

**IN THE HIGH COURT OF JUSTICE**

**Claim No.**

**QUEEN'S BENCH DIVISION**

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

**(1) ALMACANTAR CENTRE POINT NOMINEE NO.1 LIMITED  
(2) ALMACANTAR CENTRE POINT NOMINEE NO.2 LIMITED**

**Claimants**

**– and –**

**(1) ALEXANDER FARRELL  
(2) [REDACTED] [DISCONTINUED]  
(3) OWEN REECE (AKA "TRIKKSTAR")  
(4) HARRY DAVIES  
(5) PERSONS UNKNOWN ENTERING OR REMAINING ON THE EXTERNAL  
ROOFS OR STRUCTURES (EXCLUDING BALCONIES) OF CENTRE POINT (AS  
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM)  
WITHOUT THE CLAIMANTS' PERMISSION  
(6) PERSONS UNKNOWN ENTERING OR REMAINING AT CENTRE POINT (AS  
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM) WITH THE  
INTENTION OF GAINING ACCESS TO THE ROOFS OR EXTERNAL STRUCTURES  
(EXCLUDING BALCONIES) AT CENTRE POINT WITHOUT THE CLAIMANTS'  
PERMISSION**

**Defendants**

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**FIRST WITNESS STATEMENT OF**

**JAMES DANIEL WAITE**

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**I, JAMES DANIEL WAITE of 3 Quebec Mews, London W1J 7NX, will say as follows:**

1 I have been employed by Almacantar Limited ("Almacantar") since 2012 and I am currently a Project Director. I am a qualified Chartered Building Surveyor. Almacantar is the operating arm of a group of companies, two of which are the Claimants. I had responsibility for the refit and refurbishment of the Centre Point complex, which, as further detailed below, is owned by the Claimants and comprises Centre Point House,

Centre Point Tower, Centre Point Link and White Lion House ("**Centre Point**"). I now retain day-to-day responsibility for Almacantar's management of Centre Point and liaison with the Estate Management team for any issues which arise.

- 2 This witness statement was prepared on my behalf through telephone conversations and email exchanges with Bryan Cave Leighton Paisner LLP, the Claimants' legal advisers in relation to this case. The facts and matters to which I refer in this witness statement are either within my own knowledge and are true, or are derived from the sources to which I refer below, in which case they are true to the best of my knowledge and belief.
- 3 I am duly authorised to make this witness statement on behalf of the Claimants in support of the Claimants' application for injunctive relief to prevent the Defendants from trespassing at Centre Point.
- 4 There is annexed to this witness statement a bundle of true copy documents to which I shall refer marked as exhibit "JDW1". Numbers in square brackets in this statement refer to the page numbers in the exhibit, unless prefixed with 'POC' in which case they refer to Annexure 1 to the Particulars of Claim.

## **BACKGROUND**

- 5 The Claimants are the owner of the freehold land registered at HM Land Registry under title number NGL606392 [**POC 1-21**] (these are the latest copies available from HM Land Registry at the time of this application). Across this land, Centre Point is divided into four parts:
  - (i) Centre Point Tower. A residential building which comprises a basement (physically shared with the basement of Centre Point House), reception area and resident amenities on the first, mezzanine and second floors and residential units from floor three upwards. There are 36 floors in total;
  - (ii) Centre Point House. This building is directly opposite Centre Point Tower to the east. It houses commercial/retail units (with their own front doors) on the ground and 36 private apartments across the remaining floors. There are 8 floors in total and there is a shared entrance at ground floor level for the private apartments;
  - (iii) Centre Point Link. A smaller building, physically linked to both Centre Point Tower and Centre Point House; and

(iv) White Lion House. An affordable housing development which sits in a separate tower and comprises double-height retail premises on the ground and first floors, then seven residential floors.

6 A site plan which clarifies the above is shown at **[POC 22]**.

7 Given the nature of the overall site and the fact the buildings are linked (a fact to which I return below in detail concerning the January 2022 trespass), the Claimants seek an injunction to prevent people from trespassing upon the external structures and roofs of any of these buildings or entering or remaining at Centre Point with the intention of accessing the external structures or roofs without the Claimants' permission. Injunctive relief is sought because the Claimants consider that there is an on-going, real and imminent risk of further trespass occurring of the type previously encountered (as described in this witness statement below).

### **TRESPASS TO TALL AND NOTABLE BUILDINGS**

8 From my own research following the incidents described below at Centre Point, from my experience at other Almacantar properties, and from discussions with the Claimants' solicitors, it seems to me that so-called "Urban Exploring" is an ever more prevalent activity in recent years. It is conducted by certain groups of people to obtain extreme photographs or video content in order to promote themselves or their social media channels and, in turn, to earn both a reputation and revenue (from adverts on their channels and/or product endorsement as a result of their notoriety).

9 I believe tall buildings are especially attractive to Urban Explorers as they allow them to capture pictures and footage of not only often convoluted trespass (as is the case described below at Centre Point), but also of the most attractive and popular views from high floors. Sometimes, these Urban Explorers are particularly cavalier and scale the outside of buildings with no safety equipment (for example, I am aware that a so-called "Free Climber", Alain Robert, known by his social media name "Spiderman", climbed the Heron Tower in the City of London without any safety equipment in 2018).

10 Further, so-called "Base Jumpers" even go one stage further – gaining access to tall buildings to then film themselves jumping off (with no regard for traffic or pedestrians below) with a parachute. At some point in May 2015 I was anonymously sent a USB stick containing a video showing one such a jump off Centre Point Tower some time in 2014 and I can supply this to the Court if required since it is not possible to include it directly in JDW1.

- 11 Such trespass often causes costly damage to the properties involved. More than that, however, such activities pose a significant physical risk not only to the trespassers themselves, but also to members of the public, workers and the emergency services. The Claimants' solicitors have highlighted to me how Urban Explorers have died whilst engaging in this behaviour and have shown me newspaper reports of 3 such deaths **[1-21]** and I am informed that internet searches identify at least 15 separate deaths attributed to "Urban Exploring" in the last few years in various jurisdictions.
- 12 In 2017, for example, there were multiple separate incidents of Urban Explorers dying by falling from heights (such as Eric Janssen (aged 44), Leon Hoyle (aged 12). In 2018, Thomas Rhodes (aged 19), Maxime Serugue (aged 18) and an unidentified youth in the Ukraine died whilst urban exploring. In September 2019, Johnny Turner (aged 28) fell to his death from a block of flats in Waterloo.
- 13 In discussions with the Claimants' solicitors following the incidents described below when seeking advice on Almacantar's potential options to prevent further trespass, I was made aware of other recent injunctions on similar facts such as:
- (i) Teighmore Limited v Persons Unknown, 27 February 2020 **[22-28]**, which is a 10-year injunction granted in relation to the Shard and Shard Place, London, to restrain trespass by urban explorers and other occupiers;
  - (ii) Multiplex Construction Europe Ltd v Persons Unknown, 30 July 2020 **[29-34]**, which was a 6-month injunction granted in relation to Bankside Yards, London, to restrain trespass by urban explorers; and
  - (iii) Multiplex Construction Europe Ltd v Persons Unknown, 6 May 2021 **[35-42]**, which is a 2-year injunction granted in relation to the construction site at 30 Grosvenor Square, London, to restrain trespass by urban explorers.

#### **TRESPASS AT CENTRE POINT**

- 14 Centre Point is a well-known London landmark. It is also one of the tallest buildings in its local area close to Tottenham Court Road station and, as such, has long been an attraction for so-called Urban Explorers. During the refit and refurbishment of Centre Point, the construction site and associated equipment also proved attractive targets for people to attempt to climb and record/photograph themselves doing so.
- 15 I would typically be alerted to any such incidents either by way of phone call or text message as they happened, followed-up by an incident report, or I would receive the

incident report by email soon after each incident.

16 In support of the Claimants' application, and to illustrate that Centre Point has been the subject of multiple trespass attempts over the past few years, I have obtained the following history of incidents from my email file and extracted the text each incident report sent to me as exhibited:

- (i) 10 April 2016 **[43]**. Two people jumped over fencing and, when challenged, claimed they intended to take photographs/videos from the top of the tower;
- (ii) 31 December 2016 **[44]**. Two people jumped a gate with the intent of taking photographs up the tower. Some people seemingly succeeded and were not caught by security, as they successfully climbed the tower to watch the New Year's Eve fireworks and subsequently uploaded the video to YouTube (<https://youtu.be/x7Q-wTrEmVQ>). The Evening Standard featured this video and related story (<https://www.standard.co.uk/news/london/urban-explorer-films-new-year-s-eve-fireworks-from-roof-of-west-end-skyscraper-a3431836.html>). My contemporary email copy of the story refers to "the landmark Centre Point tower in Soho", although the online version available at the time of this statement no longer names Centre Point;
- (iii) 2 January 2017 **[45]**. Two people jumped a gate and scaled the building, taking photographs;
- (iv) 8 July 2017 **[46]**. Three people jumped a fence onto site before being chased off;
- (v) 7 October 2017 **[47]**. Two people jumped a gate, claiming they wanted to take photographs;
- (vi) 21 March 2018 **[48-54]**. Three people broke into the site before being chased off; and
- (vii) 4 January 2020 **[55]**. Two different attempts to break into Centre Point. These individuals were suspected of being Urban Explorers because they were in possession of cameras. Damage was caused to the property when they forced open a door, breaking it. I would estimate the cost of replacing the door to have been a couple of thousand pounds.

17 I would also note at this point that I am involved with Almacantar's work (both currently and historically) at Marble Arch Place, London. Our contractors at that site,

Multiplex, were successful in obtaining an injunction on 1 March 2019 against, amongst others, the Second Defendant and Persons Unknown, which covered the construction site at Marble Arch along with other sites [56-63]. Unlike the above incidents at Centre Point, I am not aware of any similar incidents which occurred at Marble Arch following that injunction and firmly believe it was a very effective remedy.

18 A recent incident which I have been able to investigate in detail at Centre Point occurred around 17:30 on 7 January 2022 [64-67] when 11 intruders trespassed on Centre Point and made two attempts to get up to the roof of Centre Point Tower via Centre Point House. Subsequent to the incident, the Estate Security Team conducted investigations to identify as many of these people as they could and those people are named as Defendants in this claim. The team explained to me that they extracted still images from the CCTV of the trespassers and began to cross-reference their faces with those of known "Urban Explorers" with well-known YouTube channels and, in some cases, against whom previous injunctions have been obtained. They also searched for publicly available contact routes for those individuals who could be identified. The results of this were then presented to me [68-72].

19 I also investigated the Defendants and the incident in general with the Security Team in order to understand the chain of events and how access was gained.

20 From the information I have gathered or been shown, I believe the incident played out as follows:

- (i) Some of the intruders waited outside Centre Point House in St Giles Square. They waited until a resident exited Centre Point House at which point they rushed the door to sneak in before it closed (it is otherwise held closed by a security access system). Thereafter, they were able to let other intruders in;
- (ii) The intruders then utilised the lift to access floor 3 of Centre Point House on its south side, traversed the internal corridor to the north side and then went down the northern fire escape stairs where they then accessed into floor 2;
- (iii) On floor 2 there was an attempt to force entry to the connected building, Centre Point Link – my assumption is that this was to gain access to Centre Point Link's roof to walk across to Centre Point Tower. However, this attempt failed (but did cause damage which was costly to repair);
- (iv) The intruders then continued down an internal staircase leading down to the basement. Since the basement of Centre Point House and Centre Point

Tower are linked, the intruders then had access to the Centre Point Tower lifts. They waited for a lift to arrive in the basement before entering it to get into the upper levels;

- (v) Specifically, I understand my review with the on-site Estate Management Team and examination of the CCTV and investigations by walking the estate myself, that they rode the lift to the mezzanine level, exited, waited for it to go down again and then, from the mezzanine lift lobby, forced open the doors to the lift shaft. Having done that, they gained access to the top of the actual lift carriage. The movement of the lifts can be controlled from the top of the carriage. It is using this technique that they were then able to force the lift (which normally requires an access control system to operate) up to the top floors;
- (vi) In this incident, the intruders directed the lifts to floor 33 where they again forced open the lift lobby doors so they could exit. It appears a similar lift run was forced originating on floor 9 not just the mezzanine, though we are still investigating how access was obtained to floor 9 initially (our working theory is a faulty door access control system). I understand that this practice is called "lift surfing" and, from my own research on YouTube, there are various videos of people doing this (for example <https://www.youtube.com/watch?v=WRc2ydObw5w>). I believe this simply adds to the thrill of the trespass for these people, including providing more desirable video content for their own channels;
- (vii) Once on floor 33 they used fire stairs to access floor 34 and, from there, forced open the hatch to the roof, which is also used as an emergency smoke vent in case of fire. There is an access ladder below the hatch, which the intruders utilised to gained access to the roof; and
- (viii) A combination of the Estate Security Team and Police attendance (incident number CAD5273/07012022) ensured the intruders were escorted down to the ground floor and left in the hands of the Police. The Police also deployed a helicopter to thermally scan the roof and check no intruders remained.

21 In this case, I estimate the damage caused to doors and roof hatch will cost £5,000 - £10,000 to fully remedy. I have no idea what the cost to Police resources, especially of the helicopter, will have been.

22 I note that the above is a complex and sophisticated route and operation to gain

access to the roof areas at Centre Point. It is my belief that such a route would have somehow been 'recced' sometime in the past, perhaps in a way which went undetected. It is also my belief that the Defendants, or others encouraged by them and with whom their knowledge of how to reach the roof may be shared, have no reason not to try to repeat this stunt in future. People like this are highly skilled, well-resourced, often sharing intelligence gained from their various exploits with others, and are very familiar with what they are setting out to do. In my opinion, only something as serious as an injunction will stop them.

23 The most recent incident occurred on 9 April 2022, though my team and I have so far been unable to identify the four individuals concerned in the same level of detail as above. Based on the incident report [73-75], I understand the following:

- (i) At approximately 19:58, four young men were spotted by security staff coming down the fire staircase on the North Side of Centre Point Tower in the Mezzanine area. They did not stop for security and exited the building via the revolving reception door;
- (ii) A review of CCTV [76-77] established that, at approximately 18:14, the intruders were waiting outside Centre Point House and pressing the entry buzzer. A resident seems to have responded to the buzzer and opened the door. The intruders then entered Centre Point House and made their way through the lobby to the fire door on Centre Point Level 2 North side;
- (iii) They then forced open the double doors and managed to enter the retail unit occupied by a tenant called Kajima. Once inside, they made their way through to the fire door linking Kajima's unit to the Club unit and pressed the release button to access the Club at approximately 18:43hrs. They then made their way to the North roof hatch via the stairs; and
- (iv) At least one photograph of the intruders on the roof – themselves seemingly taking either photographs or videos – has emerged on social media. I was sent a copy of this [78] via our CEO, Mike Hussey, who said his son saw it on one of his Facebook feeds and then sent it to Mike.

24 In this case, I estimate the damage caused to doors and locks will cost around £2,000 to fully remedy.

#### **THE IMMEDIATE RISK**

25 The Claimants' fear is that such behaviour – especially when it is broadcast on social



media to generate followers and revenue – will encourage others to repeat these antics and that there will be an accident because of this. These activities are not only a danger to the Defendants themselves but also to the innocent staff and residents at Centre Point. In addition, the area around Centre Point is subject to a lot of footfall so any incident where someone fell off the roof (or dropped something off the roof) would endanger innocent members of the public too. Furthermore, there is a clear financial cost to the Claimants (which is very unlikely to be recoverable) in securing and reacting to these incidents, and remedying physical damaged caused by the Defendants, as well as the cost to the Police when attending such incidents.

### **SERVICE**

26 With respect to the named Defendants (the First Defendant to the Fourth Defendant inclusive), given that they operate primarily in the online social media world and our research, as described in paragraph 18 above, has revealed no more traditional ways to contact them, the Claimants request that service be permitted on each named Defendant respectively via:

- (i) direct message, or, if direct message is not enabled, a public message on Facebook to Alexander.Farrell.39, [REDACTED], Owen.reece.14 and Harry.Davies1042; and
- (ii) direct message, or, if direct message is not enabled, a public message on Instagram to @Alexanderfarrell1999, [REDACTED] @trikkstar69, @mrowenreece, @harrydaviesldn and @harrydavies.bts.

27 With respect to the Fifth Defendant and Sixth Defendant, since these are not named persons who can be served in any practical way, the Claimants respectfully asks the Court to dispense with service.

28        If an Order is made the Claimants propose to inform any potential trespassers of the injunction by posting notice of its existence at access points to Centre Point and suitable prominent locations around the exterior of the buildings at ground level. The notice will describe the general effect of the Order, will indicate how copies of the proceedings may be obtained from the Claimants' solicitors, and will identify a website address at which a copy of the Order may be viewed. I am confident that this will alert any prospective trespassers to the injunction before they commit any such act. I am informed by the Claimants' solicitors that this is in line with what the Court has directed in other similar cases, and I respectfully invite the Court to direct service in this way here.

### **UNDERTAKINGS**

29        I am authorised to give, and do give, these undertakings on behalf of the Claimants:

- (i)        If the Court later finds that the Order sought has caused loss to anyone and decides that the Defendants should be compensated for that loss, the Claimants will comply with any order the Court may make in that regard; and
- (ii)        The Claimants undertake to serve the Court's Order in accordance with its provisions.

## **THE ORDER SOUGHT**

30 In summary:

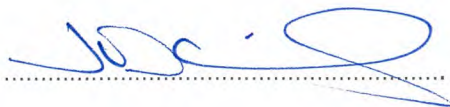
- (i) the previous incursions at Centre Point;
- (ii) the landmark status of the buildings and their position as some of the tallest in their local area;
- (iii) the fear that the buildings remain of interest to the Urban Explorer community; and
- (iv) the fact that the buildings, not currently being protected by an injunction when other properties in London may be, could be all the more attractive to Urban Explorers;

all lead me to conclude that it is a matter of "when", not "if", there is another trespass at Centre Point.

31 In these circumstances, I consider the threat to be real and imminent, and humbly request that the Court grant the Claimants the injunction sought.

## **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



**James Daniel Waite**

1 June 2022

Made on behalf of the Claimants  
Witness: James Daniel Waite  
Number of Statement: First  
Exhibit: JDW1  
Dated: 1 June 2022

**IN THE HIGH COURT**

**Claim No.**

**QUEEN'S BENCH**  
**DIVISION**

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

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LIMITED
- (2) ALMACANTAR CENTRE POINT NOMINEE NO.2  
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– and –

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- (2) [REDACTED] [DISCONTINUED]
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**Defendants**

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**FIRST WITNESS STATEMENT OF  
JAMES DANIEL WAITE**

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