

Name: Robert Searle
Date: 04 08 2022
Statement No.: 1
Exhibit:

**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

WITNESS STATEMENT OF ROBERT SEARLE

I, ROBERT SEARLE Secretary of Chobham Commons Preservation Committee, Chobham,
Woking, Surrey GU24 8QX WILL SAY as follows:

Preliminary:

1. I make this witness statement in support of the Application before this Honourable Court brought by Surrey County Council ("the Council") for a preventative 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 Chobham Common as identified by the attached Map at Exhibit "SM1" without the express written permission of the Claimant as Landowner.
 - (ii) they be forbidden from entering or occupying for residential purposes within the boundaries of Chobham Common as identified by the attached Map at Exhibit "SM1" without the express written permission of the Claimant as Landowner.and against the Second Defendant that:
 - (iii) they be forbidden from depositing waste or fly-tipping within the boundaries of Chobham Common as identified by the attached Map at Exhibit "SM1" 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 repeat the successes of the first such injunction it obtained on 11 November 2019 ("the **2019 Injunction**"). The 2019 Injunction has significantly reduced the number of unlawfully established encampments on the Common. This has accordingly reduced the incidents of the Common being used for the purposes of residential occupation or the unlawful depositing of waste. By obtaining a fresh injunction, it is hoped that the problems that the Council experienced prior to the grant of the 2019 Injunction do not return to the Common.

Background

4. I am the Secretary of the Chobham Commons Preservation Committee. This Committee is the historic management body for Chobham Common and can trace its origins back to a commoners' group that was founded in 1832. It was the manager on behalf of the landowner, Lord Onslow, until he sold the common to Surrey County Council in 1968. The committee was the principal consultative and management body until 1985, after which it has continued as a committee of delegates from interested parties and

independent members, with the intent of influencing the conservation of the Common through the representation of community views and the lobbying of the County Council, Surrey Wildlife Trust, Natural England and relevant Government Ministers. The Committee has had representation on various liaison and community forums concerned with the common and is consulted on various matters by the County Council's Countryside Department.

Current Injunction

5. The chicanes that were in two locations on the Common and are now just at one location, while a minor inconvenience to drivers of cars who visit the Common, are a major hindrance to the emergency services, particularly fire and rescue. While smaller fire appliances can gain access, the larger specialist wildfire vehicles and pumping appliances cannot get through. This can result in difficulties and delays in the fire service getting sufficient quantities of water near to a wildfire, to effectively extinguish it. Removing all the chicanes would allow – after the entry barrier is unlocked and opened – all types of fire appliance to rendezvous in car parks where chicanes have been deployed.
6. On the morning of Saturday, 21 September, 2019, I called Surrey Police to report a significant Traveller incursion, of around 12 caravans and vehicles, on common land adjacent to Roundabout Car Park, Chobham Common. When a police sergeant attended, I handed him a copy of the Injunction that had been obtained in July of that year. He studied the document and agreed it applied to the Travellers, who seemed intent on setting up an encampment that would last some time. After the sergeant consulted superior officers, the police gave the Travellers notice to quit within 24 hours and the land was vacated by the afternoon of Sunday, 22 September. Before the Injunction was obtained, Traveller incursions in and around Roundabout Car Park have lasted up to two weeks while a court order to vacate is obtained, resulting in serious damage to surrounding flora and fauna through tipping of domestic and commercial waste and the emptying of chemical toilets.
7. I am aware that the County Council has had to spend many thousands of pounds in clean-up and staff costs to clear the rubbish left behind by Travellers. Between May 2018 and February 2019, these costs amounted to a total of £61,000.

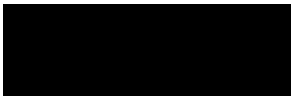
Conclusion:

8. I am concerned that, without the protection of the injunction, the police will not take immediate action to remove unauthorised Traveller encampments, and that the County Council will again have to apply for expensive court orders for specific incursions. This will result in delays that will allow Travellers encamped on common land to dump large amounts of the material such as tree brashings and building rubble that result from the trades they carry out.

9. 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.

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Robert Searle



Dated 04 08 2022

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

Defendants

WITNESS STATEMENT OF ROBERT SEARLE

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