

CLAIM NO:

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

(1) MULTIPLEX CONSTRUCTION EUROPE LIMITED

(2) 30 GS NOMINEE 1 LIMITED

(3) 30 GS NOMINEE 2 LIMITED

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT
THE 30 GROSVENOR SQUARE CONSTRUCTION SITE
WITHOUT THE CLAIMANTS' PERMISSION

Defendants

PARTICULARS OF CLAIM

The Premises

1. This is a Claim for an injunction to prevent the Defendants from trespassing on the construction site known as 30 Grosvenor Square, London, W1A 1AE identified on the attached plan ("the 30 Grosvenor Square Construction Site").
2. The 30 Grosvenor Square Construction Site is bordered by Upper Brook Street to the north, Grosvenor Square to the east, Upper Grosvenor Street to the south and Blackburne's Mews to the west.

The Claimants' Interests

3. The registered title to the 30 Grosvenor Square Construction Site is comprised in the leasehold title LN150545 which is vested in the Second and the Third Claimant ("the Registered Land").
4. By an early works agreement dated 25th January 2021, the Second and Third Claimants appointed the First Claimant to undertake major construction works at the 30 Grosvenor Square Construction Site. Pursuant to the terms of this appointment, the First Claimant is

occupying the 30 Grosvenor Square Construction Site and will be responsible, amongst other things, for site safety and security.

5. By a hoarding licence granted by Westminster City Council, Mr Thineshkumar Sriskantharajah (acting as agent for the First Claimant) was granted permission with effect from 11 January 2021:-
 - 5.1 to occupy those parts of Blackburne's Mews, Upper Grosvenor Street, Upper Brook Street Grosvenor Square identified in the licence ("the Highways Land") for purposes ancillary to the Construction Contract; and
 - 5.2 to erect hoardings around the perimeter of the Highways Land.
6. The 30 Grosvenor Square Construction Site comprises both the Registered Land and the Highways Land and will be demarcated by hoardings, the precise location of which will change as construction proceeds.
7. By reason of the aforesaid, the Claimants are entitled to control access to the entirety of the 30 Grosvenor Square Construction Site.
8. The Defendants are a class of unknown persons who enter the 30 Grosvenor Square Construction Site without the Claimant's position.
9. There is a real and significant risk that the 30 Grosvenor Square Construction Site will be the target of so-called "urban explorers", who trespass on tall buildings and construction sites, commonly videoing and uploading images and footage of their exploits on the internet, which can be viewed for entertainment by their subscribers or followers on social media.
10. The entering of the 30 Grosvenor Construction Site by unauthorised people poses 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 for the First Claimant, which accompanies these Particulars of Claim.
11. The Claimants believe that there is a real and significant risk that unless restrained from doing so by the Court, unknown persons will unlawfully enter the 30 Grosvenor Square Construction Site without the permission of the Claimants (or will attempt to do so).
12. No person has any right to be present on the 30 Grosvenor Square Construction Site without the permission of the Claimants. Any attempts to access the 30 Grosvenor Square Construction Site will constitute a trespass to 30 Grosvenor Square, 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 including employees of the First Claimant and its contractors and the emergency services.

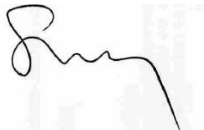
AND THE CLAIMANTS CLAIM;

- (1) An injunction restraining the Defendants from entering the 30 Grosvenor Square Construction Site without the Claimants' permission;
- (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.

27 April 2021



Stuart Sherbrooke Wortley

Partner, Eversheds Sutherland (International) LLP

SCHEDULE TO PARTICULARS OF CLAIM

Plan – 30 Grosvenor Square Construction Site

