

Party: Claimants  
Witness: S S Wortley  
Statement: First  
Exhibits: "SSW1" - "SSW6"  
Date: 14.07.23

**Claim Number:**

**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 OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants

---

**WITNESS STATEMENT OF**  
**STUART SHERBROOKE WORTLEY**

---

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. I make this witness statement in support of the Claimants' application for an injunction to prevent urban explorers from trespassing on the Elephant & Castle Construction Site (as defined in the Details of Claim).

3. 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.
4. I have read a copy of the witness statement of Michael Waters for the Claimants.

### **Urban Exploring and Fatal Accidents in the UK and abroad**

5. I have considerable experience, in my professional practice, of proceedings relating to the phenomenon of 'urban exploring'.
6. "Urban exploring" (commonly abbreviated, amongst those who undertake it, to "urbex", "UE", "bexing" and "urbexing") involves the exploration of buildings and man-made structures to which the public do not have access. The activity is therefore associated with trespassing on sites and parts of buildings to which public access is prohibited. One common example is construction sites.
7. One particular variant or aspect of urban exploration is known as 'roof-topping'. This is an activity in which individuals will gain access to the roof of a building (without the building owner's consent) in order to take photographs and / or videos. Typically urban explorers target the tall "trophy" buildings in any given city – particularly those which offer photogenic views. This issue is not limited to tall buildings which are occupied. It also affects structures under construction and, in particular, urban explorers are attracted to tower cranes which are used to construct them, and which are often significantly taller than the building(s) under construction and any surrounding buildings.
8. A similar, but much less frequently encountered form of trespass on tall buildings and construction sites is what is known as "base jumping". This activity involves jumping from fixed tall structures and using a parachute to descend to ground level.
9. Whilst 'roof topping' is not a new phenomenon, there has been a distinct change of focus in urban exploring in recent years, which has particularly led to an increase in activity upon construction sites, (which is a particular reason for the Claimants' concern in this case). This has resulted from the use, by urban explorers, of social media platforms (including YouTube, Instagram, Facebook and TikTok) to upload videos and still images. This has led to an increased apparent focus upon unsafe activity. The desire of those who engage in urban exploring to increase their social media profile and obtain more views (which can also generate revenue) leads them to seek out dangerous situations whilst trespassing, which may generate footage

which attracts more 'views' (and which can lead to payments from social medial companies). For the same reason, the taking of footage of famous buildings or from spectacular locations is also an increased focus of activity.

10. The influence of social media upon urban exploring has led to particular problems and risks:-

10.1 first, it has promoted the activity more widely and encourages others to participate in "copy-cat" acts, with some sites being repeatedly trespassed by a series of different individuals (as the videos commonly show others how the sites can be accessed);

10.2 secondly, the desire for exciting and novel footage encourages urban explorers to engage in increasingly dangerous activities, such as performing acrobatic stunts on ledges at extreme height or climbing along the jibs of cranes in the manner of monkey bars. I have seen several video recordings of this sort of activity on the social media platforms referred to above.

11. As will be obvious to the court, urban exploring carries with it serious risks for those involved and for others. The activity is generally carried out by juveniles and young adults. Those engaging in this activity (particularly those who are active on construction sites) often appear to underestimate or discount the risks involved. For example it is common in such videos for the protagonists to explain that they are 'experienced' and that the activity should not be attempted by inexperienced people, with the false implication that some level of safety or care is being employed by them. In practice, such statements simply show a lack of insight on the part of those who are exposing themselves to these risks.

12. The true level of risk arising from this activity is perhaps most starkly apparent from the number of deaths around the world which have (or appear to have) occurred as a result of urban exploring. I have advised clients in this field since 2017. Since that time I have become aware of the following fatal accidents which appear to be connected with urban exploring:-

12.1 June 2013 - Pavel Kashin (aged 24) died when he fell from a building in St Petersburg;

12.2 April 2014 - Xenia Ignatyeva (aged 17) died when she fell from a railway bridge in St Petersburg;

- 12.3 February 2015 - Carl Salomon (aged 19) died when he fell from a crane in Sydney;
- 12.4 October 2015 - André Retrovsky (aged 17) died when he fell from a building in Vologda in Russia;
- 12.5 December 2015 - Connor Cummings (aged 24) died when he fell from the roof of the Four Seasons hotel in New York;
- 12.6 March 2016 - Tolya (aged 13) died when he fell from the roof of a building in Saratov;
- 12.7 October 2016 - Christopher Serrano (aged 25) died when he was hit by a train in New York;
- 12.8 November 2016 - Yuri Yeliseyev (aged 20) died when he fell from a building in Moscow;
- 12.9 November 2016 - Wu Yongning (aged 26) died when he fell from a building in Changsha in China;
- 12.10 January 2017 - Nye Frankie Newman (aged 17) died when he was hit by a train in Paris. Nye Newman was a founding member with Rikke Brewer (the First Defendant) of the Brewman Group – an urban explorer collective of climbers;
- 12.11 January 2017 - Maxime Sirugue (aged 18) died when he fell from a bridge in Lyon in France;
- 12.12 March 2017 - Thomas Rhodes (aged 19) died when he fell from a building in Sheffield;
- 12.13 June 2017 - a young man who has not yet been named died when he fell from a bridge in Kiev;
- 12.14 August 2017, Leon Hoyle (aged 12) died when he fell through the roof of a disused industrial building in Lancashire;
- 12.15 October 2017 - Eric Janssen (aged 44) died when he fell from the London House Hotel in Chicago;
- 12.16 July 2018 - Jackson Coe (aged 25) died when he fell from a building in New York;
- 12.17 September 2019 - Johnny Turner (aged 28) died when he fell from scaffolding at a site in Waterloo, London; and

- 12.18 June 2020 - Ethan Bonnar (aged 22) died when he fell through the roof of a disused dairy building in Devon.
13. As well as these tragic fatalities which appear clearly to be related to urban exploring, in January 2018, the body of Sam Clarke (aged 21) was found on the construction site at 1-5 Bank Street at Canary Wharf after he gained unlawful access to that site. In that case, the precise circumstances of his death are unclear.
14. I attach marked "**SSW1**" Evening Standard articles concerning the tragic deaths of Sam Clarke in 2018 and Johnny Turner in 2019.

### **Construction Sites**

15. Almost all urban exploring is dangerous, but trespassing on construction sites has particular hazards which construction workers are aware of and which they are trained to deal with (but which urban explorers and other trespassers who have undertaken no site-familiarity training will necessarily be unaware of). All lawful visitors to a construction site are also obliged to wear Personal Protective Equipment – something urban explorers never do.
16. The risks associated with such hazards are increased if urban explorers are discovered on site. Once they have been seen, the first reaction of urban explorers is often to run away in an attempt to avoid being caught by security guards or the Police.
17. As with all construction sites, various security measures are in place at the Construction Site (and more will be in place construction progresses) to protect workers on site, such as scaffold guardrails to protect people from falling down voids – which can be several stories deep. Urban explorers think nothing of vaulting over fences and scaffold guardrails and such activity can often be seen on urban exploring videos. Indeed, being chased whilst attempting to escape security guards is often presented as entertainment in urban exploring videos. One comes across many videos with titles such as 'nearly caught at...' or 'rooftop chase at.'. Of course, numerous other risks arise from normal construction hazards (including risks of tripping and falling) which are again heightened in relation to people who are unfamiliar with the site and who are exploring it at night (which is when most activity occurs) and who are not wearing any form of personal protective equipment.

## **Injunctions on Other Construction Sites**

18. Since 2018 I have been involved in obtaining injunctions in relation to many sites in London, and particularly construction sites, to restrain persons unknown from trespassing upon them. This includes injunctions for the following construction sites for the Third Claimant in London:-
  - 18.1 22 Bishopsgate, 100 Bishopsgate and Principal Place Residential on Bishopsgate;
  - 18.2 80 Charlotte Street, Marble Arch House, Chelsea Barracks, New Scotland Yard, Market Towers, 63-71 Broadway, 40 Carey Street;
  - 18.3 Dovehouse;
  - 18.4 Bankside Yards on the south bank of the River Thames;
  - 18.5 1 Leadenhall Street.
  
19. I have also obtained injunctions for other contractors including:-
  - 19.1 various construction sites on the Canary Wharf Estate;
  - 19.2 a major development at Southbank Place;
  - 19.3 The Shard Place (both during its construction and afterwards);
  - 19.4 a major development at 250 City Road involving a tall residential block;
  - 19.5 a tall residential block at South Quay Plaza in Docklands;
  - 19.6 40 Leadenhall Street;
  - 19.7 a major development at Wembley Retail Park comprising several residential blocks.
  
20. In all of these cases, the Court was persuaded that there was a real risk / strong probability of trespass from urban exploring in circumstances where there was a risk of serious harm eventuating. In most (but not all) of them, by the time the injunction was obtained incidents of actual or attempted trespass by urban explorers had already occurred.

## The Attraction of Tower Cranes

21. The following examples demonstrate that tower cranes on construction sites remain a strong attraction to urban explorers:-

9 November 2021

Majestik.sb

"Cold Sunrise"

<https://www.instagram.com/p/CV-1GZ-l2Qv/>

This video was also featured in the Daily Mail on 6 January 2022

<https://www.dailymail.co.uk/news/article-10374365/amp/Adrenaline-junkies-climb-558ft-crane-east-London.html>

11 January 2022

Alexander Farrell

"Long way down"

<https://www.instagram.com/p/CYmZhYQMMCM/>

24 March 2022

Mxxrgn

"Climbing crane for sunset (escape)"

<https://www.youtube.com/watch?v=IVdGlnOYfw4>

The description of this video reads "New video where i climb a crane near a police station and they end up coming out and trying to catch me! Of course, i got away!"

18 April 2022

Daringducky69

"I climbed the tallest crane in the UK-SOLO- 08 Bishopsgate"

<https://www.youtube.com/watch?v=9tEm95H0yEw>

25 April 2022

ClimbAddict

"London Crane Climb/Roof Missions"

<https://www.youtube.com/watch?v=-7TtZyQ7PfU>

11 August 2022

Chichiatube

"I climbed a crane in London"

<https://www.youtube.com/watch?v=EyVa8NyWBIM>

15 August 2022

Daringducky69

"Crane climb with some unexpected visitors \*Police helicopter & dogs\*"

<https://www.youtube.com/watch?v=8XmR6b5yM8U>

18 August 2022  
George King Thompson  
*"Crane climb in London"*  
<https://www.youtube.com/shorts/zuTJwavSQcI>

12 September 2022  
George King Thompson  
*"LONDON EXTREME CRANE CLIMB"*  
<https://www.youtube.com/shorts/3OSQbeNAzL8>

October 2022  
Beno  
*"Free crane driving lesson"*  
<https://www.youtube.com/watch?v=pq666JxRHak>

14 November 2022  
BefaceComputing  
*"2 Crane climbs in London"*  
<https://www.youtube.com/watch?v=RLjbAPQbcmY>

January 2023  
Beno  
*"Driving a colourful crane"*  
<https://www.youtube.com/watch?v=WE1NhQhBdFA>

17 May 2023  
Yung Zuhaib  
*"Sneaking Into a Building Site and Climbing a Crane (NEXT TO MAGISTRATES COURT!)"*  
<https://www.youtube.com/watch?v=zYiSpGLwzqo>

29 May 2023  
Mr Visualz  
*"Huge 700 ft sunrise crane climb above London!"*  
<https://www.youtube.com/watch?v=OoJUicdk5wA>

21 June 2023  
Connor Price  
*"Been a while"*  
<https://www.instagram.com/p/CtweC8ToqAH/?igshid=MzRIODBiNWFIZA==>

22. Many of these videos and photographs show individuals climbing tower cranes and hanging off them.
23. Both of the videos in the list above which were uploaded by Ben Gittings (aka Beno) show him entering tower crane cabs on unidentified construction sites and operating the controls.



24. There is now produced and shown to me marked "**SSW2**" a schedule of other urban exploring videos and still images all uploaded since 2021. The focus of this material is on construction sites in London and much of it involves tower cranes. This material demonstrates that urban exploring continues to be a serious problem for construction sites (and tall buildings) in London. Every one of these videos / photographs evidences an incident of dangerous trespass.

### **The Present Proceedings**

25. I refer to the witness statement of Michael Waters which describes the Elephant & Castle Construction Site and in which he refers to an incident involving trespass by urban explorers in March 2023.

### **The Effectiveness of Injunctions**

26. The injunctions which have been obtained to date have reduced urbex activity at the relevant construction sites for tall buildings. That is not only my view but one shared by those responsible for security at those sites.

27. I am aware of only a handful of incidents in which urban explorers have deliberately breached an injunction to restrain trespass on a site:-

27.1 in September 2018, 5 individuals (including Messrs Farrell and Quaraishi) trespassed on Newfoundland Tower in breach of the Canary Wharf injunction. In my view, this was an early attempt by urban explorers to test the effectiveness of injunctions to restrain trespass. My firm acted in committal proceedings brought against these 5 individuals and a copy of the decision of His Honour Judge Freedman in November 2018 is attached to this statement at "**SSW3**". In paragraph 10, HHJ Freedman said that he would impose a custodial sentence if any of the individuals breached an injunction again;

27.2 in July 2019, George King-Thompson climbed The Shard in breach of an injunction which protects that building (the tallest in Western Europe). This was an exceptional case in which Mr King-Thompson made clear that he consciously and willingly risked imprisonment in the interests of raising his profile. Again my firm commenced committal proceedings and a copy of the decision of Mr Justice Murray is attached to this statement at "**SSW4**". Although Mr King-Thompson expressed regret at having breached the injunction, at the time of the committal hearing he was seeking to generate

publicity for the stunt (see paras 41 (iii) and 49 of the judgment at pp 104 / 5 of the hearing bundle).

28. In my respectful opinion, the deterrent effect of an injunction to restrain trespass has been greatly assisted by the clarity of the decisions of His Honour Judge Freedman in the Canary Wharf committal hearing in November 2018 and The Honourable Mr Justice Murray in The Shard committal hearing in October 2019.

29. These committals have sent a strong message to the urban exploring community and it is apparent that the vast majority of urban explorers avoid sites which are protected by an injunction. I attach marked "**SSW5**" an article published by Construction News in 2019 which illustrates this point. The author quotes a protagonist saying:-

*"As soon as there's an injunction, then it's not worth literally breaking the law just to go on a construction site"*

30. I remain of the view that injunctions represent a very strong deterrent and a genuine and effective protection against this unlawful activity.

### **Proceedings against Persons Unknown**

31. Although we are aware of the identify of many people who engage in urban exploring, the Claimants cannot know all of them. More pertinently, since it is now unheard-of for urban explorers to give advanced warning of their attempted trespass on particular sites, the Claimants cannot know in advance which particular urban explorer might choose to target the Construction Site and it is clearly inappropriate for the Claimants to name any person simply because they are known to have engaged in urban exploring at some location in the past.

32. In fact this activity is not confined to British nationals but is engaged in by people from around the world. In proceedings in which an injunction was obtained to protect the O2 Arena (*AnSCO Arena Ltd v Law* [2019] EWHC 835) the Court heard evidence that trespassers had travelled from the Netherlands specifically to climb that building. Many UK-based urban explorers post footage of them climbing tall or significant buildings abroad.

### **Permission to Issue without a Named Defendant and to Dispense with Service**

33. There are no named defendants to these proceedings. Although the rules are somewhat unclear as to whether permission is therefore necessary, pursuant to

CPR 8.2A, I respectfully ask that the Court grant the necessary permission if that is required.

34. Since no person will become a defendant to the proceedings unless they knowingly breach the injunction it is not proposed to physically serve the proceedings on anyone. If a party knowingly breaches the Order, they would automatically become a party to the proceedings.
35. However, it is appropriate that the Claimant take steps which reasonably be expected to bring the existence of the injunction to the attention of someone wishing to trespass on the Construction Site. The draft Order therefore makes provision for substituted service of the proceedings by means of the posting of warning notices which describe the basic operation of the injunction, and identify ways in which copies of the injunction can be obtained (including immediately online from a mobile phone by using the url on the notice).
36. This method of service has been commonly used on construction sites. Proving that the Order has come to the attention of those who have been committed for the breach of such injunctions (including in the Canary Wharf and The Shard actions referred to above) has not been a difficulty, which I believe demonstrates that the proposed methods of service are effective.
37. The procedure which we propose to adopt in this case (and which has been adopted before), is:-
  - 37.1 to upload a complete copy of the injunction (and the proceedings) to a specified website;
  - 37.2 to post copies of a warning notice around the perimeter of the Elephant & Castle Construction Site at frequent intervals informing people of: the existence and nature of the injunction; the proceedings; the potential consequences of breaching it; an address at which copies of the proceedings can be sought; and the website at which the injunction can be viewed;
  - 37.3 to maintain a copy of the proceedings at the site office for the Elephant & Castle Construction Site; and
  - 37.4 to provide copies to anyone who contacts me requesting them.
38. I attach to this statement a suggested form of notice marked "**SSW6**".

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.



---

Stuart Sherbrooke Wortley

14 July 2023

**Claim Number:**

**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 OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants

---

**SSW1**

---

This is the exhibit marked "**SSW1**" referred to in the Witness Statement of Stuart Sherbrooke Wortley

## Sam Clarke: Man who fell 50ft to his death at Canary Wharf building site went missing after night out



*Tragic death: Sam Clarke / Facebook*

A

man who plunged to his death at a city skyscraper construction site disappeared after returning from a night out with friends, it emerged today.

Sam Clarke vanished on a New Year's Eve night out while returning from an event at the O2 concert arena.

His friends launched a desperate search for him and put out appeals on social media.

But today his friend Jack Armstrong confirmed that Mr Clarke had died after falling into a 50ft trench on a construction site at [Canary Wharf](#).

His body was found yesterday morning when workers returned to work.

*The body of Sam Clarke was found in a Canary Wharf building site on Tuesday morning / Getty Images*

Mr Armstrong posted on Facebook saying: "I would like to thank everyone for the messages of support and shares.

"Unfortunately it's bad news, as Sam passed away (he was the body found at Canary Wharf this morning). We all his friends and all family are absolutely distraught, R.I.P Sam, God bless"

Sam, who is believed to be from St Albans in Hertfordshire, had been with a group of friends at the Indigo at the O2 music venue in Greenwich before becoming separated.

They had been had attending the Kisstory hits event, which featured DJs including DJ Luck & MC Neat and Justin Wilkes.

Friends paid tribute on Facebook. Nessa Rawlinson wrote: “Sleep peacefully Sam. Your friends wont forget you x”

Aimi Davey wrote: “So sad, he went to school with my son they were the same age. So young! My heart goes out to his family and friends. RIP SAM x”

A [Met Police](#) spokesman confirmed that the body of a man was found at 8.46am yesterday.

The man was pronounced dead at the scene and his death was not being treated as suspicious.

## Johnny Turner death: Man who fell to his death from scaffolding in Waterloo was free runner



*'Inspiring': a friend described Johnny Turner as 'the beating heart of the free-running community in London'*

A

man who fell to his death from scaffolding in south London was a free-running enthusiast who had travelled across Europe practising [parkour](#).

Johnny Turner, 28, died after plunging from the eighth storey of a block of flats in [Waterloo](#) on Thursday night.

Tributes were today paid to Mr Turner, an accomplished parkour runner from Wandsworth who had scaled a host of high-rise buildings in London.

Friends described him as a pioneer of London's urban exploring community, with pictures online showing him scaling buildings such as the Barbican and Battersea Power Station.

*The man fell to his death from Windmill House in Waterloo / NIGEL HOWARD ©*

James Wood, a fellow parkour enthusiast, said: "Johnny was the most thoughtful, inspiring, gentle, enthusiastic, positive person I have ever met. He was the beating heart of the free-running and urban exploration community in London.

"There was never anything negative he had to say about anyone or anything, he relished living in the moment and insisted he had his friends by his side."



Mr Turner's uncle, Ralph Phillips, said: "He was a great boy, really nice to be around. His mum and dad knew what he did and obviously worried about it as any parent would.

"His parents have been to see us after what happened. For a parent to have a child die before them is something hard to comprehend. They are devastated. He was a talented artist and caring person with lots of friends."

Mr Phillips said Mr Turner's parents, who were away in Germany when the accident happened, want a thorough investigation to take place.

More than 40 fellow free runners met at Windmill House, where Mr Turner died, yesterday to pay their respects.

A GoFundMe page set up in his memory has raised more than £3,500. The page said he had the "kindest and pure soul".

**Claim Number:**

**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 OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants



---

**SSW2**

---

This is the exhibit marked "**SSW2**" referred to in the Witness Statement of Stuart Sherbrooke Wortley

# LONDON

<u>Video/Photo</u>	<u>Account</u>	<u>Date Uploaded</u>	<u>URL Link/Image</u>
"CLIMBING A CRANE IN LONDON!!!**CAUGHT BY ANGRY SECURITY**"	VOL.6	05.05.21	<a href="#">CLIMBING A CRANE IN LONDON!!! **CAUGHT BY ANGRY SECURITY** - YouTube</a> 
"Sitting atop the Stratosphere   Previously convicted free-climber scales 36 story tower"	RT UK	04.08.21	<a href="#">Sitting atop the Stratosphere   Previously convicted free-climber scales 36 storey tower - YouTube</a> 

<p>"CLIMBING ONE THAMES CRANE -210M (LONDON)"</p>	<p>DAVIES VLOGS</p>	<p>31.08.21</p>	<p><a href="#">CLIMBING ONE THAMES CRANE - 210M (LONDON) - YouTube</a></p> 
<p>"London Sunrise Rooftop Free Climbing POV"</p> <p>"Me and a couple friends free climbed up one of the tallest construction sites in London".</p>	<p>ChaseTO</p>	<p>03.09.2021</p>	<p><a href="#">London Sunrise Rooftop Free Climbing POV - YouTube</a></p> 

<p>"Pulling these sick shots out the bag"</p>	<p>Air Addiction</p>	<p>18.09.21</p>	
<p>"Chill rooftop climb in London"</p>	<p><u>Tjvss</u></p>	<p>7.10.2021</p>	<p><a href="#">Chill rooftop climb in London - YouTube</a></p> 

"Stole the stage..."

Cp.xl

15.10.21



cp.xl - Follow  
London, United Kingdom



cp.xl Stole the stage ...

#urbex #urbexpeople #urbexphotography #urbexworld #urbexplaces #urbexphoto #urbexchampions #urbanroques #urban

389 likes

OCTOBER 15, 2021

Add a comment...

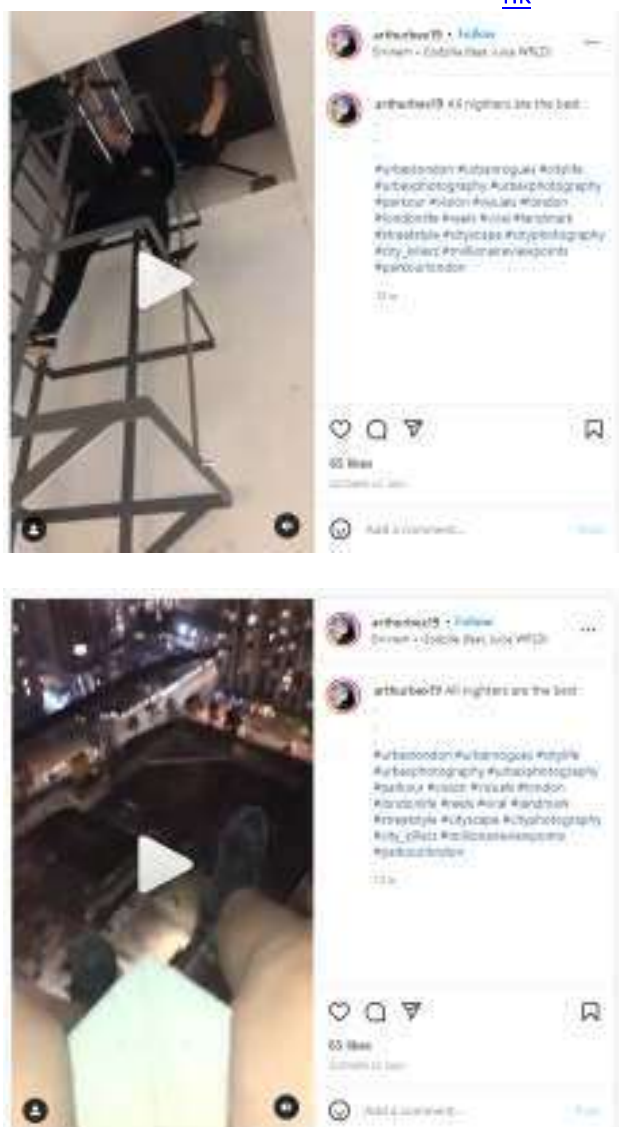
<p>"City of London crane climb (120m)"</p>	<p>Mxxrgn</p>	<p>20.10.221</p>	<p><a href="#">City of London crane climb (120m) - YouTube</a></p> 
<p>"*INSANE POLICE ESCAPE* SKYSCRAPER CLIMB IN CANARY WHARF"</p>	<p>Mike Siurek</p>	<p>23.10.21</p>	<p><a href="#">*INSANE POLICE ESCAPE*   SKYSCRAPER CLIMB IN CANARY WHARF   - YouTube</a></p> 

"All nighters are the best"

Arthurbex  
19

23.10.21

[https://www.instagram.com/arthurbex19/reel/CVX44MSj2Yu/?utm\\_medium=copy link](https://www.instagram.com/arthurbex19/reel/CVX44MSj2Yu/?utm_medium=copy_link)



arthurbex19 • Follow  
Screen - Double Tap, Like, W/DT

arthurbex19 All nighters are the best:

#bedanden #baterogaki #citylife  
#urbexphotography #urbexphotography  
#partur #piston #piston #piston  
#kardorok #kardorok #kardorok  
#kardorok #kardorok #kardorok  
#city\_life #kardorok #kardorok  
#kardorok

00 likes  
Screen 11 Jan

Add a comment...

arthurbex19 • Follow  
Screen - Double Tap, Like, W/DT

arthurbex19 All nighters are the best:

#bedanden #baterogaki #citylife  
#urbexphotography #urbexphotography  
#partur #piston #piston #piston  
#kardorok #kardorok #kardorok  
#kardorok #kardorok #kardorok  
#city\_life #kardorok #kardorok  
#kardorok

00 likes  
Screen 11 Jan

Add a comment...

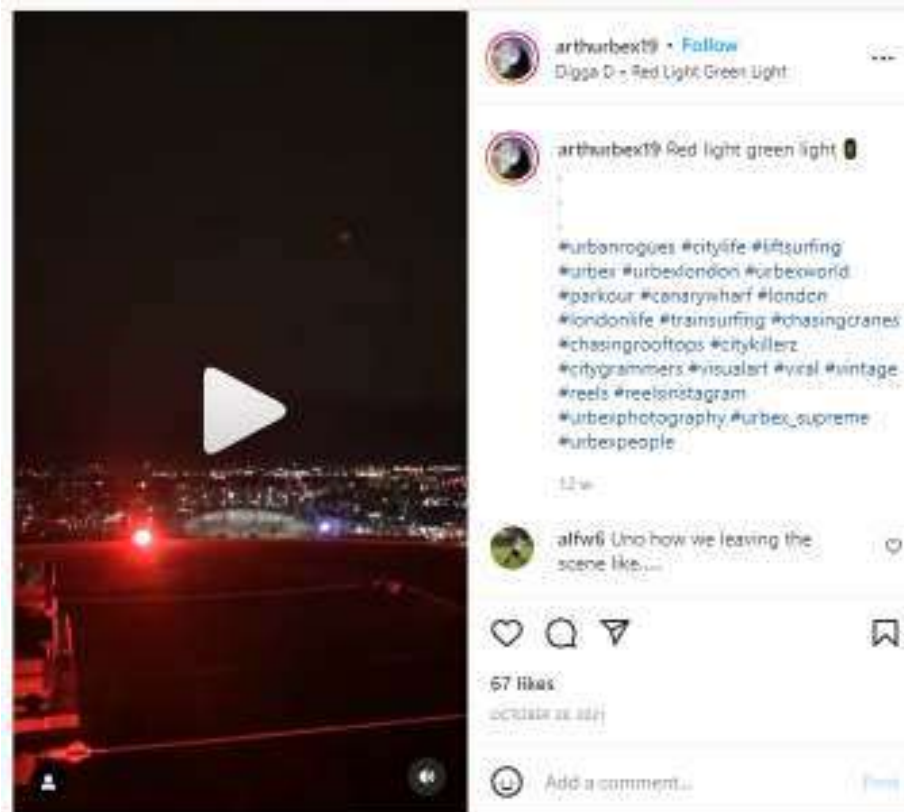




"Red Light Green Light"

Arthurbex  
19

28.10.21

[https://www.instagram.com/reel/CVjMEw8ovr/?utm\\_medium=copy\\_link](https://www.instagram.com/reel/CVjMEw8ovr/?utm_medium=copy_link)



<p>"Cold sunrise"</p>	<p>Majetik.sb</p>	<p>09.11.21</p>	
<p>"Night Street Photography POV - LONDON Rooftop (SONY A7III)"</p>	<p>Bobby Vasilev</p>	<p>26.11.21</p>	<p><a href="#">Night Street Photography POV - LONDON Rooftop (SONY A7III) - YouTube</a></p> 

(untitled)

[t.w.visions](#)

15.12.21





"Easy Life..."

Arthurbex  
19

22.12.21





<p><i>"Looks very different during the day"</i></p>	<p>Benolifts Beno</p>	<p>24.12.21</p>	 <p>Instagram post by benolifts showing a high-angle view of a city from a skyscraper. The person's legs are visible in the foreground. The caption reads: "Looks very different during the day".</p>
<p><i>"Merry Christmas"</i></p>	<p>Alexander Ferrell Alexanderferrell1999</p>	<p>25.12.21</p>	 <p>Instagram post by Alexanderferrell1999 showing a person sitting on a balcony railing overlooking a city at sunset. The caption reads: "Merry Christmas".</p>




<p><i>"One of the coldest mornings of my life..."</i></p>	<p>Cp.xl</p>	<p>25.12.21</p>	 <p>The image shows a rooftop view of London, featuring a prominent white, circular, multi-tiered structure in the foreground. The structure has a central vertical pole and several horizontal rings. In the background, a person is visible on the rooftop, and the cityscape of London is visible under a cloudy sky.</p> <p>Instagram post details:</p> <ul style="list-style-type: none"> <li>Profile: cp.xl • Follow, London, United Kingdom</li> <li>Caption: cp.xl One of the coldest mornings of my life...</li> <li>Hashtags: #urbex #urbexpeople #urbexphotography #urbexworld #urbexplaces #urbexchampions #urbanphotography #urbanrogues #urban #urbandictionary #urbandecay #urbanoutfits #way2ill #moodygrams #cityscape #rooftop #london</li> <li>Engagement: 324 likes, December 25, 2021</li> <li>Comment: Add a comment...</li> </ul>
<p><i>"High up in London – Overlooking Canary Wharf"</i></p>	<p>Luke Badharee</p>	<p>26.12.2021</p>	

Signature.  
photoartist



<p><i>"The TERRIFYING jump...OFF THE ROOF"</i></p>	<p>Usamalama</p>	<p>27.12.2021</p>	<p><a href="#">The TERRIFYING jump... OFF THE ROOF!!! - YouTube</a></p>  A first-person perspective shot from the edge of a skyscraper's roof. The sun is low on the horizon, creating a bright, hazy glow over a city skyline. A person is seen in mid-air, having just jumped from the edge of the roof. The building's structure is visible in the foreground.
<p><i>"Free Climbing Stratosphere (120 METERS)"</i></p>	<p>Trikkstar69 Owen Reece</p>	<p>29.12.21</p>	<p><a href="#">Free Climbing Stratosphere (120 METERS) - YouTube</a></p>  A first-person perspective shot of a person climbing a white metal structure on a high-rise building. The person's hands and feet are visible as they grip the metal beams. The view looks down from a significant height, showing a city street and other buildings below.




<p>"Central london rooftop climb"</p>	<p>Tvjss</p>	<p>04.01.22</p>	<p><a href="#">Central london rooftop climb - YouTube</a></p> 
<p>"Breezy"</p>	<p>Cp.xl</p>	<p>05.01.22</p>	 

"Keeping the dream alive"

t.w.visions

07.01.22



<p>"Active Member"</p>	<p>Owen Reece</p> <p>Trikkstar69</p>	<p>07.01.22</p>	 <p>Instagram post showing an aerial view of a person sitting on a building ledge overlooking a river and city. The post includes a list of users who interacted with it and engagement metrics.</p> <p>Instagram post showing an aerial view of a person sitting on a building ledge overlooking a river and city. The post includes a list of users who interacted with it and engagement metrics.</p> <ul style="list-style-type: none"><li>Trikkstar69 - Follower</li><li>Trikkstar69 - Follower</li><li>Trikkstar69 - Follower</li><li>Trikkstar69 - Follower</li></ul> <p>254 likes</p>
------------------------	--	-----------------	---

*"London Crane Climb"*  
"we are well aware of the risks".

Chasing  
MomentZ

08.01.22

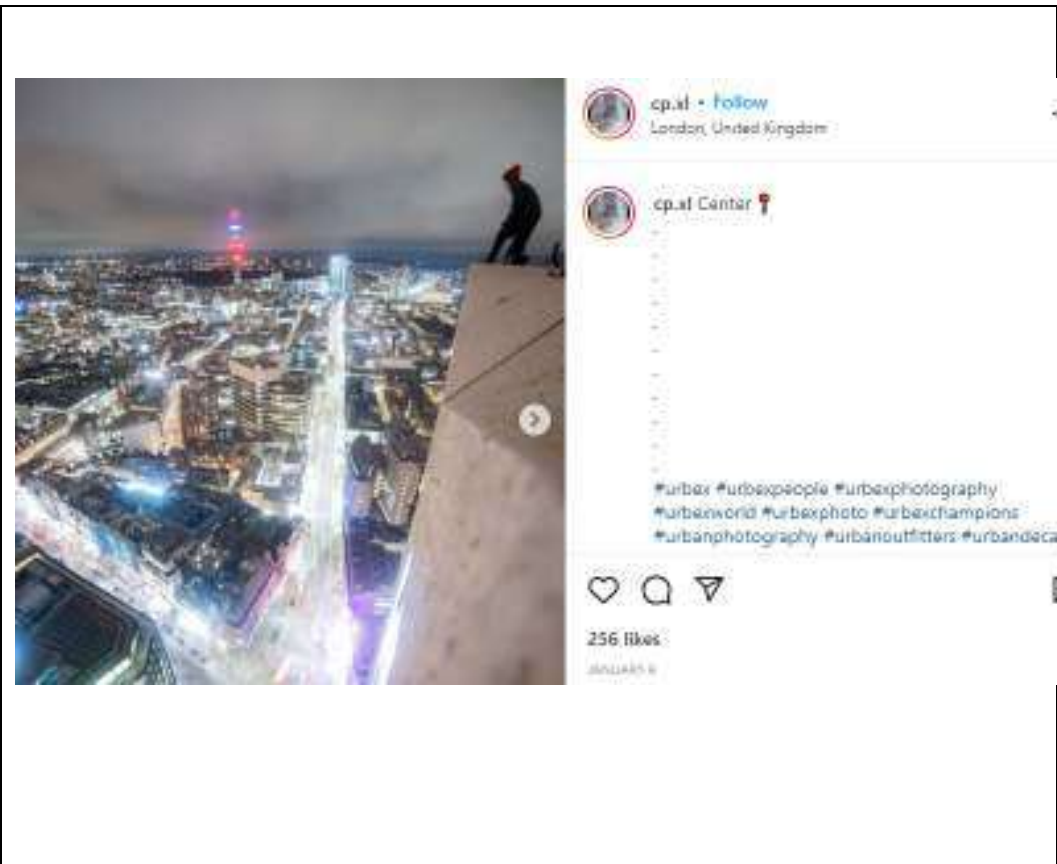
[London Crane Climb - YouTube](#)






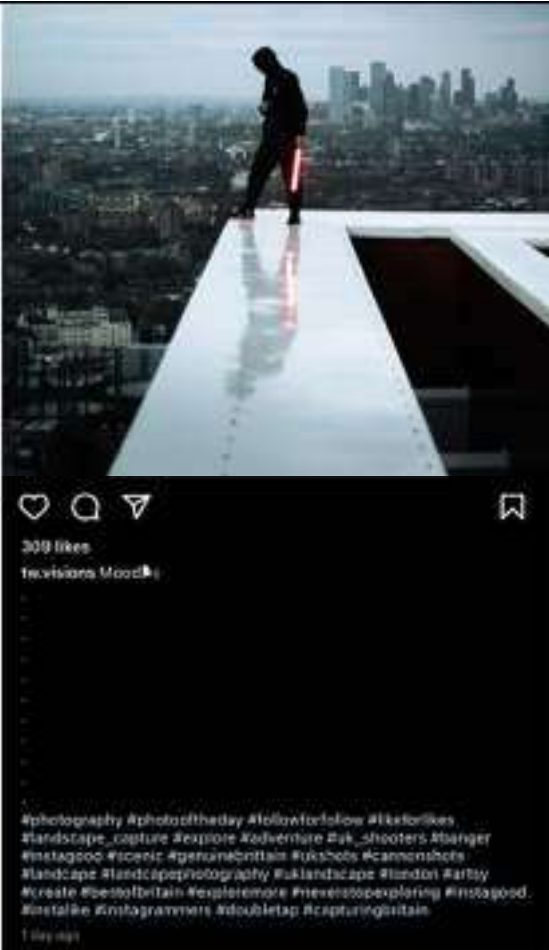
"Centre"



cp.xl

09.01.22







<p><i>"Long way down"</i></p>	<p>Alexander Ferrell  Alexanderferrell1999</p>	<p>11.01.22</p>	 
<p><i>"London Rooftopping 2021"</i></p>	<p>Mxxrgn</p>	<p>16.01.22</p>	<p><a href="#">London Rooftopping 2021 - YouTube</a></p> 


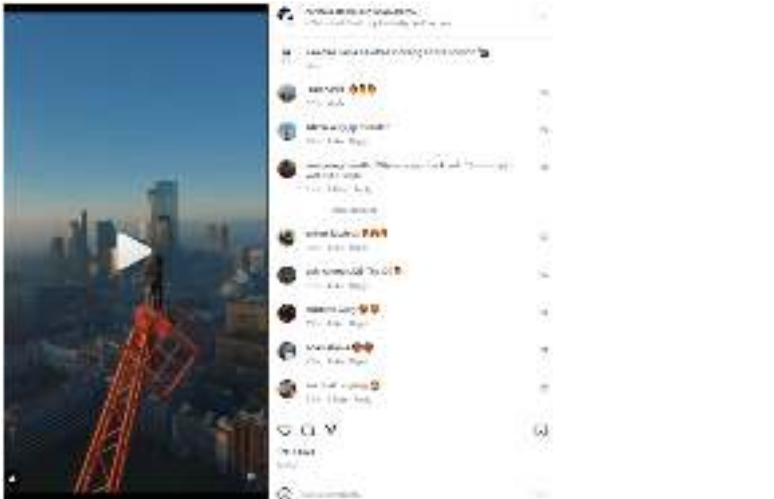
<p>"Moods"</p>	<p>t.w.visions</p>	<p>19.01.22</p>	 <p>The image is a screenshot of an Instagram post. It features a person in silhouette standing on a narrow, reflective metal ledge of a rooftop. The person's reflection is clearly visible on the surface. In the background, a dense urban landscape stretches out, with a prominent skyline of skyscrapers under a hazy sky. The post includes standard Instagram interaction icons (heart, comment, share, bookmark) and shows '309 likes'. The caption area contains several hashtags including #photography, #landscape, #cityscape, and #urbanexploration.</p>
<p>28DL Urban Exploration</p>			<p>Discussion forum for Urban Exploration 81,674 members <a href="http://28DaysLater.co.uk">28DaysLater.co.uk</a></p>



<p>"Perspective"</p>	<p>Tw.visions</p>	<p>06.02.22</p>	<p><a href="https://www.instagram.com/p/CZpc4b9sg3m/">https://www.instagram.com/p/CZpc4b9sg3m/</a></p> 
<p>"Carefree climb Croydon"</p>	<p>Usmalalama</p>	<p>09.02.22</p>	<p><a href="https://www.instagram.com/p/CZxKbwbgK2s/">https://www.instagram.com/p/CZxKbwbgK2s/</a></p> 





<p>"Weekend Sunrises"</p>	<p>Trikkstar69 Owen Reece</p>	<p>28.02.22</p>	<p><a href="https://www.instagram.com/p/CbGK2wUoiek/">https://www.instagram.com/p/CbGK2wUoiek/</a></p> 
<p>"Looting and booting"</p>	<p>Trikkstar69 Owen Reece</p>	<p>11.03.22</p>	<p><a href="https://www.instagram.com/p/Ca-pkvoIXnu/">https://www.instagram.com/p/Ca-pkvoIXnu/</a></p> 



<p>"Cardio"</p>	<p>Trikkstar69 Owen Reece</p>	<p>31.03.22</p>	<p><a href="https://www.instagram.com/p/CbxsNSAIo2/">https://www.instagram.com/p/CbxsNSAIo2/</a></p> 
<p>"City chilling"</p>	<p>Cp.xl</p>	<p>28.04.22</p>	<p><a href="https://www.instagram.com/p/Cc5UXO9DKaP/">https://www.instagram.com/p/Cc5UXO9DKaP/</a></p> 

<p>"copyright"</p>	<p>Tw.visions</p>	<p>20.05.22</p>	<p><a href="https://www.instagram.com/p/Cdx-nBUMvNq/">https://www.instagram.com/p/Cdx-nBUMvNq/</a></p> 
<p>"Carefree London" morning above</p>	<p>Usamalama</p>	<p>25.06.22</p>	<p><a href="https://www.instagram.com/p/Cd_N7GOg5oK/">https://www.instagram.com/p/Cd_N7GOg5oK/</a></p> 

<p>"Bishopsgate chilling"</p>	<p>Cp.xl</p>	<p>16.06.22</p>	<p><a href="https://www.instagram.com/p/Ce4FoFij0a7/">https://www.instagram.com/p/Ce4FoFij0a7/</a></p> 
<p>"CRANE CLIMB IN LONDON"</p>	<p>George King</p>	<p>18.08.22</p>	<p><a href="https://www.youtube.com/shorts/zuTJwavSQcI">https://www.youtube.com/shorts/zuTJwavSQcI</a></p> 

<p>"Shard, 04/09/2022"</p>	<p>Nuisance69 Adam Lockwood</p>	<p>04.09.22</p>	<p><a href="https://www.instagram.com/p/CiEtdYfIf1O/">https://www.instagram.com/p/CiEtdYfIf1O/</a></p>  <p>The screenshot shows an Instagram post from the user 'nuisance69'. The main image is a selfie of a young man with a goatee and sunglasses, shirtless and wearing climbing gear, standing on a narrow ledge of the Shard skyscraper. In the background, the city of London and the River Thames are visible. The post has a caption in Spanish: "¡El momento más emocionante de mi vida! ¡Proud moment!" and several comments from other users, including 'ohh, way / agers' and 'bebe con tu familia'. The post has 1,722 likes and is marked as 'Public'.</p>
----------------------------	---	-----------------	--

<p>"Grater chilling"</p>	<p>Cp.xl</p>		<p><a href="https://www.instagram.com/p/CiVHS4ID4MU/">https://www.instagram.com/p/CiVHS4ID4MU/</a></p>  <p>The image shows an Instagram post. The main visual is a person in silhouette standing on a narrow ledge of a high-rise building, looking out over a city at sunset. The city below is densely packed with buildings. The Instagram interface is visible on the right, showing the user's profile, the caption, and several comments from other users.</p>
<p>"I jumped off a crane"</p>	<p>ChaseTO</p>	<p>13.09.22</p>	<p><a href="https://www.youtube.com/watch?v=uu32TCFazAM">https://www.youtube.com/watch?v=uu32TCFazAM</a></p>  <p>The image shows a YouTube video player. The video content is a first-person perspective of a hand holding a green rope, with a cityscape and a body of water in the background. The video player interface is visible at the bottom, including play, pause, volume, and progress controls.</p>

<p>"One of the most beautiful sunrises I've ever witnessed"</p>	<p>Cp.xl</p>	<p>06.10.22</p>	<p><a href="https://www.instagram.com/p/CjYOKLCDiRP/">https://www.instagram.com/p/CjYOKLCDiRP/</a></p> 
<p>"2 Crane Climbs in London"</p>	<p>Beface Computing</p>	<p>14.11.22</p>	<p><a href="https://www.youtube.com/watch?v=RLjbAPQbcmY">https://www.youtube.com/watch?v=RLjbAPQbcmY</a></p> 

"London Rooftop Escape POV"	PHAT	18.11.22	<p data-bbox="1048 193 1653 225"><a href="https://www.youtube.com/watch?v=1y1ivyc2Dzc">https://www.youtube.com/watch?v=1y1ivyc2Dzc</a></p> 
-----------------------------	------	----------	--



**Claim Number:**

**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 OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants

---

**SSW3**

---

This is the exhibit marked "**SSW3**" referred to in the Witness Statement of Stuart Sherbrooke Wortley

If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
[2018] EWHC 3418 (QB)



No. ATC 18/0626

Royal Courts of Justice

Monday, 26 November 2018

Before:

HIS HONOUR JUDGE FREEDMAN (SITTING AS A JUDGE OF THE HIGH COURT)

B E T W E E N :

CANARY WHARF INVESTMENTS LIMITED & OTHERS

Applicants

- and -

- (1) ALEXANDER FARRELL
- (2) OK
- (3) ELLIOT HENSFORD
- (4) FINDLEY GLEESON
- (5) USAMA QUARISHI

Respondents

MR D. FORSDIC QC (instructed by Eversheds Sutherland) appeared on behalf of the Applicants.

MS BRUCE-JONES appeared on behalf of the Second Respondent

MR A. FARRELL, MR E. HENSFORD, MR F. GLEESON and MR U. QUARISHI appeared as Litigants in Person.

J U D G M E N T

HIS HONOUR JUDGE FREEDMAN (SITTING AS A JUDGE OF THE HIGH COURT):

- 1 Alexander Farrell, OK, Usarma Quarishi, Elliot Hensford and Findley Gleeson have been brought to this court because they are in contempt of court and they are therefore the subject of committal proceedings. That is so because each of them has breached an injunction made in the High Court on 23 February 2018 by Mr Justice Warby.
- 2 That order was made against certain named defendants but also against persons unknown who might be minded to enter the Canary Wharf Estate. The terms of the order were that nobody was allowed to trespass in the Canary Wharf Estate and should they do so, in breach of the order, they were at risk of being sent to prison. I am satisfied that each of the five respondents was well aware of the existence of that order and indeed, in the case of Alexander Farrell, he had given an undertaking to this court that he would not trespass within the Canary Wharf Estate.
- 3 Notwithstanding their knowledge of the existence of that order, on 22 September of this year, all five of them broke through a secure door and entered a building under construction known as Newfoundland which has in excess of 50 storeys. When they broke into the building, they climbed past a sign, a sign which made it clear that it was dangerous for them to enter the building and, moreover, if they entered the building they were in breach of the court injunction. They took no notice and they scaled the height of the building passing signs on their way which they chose to ignore. That they had trespassed in this building became clear from their posts on social media.
- 4 They are, all of them, or were at the time, what is colloquially called 'urban explorers'. They were engaged in activities known as roof topping, carrying out acrobatic stunts, sitting or standing in exposed and precarious positions which were then filmed either on camera or on video and then posted on social media.
- 5 The activities of urban explorers cause considerable harm and could result in very serious danger. Indeed, before I go any further, I should observe that on 2 January this year, a young man by the name of Sam Clarke died at Canary Wharf as a result of falling from a high rise building.
- 6 First and foremost, in doing these antics on high rise buildings they expose themselves to considerable potential harm and indeed any one of them could have fallen on the night in question. It does not stop there. Security in the Canary Wharf site is of maximum importance. It is, as I am told, a matter of national significance. Security guards, coupled no doubt with other sections of the security forces, patrol and supervise the site for reasons of anti-terrorism. If people like the respondents break into buildings for their own gratification, that has the potential to compromise matters of national security. Moreover, it imposes an increasing and unnecessary burden on the security staff who are there to protect the national interest. Your activities have other implications. Were you to fall from a building, anybody in the vicinity of that building could be injured by you falling. Your activities also potentially place demands on the emergency services.
- 7 The prevalence of this activity caused the owners, after much reflection, to obtain the injunction. They did so to stop you from targeting these iconic trophy buildings. You

ignored that order. It is a grave matter. Each of you tell me that you did not appreciate the seriousness of the injunction. I find that hard to believe because anybody who sees written on a boarding “You are liable to go to prison” should understand that that is exactly what it does mean, should you breach the order. Nevertheless, I am satisfied that only now that you have been brought to the High Court and realised the gravity of your position that you have fully appreciated the implications of your acts.

- 8 Each one of you, albeit late in the day, has had the good sense to admit your involvement in trespassing that building on 22 September this year and to admit that you were aware of the injunction which said you could not do so. That is your saving grace because I can tell you now that had you contested these matters and had there been a hearing before me, then the outcome would have been very different indeed. As it is, I am willing to accept that you now do appreciate the gravity of what you did. I am willing to accept that you are truly apologetic for what you did. By accepting your responsibility, you are showing a degree of remorse and contrition.
- 9 Most importantly I am willing to accept that you are genuine when you say to me that you will never again engage in this kind of activity. In your case, Usarma Quarishi, I am particularly impressed when you say to me that you will do your utmost to discourage others, whom you know who are inclined to take part in urban exploring, from doing so. You should all do that if you do have contact with anybody who might be so inclined to do it in the future. Everybody who is attracted to this activity needs to understand it is forbidden, it is dangerous and it has all sorts of repercussions. On another occasion a court is unlikely to take the lenient approach that I am taking today.
- 10 I have thought long and hard about whether I should impose some form of custodial sentence. I have, ultimately, come to the view that that is not necessary. You are all young men, one of you 17, three of you 18 and one of you 19. You are, it seems to me, essentially decent young men; you are all engaged in gainful activities, whether it is at college or part-time work or full-time work. I do not want your careers to be blighted by having had some form of custodial sentence imposed upon you, but had I taken that course of action, you could not have complained. As an act of leniency and to safeguard your futures, I have decided not to take that course of action, but please rest assured that if any of you breach any further order in any way, then that is what a court will do. Make no mistake about it.
- 11 Alexander Farrell you are in a slightly different position because, first of all, you were not an unknown person, but you gave an undertaking, and secondly, you have been subject to a number of banning orders. You have flagrantly breached that undertaking, you have shown disrespect to the court because you gave the undertaking knowing you had to observe it and you did not. Moreover, you are in work and earning a reasonable salary. In your case, the sentence which I am going to impose is a financial penalty. You will pay the sum of £250 to reflect the seriousness of your breach.
- 12 In the other four cases, I am not going to impose a penalty. That does not mean you are getting off scot free: you have had the indignity of coming to court and facing these allegations of contempt, and you have had the anxiety of not knowing what the outcome was likely to be because you will all have heard what I said last Monday, that the court was contemplating some form of custodial sentence. You have therefore been punished to some extent but, as I say, I am not imposing a separate penalty. None of you, it seems to me, is in a position to pay any meaningful financial penalty and I do not, as I have said, want to go down the route of imposing a custodial sentence.

- 13 You can regard yourselves as fortunate, but let it be clear that you must never ever engage in this activity again.
-

**CERTIFICATE**

Opus 2 International Ltd. hereby certifies that the above is an accurate and complete record of the proceedings or part thereof.

*Transcribed by **Opus 2 International Ltd.**  
(Incorporating **Beverley F. Nunnery & Co.**)  
Official Court Reporters and Audio Transcribers  
**5 New Street Square, London EC4A 3BF**  
**Tel: 020 7831 5627 Fax: 020 7831 7737**  
**civil@opus2.digital***

This transcript has been approved by the Judge

**Claim Number:**

**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 OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants

---

**SSW4**

---

This is the exhibit marked "**SSW4**" referred to in the Witness Statement of Stuart Sherbrooke Wortley



Neutral Citation Number: [2019] EWHC 2962 (QB)

Case No. HQ 18 X 00427

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London WC2A 2LL

Date: 21<sup>st</sup> October 2019

Start Time: 14:00 Finish Time: 14:30

Page Count: 12

Word Count: 5,426

Number of Folios: 76

Before: **THE**  
**HONOURABLE MR JUSTICE MURRAY**

Between:

(1) **TEIGHMORE LIMITED**  
(2) **LBQ FIELDEN LIMITED**

**Claimants/  
Applicants**

- and -

(1) **IAN DAVID BONE**  
(2) **PERSONS UNKNOWN ENTERING IN OR  
REMAINING AT THE SHARD OR SHARD  
PLACE WITHOUT THE CLAIMANTS'  
LICENCE OR CONSENT**

**Defendants**

- and -

**GEORGE HENRY KING-THOMPSON**

**Respondent**

MR DAVID FORSDICK QC (instructed by **Eversheds Sutherland (International) LLP**) for  
the **Claimants/Applicants**.

MR PHILIP McGHEE (instructed by **Reeds Solicitors**) for the **Respondent**.

The **First Defendant** did not attend and was not represented.

**APPROVED JUDGMENT**

*If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.*

*This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.*

Digital Transcription by Marten Walsh Cherer Ltd.,  
2<sup>nd</sup> Floor, Quality House, 6-9 Quality Court, Chancery Lane, London WC2A 1HP.  
Telephone No: 020 7067 2900. Fax No: 020 7831 6864 DX 410 LDE  
Email: [info@martenwalshcherer.com](mailto:info@martenwalshcherer.com)  
Web: [www.martenwalshcherer.com](http://www.martenwalshcherer.com)



## **MR JUSTICE MURRAY:**

1. This is an application by the applicants, Teighmore Limited and LBQ Fielden Limited, seeking the committal of the respondent, Mr George King-Thompson, for breaching an order made on 8 February 2018 by Ms. Leigh-Ann Mulcahy QC, sitting as a judge of the High Court (“the Injunction”). The applicants seek an order against Mr King-Thompson under CPR r.81.4(1)(b) for his committal on the grounds that he knowingly and/or deliberately acted in breach of the Injunction.

### *The parties*

2. The first applicant owns a leasehold interest in the development known as “The Shard”, which is situated on land registered at the Land Registry with title number TGL386845. It is in possession of all the common parts of The Shard (including all of the stairwells and elevators).
3. The second applicant owns a leasehold interest in the site previously known as Fielden House. That building has now been demolished and the land is a site on which The Shard apartments are being (or have been) built, the land being registered at the Land Registry with title number TGL144345.
4. Mr King-Thompson is a 20-year-old man, who is a member of the urban exploring community. On Monday 8 July 2019, when he was 19 years old, he climbed the exterior of The Shard from ground level to near the top in breach of the Injunction, which restrained persons unknown from entering or remaining upon any part of The Shard without the licence or consent of the first applicant. Mr King-Thompson, of course, did not have such licence or consent.

### *Background*

5. Urban exploring is an activity which involves the exploration of buildings and manmade structures within the urban environment. The activity often involves trespassing on parts of buildings to which public access is prohibited, which the public have no licence to access and which are intended to be secure. The term “urban exploration” is commonly abbreviated to “urbex”, “UE”, “bexing” and “urbexing”. One particular feature of urban exploration is known as “rooftopping”. This is an activity in which individuals gain access to the roof of a building, generally without the consent of the building owner, in order to take photographs and/or videos. Urban explorers see the tallest buildings as trophy targets.
6. Many urban explorers use social media and other forms of media to promote their activities, with a view to building their social media profile through platforms including YouTube, Facebook, Instagram and Snapchat. Some generate income this way. Some urban explorers have their own channels on YouTube.
7. The risks involved in urban exploring are apparent from the number of deaths that have occurred in various places around the world. A list of such deaths, running to 16, is attached to the affirmation dated 20 July 2019 of Mr Stuart Wortley, a Partner at Eversheds Sutherland (International) LLP, the applicants’ solicitors. It is unlikely to be controversial to note that urban exploring is potentially a dangerous activity. That, no doubt, is an important part of its appeal to those who undertake it.

8. The Shard is the tallest building in Western Europe and is therefore a trophy target for trespassers and, in particular, urban explorers. It has been the target of numerous actual and threatened acts of trespass. Anti-climbing measures have been installed at The Shard, but they are obviously not entirely effective. The Shard is located next to London Bridge station, which is the fourth busiest railway station in the UK, serving the south and the southeast of England.

*Procedural history*

9. These proceedings were served on Mr King-Thompson's solicitors, who were authorised to accept service on his behalf, on 9 September 2019, along with the four affirmations provided by the applicants as evidence in support of their committal application against Mr King-Thompson.

*Terms of the Injunction*

10. The Injunction included a penal notice, making it clear to anyone with sight of the Injunction that among the possible sanctions for breach of the Injunction is imprisonment. In addition, a warning notice regarding the Injunction itself ("the Warning Notice") was posted at various points around The Shard. The Warning Notice reads as follows:

**"THE SHARD**

**IMPORTANT NOTICE**

HIGH COURT OF JUSTICE - CLAIM NO. HQ18X00427

On 8th February 2018, an order was made in the High Court of Justice prohibiting anyone from trespassing on these premises.

The area beyond these doors is private and you will be trespassing and in breach of this injunction if you enter.

Anyone in breach of this injunction will be in contempt of court and may be imprisoned, fined or have their assets seized.

A copy of the court order is available from  
[enquiries@shardquarter.com](mailto:enquiries@shardquarter.com)

Teighmore Limited"

*The applicable legal principles*

11. The procedural requirements governing a committal application are set out in CPR Part 81.
12. The law that applies to establish if there has been a contempt of court by virtue of the breach of a court order is summarised in numerous recent cases. One helpful example of such a summary is in the judgment of Marcus Smith J in *Absolute Living Developments Limited v DS7 Limited* [2018] EWHC 1717 (Ch) at [30]. That case

concerned breaches of a freezing order, but the same principles apply to the Injunction. The key principles are:

- i) The order must bear a penal notice.
  - ii) There has to have been effective service on the respondent, either by personal service or, as in this case, by substituted service where that has been permitted.
  - iii) The order must be capable of being complied with (in the sense that the time for compliance is in the future), and it must be clear and unambiguous.
  - iv) The breach of the order must have been deliberate, which includes acting in a manner calculated to frustrate the purpose of the order. It is not necessary, however, that the respondent intended to breach the order in the sense that he or she knew the terms of the order and knew that his or her relevant conduct was in breach of the order. It is sufficient that the respondent knew of the order and that his or her conduct was intentional as opposed to inadvertent: *Spectravest v Aperknit* [1988] FSR 161 at 173).
  - v) A deliberate breach of an order is very significant. It is clearly in the public interest that court orders be obeyed.
  - vi) The standard of proof in relation to any allegation that an order has been breached is the criminal standard. The burden of proof is on the applicant or applicants to establish an allegation of breach to the criminal standard.
13. In this case, I must, in other words, be sure beyond reasonable doubt that Mr King-Thompson has committed a deliberate breach of the Injunction. The burden of proof is on the applicants to establish to the criminal standard that he has committed the alleged breach.
14. Because of the consequences of breaching an injunction order with a penal notice attached, the terms of the order must be clear and unequivocal and should be strictly construed. This was emphasised by Lord Clarke in the Supreme Court in the case of *JSC BTA Bank v Ablyazov (No 10)* [2015] UKSC 64, [2015] WLR 4754 at [19], where Lord Clarke approved a statement to this effect in the judgment of Beatson LJ at [37] of the Court of Appeal's decision in the same case ([2013] EWCA Civ 928).
15. Mr David Forsdick QC, who represents the applicants, drew my attention to passages in the reference work *Arlidge, Eady & Smith on Contempt* (5th Edition), that highlights the importance placed by the court in civil contempt proceedings on the public interest in seeing that court orders are upheld. I was referred to paras 3-73 and 3-74 of *Arlidge, Eady & Smith*, and my attention was drawn in particular to the observation made by Lord Woolf MR in *Nicolls v Nicholls* [1997] 1WLR 314 at 326B-C:

“Today it is no longer appropriate to regard an order for committal as being no more than a form of execution available to another party against an alleged contemnor. The court itself has a very substantial interest in seeing that its orders are upheld.”

16. *Arlidge, Eady & Smith* goes on to discuss the judgment of Lord Phillips MR in *Mid-Bedfordshire District Council v Thomas Brown* [2004] EWCA Civ 1709 at [26]-[27], where the Master of Rolls emphasised the importance of court orders being obeyed and the necessity for sanctions in circumstances where they are deliberately disobeyed:

“26. The practical effect of suspending the injunction has been to allow the defendants to change the use of the land and to retain the benefit of occupation of the land with caravans for residential purposes. This was in defiance of a court order properly served on them and correctly explained to them. In those circumstances there is a real risk that the suspension of the injunction would be perceived as condoning the breach. This would send out the wrong signal, both to others tempted to do the same and to law-abiding members of the public. The message would be that the court is prepared to tolerate contempt of its orders and to permit those who break them to profit from their contempt.

27. The effect of that message would be to diminish respect for court orders, to undermine the authority of the court and to subvert the rule of law. In our judgment, those overarching public interest considerations far outweigh the factors which favour a suspension of the injunction so as to allow the defendants to keep their caravans on the land and to continue to reside there in breach of planning control.”

17. I also bear in mind that:

- i) the sanction of custody on a committal application is the “court’s ultimate weapon”, as noted by Mrs Justice Proudman in *JSC BTA Bank v Solodchenko* [2010] EWHC 2404 (Comm), and must be sparingly used and only invoked when truly needed;
- ii) the sanction of committing a person to prison for contempt can only be justified where the terms of the order allegedly breached are unambiguous and the breach is clear beyond all question: see, for example, *Redwing Ltd v Redwing Forest Products Ltd* [1947] 64 RPC 67 at 71 (Jenkins J).

#### *Evidence of alleged breaches*

18. In support of the committal application the applicants have submitted evidence in the form of four affirmations, each accompanied by one or more exhibits.

19. The first affirmation is dated 20 July 2019 and is the affirmation made by Mr Wortley to which I have already referred. In his affirmation Mr Wortley gives evidence about the activity of urban exploring and some of the well-known individuals who are

involved in urban exploring beyond Mr King-Thompson, who has become well-known since his climb of The Shard.

20. Mr Wortley describes the circumstances in which the Injunction in this case was obtained. He also describes the circumstances in which Mr King-Thompson first came to the attention of his firm in November 2018 after he had uploaded photograph and video footage showing him climbing a tower crane at one of the 15 construction sites at Wembley Park on Bonfire Night, using the firework display at Wembley Stadium as a backdrop to his images. In relation to that, Mr Wortley referred to a witness statement prepared in relation to that incident by Mr Matt Voyce, a construction director at Quintain Limited, one of the companies involved with the Wembley Park development. At para 39 of Mr Voyce's witness statement, Mr Voyce referred to an incident in which five well-known urban explorers had deliberately breached an injunction to restrain trespass at Newfoundland, a construction site at Canary Wharf which was protected by an injunction obtained in February 2018. At para 50 of that statement he referred to committal proceedings that occurred before HHJ Freedman, sitting as a Judge of the High Court, on 26 November 2018. It is reasonable to suppose that Mr King-Thompson would have read Mr Voyce's witness statement and by that means would have become aware, if he was not already, of the serious implications of breach a court injunction.
21. Mr Forsdick took me to the judgment of HHJ Freedman in the proceedings to which Mr Voyce had referred, where the judge indicated that he had seriously considered sending the five young men, who were of roughly similar age to Mr King-Thompson, to prison for breach of that injunction, but where he ultimately decided that it was not necessary, for reasons given in his judgment. The judge very clearly warned those respondents that on a future occasion imprisonment might be inevitable.
22. Mr Wortley also gives evidence as to the events of 8 July 2019. The climb started at 5:00 am. Mr King-Thompson climbed up the external structure of The Shard. Mr Wortley also deals with media coverage of the climb as well as various videos uploaded by Mr King-Thompson himself or by others. There was a significant amount of coverage of the climb in the days and weeks that followed it.
23. I also have the affirmation dated 25 July 2019 of Ms Joanna Begaj, an associate at Eversheds Sutherland, in which she:
  - i) notes that Mr King-Thompson has acquired a manager since his climb of The Shard, who happens to be the same manager as represents Mr Alain Robert, a famous urban explorer known as "the French Spiderman";
  - ii) refers to an Instagram post made by Mr King-Thompson on 21 July 2019 in which he referred to his ascent as illegal and to which he also appended the hashtag #rooftopilegal [sic]; and
  - iii) refers to an interview with Mr Piers Morgan and Ms Susanna Reid on the television programme *Good Morning Breakfast* on 10 July 2019, during which Mr King-Thompson refers to having been helped in his preparations by seven other individuals.

24. I also have the affirmation dated 26 July 2019 of Ms Kay Harvey, Head of Property Management at Real Estate Management (UK) Limited, in which she deals with:
- i) the posting of the Warning Notice at various locations at The Shard;
  - ii) the anti-climbing measures at The Shard;
  - iii) visitors to the public viewing gallery at The Shard and the visit of Mr King-Thompson himself to the public viewing gallery at The Shard on 30 November 2018;
  - iv) the climb itself on 8 July 2019; and
  - v) the questioning of Mr King-Thompson by the Metropolitan Police on 18 July 2019 in connection with possible offences of criminal damage, aggravated trespass, public nuisance and trespass on the railway, at the end of which, Ms Harvey understands, he was issued with a caution for trespassing on the railway.
25. Regarding Mr King-Thompson's visit to the public viewing gallery on 30 November 2018, Ms Harvey notes that he had bought his ticket on-line the day before and made his visit at about 1:00 pm. She says that during that visit he would have had to walk past at least 10 copies of the Warning Notice regarding the Injunction on level 1 (5 locations), level 33 (3 locations), level 68 (one location) and level 72 (one location).
26. Regarding the events of 8 July 2019, Ms Harvey stated that Mr King-Thompson had accessed The Shard from next to platform 9 at London Bridge Station, climbing on to the glazed roof above London Bridge Station and from there accessed the bottom of The Shard structure using suction cups to get over the lower part of the climb in order to circumvent anti-climbing measures. She said that he then was able to abandon the suction cups after level 5 and eventually reached level 73, the floor immediately above the public viewing gallery, to which there was no public access at the time, where he stopped climbing. The police and two ambulances were called to the site, but Mr King-Thompson was not arrested at that time.
27. Finally, I have a second affirmation, this one dated 29 August 2019, from Ms Begaj of Eversheds Sutherland, in which she gives evidence as to a video podcast uploaded on 27 July 2019 between Mr King-Thompson and Ms Ally Law, a well-known urban explorer, in which Mr King-Thompson talks about months spent planning the climb, the speed and aggression needed for the climb and the closure of London Bridge Station as a result of his climb. Regarding that last point, he appears to minimise the disruption he caused, saying during the podcast:
- “Yes, I may have closed down a little bit of the station, but you know, like, at 5 o'clock there's not many training running anyway, so ...”
28. Ms Begaj also notes in her second affirmation that during the podcast Mr King-Thompson described his many nights of reconnaissance, including in disguise, up to a year of preparation, getting help from seven unnamed associates, the various

routes up The Shard that he considered, and the creation of his brand as a result of his climb.

29. Ms. Begaj also gives evidence as to the appearance of Mr King-Thompson and his mother on the BBC *One Show* to discuss the climb. He apparently talked in that interview about taking his mother to dinner at The Shard before climbing it, the visit being one of around 200 he made as part of his planning, in various disguises and so on.

### *Findings*

30. Mr King-Thompson has made full admissions in these proceedings, although only belatedly. He has admitted he has been aware of the Injunction since the Spring of this year. He has described his meticulous preparation for the climb in social media posts and interviews, and I have referred to some of that in my review of the evidence. He would have passed numerous copies of the Warning Notice, particularly during his visit to the public viewing gallery of The Shard, and he has admitted he was aware of the Injunction and its contents since last Spring, substantially before his climb. In the circumstances I am satisfied to the criminal standard that Mr King-Thompson's breach of the Injunction was knowing, deliberate and contumacious.

### *Legal framework for sentencing*

31. Section 14 of the Contempt of Court Act 1981 provides that a committal must be for a fixed term and that the term shall not on any occasion exceed two years. If the committal is ordered to take effect immediately, the contemnor is entitled to automatic release without conditions after serving half of that committal.
32. There are two functions of sentencing for civil contempt. The first is to uphold the authority of the court and to vindicate the public interest that court orders should be obeyed. The second is to provide some incentive for belated compliance. These dual purposes are discussed in various authorities, one being *JSC BTA Bank v Solodchenko (No. 2)* [2012] 1 WLR 350 (CA) (Jackson LJ) at [45].
33. In all cases, it is necessary to consider whether committal to prison is necessary and, if so, what the shortest time necessary for such imprisonment would be and whether a sentence of imprisonment can be suspended.
34. Lawrence Collins J in the case of *Crystal Mews Limited v Metterick* [2006] EWHC 3087 (Ch) set out a number of principles that apply to sentencing for civil contempt. At [13] he notes various factors to be taken into account when considering the appropriate penalty:

“13. The matters which I may take into account include these. First, whether the claimant has been prejudiced by virtue of the contempt and whether the prejudice is capable of remedy. Second, the extent to which the contemnor has acted under pressure. Third, whether the breach of the order was deliberate or unintentional. Fourth, the degree of culpability. Fifth, whether the contemnor has been placed in breach of the order by

reason of the conduct of others. Sixth, whether the contemnor appreciates the seriousness of the deliberate breach. Seventh, whether the contemnor has co-operated.”

35. In a subsequent case, *Asia Islamic Trade Finance Fund Ltd v Drum Risk Management Ltd* [2015] EWHC 3748 (Comm) at [7] Popplewell J added to the foregoing list the following factor:

“... whether there has been any acceptance of responsibility, any apology, any remorse or any reasonable excuse put forward.”

36. Finally, Popplewell J in the *Asia Islamic Trade Finance Fund Ltd* case (affirmed by the Court of Appeal) made the point that if it is determined that a term of committal is inevitable, then where there have been admissions it is appropriate to make some form of reduction in the term. By analogy with the Sentencing Council Guidelines, a maximum reduction of one third might be appropriate where the admissions are made at the outset of proceedings for contempt, and thereafter a sliding scale down to about 10 per cent where admissions are made at trial.
37. In this case Mr King-Thompson was 19 years old at the time of the breach of the Injunction, and he is 20 years old now. Mr Forsdick has drawn my attention to sections of *Arlidge, Eady & Smith* dealing with the sentencing of defendants between the ages of 18 and 21, namely, paras 14-74 to 14-78 and 14-81 to 14-82, the key points being that (i) where a custodial sentence is passed, rather than going to adult prison, the custodial sentence will be served as detention in a Young Offenders’ Institution and (ii) the court is not required to obtain a pre-sentence report before passing sentence.

### *Culpability*

38. Considering Mr King-Thompson’s culpability for this breach, I have already indicated that I consider the breach to have been deliberate, knowing and contumacious. His culpability is, therefore, high.

### *Harm*

39. In terms of the harm caused by his contempt, it seems to me there are a number of heads of harm:
- i) most seriously, the harm to the public interest caused by a serious breach of an injunction such as the one at issue in this case;
  - ii) the risk of death to which Mr King-Thompson subjected himself and, by his example and the publicity given to his breach in which he actively participated, the increased risk that others, perhaps less skilful, will attempt the same or similar illegal and dangerous climbs;
  - iii) his compromising of the security of The Shard; and



- iv) the disruption at London Bridge Station (not the most serious harm occasioned by his breach, but he did cause disruption to operations there, inconveniencing members of the public).
40. Regarding compromising the security of The Shard, I note that ionic buildings are sometimes the target of terrorists. If such a building is targeted by urban explorers and information regarding ways into and around the building are posted online, the safety and security of those who live in, work in and visit such buildings is potentially at risk. Some of the publicity that Mr King-Thompson has given to his climb would appear to have increased that risk in relation to The Shard.

*Aggravating factors*

41. In my view, the aggravating factors in this case are:
- i) despite being aware of the Injunction and its penal consequences, Mr King-Thompson's meticulous planning and preparation over a lengthy period, including numerous visits to the site, including the use of disguises;
  - ii) the involvement of up to seven accomplices (which also makes it all the more unlikely that Mr King-Thompson would not have been fully aware of the consequences of breaching the injunctions, since there is likely to have been discussion between them concerning the possible consequences of the climb);
  - iii) the fact that Mr King-Thompson has actively and widely publicised the contempt through social media and interviews with traditional media.
42. Regarding that last point, I take into account the submission made on his behalf by Mr Philip McGhee that to some extent he has just gone along with that publicity rather than actively courted it, but nonetheless Mr King-Thompson had the choice not to go along with that publicity and/or to take the opportunity of the publicity to express contrition for breaching a court order, which he does not appear to have done.

*Mitigating factors*

43. In his letter to the court, to which I will revert in a moment, Mr King-Thompson says he chose a time and a route to minimise public possible disruption. He was therefore clearly aware that there could be some disruption of the public. In his letter, Mr King-Thompson says the following:
- i) he climbed at 5:00 am to minimise potential adverse effect on the travelling public;
  - ii) he chose a route where, if he fell, he would land on a roof, rather than directly on to a pedestrian concourse (although there is no evidence that he made any assessment as to whether, if he had fallen, the roof would have held up under the impact of his fall); and
  - iii) he did not wear a head camera because the climb was not about publicity (although he has given interviews and made various social media postings about the climb).

*Personal mitigation*

44. In relation to personal mitigation, Mr King-Thompson's age, 19 at the time of the climb and 20 now, is obviously very important, and I accept that there must have been a degree of immaturity in his approach to this breach.
45. I also take into account his previous good character. He received a caution for trespass as a result of this incident, but other than that he has had no involvement with the police. Indeed, I have had a couple of character references that speak of his positive good character.
46. This morning I was handed a bundle of documents, which I have read carefully. The bundle includes the following documents:
- i) various letters, documents and medical records dealing with Mr King-Thompson's early history of learning difficulties and his diagnosis of Attention Deficit Hyperactivity Disorder (ADHD), for which he was prescribed medication;
  - ii) a report dated 16 October 2019 by Dr David Oyewole, a consultant psychiatrist;
  - iii) an undated letter by Mr King-Thompson to the court;
  - iv) a letter dated 16 October 2019 (so, just five days before this hearing) from Mr King-Thompson's solicitors confirming that Mr King-Thompson accepts liability and that he does not intend to contest the committal proceedings;
  - v) a letter dated 16 October 2019 from a family friend of the King-Thompson family, Mr Kent Rowey, who talks of Mr King-Thompson's high personal integrity and genuine desire to help others; and
  - vi) an e-mail dated 4 October 2019 from JP Hasset of R.E.A.L Fundraising, who talks about Mr King-Thompson's passion for fundraising for the young homeless, his high work rate and his attention to detail.
47. Regarding Dr Oyewole's report, at para 7.6 Dr Oyewole notes that ADHD is not a direct factor in the decision to climb, but at para 7.7 he suggests that it is an indirect effect, noting that, in his view, there is a subset of individuals with ADHD who find that ultra-exercise has a significant beneficial effect. I accept that Mr King-Thompson's ADHD may have played a factor in his breach of the Injunction, but that is merely explanatory, not exculpatory.
48. Regarding Mr King-Thompson's letter to the court, I presume that it was written recently. I accept that he is now sorry and takes full responsibility for his actions. He talks about his aim in life to inspire individuals and to spread his philosophy of following one's passion. He also talks about his having made a number of conscious decisions to minimise the impact of his climb on others, as I have already mentioned.

*Credit for admissions/remorse*

49. Mr King-Thompson has made a late admission for liability, but the extensive publicity that has been given to his climb undermines the credibility of his claim that he is now remorseful. His counsel suggested that he merely went along with much of the publicity that has accompanied his climb, but even taking that view, the fact that he did so and did not take the opportunity to express remorse in my view undermines his claim of remorse. I note that he expressed some contrition for causing a degree of disruption to commuters, but no apparent contrition for breaching a court order until his letter was handed up to me this morning.

*The sentence*

50. I have had regard to the eloquent and forceful submissions of Mr McGhee, who has said to the court all that could be said in mitigation on Mr King-Thompson's behalf.
51. Given the clearly deliberate and knowing nature of the breach in this case, which involved meticulous planning over an extended period, involvement of at least one other person (and, on Mr King-Thompson's own account, advice and assistance of up to seven other people), Mr King-Thompson's lack of remorse until really very recently, and the giving of publicity to the contempt through social and traditional media, this matter crosses the custody threshold.
52. In the circumstances, given the high culpability and number of aggravating factors, which involve a deliberate and knowing flouting of the Injunction, despite Mr King-Thompson's age and previous good character, I am not able to suspend the sentence. Therefore, the sentence will be one of immediate custody.
53. I have mentioned that sentencing for contempt typically has a dual purpose; punishment and coercion. In this case, however, it is not possible for Mr King-Thompson to purge his contempt. The order has been breached, and that breach cannot be cured.
54. Had Mr King-Thompson been older, the starting point would have been at least 39 weeks (or nine months). However, in light of his age and apparent immaturity I have taken a starting point of 26 weeks (or six months). There are a number of aggravating factors which I have already mentioned, but I balance against that that he has made an admission, albeit late, and has expressed remorse and contrition, although he appears to have done so principally in the shadow of this hearing and the imposition of sanction, rather than due to any real contrition for deliberately breaching a court order.
55. I have taken his previous good character, and indeed positive good character as evidenced by the character references, into account.
56. Accordingly, overall the sentence that I consider to be just and proportionate, in light of Mr King-Thompson's deliberate and knowing breach of the Injunction, having regard to the aggravating and mitigating factors, is a total sentence of 24 weeks' detention in a Young Offenders' Institution.
57. Mr King-Thompson will be released after serving one behalf of that sentence.

58. I now commit Mr King-Thompson into the hands of the Tipstaff to be taken into detention.

- - - - -

This transcript has been approved by Mr Justice Murray

**Claim Number:**

**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 OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants

---

**SSW5**

---

This is the exhibit marked "**SSW5**" referred to in the Witness Statement of Stuart Sherbrooke Wortley

# Inside contractors' battle against daredevil trespassers

Recent years have seen an explosion in construction-site trespass incidents by so-called urban explorers. *Miles Rowland* investigates the problems these daredevils pose for contractors – and how they can be stopped



The idea of breaking into a construction site is unappealing and frightening to most people.

But for a small network of thrill seekers who call themselves urban explorers, behind the hoardings lies a world of potential.

Urban explorers interviewed by *Construction News* speak fondly of nights spent trespassing on unmanned projects.

“We would be exploring London until 4am with our cameras, wearing gloves and black hoodies, wandering around, finding construction sites.

*“We would scout out the security then jump over walls, and then you can climb up to the top of the structure. You’re not going through any CCTV in lifts and lounges and stuff. It adds to the excitement a lot because you’re on this unfinished construction site, but also it’s easier to get up.”*

“We would climb anything that looked like it was under construction,” says a 21-year-old photographer who spoke to *CN* on the condition of anonymity. On social media platform

Instagram, he showcases the exclusive angles of London's skyline that he captures from high-rise construction sites.

The 21-year-old's antics are on the more conservative side of the urban explorer spectrum. Another individual who spoke to *CN* on an anonymous basis specialises in free climbing – scaling buildings without ropes or harnesses.

He says he regularly accesses high-rise sites in London and Birmingham.

He describes how construction sites offer opportunities for dangerous stunts, including parachuting from roofs and the jibs of tower cranes – an activity known as BASE jumping (the acronym stands for building, antenna, span and earth, from which participants will parachute).

Contractors can be liable for any injuries sustained by these daredevils under English law. But the internet is enabling them to identify urban explorers that break into their sites, and to serve preventative legal injunctions.

The result has been a cat-and-mouse game between site owners and trespassers that produces plenty of work for lawyers.

## **A common problem**

As a prolific high-rise builder, Multiplex has suffered its fair share of trespass incidents.

“When you build high-rise towers in the middle of a city, you create opportunities for individuals that want to get that adrenaline rush,” says its safety, health, environment and quality executive director for Europe, the Middle East and Canada, Stephen Smith.

“[Trespassing has] been fairly common, not only within Multiplex, but throughout the whole sector for the past few years now.”

The more lax security on construction sites compared with that of completed buildings is another draw for the 21-year-old photographer. “There are the odd sites with security and dogs patrolling. But some have patrols that are quite inconsistent, and they have just one team covering the whole site – it's so easy to get past them,” he says.

“We would scout out the security then jump over walls, and then you can climb up to the top of the structure. You're not going through any CCTV in lifts and lounges and stuff. It adds to the excitement a lot because you're on this unfinished construction site, but also it's easier to get up.”

Contractors are duty-bound to care for the safety of trespassers and account for any risks they might encounter, under the Occupiers' Liability Act of 1984.

“We obviously have many different hazards that they will be subjected to,” Mr Smith says. “If they are climbing, particularly external structures, there is a risk of fall from height.

“In addition to that, when you're building you generally have temporary structures. These can hold materials and equipment that could be dislodged and lead to objects falling into a pedestrian thoroughfare or onto vehicles.”

These dangers are not just theoretical – there have been several recent fatalities involving urban explorers on construction sites.

## **The risk is real**

The urban explorers interviewed by *Construction News* were blasé about the potential risks of their activity.

But there are some brutal examples of things going wrong. In the past two years alone, several well-documented cases have shown people dying after falls from height after trespassing on construction sites.

According to figures from law firm Eversheds Sutherland, at least six Britons have died from urban-exploring accidents since January 2017.

On New Year's Eve 2017, 19-year-old Sam Clarke got into Canary Wharf Contractors' One Bank Street site, fell 50 ft and was killed. The student's body was only discovered by site workers three days later.

In September, Johnny Turner fell to his death from an eight-storey scaffolding in Waterloo, London. The 28-year-old was a renowned free-runner in the city.

### **Trespassing for the masses**

In recent times, internet platforms such as YouTube and Instagram have brought urban exploring to a much larger, more mainstream audience.

Some of those filming themselves on construction sites have reached celebrity status with huge online followings. Videos of stunts amass millions of views, turning amateur adventurers into professional content creators who can make a living from the videos of their escapades.

British YouTubers Ally Law and Night Scape have four million subscribers between them and regularly upload videos of themselves trespassing on construction sites.



Urban explorer at Battersea Power Station construction site in 2016 – image courtesy of Wild Street for Channel 4



The photographer/urban explorer who spoke to *CN* anonymously says he first took part in this type of activity in 2016, when such stunts were largely the domain of small communities who communicated over Instagram, but YouTube has changed that.

“Before, when it was mainly just photos, it was inaccessible because people thought it was too hard to do,” he recalls.

“But YouTube shows videos of people actually [entering sites]; it shows more of the process, how easy it is. That’s what makes people realise anyone can do this, and I think that’s when it really started becoming a problem for the construction companies.”

The anonymous free climber echoes this view: “It used to be really underground, and only a certain type of person did it. But because YouTube [exposure] glorifies everything, and it’s been in the news so much, so many kids do it now.”

## **Legal loophole**

Stuart Wortley, a partner at legal firm Eversheds Sutherland, is a real estate litigation specialist who is carving out a niche in helping contractors protect their sites from these internet stars.

“What we realised last year was that because of the growth [in activity], driven by social media, urban explorers [are] not simply trespassing for their own kicks,” he tells *CN*.

“People [are] becoming more organised about it, making videos and taking photographs that they upload to the internet to try to build a profile, and in some instances, to make a living. It started to become more prevalent – more and more buildings and construction sites started to be targeted.”

The problem for contractors is made worse by the fact that, at present, the law around trespassing has something of a loophole.

Mr Wortley continues: “Parliament doesn’t generally consider it appropriate for simple trespass to be a criminal offence. It’s considered that there should be something more serious at play in order for trespassing on somebody else’s property to be treated as criminal behaviour.”

As urban explorers only occupy the site briefly and are often willing to leave when asked by security staff, provided they don’t damage the site in a provable way, it’s difficult for a site owner to pursue them through the courts.

## **Fighting back**

The lack of a statutory deterrent has led contractors to take pre-emptive legal action by obtaining injunctions against individuals at the High Court.

These injunctions make the act of knowingly trespassing a contempt of court, a much more serious offence that can result in hefty fines or prison sentences. This, Mr Wortley argues, is the only way to effectively prevent urban explorers from entering sites.

*“People [are] becoming more organised about it, making videos and taking photographs that they upload to the internet to try to build a profile, and in some instances, to make a living. It started to become more prevalent – more and more buildings and construction sites started to be targeted”*

He says his firm began obtaining injunctions for contractors last year and that the method has quickly gained popularity. So much so, that Mr Wortley says he has a team at Eversheds Sutherland

monitoring YouTube videos for evidence that certain urban explorers have accessed construction sites.

He says these individuals can be surprisingly open about their real identities and unlawful activity online: “Trespassing on a construction site where there’s no injunction, there’s no reason why they would disguise their identity. If they haven’t caused any damage, they’re not exposed to any risk at all – there’s no real civil or criminal liability.”

For Mr Wortley’s team, such a video presents an opportunity.

“The other day, for example, there was a [trespass] incident at Battersea Power Station, so we’re in touch with the security team there, and Mace is building that [scheme]. We say to them, ‘People are up on your site again; do you want to get an injunction?’”

## **Cost of injunction**

If the contractor wishes to proceed with an injunction, it must first gain the consent of the landowner.

The process can be completed within a week once the proceedings and witness statement have been drafted. It costs the contractor between £20,000 and £30,000 for each site. This fee includes compiling evidence of past incidents of trespass on a site, taking the claim into court and advice on enforcing the injunction.

Contractors that decide to take this route will often include multiple sites in the same injunction.

Multiplex obtained a multi-site legal block in March, which covers seven of its London sites, including New Scotland Yard, Chelsea Barracks and Market Towers, the Nine Elms development in Battersea.

Together with a previous injunction in September 2018, the contractor has taken legal action to protect a total of 10 developments in the capital – the majority of its major projects in the city.

Each site displays the injunction on signs around the perimeter (see image, below) in an effort to demonstrate to would-be urban explorers that it is a no-go zone.



Another injunction for a large area was taken out by developer Quintain in December 2018 for its Wembley Park scheme, which covers 14 sites under construction by Wates, John Sisk, McLaren and McAleer & Rushe.

As well as preventing 'persons unknown' from entering the sites listed, the injunction specifically names George King-Thompson, the 20-year-old free climber who had accessed sites at Wembley Park and was given a six-month sentence in a young-offender institution last month for scaling the Shard in July.

Mr King-Thompson's sentence set an important precedent for the industry because the climber's punishment was a result of him knowingly breaking an injunction.

His lawyer, Philip McGhee, also issued a broadly worded apology following the sentence: "Mr King-Thompson will not climb another building in the UK. He very much regrets and is very sorry for doing what he did."

Stuart Wortley believes the growing trend for injunctions has changed the landscape for urban explorers, with 'protected' sites generally being left alone, while other sites are still considered fair game.

The free climber agrees. "As soon as there's an injunction, and especially if they have proof of your name on it, then it's not worth literally breaking the law just to go on a construction site," he says.

## Call for law change

Injunctions offer an effective and powerful deterrent for would-be urban explorers, not to mention a handy tool for a contractor to minimise its liability.

If a tragic accident involving a trespasser were to occur on a site, a company would have a much stronger legal platform in a health and safety inquiry if it had already taken the proactive step of obtaining an injunction.

That said, this form of legal action is not cheap. While £30,000 per site would not represent a prohibitive outlay for a large company such as Multiplex or Quintain, smaller contractors would struggle to afford such an expense.

The growth of urban exploring has also highlighted the legal restrictions, and questions are beginning to be asked of the government about whether it should introduce new criminal offences to resolve the issue.

Last November, former Metropolitan Police commissioner Lord Stevens of Kirkwhelpington used a written question to ask the government what plans it had for combatting urban exploring.

The response from Baroness Williams of Trafford cited existing legislation and was non-committal about any changes other than to say “the Home Office keeps the available police powers under constant review”.

Until this legal gap is addressed, urban explorers are likely to continue seeking thrills on the UK’s building sites, giving little option to contractors other than to file injunctions in the High Court.

## **A timeline of injunctions**

Stuart Wortley of Eversheds Sutherland says about 30 injunctions have been taken out in the past year by a range of companies to protect existing buildings and construction sites in the UK.

Below is a list of all construction companies and developers that are known to have taken out injunctions. Note that these injunctions may include multiple sites

- **Feb 2018:** Canary Wharf Group: All buildings and building sites in the Canary Wharf estate
- **Sep 2018:** Multiplex: Three sites in London, including 22 Bishopsgate
- **Nov 2018:** Berkeley Group (three buildings and two building sites: 250 City Road and South Quay Plaza)
- **Dec 2018:** Quintain: Wembley Park, including 14 sites contracted by Wates, John Sisk, McLaren and McAleer Rushe
- **Mar 2019:** Multiplex: Seven sites in London, including New Scotland Yard and Chelsea Barracks
- **Apr 2019:** Sir Robert McAlpine: Four sites in Manchester

**Claim Number:**

**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 OR REMAINING AT  
THE PROPERTY DESCRIBED IN THE DETAILS OF  
CLAIM WITHOUT THE CLAIMANTS' PERMISSION

Defendants

---

**SSW6**

---

This is the exhibit marked "**SSW6**" referred to in the Witness Statement of Stuart Sherbrooke Wortley

## **MULTIPLEX**

### **Important Notice**

**High Court of Justice – Claim No: [REDACTED]**

On [REDACTED] July 2023, an injunction was made by the High Court of Justice prohibiting anyone from entering on or remaining upon the Construction Site defined in the Details of Claim without the owners' permission. Anyone in breach of the injunction will be in contempt of court and may be imprisoned, fined or have their assets seized.

**This means that you must not go beyond this notice and enter this site without permission.**

**If you do, you may be sent to prison or have your assets seized.**

Copies of the documents listed below may be viewed at [www.multiplex.global/news/london-injunction-ectc](http://www.multiplex.global/news/london-injunction-ectc)

- Claim Form + Details of Claim dated 7 July 2023
- Application dated 7 July 2023
- Witness Statement of Michael Waters dated 7 July 2023
- Witness Statement of Stuart Wortley dated 7 July 2023
- Note of Hearing dated [REDACTED] July 2023
- Sealed Order dated [REDACTED] July 2023

Copies may also be obtained from the Site Office or by contacting Stuart Wortley of Eversheds Sutherland on 0771 288 1393 or by email [stuartwortley@eversheds-sutherland.com](mailto:stuartwortley@eversheds-sutherland.com)