

Party: Claimants
Witness: S Wortley
Statement: Third
Exhibits: "SSW10"
Date: 19.02.24

CLAIM NO QB-2022-000406

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

B E T W E E N:

- (1) 1 LEADENHALL GP LIMITED
- (2) 1 LEADENHALL NOMINEE LIMITED
- (3) MULTIPLEX CONSTRUCTION EUROPE LIMITED

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT
THE CONSTRUCTION SITE AT 1 LEADENHALL STREET,
LONDON EC3V 1PP WITHOUT THE CLAIMANTS'
PERMISSION

Defendants

WITNESS STATEMENT OF

STUART SHERBROOKE WORTLEY

I, STUART SHERBROOKE WORTLEY of 50/60 Station Road, Cambridge CB1 2JH WILL SAY as follows:-

1. I am a solicitor of the Senior Courts of England and Wales and have conduct of these proceedings on behalf of the Claimants.
2. The First and Second Claimants are the registered owners of a construction site in London known as One Leadenhall Street; the Third Claimant is the main contractor

appointed by the First and Second to undertake construction work at the One Leadenhall Street Construction Site.

3. On 15 February 2022, Mr Justice Fraser granted an interim injunction to restrain the Defendants from entering or remaining on the One Leadenhall Street Construction Site (the Order was sealed on 16 February 2022). The injunction was granted until 29 February 2024.
4. I make this witness statement in support of the Claimants' application to extend that interim injunction.

Service of the Order dated 15 February 2022

5. Paragraph (7) of the Order of Mr Justice Fraser dated 15 February 2022 required that copies of an approved form warning notice (exhibit "**SSW8**" to my witness statement dated 8 February 2022) be posted:-
 - 5.1 at the main entrance to the One Leadenhall Street Construction Site; and
 - 5.2 at a minimum of 10 prominent locations around the perimeter of the One Leadenhall Construction Site;
6. Paragraph (8) of the Order required that:-
 - 6.1 the warning notice refer to the Court papers, evidence and various orders and to state that these can be viewed at:-
 - 6.1.1 a dedicated website specified in the warning notice;
 - 6.1.2 a physical location specified in the warning notice.
 - 6.2 copies of the said documents may be obtained from the Claimants' solicitor whose details should be included in the notice.
7. I confirm that all of the court documents specified in paragraph (8) of the Order were duly uploaded to the website below before 1 March 2022:-

<https://www.brookfieldproperties.com/en/our-properties/detail/One-Leadenhall-Important-Legal-Notice.html>
8. I am informed by Peter Clarke (who provided 2 witness statements in support of the claim) and believe that:-

- 8.1 15 warning notices are now in place around the perimeter of the One Leadenhall Street Construction site;
 - 8.2 all of the court documents specified in paragraph (8) of the Order are available to anyone who asks to inspect them at the Site Office.
9. There are now produced and shown to me at pages 1 and 2 of the exhibit marked **"SSW10"** respectively:-
- 9.1 a photograph of one of the warning notices; and
 - 9.2 a plan on which the location of the warning notices has been shown with a "x".

Update since the Order

10. I am informed by Mr Clarke that:-
- 10.1 the boundaries of the One Leadenhall Street Construction Site remain unchanged;
 - 10.2 the main entrance has moved from Gracechurch Street to Whittington Avenue (in the location shown on the plan at page 2 of **"SSW10"**);
 - 10.3 since the Order, there has only been one incident in which trespassers attempted to gain access to the One Leadenhall Street Construction Site; and
 - 10.4 only one attempt have been made to trespass on the One Leadenhall Street (during last year) but this was thwarted by the security team.
11. Urban exploring remains a significant issue for major construction sites in central locations.

Security Measures

12. I am informed by Mr Clarke that substantially all of the security measures referred to in paragraph 29 of Mr Clarke's First Witness Statement dated 4 February 2022 remain in place - namely:-
- perimeter hoardings around the site at a minimum height of 3640 mm (save on Gracechurch Street and Leadenhall Street where the hoarding has recently

been replaced by solid Heras fencing with security netting above to a height of 3600 mm);

- lighting;
- 24 hour security personnel;
- anti-climb measures on 2 of the 3 tower cranes (it is not possible to fit any anti-climb mesh to the third tower crane); and
- closed circuit television (including motion sensors).

Completion of the Works

13. I am informed by Mr Clarke that:-

13.1 the cranes which are currently in place are due to be taken down during the following months:-

- TC2 - March 2024;
- TC3 - June 2024;
- TC1 - August 2024; and

13.2 the projected date for practical completion of the works is 28 March 2025 (which is around 4 months later than the date referred to in my Second Witness Statement dated 14 February 2022).

14. As Mr Clarke made clear in his First Witness Statement, the Claimants concerns about urban exploring activity extend beyond the removal of the tower cranes. Even after the cranes have been removed, the One Leadenhall Construction Site will remain a target of interest to urban explorers owing to the height of the structure and its central location.

Reasons for Seeking the Injunction

15. I am informed by Mr Clarke that the reasons for seeking an injunction set out in paragraphs 31-40 of his First Witness Statement remain valid.

16. In the circumstances, the Claimants respectfully request that the current injunction be extended until 28 March 2025.

Service of the Application to Extend

17. The Claimants intend to serve the application and this supporting witness statement by uploading them to the website referred to above and by posting notice referring to the application and witness statement at the same entrances and locations referred to in paragraph 5.

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

19 February 2024