF.pdf

Dear Jeremy

Please find attached herewith a letter.

Kind regards

Jacqui Hughes | Lawyer | Surrey County Council

Email: jacqui.hughes@surreycc.gov.uk | **Mobile** [REDACTED] | **Legal Reception Line:** 0208 541 9088

Correspondence Address: Legal Services, 1st Floor, Dakota, De Havilland Drive, Weybridge, KT13 0YP

Civic Heart: Woodhatch Place, 11 Cockshot Hill, Woodhatch, Reigate, RH2 8EF



Tel: 0208 541 9097
Please ask for: Jacqui Hughes
Email: Jacqui.hughes@surreycc.gov.uk



Mr Jeremy Harte
Secretary
Surrey Gypsy Traveller Communities Forum
C/O Bourne Hall Museum

Legal & Democratic Services
1st Floor
Dakota
De Havilland Road
Weybridge
Surrey KT13 0YP

By email only: jharte@epsom-ewell.gov.uk

Our ref: Legal/111218/JAH

13 July 2022

Dear Mr Harte

RE: Chobham Common Injunction – s222 Local Government Act 1972 and S187B Town and Country Planning Act 1990

I am writing to you in your capacity as Secretary to the Surrey Gypsy Traveller Communities Forum.

I am instructed to write to you by the Land and Property Services Department of Surrey County Council to advise you of the Council's intention to apply for a fresh continuing green space injunction so that Chobham Common continues to be protected from unauthorised campers and fly tipping, after the expiry of the existing injunction on 10 November 2022. Chobham Common is an area of special scientific interest, and a local nature reserve, from unauthorised encampments and fly tipping.

The Council is intending to apply to the High Court after the Summer for an interim injunction so as to ensure there is no break in the protection afforded to the Common, with the matter going to a full hearing later on in the year. Your Forum and any other interested parties will be provided with the paperwork and notified of any hearings.

In the meantime, if you do have any representations to make concerning the proposed fresh continuing injunction to protect Chobham Common from unauthorised encampments and fly tipping, then will you kindly get in touch with me soonest.

I look forward to hearing from you.



Yours sincerely



Jacqui Hughes

Lawyer

Adults, Education, Litigation & Employment Team

Legal & Democratic Services