

CLAIM NO:

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

- (1) 1 LEADENHALL GP LIMITED
- (2) 1 LEADENHALL NOMINEE LIMITED
- (3) MULTIPLEX CONSTRUCTION EUROPE LIMITED

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT  
THE CONSTRUCTION SITE AT 1 LEADENHALL STREET,  
LONDON EC3V 1PP WITHOUT THE CLAIMANTS'  
PERMISSION

Defendants

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**PARTICULARS OF CLAIM**

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**The Premises**

1. This is a Claim for an injunction to prevent the Defendants from trespassing on the construction site known as 1 Leadenhall Street, London EC3V 1PP identified on the attached plan ("the 1 Leadenhall Street Construction Site").
2. The 1 Leadenhall Street Construction Site is a site bordered by Leadenhall Street to the north, Whittington Avenue to the east and Gracechurch Street to the west. Leadenhall Market Shopping Centre adjoins 1 Leadenhall Street to the south.
3. Title to the highways around the 1 Leadenhall Street Construction Site is vested in The Corporation of London.

**The Claimants' Interests**

4. The First and Second Claimants together form the 1 Leadenhall Street Limited Partnership.
5. The registered title to the 1 Leadenhall Construction Site is comprised in the leasehold titles each of which is vested in the First and Second Claimants and set out in the following table ("the Registered Land"):-

<b>Title No</b>	<b>Property</b>	<b>Title</b>
AGL523784	Leadenhall Court 1 Leadenhall Street London EC3V 1PP	Leasehold
AGL542346	Land adjoining 1 Leadenhall Street London EC3V 1PP (airspace only)	Leasehold
AGL541898	Land adjoining 1 Leadenhall Street London EC3V 1PP (airspace only)	Leasehold

6. By a construction management agreement between (1) the First and Second Claimants and (2) the Third Claimant dated 9 February 2021 (“the Construction Management Agreement”), the Third Claimant agreed to manage construction works on the 1 Leadenhall Street Construction Site.
7. By sub-clauses 16.2 and 16.17 of the Construction Management Agreement, the Third Claimant is responsible for operational issues on the 1 Leadenhall Street Construction Site (including safety and security and the prevention of unauthorised access).
8. By hoarding licences granted by The Corporation of London dated 8 November 2021, the First and Second Claimants were granted permission with effect from 26 September 2021:-
  - 8.1 to occupy those parts of Leadenhall Street and Whittington Avenue (“the Highways Land”) for the purposes of the construction works on the 1 Leadenhall Street Construction Site; and
  - 8.2 to erect hoardings around the perimeter of the Highways Land.
9. The 1 Leadenhall Street Construction site comprises both the Registered Land and the Highways Land. It is, and during construction will continue be, demarcated by hoardings, the precise location of which will change as construction proceeds.

### **Urban Exploring**

10. The 1 Leadenhall Street Construction Site is threatened by trespasses by so called “urban explorers” who trespass on high rise buildings and construction sites. They commonly upload photographs and / or video recordings of their exploits to the internet which can then be viewed for entertainment by their subscribers or followers on social media.

11. A common method by which urban explorers climb buildings under construction can be via the cranes on the site or by the use of concrete structures (e.g. unfinished stairwells) or construction lifts or hoists.
12. These activities pose serious risks to: (1) those involved; (2) construction workers below should they fall; (3) security staff; and (4) the emergency services. A trespasser on a construction site at Canary Wharf died on either 1 or 2 January 2018 and another trespasser fell off the scaffolding at a residential block at Waterloo in September 2019. Further details are provided in the witness statement of Stuart Sherbrooke Wortley (Partner of Eversheds Sutherland (International) LLP) dated 8 February 2022.

### **The Defendants**

13. For the reasons given in the witness statement of Peter Clarke (Vice President of Development for Brookfield Properties) dated 4 February 2022, the Claimants believe that there is a real and significant risk that trespassers will enter the 1 Leadenhall Street Construction Site (or attempt to do so) to climb the tower cranes and or the structure of the building under construction unless restrained from doing so by the Court.
14. There is no right for anyone to be present on the 1 Leadenhall Street Construction Site without the permission of the Claimants.
15. Any attempts to access the 1 Leadenhall Street Construction Site without the permission of the Claimants will therefore constitute a trespass for which damages will not be an adequate remedy. Any such trespass has the potential to cause very serious harm to the trespassers, construction workers and those who are responsible for the safety and security including employees and its contractors and the emergency services.

### **AND THE CLAIMANTS CLAIM:-**

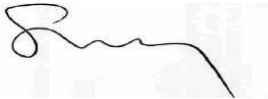
- (1) An injunction against persons unknown restraining them from trespassing on the 1 Leadenhall Street Construction Site;
- (2) Costs; and
- (3) Further or other relief.

The Claimant believes that the facts stated in these Particulars of Claim are true.

The Claimant understands 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.

I am authorised to sign this Statement of Truth on behalf of the Claimants.

8 February 2022

A handwritten signature in black ink, appearing to read 'Stuart Sherbrooke Wortley', with a stylized flourish at the end.

Stuart Sherbrooke Wortley

Partner

Eversheds Sutherland (International) LLP

**SCHEDULE TO PARTICULARS OF CLAIM**

**Plan**

**1 Leadenhall Street Construction Site**