

Party: Claimants  
Witness: S S Wortley  
Statement: Third  
Exhibits: "SSW8" – "SSW11"  
Date: 26.07.24

**Claim Number: KB-2023-002914**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**B E T W E E N**

- (1) ELEPHANT AND CASTLE PROPERTIES CO. LIMITED
- (2) ELEPHANT & CASTLE 990 UNI CO LIMITED
- (3) MULTIPLEX CONSTRUCTION EUROPE LIMITED

Claimants

and

PERSONS UNKNOWN ENTERING OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants

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**WITNESS STATEMENT OF**

**STUART SHERBROOKE WORTLEY**

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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. On 1 August 2023, Mr Justice Sweeting granted an injunction to restrain "newcomers" (to adopt the language adopted by the Supreme Court in *Wolverhampton City Council and others v London Gypsies and Travellers* UKSC 2022/0046) from entering or remaining on the Claimants' property. I will refer to this injunction as "the Order".
3. A copy of the judgment of Mr Justice Sweeting is now produced and shown to me marked "**SSW8**".

4. Paragraph 1 of the Order provides:-

*"the Defendants must not until further order, without the consent of the Claimants or other lawful authority, enter or remain upon any part of the land as shown edged red on the plan at Schedule 2 to this Order as demarcated from time to time by hoarding or security fencing (the "Elephant and Castle Construction Site")."*

5. Paragraph 15 of the Order provides:-

*"the Claimants shall by not later than 28 July 2024 apply to the Court for an extension of this order or for a final order (such application to be served in accordance with paragraph (12) above."*

### **Service of the Order**

6. In my Second Witness Statement dated 12.12.23, I explained that the Order had been duly served by:-

6.1 warning notices being affixed around the perimeter of the Elephant & Castle Construction Site; and

6.2 the Order being uploaded to the following webpage (which remains live):-

[www.multiplex.global/news/london-injunction-elephant-and-castle/](http://www.multiplex.global/news/london-injunction-elephant-and-castle/)

7. I am informed by Mr Waters (the Project Director who provided Witness Statements dated 14 and 28 July 2023) that the warning notices which refer to the Order remain in place.

### **Application to Extend**

8. I make this Witness Statement in support of the Claimants' application pursuant to paragraph 15 of the Order to extend the injunction granted by paragraph 1 of the Order.

### **Update since the Order**

9. Incidents of Trespass - I am informed by Mr Waters that since my Second Witness Statement there have been no further incidents of trespass at the Elephant & Castle Construction Site by urban explorers.

10. Site boundaries – I am informed by Mr Waters that the hoardings remain in substantially the same locations as shown on the site plan at exhibit **"MW4"** to his First Witness Statement.
11. Tower Cranes - I am informed by Mr Waters that there are now seven tower cranes on the Elephant & Castle Construction Site (there were five at the time of his First Witness Statement). The position of the cranes is shown on the site plan at **"SSW9"**.
12. Security arrangements – I am informed by Mr Waters that all of the security arrangements referred to in paragraph 12 of his First Witness Statement.
13. Construction programme – I am informed by Mr Waters that the tower cranes are scheduled to be removed from the Elephant & Castle Construction Site by May 2025 and that the major construction work will be completed by October 2025. By that date all structural works will be completed and the new buildings secured.

### **Continuing Threat**

14. In paragraph 21 of my First Witness Statement dated 14 July 2023, I included a list of urbex videos uploaded to YouTube which feature climbing of tower cranes. The following videos have been uploaded since my Second Witness Statement dated 12 December 2023 and demonstrate that this issue continues to be a problem for construction sites in London.

22.11.2023  
kfreizeitpark  
*"London crane climb + escape!"*  
[London crane climb + escape ! \(youtube.com\)](#)

04.01.2024  
Youngskii2021  
[YoungSkii | Our Climbing Frame 2.0 ///// // / @liam\\_ontherun 📹 #craneclimb #daredevil #urbex #urbexphotography #climbing #cranelife #hangs... | Instagram](#)

26.01.2024  
ryv  
*"Climbing a 230m crane over canary wharf"*  
[climbing a 230m crane over canary wharf \(youtube.com\)](#)

31.03.2024  
Eryk twenty  
*"daylight crane climb (escape)"*  
[daylight crane climb \(escape\) \(youtube.com\)](#)

28.05.2024  
Eryk twenty

*"victoria delinquents (secure london crane climb)"*  
[victoria delinquents \(secure london crane climb\) \(youtube.com\)](#)

30.06.2024

NoNameVagrant

*"My First Crane Climb In London, Confusing Encounter With Another Climber"*

*"While attempting my first crane climb, i somehow managed to come at exactly the same time as another climber ... possibly doing something together in the future".*

[My First Crane Climb In London, Confusing Encounter With Another Climber. \(youtube.com\)](#)

11.07.2024

CP XL

*"Climbing the STAGE London city crane climb"*

[Climbing the STAGE London city crane climb \(youtube.com\)](#)

17.07.2024

DLJ44

*"London Crane Climb"*

[London Crane Climb \(youtube.com\)](#)

15. There is now produced and shown to me marked **"SSW10"** promotional information about a new film released on Netflix on 19 July 2024 called *"Skywalkers: A Love Story"* which is likely to generate unwelcome interest in climbing cranes on construction sites in London and the major cities of England and Wales.

### **Registered Title**

16. I have tried to obtain a copy of the filed plan for Title Number SGL473011. Whilst this is not available online, there is now produced and shown to me marked **"SSW11"** a plan (taken from a mapping service called Orbital Witness which I believe uses data from HM Land Registry) which seems to demonstrate that the transfers of the various parcels of land described in paragraph 4 of the Details of Claim (and shown on Plan 3 attached to the Details of Claim) have now been completed at the and incorporated into the First Claimant's registered title.

### **Reasons for Seeking the Injunction**

17. I am informed by Mr Waters that the reasons for seeking an injunction set out in paragraphs 20 of his First Witness Statement remain valid.
18. In the circumstances, the Claimants respectfully request that the current injunction be extended until 31 October 2025. Given that this amounts to a request for an extension of around 14 months beyond the Order, I would respectfully request that there be no need for a further review before then.

## **Service of the Application**

19. In accordance with paragraph 15 of the Order, the Claimants intend to serve the application and this supporting witness statement by uploading them to the website referred to above and by posting notice referring to the application and witness statement at the same entrances and locations referred to in paragraph 5 of the Order.

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.



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Stuart Sherbrooke Wortley

26 July 2024