

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

CLAIM NO:

B E T W E E N:

(1) MULTIPLEX CONSTRUCTION EUROPE LTD
(2) AURIENS CHELSEA PROPERTY HOLDING COMPANY LIMITED
(INCORPORATED IN GUERNSEY)

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT
THE CLAIMANTS' PROPERTY WITHOUT
THE CLAIMANTS' PERMISSION, AND CLIMBING OR ASCENDING BUILDINGS,
STRUCTURES OR EQUIPMENT AT THE PREMISES

Defendants

PARTICULARS OF CLAIM

The Premises

1. This is a Claim for an injunction to prevent the Defendants from trespassing on the construction owned by the Claimants known as 2 Dovehouse Street, London SW3 6LA as shown edged red on the plan at Schedule 1 ("Dovehouse").

The Claimants' Interests

2. The First Claimant is the main contractor of Dovehouse and during the construction phase the First Claimant has the right to occupy the Property.
3. The Second Claimant is the tenant of Dovehouse pursuant to a lease for a term of 999 years from 27 April 2017 and the party entitled to immediate possession of the land and buildings on it. The Second Claimant's lease is registered at the Land Registry with title number BGL132659.
4. By an agreement dated 17 April 2019, the Second Claimant appointed the First Claimant to undertake the construction works on Dovehouse. Pursuant to the terms of this

appointment, the First Claimant is in occupation of Dovehouse and is responsible, amongst other things, for site safety and security.

Urban Exploring

5. The Defendants are so called "urban explorers" who trespass on high rise buildings and construction sites and upload photographs and / or video recordings of their exploits to the internet for the entertainment of their subscribers or followers on social media.
6. The method by which urban explorers climb buildings under construction can be via the cranes on the site or by the use of concrete structures (unfinished stairwells) or construction lifts or hoists.
7. 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 Martin Wilshire, Health and Safety Director at Multiplex Construction Europe Limited, which accompanies these Particulars of Claim.

The Defendants

8. Unknown individuals have undertaken reconnaissance or attempted to trespass upon the Dovehouse construction site on various dates in 2019. By way of example:-
 - 8.1 on 13 June 2019, an unidentified male was found on the site by security during patrols. The trespasser caused damage to external decorations on the wall; and
 - 8.2 on 28 June 2019, an unidentified male was spotted carrying out surveillance on the site, the first time he was spotted walking around the site and the second time he was spotted in the neighboring car.
9. There has been more recent activity involving urban exploring at some of the First Claimant's other construction sites in London.
10. Further details of these incidents are provided in the witness statement of Mr Wilshire.
11. The Claimants do not know the identity of the individuals who trespassed / attempted to trespass on Dovehouse.

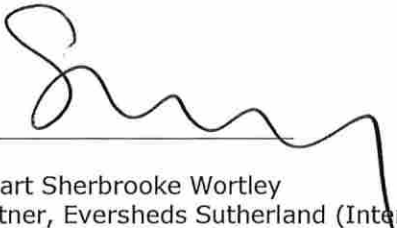
12. For the reasons given by Mr Wilshire, the Claimants believe that there is a real and significant risk that the Defendants will enter Dovehouse (or attempt to do so) unless restrained from doing so by the Court.
13. There is no arguable right for the Defendants to be present on Dovehouse.
14. Any attempts to access Dovehouse will therefore constitute a trespass for which damages will not be an adequate remedy. The Claimants' concern is that any such trespass has the potential to cause very serious harm to the Defendants, construction workers and those who are responsible for the safety and security of the Properties including the emergency services.

AND THE FIRST AND SECOND CLAIMANT CLAIMS;

15. An injunction against the Defendants retraining them from trespassing on Dovehouse as shown on the Plan at Schedule 1;
16. Costs; and
17. Further or other relief.

The Claimants believe that the facts stated in these Particulars of Claim are true.

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



Stuart Sherbrooke Wortley
Partner, Eversheds Sutherland (International) LLP

SCHEDULE 1

Plan

THE PLAN

Map Centre 527,144 178,148

0m 10m 20m 30m 40m 50m



Garden
Centre

Farmers
Market

45 to 51

29

to 27

13

Henry



.. CB1 2JY

Client:

Project:

Title:

Dovehouse

Scale: 1:500 @A4

Date: 12 Dec 19

Drawn By: JB

Dwg no:

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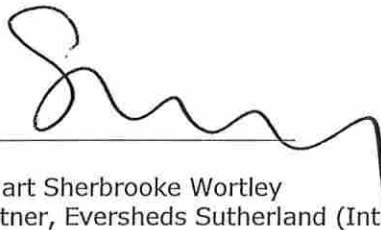
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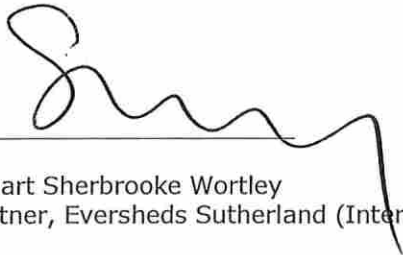
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