

BRIEFING NOTE- INJUNCTION ON CHOBHAM COMMON

Early this year, following a number of unauthorised traveller encampments on Chobham Common, (10 in a 9 month period May 18 to Feb 19), the Cabinet Member for Environment and Waste, Cllr Mike Goodman, met with Legal and Property officers to discuss longer term remedial measures to protect Chobham Common from further encroachments. Approximately £51,000 had been spent on clear up costs for the 10 encampments, as well as many hours of officer time being spent in ensuring the encampments moved on.

In March this year, Officers agreed to install concrete blockers at the most used access points onto the Common, to deter unauthorised vehicles. Officers also agreed to apply to the High Court for an injunction to protect the Common in the longer term, highlighting to the Court the special scientific status of the land, the number of incursions over a short space of time, the amount of clear up costs, the fact that the bollards were unsightly and contrary to the aesthetic enjoyment the Common should provide, and that, if they were to remain for a longer period they would likely become a breach of planning control. The Council also concluded that, without further long term protection, further encampments were likely.

I am pleased to advise the Committee that, on 12th July 2019, following consideration of the evidence, the High Court granted an interim injunction to protect the Common forbidding persons unknown occupying Land and/or depositing Waste or Fly-tipping on Land FROM:

1. Setting-up an encampment on Chobham Common without written permission from the Local Planning Authority or planning permission granted by a planning inspector;
2. Occupying any part of Chobham Common for residential purposes (temporary or otherwise) including with caravans, mobile homes, vehicles and residential paraphernalia without written permission from the Local Planning Authority or planning permission granted by a planning inspector;
3. Bringing on Chobham Common any vehicle whether for the purposes of disposal of waste and materials or otherwise, other than when driving through the County of Surrey or in compliance with the Parking Orders regulating the use of car parks or with written permission from the Local Planning Authority or express permission from the owners of the Land;
4. Depositing any personal, domestic or commercial waste and/or fly-tipping on Chobham Common.

The Interim Injunction contains a Penal Notice which means anyone breaching it may be held in contempt of court and may be imprisoned, fined or have their assets seized.

The Interim Injunction remains in force until the seventh day following the final hearing.

The matter will be listed for a final hearing on the first open date after 01 November 2019 at which interested parties will be entitled to attend and make representations.

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