
**SOUTH FAIRGROUND SITE
VALE OF HEALTH
LONDON**

PUBLIC INQUIRY

PROOF OF EVIDENCE

DANIEL MURPHY

**ON BEHALF OF THE CITY OF LONDON CORPORATION
APPEAL REFERENCE APP/X5210/18/3198526**

Introduction

- 1.1 I am Daniel Murphy, [REDACTED] a Heath Ranger Supervisor at Hampstead Heath.
- 1.2 I am duly authorised to prepare this evidence on behalf of the City of London Corporation ("the City") as owner and stewards of Hampstead Heath ("the Heath").
- 1.3 The City have responsibility for the management of the Heath, and an obligation to ensure that any development on the Heath or its boundary would not adversely affect its character.
- 1.4 I confirm that the facts and matters set out in this statement are within my own knowledge and 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.
- 1.5 I have been employed by the City to work at the Heath since 1989.
- 1.6 As Heath Ranger Supervisor I have responsibility for a large part of the Heath including the Vale of Health. I have responsibility for the annual work programmes and conservation management of the area and have carried out this role for the last 20 years. I also act as liaison officer and oversee any works, where permission has been granted, to neighbouring properties for works on boundary walls and fences abutting the Heath. I arrange for access and egress to the Heath and ensure that works are carried out to the City's standards and comply with the City's Health and Safety Initiatives.
- 1.7 My role as Heath Ranger Supervisor involves regular visits to the Heath including the South Fairground Site ("the Site"). My staff also carry out site visits and report back on any activities relating to the Heath, particularly in relation to the ponds which may require more frequent visits to the area for monitoring or action where necessary.

Scope of Evidence

- 1.8 I made a witness statement on behalf of the City on the 20th July 2018 (the "First Witness Statement"). My First Witness Statement was submitted with the City's submissions at the point which the appeal was to be determined through the hearing process.
- 1.9 I continue to rely on my First Witness Statement and in this Proof, I provide further information and detail as to the activities that have taken place on the Site in the recent past.
- 1.10 To the best of my knowledge there has never been a house on the South site until the recent structure was erected in 2017.
- 1.11 I have prepared a consolidated set of supporting appendices labelled "DOC 1 – DOC 31 and C1 – C4" which I will refer to in my evidence. All document references in my evidence refer to these numbers. I have also been provided a bundle of CAD overlay drawings, DOCS 27 – 30 of the appendices, which I will provide comment on.

- 1.12 DOCs 27 – 30 were produced by the City Surveyors Department, using the Design Works site survey 2017 drawing provide by the Appellant and fitting Ordinance Survey co-ordinates. These then allowed markers on the drawing to be overlaid onto aerial images of the Site.

The Site prior to 2017

- 1.13 The Site has been substantially overgrown and in an untidy state for some time leading up to 2014/2015. However, to the best of my knowledge, structures on the Site have never remained static, being made up of caravans, shacks and tented forms, I have observed movement within the Site and rearrangement of the Site while carrying out my duties in the vicinity and using the access road leading to the Heath. Events such as the East Fairground, which I mentioned in my First Witness Statement brought me regularly to the access road and boundaries to the Site and observations were made on each trip.
- 1.14 The Aerial Photos [DOCs 22- 26 and DOC 30] provide snapshots of what was taking place on Site from above over the period leading up to 2017. These snapshots mirror the sort of arrangement that I observed while carrying out my role during this period.
- 1.15 On 6 January 2015 I attended the Site with my Team Leader Justin Walsh and the Constabulary as vehicles were blocking the access road historically used for emergency access to the Heath. On arrival I saw the access road running between the North and South Fairground had been blocked by several vehicles [see DOC 1]. I was not aware who owned the caravans to the left of DOC 1, the truck to the right being part of the North Fairground. The Constabulary spoke to someone at the North Fairground to arrange removal of the vehicles. On approaching the gates behind the caravan in DOC 1 there was no one present at the Site to enquire as to the ownership of the vehicles. I was able to see through the gates into the Site although my visibility of the whole Site was obscured by overgrown foliage. From the boundary and the gate, I was able to see blue awnings and a small caravan, evidence that the Site was potentially being used. DOC 24 and DOC 2 show the caravan and awnings.
- 1.16 On the 8 January 2015 I was made aware of the dangerous state of the boundary wall facing the Heath. DOC 2, supplied by Justin Walsh, shows the dishevelled state of the boundary to the Site. Above the fence line there is evidence of the tarpaulin and encampment forms which I had witnessed at the Site in previous years.
- 1.17 In written communications with the then owner In February 2016 it was stated by the owner that the Site was at the time occupied by *“persons unknown who... have installed tents/shacks and other unsightly structures”* [DOC 3]. The Owner does not make mention of any permanent building which would require demolition once the Site had been repossessed. The description of the Site given in DOC 3 supports my belief that no permanent structure was present on the Site and that the shacks and forms were adjusted and removed as necessary to suit the occupiers needs.
- 1.18 From 2015 to 2017 the City was carrying out a substantial project across all ponds on the Heath including the pond at the Vale of Health. This project required more frequent site visits with me and team members spending extended time on the Heath and at the Vale of Health overseeing works as well as working closely with residents as part of the consultation process.

Officers and I were therefore more aware of any activities in the area which may impact the Heath and the project being carried out.

- 1.19 Neither I or my team witnessed any building work taking place on the Site prior to 2017. As stated, we were aware that the Site layout adjusted but never witnessed or saw evidence of any substantial works which would raise any concern or require further investigation.
- 1.20 The main issues that we had to deal with as a result of the occupiers on the Site related to the occasional depositing of plant debris onto the Heath over the boundary fence.

The Site from 2017

- 1.21 In this section I will deal with observations and activities taking place on the Site from 2017 onwards.
- 1.22 My email of the 28 February 2017 [DOC 4] follows up on the issues we had regarding the state of the boundary fencing. In reporting to the Operational Services Manager of the Heath I highlighted an issue with some dilapidated fencing which had blown from the Site onto the Heath land. Having attended the Site I was able to see that the *'whole site appears run down'*.
- 1.23 From spring 2017 onwards, I was aware of construction works and substantial changes to the Site, hearing construction noise and witnessing a presence of workers coming from the site. The construction works and noise was also raised by colleagues to me as a concern [DOC 7].
- 1.24 In March 2017, I was aware of new metal fencing being erected at the Site. This was constructed within the Site boundary leaving the decrepit boarding and fencing in place along the Heath boundary [DOC 5 and DOC 6]. This coincided with the noticeable construction noise coming from the Site which attracted our attention. As a result of this work, my team and I noticed an increase in plant debris following the larger scale clearing work taking place on the Site.
- 1.25 In my First Witness Statement, I refer to an incident at the Site regarding the installation of concrete blocks on the access road leading from the Heath along the roadside of the Site. Complaints had been received from local residents including those of the North Fairground Site who had subsequently had access to their site blocked.
- 1.26 On arrival I observed several people at the Site, some who presented themselves as security. There was notable increase in activity at the Site that I hadn't witnessed before. The access road had been blocked by the large concrete slab as seen in DOC 8. It was also littered with timber debris and tarpaulin which I believe had come from the Site as part of the clearance and building work taking place. There were several builders at the Site carrying out works, DOC 8 shows building materials left at the Sites entrance.
- 1.27 A more permanent looking and imposing building could be seen from views into the Site from the Heath [see Photos C1-C4 taken from my First Witness Statement]. This was made more obvious by the extent of plant clearance that had taken place at the Site.

- 1.28 As building works progressed an email was sent in July of 2017, by my Team Leader Justin Walsh raising concerns over the works [see DOC 9 and DOC 11]. Persons were witnessed working on the Site and were approached as green debris had again been deposited from the Site onto the Heath. The email expresses that these works had been witnessed over a period with *"persons working on the 'renovations'"*, and concern was growing for the impact of the these works on the Heath [see DOC 31]. The extent and nature of the activities being carried out on the Site since the change in ownership were substantial. Works of this nature had never been witnessed or reported on the Site before.
- 1.29 Subsequently, a site visit was conducted with Constabulary presence [DOC 10 Incident Log No. 017130] and the Owner was approached to address the discarding of plant matter onto Heath land, the extent of which is shown in DOCs 12 - 18. The Constabulary Officer Report again addresses the concerns for what is occurring on Site with Officers stating, *"there is a very strange set up within this compound"* and witnessing *"a shack like building"* and a *"security presence"*. At the time of the site visit a lot of new structure had been completed having been constructed behind the tree cover.
- 1.30 On 24 November 2017 I escalated the continuing issue of deposited plant debris to the Superintendent of the Heath, Bob Warnock [DOC 19 and accompanying DOC 20]. This incident concerned the discarding of green waste following a recent clearance on the Site in the area of what was a swan nesting site along the boundary of the Heath and the Site. DOC 6 briefly outlines the history of the site and the changes in issues between the squatters and the current Owners.
- 1.31 Having reviewed log books and reports I can see an increase in incidents at the Site from 2017 onwards as a result of the intensity and nature of works at the Site as I mention in DOC 19 *"The new owner has done a lot of work to the property..."*. The result of which being that the Site was more closely monitored and an increase in Site visits having to be made. The impact on the sensitive setting on the Heath and placement within the Conservation area increasing and becoming a growing concern to Officers at the Heath.
- 1.32 DOCs 21, 28 and 29 also show the movement within the Site if you consider the placement of the two caravans outlined in red as well as the other materials and forms seen around *"Robbie's Timber 'House'"* in green. These markers were taken from The Design Works site survey 2017 submitted by the Appellant.
- 1.33 When considering the overlays [DOCs 28 and 29] I believe that they show that the current building / structures on the Site covers a larger footprint than that shown by the Green Outline labelled *"Robbie's Timber 'House'"*. The footprint of the current building does not appear to follow that of *"Robbie's Timber 'House'"* suggesting more substantial building work has been carried out rather than simply renovating and repairing what was there before.

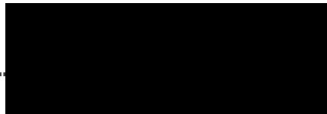
Conclusion

- 1.34 Up to 2017 the Site had been quiet and private with limited contact required other than contact with the owner over the health and safety of the wall as addressed in Para 1.15 of this Proof along with minor instances involving a leak on to Heath land and the precarious placement of bins close to the Heath boundary which were included in my First Witness Statement.

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

1.36 The Activities that were brought to my attention taking place on the Site following the Appellants ownership and occupation were such that led me to believe significant building works were taking place. The works and activities were substantial enough to raise the concerns of myself and my colleagues as outlined and evidenced in this Proof.

Signed .



DANNY MURPHY.

[PRINT NAME]

Date 3rd March 2019.