

On behalf of: City of London
Corporation
Witness: D Murphy
No. of witness statement: 1
Exhibit: 1
Date: 20 July 2018

IN THE MATTER OF THE SOUTH FAIRGROUND SITE, VALE OF HEALTH, LONDON
ENFORCEMENT NOTICE APPEAL EN17/1284
REF: APP/X5210/C18/3193167

FIRST WITNESS STATEMENT OF DANNY MURPHY

I, Daniel Murphy, of [REDACTED] state as follows:

1. I am a Heath Ranger Supervisor.
2. I am duly authorised to make this witness statement on behalf of The City of London Corporation as owner and stewards of Hampstead Heath.
3. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.
4. There is now produced and shown to me a paginated bundle of true copy documents marked ["XX1"]. All references to documents in this statement are to Exhibit [1] unless otherwise stated.
5. I have worked at Hampstead Heath for some 35 years (1983-to the present). My job as a Heath Ranger Supervisor means that I have had responsibility for a large part of the Heath including the Vale of Health for about the last 20 years. This means I have responsibility for the annual work programmes and conservation management of the area. This involves regular visits to the Heath including the North and South Fairground sites and I probably visit these sites every 2/3 weeks. In addition, my staff will bring to my attention activities relating to the sites, particularly in relation to the ponds, and I may visit these sites more frequently as a result.
6. I know the South site very well and have done numerous tasks associated with the site, from dealing with byelaw infringements such as unauthorised fishing and erection of tents, to anti-social behaviour and emergency tree work. I have known many of the local residents for a long time and have regular meetings with the Vale of Health society and individuals. I know and converse with residents of the North fairground site.
7. To the best of my knowledge there has never been a house on the South site until the recent structure was erected in 2017.

The History of the Site pre-2000s

8. I understand that there used to be a hotel and public house (The Vale Hotel) on the South site, demolished (in

about 1964). Spencer House was built in the late 1960s on the site of the former pub (much of the rest of the South site had formed the pub's beer garden). By the time I started working on the Heath in 1983, the South site was empty. I recall it was managed on an ad hoc basis and generally kept tidy.

9. In Exhibit 1, photo A is an aerial survey photograph taken by Sonoptics Communications which to the best of my knowledge and belief was taken in autumn 1996 prior to works undertaken by British Gas who were installing a major gas pipeline across the Heath. The correspondence dated 5th February 1998, I believe, asks for a reprint of this photo. From this photo it can be seen that both the North and South Fairground sites were open and the South site was vacant. Photo B (undated) has been retrieved by me from our archives and could have been taken in the late 1980s. I notice that the old pub sign is still visible in the photo. I have no further information on this photo but again it shows the South site to be relatively open and vacant.

The Site from the 2000s onwards

10. The South Fairground site for many years was either used in connection with fairground uses carried out on the North Fairground site, such as the storage of trailers and equipment etc., or left vacant as shown in the above mentioned photos. I am aware from about 2003 that the South site had become overgrown and neglected. A small caravan was moved onto the site lived in by a lady who had two dogs. She was the only person I saw there for a while (I don't know for how long). She moved on and off the site over time and at some point (I cannot recall when) I no longer saw her there.
11. At some point in the mid 2000s I observed that the South Fairground site began to be used by people who appeared to be essentially living rough. Around this time, I noticed a shack of some description roughly in the centre of the site, which was covered with a tarpaulin and I also noticed that the site was untidy.
12. I recall, and I have checked the City's records of incidents and note that on 12th April 2009, around the time of the annual Easter fair (held in an area to the north of the South site), two large blue barrels had been placed precariously at the edge of the South site nearest the Vale pond. This concerned me as I did not know what was in them and I was worried that if a spillage occurred, this could lead to an environmental issue for the pond. I wanted to investigate the barrels and so looked closer into the site to see if there was anyone I could speak to about them. There was no one present but I did observe the site as being overgrown. I also saw a structure which looked like a shack covered with tarpaulin that was centrally located on the site.
13. I recall, and I have checked the City's records of incidents and note that, on 22nd of October 2011, I attended an injury to a swan on the Vale pond which had been bitten by a dog. In the course of dealing with the incident, I observed that the South site had tarpaulin and boards up around its boundary and looked dishevelled. I went to look at the state of the hoarding around the South site and peered through. There was no one present, and no shack as seen by me and described before or any other structures were present on the site except for a small caravan, which looked like the one mentioned above, and some dogs. The site has been substantially overgrown for some time and it has not always been possible to tell what was on the site. However, to my knowledge, structures on the site have never remained static – they have come and gone on a reasonably regular basis.

The Site in 2017

14. In January 2017, I noticed there was a new fence being erected at the existing site boundary. I have checked the City's records of incidents and recall that on 28th February 2017, I received a call from local residents that the access road to the Heath near the South site was blocked off between the North and South sites by concrete blocks installed by the owner's contractors. These were moved after I and the Heath Constabulary spoke to them and contacted Camden planning department.
15. Building works progressed through 2017 and a more permanent looking structure could be clearly seen emerging from views into the site from the Heath (see exhibit 1 photos C1-4).
16. I have checked the City's records of incidents and I note that on 19th July 2017, my team leader Justin Walsh attended the site and took photos of green waste/debris which had been deposited on Heath land, directly below

the South site. I note from the file that the owner denied that it was from her property. Quite a lot of the new structure was complete by then. It was being built behind the screen of the trees. Local police attended the same day and logged the incident (ref. no. 017130)

17. I had never observed any permanent structures on the South site prior to the installation of the new fence and the new dwelling house/structure.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed ..



DANNY MURPHY

[PRINT NAME]

Date 20 July 2018

Exhibit 1 to the First Witness Statement of Danny Murphy

Photo A to Exhibit 1 to the First Witness Statement of Danny Murphy



FRI, 06-FEB-93 12:14

SONOPTICS

01403 784949

P. 02



Sonoptics

6 February 1993

Patricia Hayes
Corporation Of London
Heathfield House
432 Archway Road
London
N6 4JH

Sonoptics Communications Limited
Rosier Farm
Coneyhurst
Billingshurst
West Sussex BN11 3LJ
England

Telephone: 01403 782385
Facsimile: 01403 784949
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HAMPSTEAD HEATH AERIAL SHOOT

TO WHOM IT MAY CONCERN

On 28-1-93 Sonoptics were commissioned by the Corporation Of London to shoot a sequence of aerial film.
All photographic materials from this shoot are the property of the Corporation Of London and permission for usage of these materials by Sonoptics Communications have been agreed.

For and on behalf of Sonoptics Communications



Nigel Kemp
Facilities Manager

Sonoptics Communications Limited
Registered in England
Company registration number 3049889
VAT registration number 415 2921 15
Registered Office: London

P1 P.02

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SONOPTICS

01403 784949

P.01

FAX COVER SHEET

**Sonoptics**

TO : Patricia Hayes	COMPANY : Corporation Of London	TEL : 0201 381 9908 FAX : 0201 381 1677
FROM : Nigel Kemp (Facilities Manager)	COMPANY : Sonoptics	TEL : 0201 381 2386 FAX : 0201 381 4949
DATE : 6-2-98	NO OF PAGES : Total two	
RE : REPRINTS FROM HAMPSHIRE HEATH STILLS SHOOT 23-3-96		

Following our telephone conversation yesterday here's a letter confirming your permission to reprint a photograph taken during the shoot 28th March 1996.

I hope this makes things easier for you. If you still cannot find someone to reprint please don't hesitate to give me a call and I'll arrange it for you myself.

Regards Nigel

This fax is intended for the addressee named above. As this fax may contain confidential or privileged information, if you are not the named addressee, or the person responsible for delivering this message to the named addressee, please inform us immediately. The contents should not be disclosed to any other person nor copies taken.



Mr N. Kemp
Sonoptics Communications Ltd
Rosier Farm
Coneyhurst Road
Billingshurst, West Sussex
RH14 9DE

The Superintendent of Hampstead Heath

Paul Canneaux RHS, DipHort(Wisley)

Heathfield House
432 Archway Road
London N6 4JH
Facsimile 0181-348 1677

Direct Line

0181-348 9908

Exchange 0181-348 9908

Our Reference

Your Reference

Date

5 February 1998

Dear Mr Kemp,

Further to our telephone conversation of today could I please ask you to supply me with a letter giving authorisation for the Corporation to reprint a photograph, taken by your Company, of an aerial shot of Hampstead Heath (Photo number D6 B4).

Many thanks.

Yours sincerely,



Patricia Hayes
Hampstead Heath Department

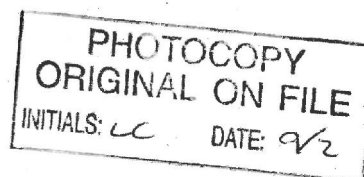
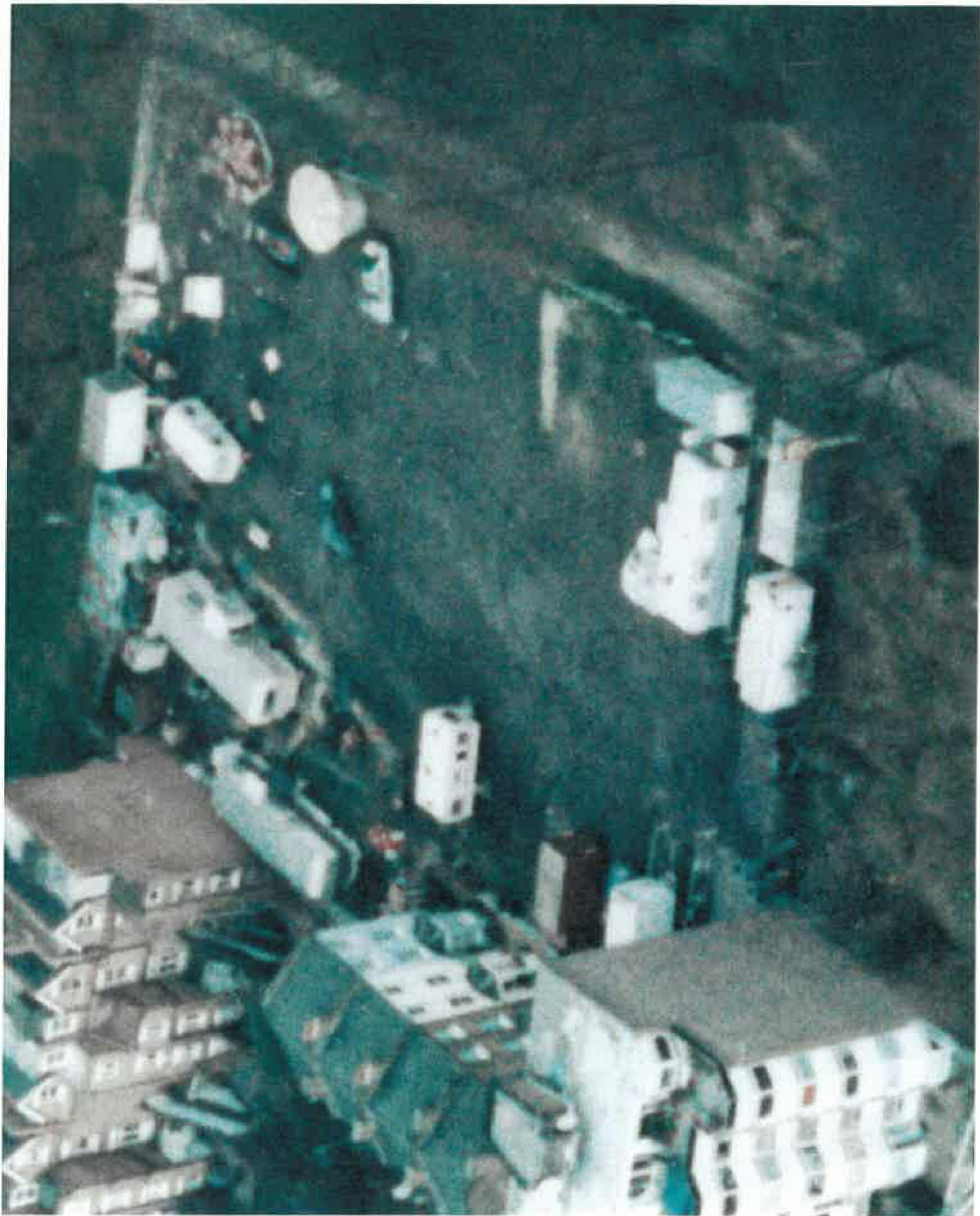


Photo B to Exhibit 1 to the First Witness Statement of Danny Murphy



Photos C1-4 to Exhibit 1 to the First Witness Statement of Danny Murphy





C2





C4

**IN THE MATTER OF THE SOUTH
FAIRGROUND SITE, VALE OF
HEALTH,
HAMPSTEAD HEATH, LONDON**

ENFORCEMENT NOTICE APPEAL EN17/1284

REF: APP/XS210/C18/3193167

**FIRST WITNESS STATEMENT OF
DANNY MURPHY**

On behalf of: City of London Corporation

Witness: D Murphy

No. of witness statement: 1

Exhibit: 1

Date: 26th July 2018