

Parker, Christine

From: Wortley, Stuart
Sent: 18 June 2018 13:38
To: Wortley, Stuart
Cc: Parker, Christine
Subject: Consultation - Jones Day

From: Barden, Gregory J. [mailto:gbarden@JonesDay.com]
Sent: 11 June 2018 18:34
To: Wortley, Stuart <StuartWortley@eversheds-sutherland.com>; Peter.Bourke@wilsonslaw.com; Charlotte.Tyfield@gowlingwlg.com
Cc: Robinson, Tamsin M. <trobenson@jonesday.com>
Subject: FW: Consultation on unauthorised development and encampments - URGENT

Hi Stuart, Peter and Charlotte – see below:

a. If PLA members have dealt with the removal of unauthorised traveller encampments within the last 2 years, please provide details of location and scale.

We have helped a client deal with squatters at a brown field site in Greenford, London in May 2017. Roughly 6 caravans, 2 removal vans, 2 cars, one pick-up truck. Numerous individuals. Hard to say whether it was a “traveller encampment” – it was an illegal fly tipping operation by people in caravans. A significant amount of waste was discarded on site. It followed a similar problem which occurred in July 2016 by squatters (whether they were the same or not is hard to tell although the client thought they were). The July 2016 issue was resolved after an application for a possession order was made in the High Court, they then left before an order was needed (leaving our client with the significant clean up costs).

We also recently assisted a different client with squatters remaining in occupation of a central London property after an illegal rave – this seems to not be relevant to your questions though.

b. If the relevant land needed repairing or cleaning afterwards, what was involved and was the approximate cost ?

Yes – significant clean up costs on both occasions. We do not know exact figures. If the PLA considers it would be helpful for our client to disclose that let me know and I'll ask. This was a criminal fly tipping operation – not just discarded waste from people living in caravans. It was dumper trucks full of waste gathered from the surrounding area being brought onto site and dumped there.

c. How did the unauthorised encampment come to an end and how long did it take ?

The July 2016 issue came to an end after a High Court possession order application was made and notice of

hearing served on them. A hearing was not, in the event necessary. The travellers were in occupation Monday 11 – 17 July 2016.

The May 2017 issue came to an end in the same way; albeit this time we did obtain an order to protect against future intrusions. The travellers were in occupation 4-9 May 2017.

In both cases we were able to move quickly to get the matter dealt with in the High Court.

To assist us in responding to Question 6 of the Consultation

If PLA members have experience of asking the police to exercise powers to direct travellers to leave land pursuant to sub-ss 61 / 62A Criminal Justice and Public Order Act 1994, what was their experience ?

Police attempted to help, but would not take action to make travellers leave other than monitor them. They were kept informed as we obtaining possession order but were not particularly pro-active. It was ultimately down to the client to self-help.

To assist us in responding to Question 12 of the Consultation

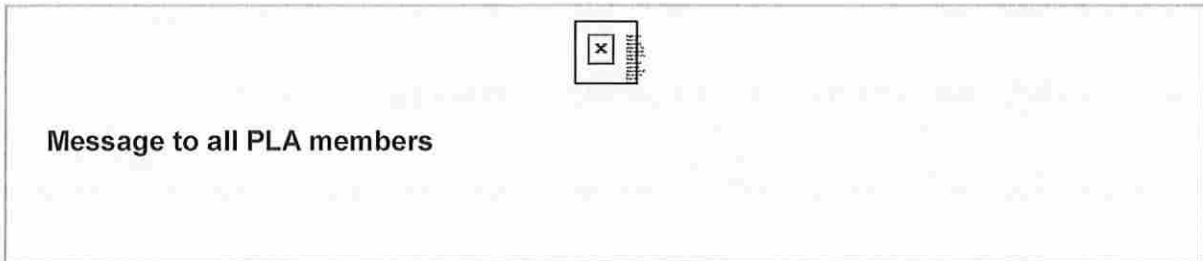
If PLA members have used the procedure for obtaining an Interim Possession Order (CPR Parts 55.20 to 55.28), what was their experience ?

No – given the urgent need for a final order, no sense in getting it.

Gregory Barden
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From: Property Litigation Association <mary.block=pla.org.uk@mail21.atl111.rsgsv.net> **On Behalf Of** Property Litigation Association
Sent: 11 June 2018 17:42
To: Barden, Gregory J. <gbarden@JonesDay.com>
Subject: Consultation on unauthorised development and encampments - URGENT



As you may be aware, the Ministry of Communities and Local Government is conducting a consultation on unauthorised development and encampments (a) to establish the effectiveness of the existing powers of local authorities and the police are effective and (b) to assist the Government in considering future policy and legislative proposals.

<https://www.gov.uk/government/consultations/powers-for-dealing-with-unauthorised-development-and-encampments>

Whilst most of the questions raised by the consultation are directed at local government, many of our members will have relevant experience of dealing with unauthorised encampments (both for local government clients and private landowners) which we would like to collate and pass on.

The Law Reform Committee would like to hear from any members in relation to the following issues:-

To assist us in responding to Question 2 of the Consultation

- a. If PLA members have dealt with the removal of unauthorised traveller encampments within the last 2 years, please provide details of location and scale.
- b. If the relevant land needed repairing or cleaning afterwards, what was involved and was the approximate cost ?
- c. How did the unauthorised encampment come to an end and how long did it take ?

To assist us in responding to Question 6 of the Consultation

If PLA members have experience of asking the police to exercise powers to direct travellers to leave land pursuant to sub-ss 61 / 62A Criminal Justice and Public Order Act 1994, what was their experience ?

To assist us in responding to Question 12 of the Consultation

If PLA members have used the procedure for obtaining an Interim Possession Order (CPR Parts 55.20 to 55.28), what was their experience ?

*With apologies for the short notice, please reply to Stuart Wortley, Peter Bourke and Charlotte Tyfield who are co-ordinating the Association's response **by 5.30 pm on Friday 15 June.***

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