

Name: Stephen Mitchell
Date: 17/8/2022
Statement No.: 1
Exhibit: "SM1"

**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 STEPHEN MITCHELL

I, STEPHEN MITCHELL of Surrey County Council, Woodhatch Place, 11 Cockshot Hill,
Woodhatch, Reigate, RH2 8EF 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 County Council’s Countryside Estate Operations Manager. This role involves management of land forming the Council’s Countryside Estate. The Countryside Estate is around 10,000 acres in total and comprises of around 40 different areas of land, spread across the whole of Surrey. The land is managed for a number of objectives, including: public recreation, conservation and landscape value.

5. My team deal with the day-to-day management and protection of the land. We work closely with colleagues in the Council's Land & Property Team, particularly when dealing with unauthorised access/encampment issues. We undertake work to physically protect the land, by the maintenance of anti-vehicle measures such as ditches, bunds and barriers to prevent unauthorised access, which can be very damaging to the vulnerable habitats. Chobham Common is a particularly fragile area due to the nature of the species and habitats present. Unauthorised encampments are generally reported to my team and once an inspection has been carried out to establish the exact nature and location, we will liaise with colleagues in our Land & Property Team to identify next steps.
6. Concrete barriers were installed at two locations of the common during 2019 to prevent unauthorised encampments. They were positioned to form a 'chicane' at the entrance of two of the larger car parks. Roundabout and Staple Hill Car Parks, where encampments had previously occurred. The 'chicanes' prevent larger vehicles entering the car parks. To reduce ongoing costs, improve the aesthetic appeal of the area and test the effectiveness of the 2019 Injunction, the chicanes at Staple Hill car park were removed in March 2021. The concrete chicane barriers at Roundabout car park were left in situ with a view to repurposing them as part of planned car park refurbishment works. None of the car parks has experienced unauthorised encampments or large-scale fly tip, suggesting that the injunction has been effective
7. The location of the chicanes is marked by the colour purple on the Map exhibited at "SM1".
8. Since the 2019 Injunction has been in place, none of the car parks has experienced unauthorised encampments or large-scale fly tip, suggesting that the injunction has been effective.

Conclusion:

9. I am concerned that without the protection of a new injunction, following the expiry of the 2019 Injunction on 10 November 2022, the Common will suffer again from frequent unauthorised encampments and large-scale fly tips. This will have a significant and long-lasting detrimental effect on the rare and vulnerable species and habitats on the Common. It will detract from the public's enjoyment of the land for quiet recreation and increase the Council's management costs for clearing up the waste afterwards.
10. In all the circumstances the Council respectfully seeks an Order in terms requested.

11. 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 black rectangular box redacting the signature of Stephen Mitchell.

.....
Stephen Mitchell

Dated 17 / 8 / 2022

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

Defendants

WITNESS STATEMENT OF

STEPHEN MITCHELL

Surrey County Council,
Legal Services Department
1st Floor, Dakota
De Havilland Drive
Weybridge
KT13 0YP

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Defendants

EXHIBIT "SM1"

This is Exhibit "SM1" referred to in the Witness Statement of Stephen Mitchell

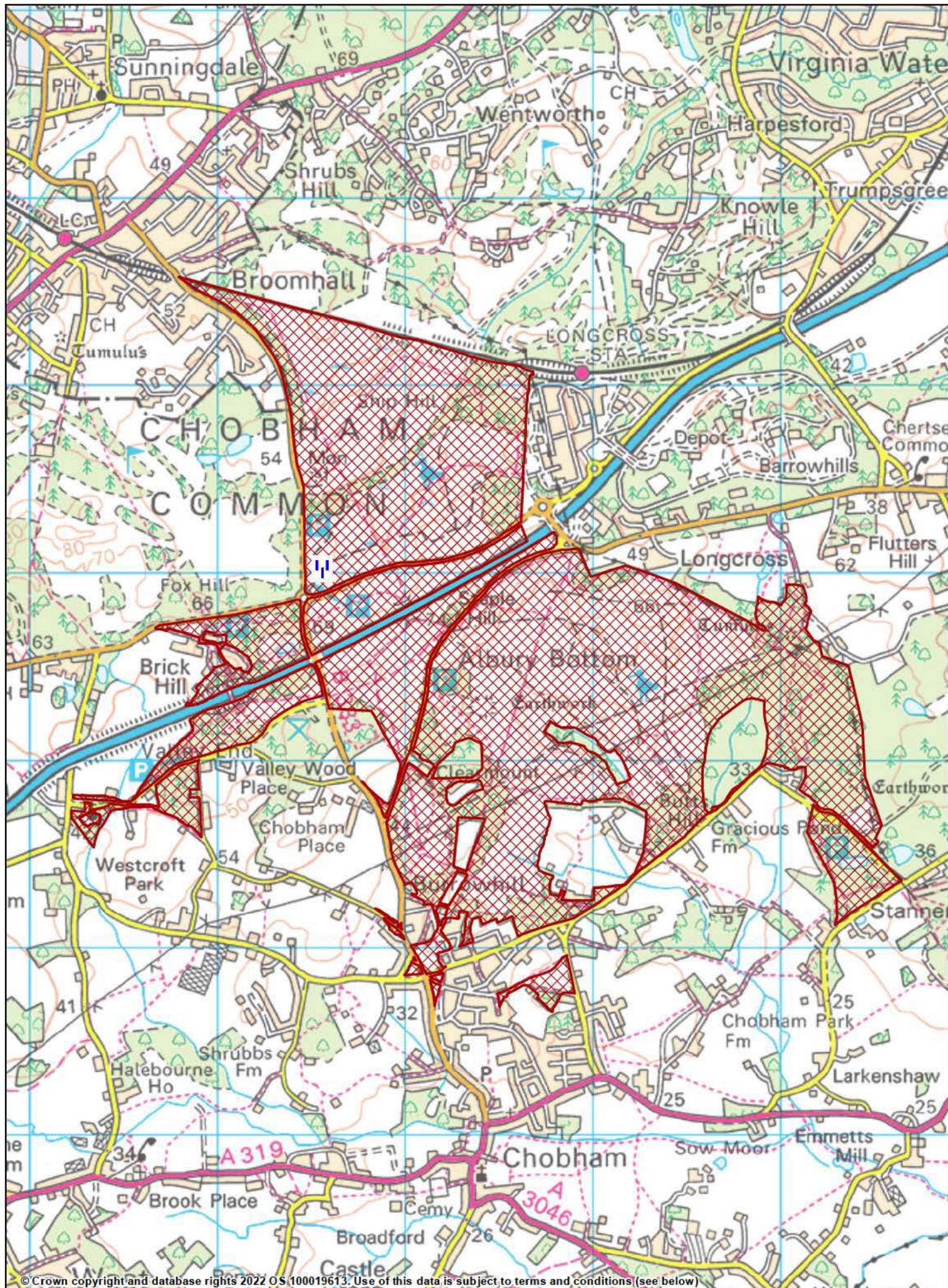
dated 2022

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.....

STEPHEN MITCHELL

Dated 17/8/2022



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Key: Location of chicanes still in situ
Chobham Common
Land subject to proposed injunction is outlined and hatched in red

