

Claim Number:

BUSINESS AND PROPERTY COURTS IN MANCHESTER

B E T W E E N

(1) ABSENCE PROTECTION LIMITED

(2) AGM PRODUCTS LIMITED

(3) ALPHABOND TECHNOLOGIES LIMITED

and

OTHERS

Claimants

and

PERSONS UNKNOWN

Defendant

**WITNESS STATEMENT OF MICHAEL
FRANK ROBERTS**

I, Michael Frank Roberts, will state as follows:

1. I am Chairman of Gadbrook Park Business Improvement District ('Gadbrook BID').

2. I give this statement in support of the Claimants' application for a *quia timet* injunction to prevent unlawful trespass and encroachment upon Gadbrook Park ('the Park') by Persons Unknown which is causing nuisance, annoyance and financial loss to the lawful occupiers of the same.
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. I am also director of Frank Roberts and Sons Ltd which owns and operates Roberts Bakery which one of the largest businesses and employers on the Park.

Gadbrook Park

5. The Park is a business park of approximately 64 acres set in grounds on the edge of Northwich in Cheshire. It has a single entrance and is accessed from the A556 dual carriageway.
6. The Park was developed in 1984 and now hosts approximately 70 businesses which employ approximately 5000 people.
7. Most of the premises on the Park are used as office accommodation. There are also research and development, finance, distribution and production business and a café.

Gadbrook BID

8. The Park formed a business improvement district following a majority vote by its business rates payers. A levy is charged on all business rate payers on the Park in addition to their business rates bill. This levy is used to develop projects which will benefit businesses in the local area.
9. Gadbrook BID is closely involved with ensuring that the Park is a safe and secure working environment for the rate payers as well as for the staff and visitors who attend the Park each day.
10. In my role as Chairman, I chair quarterly board meetings of Gadbrook BID and we report regularly to the businesses on the Park.

Unauthorised Trespass and Encroachment

11. Since February 2020, there have been at least sixteen unauthorised encroachments upon the Park by the various members of the gypsy and traveller community ('Persons Unknown').
12. I am advised by Hugh Shields of Groundwork that each trespass has consisted of between four and ten cars and caravans which have set up unauthorised encampments on various car parks on the Park ('the Trespasses'). The Trespasses often last for multiple days until Persons Unknown have been required to move on, at which point they will often take up occupation of another car park on the Park until they eventually vacate the Park.
13. As part of the Trespasses, Persons Unknown have been bitten by a dog where an altercation had taken place and their car was keyed. Human excrement and rubbish has also been left on the roads and the paths. Employees from one of the businesses felt they had to move their cars for safety reasons as they felt intimidated. One of the other business' visitors had also been nipped by a dog (although not injured) which are allowed to roam free. In addition, the travellers were constantly following people around their offices and making people feel uncomfortable. Business staff could not park their cars due to the encampments taking over the car parks..
14. Gadbrook BID has spoken with the affected leaseholders and understands that none of them provided any invitation for Persons Unknown to set carry out the Trespasses. Nor have any of the Persons Unknown attended any meetings or appointments with any of the businesses on the Park. I am unaware of any lawful reason or excuse for Persons Unknown to have set up camps on the Park.
15. Unfortunately, Persons Unknown have regularly returned to the Park and moved onto other car parks to set up more of the Trespasses.

Financial Losses

16. I understand that separate witness statements will be provided on behalf of the Claimants concerning the specific financial losses caused by the Trespasses.

Safety of Lawful Occupiers and Visitors

17. I am advised by various leaseholders that they are gradually re-opening their premises as coronavirus lockdown restrictions are eased. As such, I am advised by member of Gadbrook BID that the number of employees returning to work at the Park has increased in recent weeks and is expected to further increase in the weeks and months to come.

18. Gadbrook BID considers it important as a matter of public health that social distancing is maintained on the Park.
19. Regrettably, the unpredictable nature of the Trespasses means that car parks are unlawfully occupied by Persons Unknown at short notice and often overnight which is anticipated to cause significant disruption should insufficient socially distanced car parking spaces be available at leaseholders' premises.
20. Therefore, whilst the Claimants' application arises out of previous and anticipated future trespass, there are also health and safety concerns which arise out of the conduct of Persons Unknown. The Claimants are therefore concerned to ensure the safety of their employees and visitors.

The Present Application

21. At the time of giving this statement, I am not aware of any Persons Unknown occupying the Park or that of any Trespasses are currently taking place.
22. The purpose of this application is to request that the Honourable Court grants a *quia timet* injunction to prevent unlawful trespass and encroachment upon the Park on the grounds that it is likely that Persons Unknown will continue to commit the Trespasses by moving from car park to car park on the Park thereby continuing to cause nuisance, annoyance and financial loss to freeholders and leaseholders.

Statement of Truth

I understand that the purpose of this witness statement is to set out matters of fact of which I have personal knowledge.

I understand that it is not my function to argue the case, either generally or on particular points, or to take the court through the documents in the case.

This witness statement sets out only my personal knowledge and recollection, in my own words.

On points that I understand to be important in the case, I have stated honestly (a) how well I recall matters and (b) whether my memory has been refreshed by considering documents, if so how and when.

I have not been asked or encouraged by anyone to include in this statement anything that is not my own account, to the best of my ability and recollection, of events I witnessed or matters of which I have personal knowledge.

Signed: MF Roberts

Name: Michael Frank Roberts

Position: Chairman

Dated: 28th June 2021.

Certificate of Compliance

I hereby certify that:

1. I am the relevant legal representative within the meaning of Practice Direction 57AC.
2. I am satisfied that the purpose and proper content of trial witness statements, and proper practice in relation to their preparation, including the witness confirmation required by paragraph 4.1 of Practice Direction 57AC, have been discussed with and explained to ~~[name of witness]~~ MICHAEL FRANK ROBERTS
3. I believe this trial witness statement complies with Practice Direction 57AC and paragraphs 18.1 and 18.2 of Practice Direction 32, and that it has been prepared in accordance with the Statement of Best Practice contained in the Appendix to Practice Direction 57AC.

Signed: AS

Name: ALEXANDER SANDLAND

Position: PARTNER

Dated: 26/06/21

Butcher & Barlow LLP
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