



**AMENDED
Claim Form
(CPR Part 8)**

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

	<i>for court use only</i>
Claim No.	
Fee Account No.	
Help with Fees Ref No. (if applicable)	HWF- <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Claimant
**LONDON BOROUGH OF SUTTON,
SUTTON COUINCIL CONTACT CENTRE,
24 DENMARK ROAD,
CARSHALTON,
SM5 2JG**



Defendant(s)
PERSONS UNKNOWN OCCUPYING LAND AND / OR DEPOSITING WASTE 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 Nuisance
An injunction to protect the Green Spaces, Highways And Housing Estates of the London Borough of Sutton

Defendant's
name and
address

**Persons Unknown,
London Borough of Sutton**

	£
Court Fee	
Legal representative's costs	
Issue Date	

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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 pursuant to section 222 of the Local Government Act 1972 and 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 Parks, Woodland Areas, Sports Fields, Cemeteries, Churchyard, Playgrounds, Allotments, Car Parks, Woodland Areas and Open Spaces ("the Green Spaces") in the Borough. In addition the Claimant is responsible for the security of Housing Estates and their car parks and the Highways, School Properties and Development Land.
3. These Green Spaces and Highways, are identified by number and corresponding name on Map 1 attached 1 to 177, and H1 to H5 and listed on Schedule A and Housing Estates and car parks and highways School Properties and Development Land, as identified on Map 2 and listed on Schedule B as RBK2042 to RBK2384. 91 and Sc 1 to Sc41
4. As explained in the witness statements produced on behalf of the Claimant, there have been numerous incidents of unauthorised encampments in the Borough resulting in considerable depositing of waste. The Borough fears further unauthorised encampments on the Green Spaces, within Sutton by Persons Unknown Occupying Land and / or Depositing Waste who are occupying unlawfully and / or fly-tipping illegally .
5. These unauthorised encampments include large groups of Travellers with up to 30-40 people and 15-20 vehicles, mobile homes and caravans plus associated vehicles and dogs;
6. The unauthorised encampments have been established on the Green Spaces, Housing Estates, Highways, School Properties and Development Land belonging to the Claimant as well as on the Highways. In addition land owned by private landowners and businesses have been affected..
7. The ~~two~~ four witness statements provided by the Claimant demonstrate 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 Sutton, among other members of the public is significant. The health risks to the residents include:
 - (1) human and animal excrement left in the Parks, Open Spaces, Woodland Areas, Highways, School Properties, Development Land and Sports Fields from those establishing the encampments; and
 - (2) the health hazard caused by the use of propane gas cylinders in public spaces together with the depositing of building materials;
 - (3) the driving of vehicles over and across Parks, Open Spaces, Highways, School Properties and Development Land, Woodland Areas, and Sports Fields.
 - (4) fly-tipping domestic and industrial scale waste, including building materials, glass, asbestos, rubble and soil
8. The unauthorised encampments cause considerable disruption to the residents and citizens of Sutton.
9. The fly-tipping causes considerable distress and anxiety, is a major eye-sore and results in recreational facilities being un-usable.
10. 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;
11. 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.
12. Following the making of a Magistrates Court Order requiring the unknown persons to leave a specific unauthorised encampment site the unlawful occupiers simply move to another site in Sutton.
13. Since February 2018 alone unknown persons have formed at least 12 encampments within the Borough, sometimes forming an encampment on a particular site on more than one occasion.
14. To date, the Claimant and the police have been dealing with repeated encampments through the procedures available under 77 and 78 of the Criminal Justice and Public Order Act 1994. These are reactionary steps addressing the problem after the encampments have been established and after the fly-tipping damage has taken place.
15. 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 that has just been cleared.

16. 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 Sutton 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.
17. It is necessary to bring these proceedings against Persons Unknown Occupying Land and / or Depositing Waste on Land as the identity of the unlawful occupiers may or will be is uncertain and in any event such names as are given are often found to be false names.
18. The proposed Order is intended to prevent any future unauthorised encampments on the Green Spaces, Parks, Open Spaces, Highways, School Properties and Development Land, Woodland Areas and Sports Fields as well as Housing estate car parks and Highways being established..
19. The draft Order against Persons Unknown Occupying Land and / or Depositing Waste on Land has confined the scope of the order to specifically identifiable sites within Sutton as identified on the attached Maps and attached to the draft Order. On Map 1 attached 1 to 177, and H1 to H5 and listed on Schedule A and Housing Estates and car parks and highways School Properties and Development Land, as identified on Map 2 and listed on Schedule B as RBK2042 to RBK2384. 91 and Sc 1 to Sc41

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 _____

Name of claimant's legal representative's firm _____

Signed _____ position or office held Solicitor
 *~~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.