

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 AND CASTLE 990 UNI CO LIMITED
- (3) MULTIPLEX CONSTRUCTION EUROPE LIMITED

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT  
THE CONSTRUCTION SITE AT ELEPHANT & CASTLE  
WITHOUT THE CLAIMANTS' PERMISSION

Defendants

---

**DETAILS OF CLAIM**

---

**The Premises**

1. This is a Claim for an injunction to prevent the Defendants from trespassing within the construction compound at the construction site formerly occupied by the Elephant & Castle shopping centre (and other buildings) at Elephant & Castle, London SE1 6TE shown edged red on Plan 1 ("the Elephant & Castle Construction Site").
2. The Elephant & Castle Construction Site is bordered by:-
  - 2.1 New Kent Road (the A201) to the north;
  - 2.2 the Elephant and Castle overground railway station (and the railway line which serves London Blackfriars station) to the east;
  - 2.3 Walworth Road to the south; and
  - 2.4 Newington Butts (the A3) to the west.

### The Claimants' Interests

3. The First and Second Claimants are the registered owners of the land referred to in the table below and shown edged red and green on Plan 2 ("the Registered Land"):-

SGL473011	Freehold	First Claimant
TGL550472	Freehold	First Claimant
TGL562422	Leasehold	Second Claimant

4. On 21 January 2022:-

- 4.1 Transport for London completed transfers of the following properties ("the Transferred Land") to the First Claimant:-

4.1.1 those parts of freehold title number TGL190331 marked "Plot 1", "Plot 2", "Plot 3", "Plot 8b", "Plot 9" and edged in blue on Plan 3 to the First Claimant;

4.1.2 those parts of freehold title numbers TGL190331, TGL561309, LN113754, LN51641, 170829 and 271661 collectively marked "Plot 5" and edged in blue on Plan 3;

- 4.2 London Underground Limited completed a transfer of those parts of freehold title number TGL442346 marked "Plot 4" and "Plot 8a" and edged in blue on Plan 3 to the First Claimant.

5. By a construction contract between (1) Elephant & Castle Development UK Limited and (2) the Third Claimant dated 18 December 2021 ("the Construction Contract"), the Third Claimant agreed to undertake major construction works on the Elephant & Castle Construction Site.

6. The Construction Contract includes the following provisions:-

6.1 by clause 2.3 the Third Claimant was granted a licence to occupy the Elephant & Castle Construction Site until practical completion; and

6.2 by clause 3.16, the Third Claimant has obligations relating to site safety and security at the Elephant & Castle Construction Site and exclude the public from it.

7. By licence agreements between Transport for London (as the relevant highway authority) and the Third Claimant each dated 15 February 2022 and each expiring on 24 November 2025, the Third Claimant was granted permission to:-

- 7.1 occupy sections of New Kent Road, Walworth Road and Newington Butts in connection with the construction works ("the Highways Land"); and
  - 7.2 erect 3.0 metre high hoardings to separate the Highways Land from the remaining public highway.
8. The Elephant & Castle Construction Site comprises the Registered Land, the Transferred Land and the Highways Land. It is, and during construction will continue be, demarcated by hoardings, the precise location of which will change as construction proceeds.
  9. By virtue of the above, the Claimants are, and will remain, in possession of the Elephant and Castle Construction Site.

### **Urban Exploring**

10. The Elephant & Castle Construction Site is threatened by trespasses by so called "urban explorers" who trespass on high rise buildings and construction sites. They commonly upload photographs and / or video recordings of their exploits to the internet which can then be viewed for entertainment by their subscribers or followers on social media.
11. A common method by which urban explorers climb buildings under construction can be via the cranes on the site or by the use of concrete structures (e.g. unfinished stairwells) or construction lifts or hoists.
12. These activities pose serious risks to: (1) those involved; (2) construction workers below should they fall; (3) security staff; and (4) the emergency services. Trespassers to constructions sites at night fell to their death at Canary Wharf in January 2018 and Waterloo in September 2019. Further details are provided in the first witness statement of Stuart Sherbrooke Wortley (Partner of Eversheds Sutherland (International) LLP) served with this statement of case.

### **The Defendants**

13. For the reasons given in the first witness statement of Michael Waters served with this statement of case, the Claimants believe that there is a real and significant risk that trespassers will enter the Elephant & Castle Construction Site (or attempt to do so) in order to climb the tower cranes and or the structure of the building under construction, unless they are restrained from doing so by the Court.
14. There is no right for anyone to be present on the Elephant & Castle Construction Site without the Claimants' permission.

15. Any attempt to access the Elephant & Castle Construction Site without the permission of the Claimants will therefore constitute a trespass for which damages will not be an adequate remedy. Any such trespass has the potential to cause very serious harm to the trespassers, construction workers and those who are responsible for safety and security including employees and its contractors and the emergency services.

**THE CLAIMANTS CLAIM:-**

- (1) An injunction restraining persons unknown from entering the Elephant & Castle Construction Site without the permission of the Claimants;
- (2) Costs; and
- (3) Further or other relief.

The Claimants believes that the facts stated in these Details of Claim are true.

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

13 July 2023



---

Stuart Sherbrooke Wortley  
Partner

Eversheds Sutherland (International) LLP