

1. Made on behalf of the Claimant
2. Karen Maguire
3. Statement No. 1
4. Exhibits: KM1
5. Dated: 18 April 2024

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

Claim No. -

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

BETWEEN

**THE MAYOR & BURGESSES OF
THE LONDON BOROUGH OF ENFIELD**

Claimant

-and-

- (1) CHARLES SNELL**
- (2) DAVID SNELL**
- (3) STEPHEN MAY**
- (4) ABDELLAH TAYEB (AKA CASTRO)**
- (5) MICHAEL WUJECK**
- (6) PERSONS UNKNOWN**

Defendants

**WITNESS STATEMENT
OF KAREN MAGUIRE**

I, **KAREN MAGUIRE** of the London Borough of Enfield, Civic Centre, Silver Street, Enfield, EN1 3XA **WILL SAY AS FOLLOWS:**

1. I make this Witness Statement in support of the Claimant's Part 8 Claim seeking injunctive relief but also in support of an application for an interlocutory interim injunction in the terms of the Draft Order against the Defendants. I have had shown to me the proposed Draft Order for

interim relief. I understand a copy of the Draft Order will be attached as part of the Application Notice seeking an injunction.

2. It is important to note at the outset that although this witness statement is in large part supporting the Part 8 Claim, it is also supporting the specific application for an interlocutory interim injunction being sought against the Defendants.
3. The Application Notice also seeks the abridgement of time for service. This part of the application is necessary because of a fear that if this application is not proceeded with immediately there will be at least 21 days before the Claimant is able to obtain the relief they seek against the Defendants' and in that time the Council will face financial penalties of around £142,000 per week and there is the risk of significant damage could be sustained to the locations that the proposed Order seeks to protect, if not a broader locations across the Claimant's land. Moreover, the Claimant seeks an interim injunction without notice due to the urgency of the need for injunctive relief, although the Claimant will attempt to effect informal service and notice of the hearing of the application for interim relief.
4. I exhibit to this witness statement a paginated exhibit bundle marked 'KM1', and references to the page number(s) herein are to page numbers within the exhibit bundle KM1. Where I do not have direct knowledge of the facts related in this witness statement, I indicate the source of my knowledge.

Background

5. I am the Lead Officer for Trespass and Encampments having been in post in Enfield since May 2018. In my role as the Lead Officer I am responsible for recovering possession of the Claimant's [vacant] sites that have been subject to unauthorised encampments and trespass. My

role also captures being responsible for managing unauthorised encampments and occupations at Meridian Water Regeneration Project Site (“Meridian Water”) which is the Claimant’s flagship development project, located next to the Lea Valley Regional Park with a gross development value of £6bn, Meridian Water will see 10,000 new homes and thousands of jobs.

6. Additionally, from a more holistic perspective I am charged with reducing the fiscal pressures that were once overwhelming in the Borough associated with unauthorised encampments and trespass in addition the Claimant’s development of underlying approaches to find solutions to meet the difficulties faced due to such unauthorised encampments and occupations arising across the Claimant’s land.

7. Since 2018, joint partnership protocols have been in place, which have progressed well. The Court should be aware that the work I have been doing with the Gypsy and Traveller Community and [the homeless] has been invaluable, inciteful and has greatly influenced how the Claimant addresses the inequalities in housing, health, education, employment and social cohesion amongst the Travelling Community and the wider community in Enfield.

7.1 My work concerning Meridian Water in the recent past flagged the unauthorised occupiers with whom I have been engaging with a view to onward support and movement in particular regarding the named Defendants of which D1-4 are boat dwellers and D5 is on the land and I outline herein that engagement concerning D1-5 as follows:

(a) D1 and D2 (Charles and David Snell); this is a father and son who have been living on first long narrow boat and it is believed they are likely to have been at the site for approximately 2/3 years and presence was discovered when the first phase of vegetation clearance on the embankment was required. Both have challenging health issues and I have been engaging with both of them to agree a

move further up the River Lee Navigation System as the Council have agreed with CRT options to move his vessel. The Council will incur the cost for toeing the vessel and are awaiting confirmation from D1 and D2 concerning any preference for relocation. We will continue to engage to confirm date for move. on. However, to date D1 and D2 have not confirmed any agreement to be moved and remain in situ as at 17 April 2024.

- (b) D3 (Steven May) is in occupation of the second narrow long boat and it is believed he is likely to have been at the site for approximately 2/3 years and presence was discovered when the first phase of vegetation clearance on the embankment was required. I have engaged previously with this individual and on the last few visits by myself to the site he was not at the location; however, I have been informed he still using the boat as sleep. This boat is required to be removed from the site to facilitate works and prevent further unauthorised trespass/occupation. However, to date D3 is thus believed to remain in situ as at 17 April 2024

- (c) D4 (Abdellah Tayeb (aka Castro) I believe has been at location for some considerable time and moved from further upstream following previous request and his presence was discovered when the first phase of vegetation clearance on the embankment was required. It is understood to be compliant with requests to move. He owns dogs which are at the site. However, to date D4 has not confirmed any agreement move and remains in situ as at 17 April 2024.

- (d) D5 (Michael Wujek) is living in the shack structure at location; it is believed he has been on the site for approximately 6 months and his presence was discovered when the first phase of vegetation clearance on the embankment was required, he has dogs on site. I have been engaging with Michael to seek accommodation that will accept dogs; unfortunately, this is proving challenging. He has been enrolled on our STEPS programme and is getting support with

training and employment which should improve chances of him seeking accommodation in the Private Rented Sector. However, D5 currently remains in situ in the shack on the site as at 17 April 2024.

- (e) There are 2 boats on the site (white with blue soft top) which was occupied by a Peter Anthony Forbes. Sadly, he is now deceased. These boats have been valued at nil value and these will be extracted from the watercourse. The removal of these boats is required to facilitate the works and prevent any further trespass at this location.

- (f) All other unauthorised occupiers are unknown to myself but Meridian Water does unfortunately continue to get a number of persons unknown who regularly pass and remain on the site without authorisation and given the nature of the ongoing requirement to do works in the area now require an injunction to enable those works to be carried out without interruption and for health and safety reasons as set out herein.

The Application

8. I make this statement in support of the Claimant's Application for an Injunction for land and airspace and rights held under the following Title Numbers:

- (i) AGL536977 relating to 'Land adjoining the River Lee Navigation lying to the west of Harbet Road' and as shown edged with red on the Title and Title Plan ("the Canal [Embankment] Strip Land") and more particularly referred to in the Transfer of Part between Canal & River Trust Acting As Trustee Of The Waterways Infrastructure Trust and The Mayor And Burgesses Of The London Borough Of Enfield dated 21 May 2021 and hatched yellow on the Acquisition Strip Land Plan (Title and Title

Plan, TP1 and Acquisition Strip of Land in yellow of affected areas **[4-31]**).

- (ii) AGL536978 relating to 'Lease of airspace for a Bridge over the River Lee Navigation, Enfield' and as shown edged with red on the Title and Title Plan (Lease of Airspace) (Lease, Title and Title plan and see Acquisition strip of land **[32-126]**).
 - (iii) AGL199527 (Retained Land – River Lee Navigation System) - as shown edged with red on the Title and Title Plan **[127-133]**.
 - (iv) AGL216617 relating to 'Site E, Leaside Road Tottenham, London' (Ikea Clear Site) and more particularly referred to in the Transfer of Title between IKEA Properties Investments Limited and The Mayor and Burgesses of the London Borough of Enfield dated 12 December 2016 and as shown edged with red on the Title and Title Plan **[134-138]**.
9. The Titles AGL536977, AGL536978 and AGL216617 are situated within Meridian Water wider site as per the layout of the boundary of the site **[149]** and these Titles are more particularly marked in red on the attached plans **[3-138]**. There is unauthorised encampment, trespass and mooring arising on land within these Titles for which the Claimant seeks the protection of by way of an injunction as identified on (Plan 1 (AGL536977) and Plan 2 (AGL216617)) as coloured yellow therein and the Airspace edged blue on Plan 3 (AGL536978) and as shown in the screen grab of google maps which outlines the locations of unauthorised occupations with photographs of **[Plans 150-156 [152 google screen grab of locations], photographs 159-175,190-274]**.
10. I confirm that the Claimant is the freehold owner of these Titles and that the Defendants' have not been given any permission and/or consent by the Claimant to be on the Land and/or to occupy the airspace therein.

11. The trespass came to my attention about a year ago and I have been working with various stakeholders to engage with the occupiers on the embankment and the boats on the River Lee Navigation System adjacent to Meridian Water and the Claimant's Land to facilitate re-housing and/or onward movement of unauthorised occupiers and boats moored to the embankment of the Claimant Land to another location on the river.
12. The removal of the unauthorised occupiers and any unauthorised vehicles and/or boats is necessary as the Meridian Water works programme concerning in particular the land in question held under the Title Numbers referred to at paragraph 8 above has been contracted with Taylor Woodrow for essential preparatory works and development of the embankment and these works in line with its rights as outlined in the Lease of Airspace held under Title number AGL536978 commenced on 6 December 2023 [157] and were scheduled to clear the embankment of vegetation by a combination of mechanical and chemical clearance methods in preparation for engineering works to construct a new canal wall. The works also include surveys, construction of hoardings, fencing and positioning of plant and materials in the occupied areas. The nature of these works are a health and safety risk to occupiers in the vicinity of the works, namely, those on the embankment and/or the River Lee Navigation System adjacent to the Land.
13. Trespassers who gained access onto the Land and were occupying tents and structures on the embankment have been successfully relocated to the Claimants Somewhere to Stay Safe Hub; these individuals are being supported into suitable accommodation to meet their needs. They are also engaged in the Claimants STEPs programme which involves training, skills, and employment.
14. The Claimant has now for several years adopted a negotiated stopping policy successfully with families from the Gypsy Roma and Traveller Boater and Showman community ("GRTBS") that are legitimately

transient and engaged in carrying out welfare checks to assist this community. However, the remaining group of unauthorised occupiers/trespassers on the Land fall outside this category and above have refused to engage meaningfully with the Claimant.

15. Additionally, the Claimant has been in ongoing engagement with the Canal and River Trust (CRT) who own the broader rights to the River Lee Navigation System with a view to gaining assistance to address the issues of unauthorised and unlicensed boats moored on the embankment Land adjacent to the River Lee Navigation System. The CRT issued Suspension of Mooring Licences Notices on the Land and to the moored unauthorised boats and other boater dwellers in the vicinity of the River Lee Navigation System adjacent to the Land in January 2004 for the suspension period being 7 February 2024 to 15 January 2025 **[158]**. These notices have had no effect in moving on the boaters moored to the Land at the River Lee Navigation System. CRT have agreed two locations further up the navigation system for one of the remaining boaters who has identified with welfare and health issues, we are actively encouraging the boater to accept offer and equally supporting CRT with this move. However as of today's date the boater remains in situ due to engine difficulties. We are collaborating with a boat specialist to help mobilise the boat dweller.
16. Notwithstanding the Claimant's efforts to engage with and assist unauthorised occupiers on the Land and boaters moored to the Land and/or adjacent to the Land on the River Lee Navigation System there remain unauthorised occupiers on the land and/or remained moored to and/or adjacent to the Land from the River Lee Navigation System without authorisation.
17. The Meridian Water works have now reached a crucial point at the Land and it has now become imperative that the Claimant address the remaining unauthorised trespassers on the Land and those moored to the Land and/or adjacent to the Land on the River Lee Navigation

System as they have not engaged or accepted support and continue to trespass without permission on the Land moored to the Land from the River Lee Navigation System. It is now considered that vacant possession cannot be secured without legal proceedings for possession being issued in the circumstances.

HEALTH AND SAFETY CONCERNS

18. As outlined above, the remaining trespassers to date have not engaged with the Claimant or its officers to find a resolution even with alternative solutions being presented to them including attempting to engage with all the unauthorised occupiers and/or trespassers with a view to carry out welfare assessments in relation to those that were willing to engage.
19. It is now imperative that they vacate the Land, inter alia, so that their health and wellbeing is not compromised, namely, open access to emergency services which is not possible at the Meridian Water site given the ongoing works at that site and on the Land.
20. The unauthorised occupiers/trespassers have caused fly-tipping on the Land and/or which is of the nature of human and general waste disposal occurring and risk to health arising due to continued excessive fly tipping and hoarding arising due their continued presence on the Land (embankment) and unauthorised and unlicensed mooring of boats on the River Lee Navigation System adjacent to the Land (boats debris and hoarding) **[159-175,190-274]**
21. The Claimant is also concerned with regards to the alleged fractious relationship between the unauthorised occupiers/trespassers and its contractors at Meridian Water and in particularly the presence of what appears to be dogs which are left unsupervised on the Land and who potentially pose a threat to the Claimant's officers, contractors and third parties who may stray on to the Land and it is necessary for the Claimant to consider the safety of all parties in all the circumstances.

22. The presence of unauthorised occupiers/trespassers (including dogs) prevents the Claimant's contractors from securing the Claimant's site boundaries as required under the Construction (Design and Management) Regulations 2015, Part 4, Regulation 18, Paragraph 2(b). As the unauthorised occupiers (including dogs) are occupying parts of the Land located along the River Lee Navigation System, and in some cases protruding into the site boundary some circa 10-15 meters.
23. The unauthorised occupiers/trespassers (including dogs) pose a further hazard to the Claimant's workforce (officers, contractors and third parties), who are required to access the site to carry out vegetation clearance works, site surveys, install fencing and review future works. In line with the Health and Safety at work act 1974, Section 2, Paragraph 1.
24. The Land and the wider Meridian Water site has a great deal of activity with ongoing works and also with third party lease and licence holders in occupation carrying out day to day business activities concerning their relevant trades in the surrounding area at Meridian Water. The Claimant is concerned that there will be risk to health and safety to these parties from the unauthorised occupiers/trespassers remaining on the Land.
25. The fly-tipping on the embankment and continuation of it is and continues to cause serious damage to the environment **[159-175,190-274]**. The Land does not provide a designated mooring location for boats and the appropriate infrastructure for any such services is not in place on the Land from the River Lee Navigation System. The continuity of the unlawful occupation and trespass including unauthorised and unlicensed mooring is also causing issues for the waterbed and integrity of the embankment. This may also include leaking oil/fuel and leeching of waste into the river.
26. It is considered if the unauthorised occupiers/ trespassers on the boats were moored at a designated location with appropriate infrastructure and

safe access to vessels, they would be able to readily seek further welfare support from either CRT and/or the Claimant and access to emergency services should they require any such assistance.

27. The instant removal is now deemed imperative to protect the Land to prevent any further unauthorised occupation either on the Land itself and/or from boaters mooring from the River Lee Navigation System onto the Land to prevent further human and general waste disposal occurring and avoid the risk to health and safety arising due to continued excessive fly tipping and hoarding.
28. The Council have appointed a marine specialist, Peter Frisle, to give an expert view on the removal of vessels and costs associated with, to assist with the immediate clearance of the embankment and watercourse to which they are moored unlawfully.

Urgency

29. The Claimant now seeks to end the trespass as quickly as possible on the Land due to:
 - (a) the current development programme reaching a crucial point and the unauthorised occupiers/trespassers continued occupation prejudices the pending completion of development works at Meridian Water at a costs to the tax payer.
 - (b) the health and safety risks outlined at paragraphs 19-26 above.
30. The Claimant does not wish to incur excessive costs in clearance and legal costs as these place immense fiscal pressure upon it and may divert already scarce resources away from essential public services including health and children services and thus seeks to bring this unauthorised occupation/trespass to an end as quickly and expeditiously as possible with limited financial impact to the public purse whilst being compelled to meet its contractual obligations. The Contractors have provided the Claimant with Notice on 7 March 2024 triggering financial

compensation penalties as it has not been able to provide the contractors vacant land to carry out their works [176].

31. The Claimant continues liaising with CRT in seeking their support with addressing matters concerning the unauthorised occupiers/trespassers on the River Lee Navigation System but CRT have advised that where the Claimant obtains possession of its Land and is thereby permitted to untether unauthorised moored boats from its Land that this will be deemed to cause a nuisance on the River and the Claimant will be held responsible for that nuisance. I exhibit email from CRT dated 2 February 2024 at [177-188] which outlines this position. This is also borne out by the General Canal Bye Laws 1965 at paragraph 39 which sets out:

“No person shall commit any nuisance in or on any canal.”

32. Accordingly, having exhausted all alternative pathways to assist those remaining on or adjacent to the Land on the River Lee Navigation System the Claimant is incurring fiscal pressures that it simply cannot afford in the current climate of Local Authority financial difficulties, and it is considered legal proceedings for possession of the Land are necessary to ensure that the works are facilitated without hinderance and will be able to be carried out without:

- a) health and safety risk to unauthorised occupiers/trespassers due to ongoing works; and
- b) risk to the ongoing works and/or staff of the Claimant and/or its contractors and/or third parties due to conduct or lack of conduct of the unauthorised occupiers concerning but not limited to unsupervised dogs on the Land; and
- c) risk to health and safety due to flytipping of human and household waste and hoarding; and
- d) weekly financial contractual penalties to the Claimant due to delay in works arising due to obstruction of the works on this Land are estimated to be approximately £142,000 as follows:

- (i) Staff: £84,000
 - (ii) Labour: £14,000
 - (iii) Security: £14,500
 - (iv) Plant: £8,000
 - (v) Welfare: £8,000
 - (vi) Main Contractor Fee: £13,500
- e) Further, the Claimant has been advised if the contract is further delayed the Council will incur the following indicative monthly costs which the Council is not in a position to cannot afford during these difficult financial times when it is seeking to balance it books in the provision of essential services including housing and social services.

Item No.	Item Description	Monthly Cost
1	Staff Cost taken as an avarge of the Contract Activity Schedule	336,559.53
2	Labour	55,332.24
3	Security	58,519.77
4	Plant	33,132.74
5	Buildings	30,805.20
6	Other Prelim Cost (skips, temp. water/elec., traffic management, surveys, professional services & licences, etc.)	excl.
7	Fee (at 10.5% of the above)	54,006.70
		568,356.18

33. Accordingly, the Claimant respectively asks the Courts to consider this application and our endeavours to remove vessels that are vacant on the embankment, and to move lawfully without causing nuisance on the waterways the remaining trespassers to the locations agreed by CRT.
34. Accordingly, it is for these reasons that the Claimant respectfully request that the court grants a possession order forthwith.

Statement of Truth

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.

Signed: *Karen Maguire*

Name: Karen Maguire

Dated this 18 April 2024