

Witness: Emma Margaretha Florence Pinkerton

No. of Witness Statement: Third

Party: First, Second and Third Claimants

12 October 2026

Claim No. QB-2020-002702

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

Claimants

and

**PERSONS UNKNOWN ENTERING AND CLIMBING IN OR REMAINING AND CLIMBING
AT THE CLAIMANTS' CONSTRUCTION SITE AT BANKSIDE YARDS WITHOUT THE
CLAIMANTS' PERMISSION**

Defendants

**THIRD WITNESS STATEMENT OF
EMMA MARGARETHA FLORENCE
PINKERTON**

I, EMMA MARGARETHA FLORENCE PINKERTON of 2 College Square, Anchor Road, Bristol BS1 5UE

WILL SAY as follows:-

1. INTRODUCTION

- 1.1 I am a Partner at CMS Cameron McKenna Nabarro Olswang LLP (“CMS”) and I have conduct of these proceedings on behalf of the Claimants.
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge, they are true to the best of my knowledge and belief and I identify the source.
- 1.3 I make this statement in support of the application to discharge the interim injunction granted on 28 February 2025 by Order of the Hon Mrs Justice Ellenbogen DBE without a further review hearing. The First Claimant also seeks to be released from the cross-undertaking in damages given

to the Court; to obtain permission to discontinue the Claim and for this matter to be dealt with on paper, without the need for a hearing. (the “**Application**”)

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

2. BACKGROUND

2.1 The Second and Third Claimants are owners of land at Bankside Yards, Blackfriars Road, London SE1 9UY (“**Bankside Yards**”), which is in the process of being redeveloped to include eight new buildings, sitting above 14 grand arches and completing the cultural walkway from the Royal Festival Hall to the Tate Modern.

2.2 The First Claimant is the main contractor of the development at Bankside Yards and has responsibility for security and the health and safety at and within the development.

2.3 The redevelopment of Bankside Yards is phased. The initial phase involved the construction of two buildings, Arbor and Opus.

2.4 Arbor is a 19-storey commercial building, offering 222,252 sq ft of flexible workspace, and its construction was completed in or around December 2023.

2.5 Opus is a 50-storey residential building which remains under construction and is due to be completed in December 2026/January 2027.

2.6 For the purposes of constructing these two buildings (and surrounding infrastructure) the First Claimant installed a tower crane, scaffold gantry, common tower and hoist at the construction site at Bankside Yards. Following numerous attempts by trespassers to enter the construction site, for the purposes of climbing the plant and equipment installed, the Claimants sought injunctive relief from the Court due to serious health and safety concerns.

2.7 Over the last year, the Claimants undertook a review of the security measures in place at the construction site at Bankside Yards, identified weak points and took steps to address them. The First Claimant increased the height of the hoarding surrounding the site, to make it more difficult to access, and increased the number of security cameras surrounding Bankside Yards whilst also increasing the provision of security personnel monitoring the site. I am advised by the First Claimant that the measures implemented to date go over and above those implemented at standard construction sites.

2.8 The Application is made against the following procedural background:

2.8.1 An application for an interim injunction to protect the construction site at Bankside Yards from people entering and climbing the site during the initial development stages was made on 27 July 2020 and granted by Soole J on 30 July 2020 until 21 January 2021;

2.8.2 Thereafter the interim injunction was extended by orders of: Bourne J on 26 January 2021; Stewart J on 4 March 2021; Eady J on 6 May 2021; Davis J on 20 July 2021; HHJ Shanks on 3 March 2022; Jefford J on 21 December 2023; Ritchie J on 19 January 2024; and Hon Mrs Justice Ellenbogen DBE on 28 February 2025 (the “**Order**”);

2.8.3 The Claim was amended and the Third Claimant joined as a party by Order of Master Dagnall on 26 October 2021;

2.8.4 The Claim was subsequently re-re-amended to describe the Defendants in a manner consistent with the Order of Mr Justice Ritchie dated 19 January 2024;

- 2.8.5 The current interim injunction was expressed to continue, subject to review at a hearing to be fixed to take place on the first available date after 2 October 2026 as indicated in the Order;
- 2.8.6 The First Claimant undertook to
- (a) pay any damages sustained as a result of the injunction which the Court considered the First Claimant should pay, and
 - (b) apply to expeditiously return the matter to Court in the event of any material change of circumstances pertinent to the terms of the Order;
- 2.8.7 The Order also required the Claimants to apply to the King's Bench Division Listings Office, by 4:00pm on 4 September 2026, for the matter to be listed if the Claimants wished to have the Order reviewed.

3. CHANGE IN CIRCUMSTANCES

- 3.1 Since the making of the Order, there has been a material change in circumstances such that the Claimants' reasons originally justifying the continuation of the injunction no longer exist or, alternatively, have diminished to such an extent that the continuation of the injunction is no longer necessary or proportionate.
- 3.2 In particular, I am informed that the development works are currently running ahead of schedule and so the tower crane tied into Opus, the scaffold gantry, common tower and hoist were all removed in or prior to June 2026. The Arbor building is now completed and occupied. The Opus building is structurally complete externally and internal construction is due to be completed by the end of October 2026, with permanent doors installed (in place of the existing temporary doors which are kept closed using padlocks) to make the building secure.
- 3.3 The Claimants therefore consider that, whilst some construction does continue, the risk of serious harm to trespassers entering Bankside Yards for the purpose of climbing the construction equipment has considerably diminished and, following the completion of the internal works at Opus and the installation of secure permanent doors, will be almost negligible.
- 3.4 Having kept the position under review since the removal of the tower crane tied into Opus, the scaffold gantry, common tower and hoist, the Claimants no longer consider that the continuation of the injunction is required, given Opus will become secure in a matter of weeks. The Claimants are therefore informing the Court of this change in circumstances, as is required by the Order and are also seeking for the injunction to be discharged with immediate effect, as a consequence.

4. REVIEW HEARING

- 4.1 This Application is made with a request for it to be dealt with on paper on notice to enable any Defendant to object should they see fit. I consider that this is in the spirit of the overriding objective in the Civil Procedure Rules, on the basis the Claimants' grounds for seeking the injunction have been considered at previous hearings and the Claimants are now simply confirming that the injunction has fulfilled its purpose.
- 4.2 While the Order required the Claimants to apply to the Court by 4 September 2026, requesting for the matter to be listed for a hearing to review the Order, the purpose of any such hearing was to consider the continuation of the injunction granted. In light of the fact that the Claimants are seeking for the injunction to be discharged, we respectfully submit that such a hearing is no longer required.

- 4.3 The Claimants are not seeking recovery of any costs and have proposed there be no order as to costs and there is, in my respectful submission, other than the request for a release from the undertakings given by the First Claimant, no other issue that would require a hearing.

5. RELEASE FROM UNDERTAKING IN DAMAGES

- 5.1 The First Claimant seeks a release from its undertaking in damages provided to the Court. To the best of my knowledge and belief, no person has asserted any claim in connection with the Order or the continuation of the injunction, and no application has been made seeking damages pursuant to the undertaking.
- 5.2 Provided the injunction is discharged, there will be no basis for any such claim and therefore no reason for the Claimants not to be released from their undertaking. Accordingly, I do not consider this is something that requires a hearing but will of course be guided by the Court in that regard.

6. PERMISSION TO DISCONTINUE THE CLAIM

- 6.1 Following discharge of the injunction, there will be no remaining substantive issues requiring determination by the Court and the Claimants therefore seek the Court's permission to discontinue the claim and these proceedings.

7. SERVICE

- 7.1 Service of the Application will be effected/notified to the Defendants at the time of filing and in the same manner as specified in paras (7) to (9) of the Order, save for the fact that the Notice shall be updated to refer to the Application.
- 7.2 Further, the Claimants will effect service/notification of any order made pursuant to the Application on the Defendants as set out at paragraph 7.1 above.

8. CONCLUSION

- 8.1 The Claimants no longer consider that there is a significant risk of the Defendants trespassing at Bankside Yards for the purposes of climbing construction equipment and/or any buildings undergoing construction.
- 8.2 The health and safety concerns outlined in the witness statements pertaining to this claim are therefore no longer relevant and so the continuation of the injunction and these proceedings is not necessary or required for the purposes originally granted.

STATEMENT OF TRUTH

I believe that the facts stated 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.

Signed.....

Emma Margaretha Florence Pinkerton

Dated 12 October 2026