

On behalf of: First, Second and Third Claimants

Witness: M P Wilshire

No. of Witness Statement: Third

Exhibit: "MPW3"

Date: 12 February 2025

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 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 PHILIP 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. I am duly authorised by the First Claimant, Multiplex Construction Europe Limited, to make this statement in support of this application for summary judgment to obtain an order for final injunctive relief in the terms set out in the draft order (the "**Final Application**").
3. I have been asked to make this statement by the Claimants' solicitors, CMS Cameron McKenna Nabarro Olswang LLP ("**CMS**"), who have assisted me as to the structure, layout and scope of the statement and have taken primary responsibility for drafting it based on the evidence provided by me.

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 definition of “Bankside Yards” which is used in other witness evidence filed in these proceedings.
5. There is now shown and produced to me a bundle of paginated documents marked “Exhibit MPW3” to which I shall refer as appropriate in this statement.

BACKGROUND AND PURPOSE OF THIS STATEMENT

6. I make this Witness Statement in support of the Claimants’ application for summary judgment to obtain as set out in the Final Application and, in the alternative, in order to update the Court and to support the application for an interim injunction made pursuant to the application notice dated 20 December 2024 (the “**Interim Application**”).

Previous statements

7. I have made two previous statements in these proceedings, set out below for ease of reference:
 - 7.1 First witness statement of Martin Philip Wilshire dated 7 July 2020 (“MPW 1”)
 - 7.2 Second witness statement of Martin Philip Wilshire dated 25 January 2021 (“MPW 2”)
8. My previous statements broadly summarise the background to these proceedings and, more recently, the witness statement of my colleague, Jamie Godden, dated 20 December 2024 (“**JPG1**”) reaffirms the ongoing risk of urbex activity at Bankside Yards.
9. As per MWP1, MPW2 and JPG1, I consider that there is a continuing risk of attempts to access Bankside Yards. As I will explain further below this risk has proven to be a reality very recently.
10. I believe that the risk will continue despite all the sensible efforts taken by the First Claimant to prevent it because of the prominent location of the tower crane on site and Bankside Yards location more generally for the views it gives across the Thames and the city of London. Due to the nature of the site, which is currently under heavy construction, there are significant health and safety concerns both for anyone attempting to gain access to Bankside Yards without the First Claimant’s authority and also for the First Claimant’s employees and security staff where such unauthorised access is gained or attempted.
11. By way of an update to the evidence in MPW1 and MPW2 I confirm that the time frames set out in Mr Godden’s statement in relation to the completion of the phase of construction which requires the crane and the scaffold bridge to be in place remain. In addition to that the common tower, which is also scalable, along with the hoist that runs up the tower provide access to the highest parts of the building under construction and will be removed towards the end of 2026.
12. In my opinion it is the presence of the crane, the scaffold bridge, the common tower and the south hoist which pose the most risk. The crane in particular is very visible and I am aware that it

provides an easier way to access the heights that urban explorers are seeking. The presence of the scaffold bridge at height provides the same temptation and the common tower and south hoist again provides a potentially easier access to the highest parts of the building being constructed.

13. On the basis of the current contract programme the crane will begin to be removed from 25 March 2026. The common tower will begin to be removed on 7 May 2026 and takes approximately 3 months to remove fully. The south hoist will be decommissioned on 2 July 2026 and it will take about 9 weeks to remove. These are the current timeframes but of course there is always a chance those will move backwards as the construction project continues.
14. It is for this reason that the Claimants are seeking a final injunction to run to the end of 2026, for the period of the highest risk of urban explorer activity, to ensure that the injunction is only in place for as long as absolutely necessary to protect against the risk it seeks to mitigate, without the need to return to the Court for a renewal or review of the injunction granted. I also confirm that the Claimants will keep that under review and, if they consider it safe to do so, will apply to discontinue the injunction in advance of that deadline.

ONGOING RISK

15. As set out in previous statements, the First Claimant has an ongoing concern regarding the likelihood of ‘roof-topping’ at Bankside Yards.
16. Urban explorers go roof topping to post videos and/or photos of themselves on social media in an attempt to gain popularity by achieving as many ‘likes’ as possible and gaining new followers. This means that, where a site is in a scenic location, this is likely to attract more views and/or followers and is therefore likely to be more enticing.
17. Bankside Yards is located south of the River Thames, by the Tate Modern, so thrill seekers looking to gain more traction online may well find the position of the crane at Bankside Yards an attractive option as it offers a fantastic view.
18. On 10 February 2025, there was a serious breach when four people were caught on CCTV, three of them were seen entering the site at approximately 3:30am and a further person entered the site at 3.46am. They proceeded to climb up the mast of the passenger & goods hoist which is currently alongside the tower that is under construction reaching the level of the 26th floor. The intruders accessed an upper floor from the hoist mast. One of the trespassers then proceeded to saddle the tie to the tower crane and climb inside the crane mast at approximately 5:30am. The police were called and arrived at 3.51am. An ambulance and the fire brigade were also in attendance arriving at approximately 4.16am.
19. On the advice of the police the trespassers were not approached for fear of spooking them and causing an accident. Three of the trespassers exited the site at approximately 6:26am with the fourth being escorted off the site.

20. I understand from the report that no arrests were made and accordingly it is not possible for the Claimants to identify the trespassers. I can confirm that if it had been possible to do so the Claimants would have taken steps to do so and to join those named individuals to the proceedings.
21. The security report detailing the incident can be found at pages 1-6. At page 1 it is stated that the trespassers are possibly urban explorers and at pages 4 and 5 there are still images taken from thermal cameras showing the trespassers climbing the south hoist mast. I understand that the solicitors acting on this matter, CMS have searched the internet to see whether anything was posted after the trespass but have found nothing. However, in my opinion the trespass follows the same pattern of other Urbex activity whether that was to post on social media or otherwise. The most important point, from the Claimants perspective, is that the activity causes significant risk to the trespassers, the security staff as well as the emergency services.
22. The security report notes that some additional protections should be put in place at Bankside Yards to seek to prevent further incursions. I can confirm that the First Claimant will seek to action that as soon as possible.
23. I do not know why this incidence occurred, in my opinion the injunction has been effective to mitigate the risk of trespass since it has been in place. It may be that the trespassers were aware that the injunction was time limited and had thought that it had lapsed but I cannot know that with any certainty.
24. In that regard I have been told that whilst there has never been a request for copies of or access to the documents at Bankside Yards, the First Claimant's in-house legal team has received a request for copies of documents in relation to a similar injunction that is currently in place over another construction site that they are working on at Elephant and Castle in London. In my opinion this indicates that the notification process being undertaken is working and that the presence of the injunction is having an effect.
25. In addition, urban explorer activity continues to be problematic when it comes to construction sites generally, particularly where there are tower cranes installed. Examples of recent social media posts from the last 6 months can be found at pages 7-20. These demonstrate roof-topping is still a live concern, especially in large cities where there are scenic rooftop views.
26. I also refer to the posts, found on Reddit message boards, posted within the last year and exhibited at pages 21-28, demonstrating that the urbex community continues to grow. The posts are by new members looking to attempt their first climbs involving cranes. Some of the responses to the posts are particularly concerning, such as the one at page 27, where the original poster responds with: *"...the cranes between two unfinished buildings that I think I may be able to use to enter."* The risk of harm is evident and yet the poster appears undeterred.
27. It is therefore clear, in my view, that without the protection that is afforded to the Claimants' by the ongoing injunction, the risk of roof-topping at Bankside Yards would be substantially higher.


Given the dangers that are associated with roof-topping and other urban explorer activity, this means that the risk of serious and potentially grave harm would also be significantly increased.

28. For these reasons it remains critical that injunctive relief remains in place in the form of either a final injunction as requested in the Final Application or a continuation of the interim relief sought by the Interim Application for the protection of Bankside Yards, the urban explorers themselves, the First Claimant's staff and emergency services.

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.....

Dated ...12th February 2025.....