

Party: Claimant
Witness: M Wilshire
Statement: Second
Exhibits: "MPW8" - "MPW10"
Date: 25.01.21

IN THE HIGH COURT OF JUSTICE

Claim Number: QB-2020-002702

QUEEN'S BENCH DIVISION

B E T W E E N

- (1) MULTIPLEX CONSTRUCTION EUROPE LIMITED
- (2) LUDGATE HOUSE LIMITED
(INCORPORATED IN JERSEY)

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT
THE CLAIMANTS' CONSTRUCTION SITE AT BANKSIDE YARDS WITHOUT
THE CLAIMANT'S PERMISSION

Defendants

**WITNESS STATEMENT OF
MARTIN PHILIP WILSHIRE**

I, MARTIN WILSHIRE of 99 Bishopsgate, 2nd Floor, London EC2M 3XD WILL SAY as follows:-

1. I am the Health and Safety Director for the First Claimant.
2. On 30 July 2020, The Honourable Mr Justice Soole granted an interim injunction to restrain the Defendants from entering or remaining upon Bankside Yards ("the Injunction"). The Injunction is expressed to last until 4.00 pm 29 January 2021.

3. I make this Witness Statement in support of the Claimants' application to extend the duration of the Injunction and to extend the boundaries of the construction site covered by the Injunction.
4. 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. I have adopted the definitions of "Bankside Yards" and "the JCT Contract" which I used in my First Witness Statement.

Service of the Injunction

5. On or around 4 August 2020, Multiplex:-
 - 5.1 uploaded copies of the Claim Form; the Particulars of Claim dated 28 July 2020; the application notice dated 27 July 2020; my First Witness Statement dated 27 July 2020; and the Injunction dated 30 July 2020 to the following website: <https://www.multiplex.global/london-injunction-blackfriars-road/>;
 - 5.2 delivered copies of each of the documents referred to in the previous paragraph to the site office which is at Gate 3, Hopton Street, London SE1 9JH;
 - 5.3 On or around 5th August 2020, Multiplex erected 4 warning notices around the hoardings at Bankside Yards in satisfaction of paragraph (5) and (6) of the Injunction.
6. There are now produced and shown to me marked "**MPWS**" copies of a plan showing the approximate locations of the warning notices and a photograph of one of those notices.
7. The website referred to above remains live, copies of the relevant documents continue to be held at the site office and the warning notices remain in place.
8. I am not aware of anyone having requested copies of the relevant documents from the site office.

Extending the Duration of the Injunction

9. For all of the reasons given in my First Witness Statement, I believe that Bankside Yards will be a target for urban explorers for as long as it remains a construction site.
10. No greater support for my belief reflected in the previous paragraph is the fact that there have been 2 recent incidents in which individuals have attempted to gain access to Bankside Yards. I note from incident reports completed by members of our security team that:-
 - 10.1 at 22.36 on 29 December 2020 (security incident 4676) 4 unknown males were noted by our security team pointing at the tower crane at Bankside Yards and looking for a point of access. Upon realising that members of our security team were on site the individuals left in the direction of Blackfriars Road;
 - 10.2 at 23.14 on 5 January 2021 (security incident 4705) an unknown male climbed up one of the scaffold gantries (known as the McGee gantry). Our security team deployed a dog handler to the area which immediately resulted in the individual leaving in the direction of Blackfriars Road.
11. I am informed by Stuart Wortley of the Claimants' solicitors (Eversheds Sutherland) that urban exploring continues to be a problem for major construction sites in prominent locations in central London with tower cranes being a particular target. To illustrate the point, Mr Wortley has informed me that:-
 - 11.1 in 2020 Ben Gittings (aka Beno) uploaded a video of him operating a tower crane at an unknown location. This video has recently been removed;
 - 11.2 on 26 November 2020, Adam Lockwood (aka The Little Nuisance) uploaded a video of him doing stunts on a tower crane in an unknown location "Angry security, too close for comfort ...";
 - 11.3 on 6 January 2021 someone with an account name "Be free in your world" uploaded a video of tower cranes being erected at a construction site in White City;
 - 11.4 on 19 January 2021, Usamalama uploaded a video of him and George King-Thompson (aka shardclimber) climbing tower crane in Warsaw;

11.5 on 24 January 2021, Usama Quaraishi posted a message on YouTube featuring a photograph of him on a scaffold next to a tower crane with the following message:-

"I have a new series of episodes coming to this channel, all will be explained in my new video coming on Tuesday 7 pm UK time"

11.6 a number of prominent urban explorers continue to upload images which include them trespassing on construction sites to their Instagram accounts. These include Alex Farrell, Usama Quaraishi, Dylan Rhodes, Adam Lockwook. Some (including Ally Law who is bound by a Criminal Behaviour Order which applies in England and Wales) focus their activity in other European countries and other parts of the world.

12. The projected date for practical completion of the construction work at Bankside Yards remains December 2023 (as stated in paragraph 11 of my First Witness Statement).

13. I am informed by Mr Wortley that:-

13.1 prior to the decision of the Court of Appeal in *Canada Goose v Persons Unknown [2020] EWCA Civ 303*, he would ordinarily have advised the Claimants to apply for a final injunction to restrain trespass at Bankside Yards until 31 December 2023;

13.2 the decision in the Canada Goose case indicates that the Courts do not have jurisdiction to grant a final injunction against unnamed Defendants; and

13.3 a number of local authorities intend to seek clarification of and / or to challenge the Canada Goose decision in an application which is to be considered by The Honourable Mr Justice Nicklin on 27 and 28 January 2021.

14. In those circumstances, I respectfully request that the Injunction be extended in accordance with the terms of the draft Order, pending the decision of Mr. Justice Nicklin and any subsequent appeal.

Including the Phase 2 Works

15. In paragraph 11 of my Witness Statement dated 27 July 2020, I referred to the fact that the construction project would proceed in two phases.

16. The first phase works are being undertaken on land to the west of the railway lines shown on the plan and which service Blackfriars station. The Injunction currently applies to this land.
17. The second phase works began on 19th November 2020. These works are being undertaken:-
 - 17.1 on land to the east of the railway lines (comprising part of registered title no TGL138850); and
 - 17.2 on ancillary land including the space below the railway arches which separate the land to the west and east of the railway lines (registered with title nos TGL501998, TGL467215 and TGL467217).
18. There are now produced and shown to me marked "**MPW9**" copies of the registered titles referred to in paragraph 18.
19. I am informed by Mr Wortley that on or around 12th October 2020 Multiplex took up occupation of this land pursuant to the terms of the JCT Contract.
20. There is now produced and shown to me marked "**MW10**" a plan which shows the Bankside Yards construction site extended by the phase 2 works with the railway lines running through the middle. I respectfully request that the Injunction be extended to include the extended site.
21. In relation to the phase 1 works, the red line was drawn incorrectly in the north-western corner. I understand that nothing turns on this point because the Injunction only applies to the hoarding and fencing within the red line. However, in the interests of accuracy, the plan at '**MW10**' has corrected this error for which I apologise.
22. The Claimants understand that if their application is successful, any order would only extend to the space below the railway arches. It would not apply to the structure of the railway arches, the railway tracks nor the airspace above.

I believe that the facts in this Witness Statement 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.



Martin Philip W. Shire

25 January 2020