



# Claim Form (CPR Part 8)

In the  
**HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

## CLAIMANT'S COPY

	<i>for court use only</i>
Claim No.	QB-2019-000777
Fee Account No.	PBA0077352
Help with Fees Ref No. (if applicable)	HWF-□□□-□□□

### Claimant

The Mayor & Burgesses of the London Borough of Richmond Upon Thames  
Civic Centre, 44 York Street, Twickenham, TW113BZ

Assigned to Master:

FONTAINE



### Defendant(s)

- (1) PERSONS UNKNOWN POSSESSING OR OCCUPYING LAND
- (2) PERSONS UNKNOWN DEPOSITING WASTE OR FLYTIPPING ON LAND

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

### Details of claim (see also overleaf)

A claim in Trespass and/or Nuisance

An injunction to protect the Green Spaces, Highways, Housing Estates and other Land of the London Borough of Richmond

Defendant's  
name and  
address

**Persons Unknown  
London Borough of  
Richmond**

	£
Court Fee	528
Legal representative's costs	
Issue Date	6 MAR 2019

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

Claim No.	
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#### Details of claim (*continued*)

1. The Claimant, seeks an interim and final injunction. The action is brought pursuant to section 222 of the Local Government Act 1972 and in reliance upon its common law right to possession against trespass, section 187B of the Town and Country Planning Act 1990 and Section 130 Highways Act 1980.
2. The Claimant owns and / or is responsible for the management of the green spaces, ecological sites, cemeteries, housing estates, schools and school playing fields, and other miscellaneous land and car parks in the London Borough of Richmond. In addition, the Claimant is responsible for the security of Housing Estates and their car parks and the Highways.
3. These Green Spaces and other lands owned and/or in the responsibility of the Claimant are identified by number and corresponding names on the attached Maps and Schedule.
4. As explained in the witness statements produced on behalf of the Claimant, there have been numerous incidents of unauthorised encampments in the London Borough of Richmond resulting in considerable depositing of waste. It is feared that further unauthorised encampments on the Green Spaces by Persons Unknown Occupying Land and / or Depositing Waste who are occupying unlawfully and / or fly-tipping illegally.
5. The unauthorised encampments have been established on the Green Spaces and other lands owned and / or in the responsibility of the Claimant, including Housing Estates belonging to the Claimant as well as on the Highways. In addition, land owned by private landowners and businesses have been affected.
6. The witness statement provided on behalf of the Claimant demonstrates the disruptive and harmful impact of these unauthorised encampments as well as the health and safety concerns that arise. The harm this could cause to the residents of the Claimant, among other members of the public is significant. The health risks to the residents include:
  - (a) human and animal excrement left in the Parks, Open Spaces, Woodland Areas and Sports Fields from those establishing the encampments; and
  - (b) the health hazard caused by the use of propane gas cylinders in public spaces together with the depositing of building materials;
  - (c) the driving of vehicles over and across Parks, Open Spaces, Woodland Areas and Sports Fields;
  - (d) fly-tipping domestic and industrial scale waste, including building materials, glass, asbestos, rubble and soil
7. The unauthorised encampments cause considerable disruption to the residents and citizens of Richmond.
8. The fly-tipping causes considerable distress and anxiety, is a major eye-sore and results in recreational facilities being un-usable.
9. Further, the expense incurred in the cleaning up operations including the removal of untreated human excrement, domestic litter, general waste, gas cylinders and building waste, including hard core and soil.
10. The unauthorised encampments cause considerable expense to be incurred in restoring the sites to a fit, hygienic and safe level for usage by the public. Considerable costs are also incurred in attempting to secure the sites owned by the Claimant.

11. To date, the Claimant and the Police have utilised the powers under s.77 and 78 Criminal Justice and Public Order Act 1994, but as demonstrated by the evidence filed in support of this Claim, these procedures 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 Green Space or other land owned by the Claimant that has previously been cleared.
12. Accordingly, for the reasons set out in the witness evidence in support of this Claim, it is necessary and expedient for the promotion and / or protection of the interest of the residents of Richmond and 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, to prevent the repeated establishment of unauthorised encampments and the disruption and loss of resources caused by this type of unlawful action.
13. It is necessary to bring these proceedings against Persons Unknown Occupying Land and / or Depositing Waste or Fly tipping on Land as the identity of the unlawful occupiers may or will be uncertain and in any event such names as are given are often found to be false names.
14. The proposed Order is intended to prevent any future unauthorised encampments on the Green Spaces, Parks, Open Spaces, Woodland Areas and Sports Fields as well as Housing estate car parks and Highways being established as identified on the Schedule and Maps.

**Statement of Truth**

\* (~~I believe~~)(The Claimant believes) that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement

Full Name Paul Evans

Name of claimant's legal representative's firm South London Legal Partnership



Signed \_\_\_\_\_ position or office held: AD of Corporate Governance & Head of Legal  
\*~~Claimant~~(~~Litigation friend~~)(~~Claimant's solicitor~~) (if signing on behalf of firm or company)

*\*delete as appropriate*

**SOUTH LONDON LEGAL PARTNERSHIP,  
GIFFORD HOUSE,  
67c ST. HELIER AVENUE,  
MORDEN,  
SURREY  
SM4 6HY**

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.