

**CLAIM No.**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**B E T W E E N:**

- (1) QUINTAIN (WEMBLEY RETAIL PARK) LIMITED
- (2) WEMBLEY NE02 INVESTMENTS LIMITED
- (3) WEMBLEY NE03 INVESTMENTS LIMITED
- (4) JOHN SISK & SON (HOLDINGS) LIMITED

Claimants

and

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

Defendants

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**BRIEF DETAILS OF CLAIM**

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**The Premises**

1. This is a Claim for an injunction to prevent the Defendants from trespassing on that part of a development site at Wembley Park, London which is from time to time enclosed within construction hoardings ("the Construction Site"). The exact location of the said hoardings will vary slightly from time to time as construction proceeds.
2. The Construction Site is part of a wider development site which is being developed in phases. The Construction Site is the construction compound for the construction of buildings known as NE01, NE02, NE03. The general area of the Construction Site shown edged in red on the attached plan.
3. In due course, the First Claimant intends to construct buildings known as NE04, NE05 and NE06. Building NE04 and part of building NE05 will be constructed on land which is within the Construction Site; building NE06 will be constructed on land which is outside the Construction Site.

## **The Claimants' Interests**

4. The First Claimant is the registered freehold owner of Land Registry title number NGL815251 (which includes the whole of the Construction Site).
5. By a lease dated 12 September 2022 made between the First Claimant (as Landlord) and the Second Claimant (as Tenant), the footprint of the building known as NE02 was demised to the Second Claimant for a term of 300 years from and including 12 September 2022.
6. By a lease dated 12 September 2022 made between the First Claimant (as Landlord) and the Third Claimant (as Tenant), the footprint of the building known as NE03 was demised to the Third Claimant for a term of 300 years from and including 12 September 2022.
7. The Second Claimant and Third Claimant have applied to register their leasehold titles at the Land Registry but registration of the new titles has not yet been completed.
8. The construction of buildings NE02 and NE03 is being carried out by the Fourth Claimant pursuant to building contracts in the JCT Design and Build (2016 edition) form (subject to agreed amendments) dated 13 September 2022 and 14 September 2022 respectively. By the terms of those contracts, the Fourth Defendant was granted possession of the Construction Site for the duration of the construction and is responsible for its security.
9. There is no right for anyone to be present on the Construction Site without the Claimants' permission.

## **Urban Explorers**

10. The nature and location of the Construction Site makes it potentially attractive to a class of trespassers sometimes referred to as "urban explorers" who trespass on the exteriors of completed tall buildings, or within uncompleted tall buildings, and who climb construction tower cranes. Commonly they upload photographs and / or video recordings of their activity to the internet which can then be viewed for entertainment by their subscribers or followers on social media. Sites with tall buildings / structures, and which command famous or striking views, are a particular attraction to urban explorers.
11. Trespass by urban explorers activity poses serious risks to: (1) those involved; (2) construction workers below should they fall; (3) security staff; and (4) the emergency services. It may and has resulted in personal injury or death. For example, a trespasser fell to his death off the scaffolding at a residential block at Waterloo in September 2019.

## **The Defendants**

12. There is an strong probability that, unless restrained by this Court, urban explorers will seek to enter the Construction Site. Any such entry would constitute a trespass actionable by, or by some or one of, the Claimants. Any such trespass risks serious harm to the Claimant, as well as others, which cannot be adequately compensated in damages. The risk of such trespass and harm to the Claimant is imminent.
13. Whilst the Claimants and their solicitors are aware of the identity of many people who engage in urban exploring, the Claimants are unable to identify any particular individual who may be intending to trespass at the Construction Site.

## **AND THE CLAIMANTS CLAIM:-**

- (1) An injunction to restrain persons unknown from trespassing on the Construction Site;
- (2) Further or other relief.

## **Statement of truth**

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

The Claimants understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

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

13 December 2022



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Stuart Sherbrooke Wortley

Partner

Eversheds Sutherland (International) LLP

**SCHEDULE TO BRIEF DETAILS OF CLAIM**

**Plan – the Construction Site**



Stadium Business Center

Wembley Business Center

EDCHS

Metro Trading

Wale Brook

1 Road

Fulton Road

Fifth Way

Arch House

Barnard Point

Fulton Road

Hudson Walk

Albion Way

Apex House

Engineers Way

Walters Walk

Union Park

Rutherford Way

Olympic Way

Boxpark

Weaver Walk

Fulton Road

Free