

Party: Claimant
Witness: SS Wortley
Statement: First
Exhibits: "SSW1" - "SSW8"
Date: 08.02.22

Claim Number:

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

WITNESS STATEMENT OF

STUART SHERBROOKE WORTLEY

I, STUART SHERBROOKE WORTLEY of One Wood Street, London, EC2V 7WS WILL SAY as follows:-

1. I am a partner of Eversheds Sutherland LLP, solicitors for the Claimants.
2. I make this witness statement in support of the Claimants' application for an injunction to prevent urban explorers from trespassing on the 1 Leadenhall Street Construction Site (as defined in the Particulars of Claim).
3. Where the facts referred to in this witness statement are within my own knowledge they are true; where the facts are not within my own knowledge, I believe them to be true and I have provided the source of my information.

4. I have assisted Peter Clarke, a Vice President of Development at Brookfield Properties in the preparation of his witness statement in support of the Claimants' application.
5. In this witness statement, I provide the following additional evidence:-
 - 5.1 in paragraphs 6-9, I refer to some fatal accidents in the UK and around the world arising from urban exploring (including 2 on construction sites in London);
 - 5.2 in paragraph 10, I refer to injunctions which have been granted to protect major construction sites against the risk of trespass by urban explorers (mostly - thought not exclusively - in London);
 - 5.3 in paragraphs 11-16, I refer to a decision of Mr Justice Soole in July 2020 to grant an interim injunction after finding that there was an imminent risk of trespass at a construction site at Bankside Yards in London (notwithstanding the fact that there had not yet been an incident of trespass at that particular construction site);
 - 5.4 in paragraphs 17-27, I refer to the decisions of:-
 - 5.4.1 Mrs Justice Stacey in March 2021 to grant an interim injunction to restrain trespass on a construction site at 40 Leadenhall Street (after reaching the same conclusion as Mr Justice Soole had done);
 - 5.4.2 Mr Justice Eyre in February 2022 to grant a final injunction to restrain trespass at 40 Leadenhall Street;
 - 5.5 in paragraphs 28-35, I refer to recent urban exploring activity involving tower cranes in London;
 - 5.6 in paragraphs 36-38, I provide information about tall buildings which have been constructed in London since 2018;
 - 5.7 in paragraphs 39-45, I provide information about the effectiveness of injunctions to restrain trespass by urban explorers on construction sites for tall buildings;
 - 5.8 in paragraphs 46-48, I provide information about 3 tall buildings under construction in London since 2018 where no application was made for an injunction to restrain trespass;

5.9 in paragraphs 49-53, I deal with issues related to the issue and service of proceedings; and

5.10 in paragraphs 54-59, I set out my conclusions.

Urban Exploring and Fatal Accidents in the UK and abroad

6. Urban Exploring carries with it serious risks for those involved and for others. The activity is generally carried out by juveniles and young adults. Those engaging in this activity (particularly those who are active on construction sites) appear to misunderstand the risks involved.

7. If it were not otherwise obvious, those risks are apparent from the number of deaths around the world which have (or appear to have) occurred as a result of urban exploring. I have advised clients in this field since 2017. Since that time I have become aware of the following fatal accidents:-

7.1 June 2013 - Pavel Kashin (aged 24) died when he fell from a building in St Petersburg;

7.2 April 2014 - Xenia Ignatyeva (aged 17) died when she fell from a railway bridge in St Petersburg;

7.3 February 2015 - Carl Salomon (aged 19) died when he fell from a crane in Sydney;

7.4 October 2015 - André Retrovsky (aged 17) died when he fell from a building in Vologda in Russia;

7.5 December 2015 - Connor Cummings (aged 24) died when he fell from the roof of the Four Seasons hotel in New York;

7.6 March 2016 - Tolya (aged 13) died when he fell from the roof of a building in Saratov;

7.7 October 2016 - Christopher Serrano (aged 25) died when he was hit by a train in New York;

7.8 November 2016 - Yuri Yeliseyev (aged 20) died when he fell from a building in Moscow;

7.9 November 2016 - Wu Yongning (aged 26) died when he fell from a building in Changsha in China;

7.10 January 2017 - Nye Frankie Newman (aged 17) died when he was hit by a train in Paris. Nye Newman was a founding member with Rikke Brewer

(the First Defendant) of the Brewman Group – an urban explorer collective of climbers;

- 7.11 January 2017 - Maxime Sirugue (aged 18) died when he fell from a bridge in Lyon in France;
 - 7.12 March 2017 - Thomas Rhodes (aged 19) died when he fell from a building in Sheffield;
 - 7.13 June 2017 - a young man who has not yet been named died when he fell from a bridge in Kiev;
 - 7.14 August 2017, Leon Hoyle (aged 12) died when he fell through the roof of a disused industrial building in Lancashire;
 - 7.15 October 2017 - Eric Janssen (aged 44) died when he fell from the London House Hotel in Chicago;
 - 7.16 July 2018 - Jackson Coe (aged 25) died when he fell from a building in New York;
 - 7.17 September 2019 - Johnny Turner (aged 28) died when he fell from scaffolding at a site in Waterloo, London; and
 - 7.18 June 2020 - Ethan Bonnar (aged 22) died when he fell through the roof of a disused dairy building in Devon.
8. In January 2018, the body of Sam Clarke (aged 21) was found on the construction site at 1-5 Bank Street at Canary Wharf after he gained unlawful access to it (although the precise circumstances of his death are unclear).
 9. I refer to the Evening Standard articles concerning the tragic deaths of Sam Clarke in 2018 and Johnny Turner in 2019 at "**SSW1**".

Injunctions on Other Construction Sites

10. Since 2018, my firm has assisted clients in obtaining the following injunctions to restrain urban explorers from trespassing on construction sites:-
 - 10.1 Brookfield Properties in respect of:-
 - 10.1.1 various construction sites on the Canary Wharf Estate;
 - 10.1.2 100 Bishopsgate in the City of London;
 - 10.1.3 Principal Place Residential on Bishopsgate in the City of London;

- 10.2 Mace Limited in relation to the construction site at 40 Leadenhall Street in the City of London;
- 10.3 Multiplex Construction Europe Limited in relation to 12 major construction sites in London including:-
 - 10.3.1 2 located in the City of London (namely 22 Bishopsgate, 100 Bishopsgate); and
 - 10.3.2 Bankside Yards on the south bank of the River Thames in London;
- 10.4 Canary Wharf Contractors (in relation to a major development at Southbank Place);
- 10.5 Teighmore Limited (in relation to the construction of The Shard Place (and also in relation to The Shard though this was not a construction site));
- 10.6 Berkeley Group (in relation to 250 City Road and South Quay Plaza);
- 10.7 Wates, Sisk, McLaren and Maclaleer & Rushe (in relation to 15 construction sites at Wembley Park);
- 10.8 Sir Robert McAlpine Limited (in relation to the re-development of Victoria Square in Woking and 3 construction sites in Manchester); and
- 10.9 Charles Street Buildings (in relation to a construction site for a new hotel development in Leicester).

Imminent Risk of Trespass

- 11. In most of the cases referred to above there had been previous incidents of trespass. However in others, there had been no previous incidents of trespass so that it was necessary to persuade the Court that there was an imminent risk of trespass.

Bankside Yards

- 12. In July 2020, my firm obtained an injunction to restrain trespass on a construction site at Bankside Yards on behalf of claimants including the main contractor Multiplex Construction Europe Limited (QB-2020-002072). Although there had been no previous incidents of trespass at this construction site, Mr Justice Soole was persuaded that the risk of trespass by urban explorers was imminent on

account of the prominent location of the construction site (with views across the River Thames to the City of London) and the presence of tower cranes.

13. The witness statement in support of this application was provided by Martin Wilshire, the Director of Health and Safety at Multiplex. Paragraph 38 of Mr Wilshire's witness statement recorded incidents of trespass at other Multiplex construction sites (but none at Bankside Yards).
14. In paragraph 32 of his witness statement, after referring to injunctions at other Multiplex Construction sites, Mr Wilshire commented:-

"The First Claimant has been pleased to note that the injunctions referred to above have had a significant deterrent effect, with the number of incidents having reduced dramatically."

15. Copies of the transcript of the hearing on 20 July 2020 and of Mr Justice Soole's judgment in the Multiplex Construction case are now produced and shown to me marked "**SSW2**".
16. After considering the relevant legal principles and the evidence (much of which was similar to the evidence in support of this application), the learned judge concluded in paragraph 13:-

"... I am satisfied that the Claimants have made out their case for an interim injunction for a period of 6 months expiring 29th January 2021. The evidence overall sufficiently demonstrates a real risk or strong probability of recurrence of such activities in the absence of a continuing order."

"On the evidence before me, the general enthusiasm for, and for publicising, this activity appears to continue unabated; but the existing restraints in respect of other properties have had their beneficial effect."

"The grave dangers of this activity are self-evident and threaten not just the participants but also security staff, emergency services and members of the general public. They also involve potential financial damage to the Claimants with their duties of health and safety. Damages are plainly not an adequate remedy, nor is it likely that any participant would be able to meet any award."

"The cross-undertaking in damages is scarcely of any moment, but can be fully satisfied. The balance of convenience in my judgment is plainly in favour of an interim injunction."

40 Leadenhall Street

17. In March 2021, my firm obtained an injunction to restrain trespass on a construction site at 40 Leadenhall Street on behalf of claimants which included the main contractor Mace Limited (Claim No QB-2021-000827). This is another example of a case where there had been no previous incidents of trespass but the learned Judge Mrs Justice Stacey was persuaded that the risk of trespass by urban explorers was imminent on account of the prominent location of the construction site (in the heart of the City of London) and the presence of tower cranes.
18. The witness statement in support of this application was provided by Andrew Brown, Director of Health Safety and Wellbeing at Mace. Paragraph 32 of Mr Brown's witness statement recorded incidents of trespass at other Mace construction sites (but none at 40 Leadenhall Street itself).
19. At the hearing in March 2021, Mrs Justice Stacey granted an interim injunction to restrain trespass until 15 October 2021.
20. When Mrs Justice Stacey granted that interim injunction, it was understood (based on the Court of Appeal's decision in *Canada Goose UK Retail Ltd v Persons Unknown* [2020] EWCA Civ 303 decided in March 2020) that final injunctions were no longer available in these circumstances against Persons Unknown.
21. In *London Borough of Barking and Dagenham v Persons Unknown* [2021] EWHC 1201 (decided in May 2021), Mr Justice Nicklin went a step further and suggested that interim injunctions were only available as a temporary measure to allow the claimants an opportunity to identify named defendants. The local authority claimants appealed against that decision which was considered by the Court of Appeal on 30 November and 1 / 2 December 2021.
22. In September 2021 (before the appeal in *Barking and Dagenham v Persons Unknown*), Mr Justice Nicklin intervened in the 40 Leadenhall Street proceedings and made an order of the Court's own motion which required (amongst other things) the claimants to file evidence setting out the steps which they had taken to identify named defendants.
23. In response, on behalf of the claimants in that action my firm applied to extend the interim injunction until the end of January 2022 (to await the outcome of the Court of Appeal's decision in *Barking and Dagenham v Persons Unknown*).

24. Mr Justice Nicklin refused that application. In those circumstances, Mace Limited and the joint claimants decided to discontinue the proceedings.
25. On 13 January 2022, the Court of Appeal handed down their judgment in *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13 – overturning Mr Justice Nicklin’s decision at first instance and the Court of Appeal’s decision in *Canada Goose*.
26. Following this appeal, Mace applied to renew their injunction and on 2 February 2022, Mr Justice Eyre granted a final injunction to restrain trespass until 31 January 2024 (Claim No QB-2022-000280).
27. I am informed by Andrew Brown, the Health, Safety and Wellbeing Director for Mace Limited that:-
 - 27.1 during the 7 month period in which the interim injunction was in place (March to October 2021) there was only 1 incident of trespass at 40 Leadenhall Street (and this was not obviously urban explorers); and
 - 27.2 during the 3 month period after the interim injunction had been discharged (October 2021 to January 2022), there were 3 incidents of trespass at 40 Leadenhall Street all of them by urban explorers.

The Particular Attraction of Tower Cranes

28. In paragraph 19 of his witness statement in these proceedings, Peter Clarke refers to the fact that tower cranes on construction sites are frequently climbed by urban explorers.
29. Recent videos of this sort of activity in London include the following:-
 - 29.1 24 October 2020
James Kingston
South Bank Tower Crane Climb in London – 24 October 2020
<https://www.youtube.com/watch?v=ApViIRYCyhk&t=23s>
 - 29.2 26 January 2021
Usama Quaraishi
Climbing high above London City
The crane section starts at around 6 minutes 30 seconds
<https://www.youtube.com/watch?v=GcIPEBZuuWE>
 - 29.3 8 March 2021
Expansion
Crane Climb London - 8 March 2021
https://www.youtube.com/watch?v=6X_mL-su8og

29.4 20 October 2021
Mxxrgn
City of London crane climb (120m)
<https://www.youtube.com/watch?app=desktop&v=qfsMGMewan4>

29.5 9 November 2021
Majestik.sb
"Cold Sunrise" <https://www.instagram.com/p/CV-1GZ-l2Qv/>

This video was also featured in the Daily Mail on 6 January 2022
<https://www.dailymail.co.uk/news/article-10374365/amp/Adrenaline-junkies-climb-558ft-crane-east-London.html>

29.6 27 December 2021
Usama Quaraishi
The TERRIFYING jump...OFF THE ROOF!!!
<https://www.youtube.com/watch?app=desktop&v=nfVFDE7Tps8>

29.7 11 January 2022
Alexander Farrell
"Long way down"
<https://www.instagram.com/p/CYmZhYQMMcm/>

30. Many of the videos and photographs uploaded to the social media platforms mentioned above show individuals climbing tower cranes and hanging off them.

31. Of even greater concern is that some urban explorers actually operate tower cranes. In August 2020, Ben Gittings (an urban explorer who is known on-line as "Beno") uploaded to YouTube a video called 'Daytime crane drive and surf'. In this video, Ben Gittings is seen climbing a tower crane on an unidentified construction site and operating its controls. The URL for the video is:-
<https://www.youtube.com/watch?v=rF-k1dosHQM&t=154s>

32. Ben Gittings has uploaded various other similar videos in the past and I have set out below the URLs to these videos:

<https://www.youtube.com/watch?v=8pplmTVp6nk> - 'Driving Mr Pigeon's crane'

<https://www.youtube.com/watch?v=1qPW7nREd-0> - 'Driving a crane but driver's seat was backwards'

<https://www.youtube.com/watch?v=TzfkL4BRVGQ> - 'Finding a crane to drive'

33. There is now produced and shown to me marked "**SSW3**" a schedule of other urban exploring videos and still images all uploaded between September 2021 and January 2022. The focus of this material is on construction sites in London and much of it involves tower cranes. This material demonstrates that urban exploring continues to be a serious problem for construction sites (and tall buildings) in

London. Every one of these videos / photographs evidences an incident of dangerous trespass.

34. The Claimants cannot know when the next attempt will be made by an urban explorer to climb one of the tower cranes at 1 Leadenhall Construction Site. Urban explorers do not advertise which buildings or construction sites they intend to target in advance. Whilst I know of around 5 instances (in 2018 / 2019) when urban explorers disclosed their intention to climb a particular crane / building in advance, that practice appeared to stop completely once urban explorers discovered that their videos and photographs on social media were being monitored by certain security teams and my firm.
35. The Construction News article dated 15 November 2019 (referred to in paragraph 43 below refers to my firm having a team which reviews YouTube for urban explorer videos. That is not something we have done since March 2020.

The Construction of Tall Buildings in London since 2018 – Injunctions Granted

36. Since 2018, 16 buildings have been constructed in London (including the City of London, Canary Wharf and various locations south of the river) to a height exceeding 150 metres. A table showing these buildings is attached to this statement marked "**SSW4**". The table also includes the name of the developer / contractor and records whether an injunction was sought / granted.
37. In relation to 13 of the construction sites, the relevant developer / contractor successfully applied for an injunction to restrain trespass by urban explorers. My firm obtained injunctions covering 10 of the 13 sites.
38. Before those injunctions were granted, there was evidence of trespass (and / or reconnaissance in advance of trespass) at some but not all of those sites:-
 - 38.1 as noted above, there were no incidents of trespass at 40 Leadenhall Street before the interim injunction was granted in March 2021;
 - 38.2 the Canary Wharf injunction was granted on the basis of evidence of trespass across the estate generally (including at construction sites on Bank Street). However, the injunction extended to construction sites at Newfoundland and One Park Drive (both over 150 metres) despite there being no evidence of trespass at those particular sites; and
 - 38.3 the Berkeley Group injunction was granted on the basis of evidence of trespass at Saffron Tower in Croydon and at 250 City Road in Islington.

However, the injunction was also granted in relation to the South Quay Plaza construction site where 2 towers above 150 metres are under construction (despite there being no evidence of prior trespass at that particular site),

The Construction of Tall Buildings since 2018 – Effectiveness of Injunctions

39. The injunctions which have been obtained to date have reduced urbex activity at the relevant construction sites for tall buildings. That is not only my view but one shared by those responsible for security at:-

39.1 Canary Wharf (where my main contact is Nick Bennett – Head of Security);

39.2 Multiplex Construction (where my main contact is Martin Wilshire – Head of Health and Safety);

39.3 Berkeley Group (where my main contact is Sean Gavin – Operations Director); and

39.4 Mace Limited (where my main contact is Andrew Brown – Director of Health Safety and Wellbeing).

40. I am aware of only a handful of incidents in which urban explorers have deliberately breached an injunction to restrain trespass:-

40.1 in September 2018, 5 individuals (including Messrs Farrell and Quaraishi) trespassed on Newfoundland Tower in breach of the Canary Wharf injunction. In my view, this was an attempt by urban explorers to test the effectiveness of injunctions to restrain trespass. My firm commenced committal proceedings against these 5 individuals and a copy of the decision of His Honour Judge Freedman in November 2018 is attached to this statement at **"SSW5"**. In particular paragraph 10, HHJ Freedman said that he would impose a custodial sentence if any of the individuals breached an injunction again. This sent a powerful message to the urban exploring community which they have taken on board. Whilst 2 of the 5 individuals (Alexander Farrell and Usama Quaraishi) remain active urban explorers – in my view it is most unlikely that they will ever breach an injunction again;

40.2 in July 2019, George King-Thompson climbed The Shard in breach of an injunction which protects that building (the tallest in Western Europe). This was an exceptional case in which Mr King-Thompson willingly risked

imprisonment in the interests of raising his profile. Again my firm commenced committal proceedings and a copy of the decision of Mr Justice Murray is attached to this statement at "**SSW6**". Although Mr King-Thompson expressed regret at having breached the injunction, at the time of the committal hearing he was seeking to generate publicity for the stunt (see paras 41 iii) and 49 of the judgment at pp 104 / 5 of the hearing bundle). Mr King-Thompson was given an immediate custodial sentence which sent the strongest possible message to the urban exploring community.

41. In my respectful opinion, the deterrent effect of an injunction to restrain trespass has been greatly assisted by the clarity of the decisions of His Honour Judge Freedman in the Canary Wharf committal hearing in November 2018 and The Honourable Mr Justice Murray in The Shard committal hearing in October 2019.

42. In paragraph 39 of his witness statement, Mr Clarke refers to injunctions being an effective deterrent against urban exploring activity because experienced urban explorers understand the consequences of breaching an injunction. I agree with that. There is now produced and shown to me marked "**SSW7**" an article published by Construction News in 2019 which illustrates this point. The author quotes a protagonist saying:-

"As soon as there's an injunction, then it's not worth literally breaking the law just to go on a construction site"

43. The deterrent effect should be further reinforced following the recent findings of contempt of court against Insulate Britain protestors (following protests on the M25 and other highways) on 2 and 3 February 2022.

44. Although we are aware of the identify of many people who engage in urban exploring, the Claimants cannot know all of them, and cannot know in advance which of them might choose to target the 1 Leadenhall Street Construction Site. In any event, this activity is not confined to British nationals but is engaged in by people from around the world. In proceedings in which an injunction was obtained to protect the O2 Arena (*Ansco Arena Ltd v Law* [2019] EWHC 835) the Court heard evidence that trespassers had travelled from the Netherlands specifically to climb that building. Many UK-based urban explorers post footage of them climbing tall or significant buildings abroad.

45. Exhibit "**PC4**" to Peter Clarke's witness statement appears to indicate reconnaissance activity. However, as noted above there is generally no

intelligence of a specific intended trespass before it occurs. There appears to be some competition between urban explorers to obtain footage of particular sites. Moreover, if it were known that a construction site were to be a specific target on a specific date, the owners of that site could take steps to temporarily heighten security in a way which could not be sustained long-term. For these reasons in my experience urban explorers do not usually advertise their intended targets in advance and site owners very rarely have specific intelligence in advance of a threat to trespass on a particular construction site.

The Construction of Tall Buildings in London since 2018 – No Injunction Sought

46. The table at “SSW4” shows that the relevant developer / contractor did not apply for an injunction to restrain trespass at 3 of the construction sites for tall buildings.
47. The 3 sites concerned are:-
- 47.1.1 52 Lime Street (also known as The Scalpel) in the City (where Skanska was the main contractor);
 - 47.1.2 The Madison in Canary Wharf (Balfour Beatty); and
 - 47.1.3 One Blackfriars at South Bank (Berkeley Group).
48. It does not surprise me that each of those 3 sites was targeted by urban explorers (URL links to examples of videos which were uploaded to YouTube and Instagram are recorded in the table below).

52 Lime Street	21.08.18 – Nibsy https://www.instagram.com/p/BlveJnhBwwZ/?hl=en&tagged=londonrooftops 24.08.18 – Ryan Taylor https://www.youtube.com/watch?v=dmBDuFA4C94 30.08.18 – Ally Law https://www.youtube.com/watch?v=1IMxM1FQkoU 23.10.18 – LDN Rooftopper https://www.youtube.com/watch?v=WuFCvIDPiZ4&feature=youtu.be
The Madison	21.05.19 – Usama Quaraishi https://www.youtube.com/watch?v=x50D_a2tqSM&t=302s August 2019 – Urbex.unknown Video now removed from YouTube 27.12.22 – Usama Quaraishi

	https://www.youtube.com/watch?v=GcIPEBZuuWE
One Blackfriars	13.09.19 https://www.instagram.com/j.bxpy/

Permission to issue without a named defendant and to dispense with service

49. There are no named defendants to these proceedings. In those circumstances the permission of the Court may be required to issue the Claim Form, pursuant to CPR 8.2A and I respectfully ask that the Court grant the necessary permission if that is required.
50. Since no person will become a defendant to the proceedings unless they knowingly breach the injunction it is not proposed to physically serve the proceedings on anyone. If a party knowingly breaches the Order, they would automatically become a party to the proceedings. However, in order to ensure that there is no argument that regular service of the proceedings has occurred I ask the court to order substituted service of the proceedings and of the Order in the terms set out in the draft Order. I believe that this process has a realistic prospect of bringing the proceedings, and the terms of the Order, to the attention of anyone proposing to trespass on the 1 Leadenhall Street Construction Site.
51. Proving that the Order has come to the attention of those who have been committed for the breach of such injunctions (including in the Canary Wharf and The Shard actions referred to above) has not been a difficulty, which I believe demonstrates that the proposed methods of service (which have been widely employed in relation to such injunctions) are effective.
52. The procedure which we propose to adopt in this case (and which has been adopted before), is:-
- 52.1 to upload a complete copy of the injunction (and the proceedings) to a Brookfield Properties website; and
- 52.2 to post copies of a warning notice around the perimeter of the 1 Leadenhall Street Construction Site at frequent intervals informing people of: the existence and nature of the injunction; the proceedings; the potential consequences of breaching it; an address at which copies of the proceedings can be sought; and the website at which the injunction can be viewed.
53. I attach to this statement a suggested form of notice marked "**SSW8**".

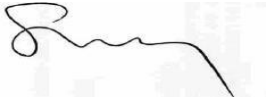
Conclusion

54. I am informed by Mr Clarke that the Claimants have given careful consideration to the position before deciding to apply for this injunction.
55. In paragraph 36 of his witness statement, Mr Clarke refers to the fact that Brookfield Properties does not automatically seek injunctions in respect of all of its development sites. Rather it has identified the 1 Leadenhall Street Construction Site as one which represents an obvious target for urban explorers (given the height of the crane and its prominent location in the City) and one in respect of which there is a genuine and serious risk of trespass unless an injunction is granted.
56. As I have said above, when urban explorers decide to target a construction site, they do not advertise the fact.
57. Having regard to the facts referred to above, the risk of trespass exists now and the Claimants' primary concern is to avoid a tragic accident as noted in paragraph 38 of Mr Clarke's witness statement.
58. The evidence referred to above shows that since 2018 all except 1 of the construction sites in London involving new buildings of 150 metres or more has been targeted by urban explorers. The sole exception is South Quay Plaza (where the Berkeley Group is currently constructing two tall residential towers - one of 215 metres and another of 192 metres) where Heather Williams QC granted a *Quia Timet* injunction (see paragraphs 10.6 and 38.3 above).
59. In my respectful submission, the evidence above (together with the evidence recorded in Mr Clarke's witness statement) demonstrates that:-
- 59.1 unless an injunction to restrain trespass is granted, the 1 Leadenhall Street Construction Site (in particular the tower cranes) is **very likely** to be targeted by urban explorers which creates serious health and safety risks;
- and conversely
- 59.2 if an injunction to restrain trespass is granted, the experience at other construction sites shows that it is **very unlikely** that the 1 Leadenhall Street Construction Site would be targeted by urban explorers (thereby avoiding those risks).

I believe that the facts stated in this Witness Statement and Exhibits 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.

I am duly authorised to make this statement on behalf of the Claimants.



Stuart Sherbrooke Wortley

8 February 2022