

FAO: Philip Cooke, Chair of WDCO
Woodberry Down Community Organisation
Unit 2c Rowan Apartments
Seven Sisters Road
London
N4 1FS

23 November 2022

Dear WDCO Board,

Re: Woodberry Down KSS1 Windows

We are writing with regard to your recent requests of Berkeley Homes North East London ("BHNEL") for the following information, relating to the matter above:

1. The cause of the window detachment incident that occurred at Woodberry Down in December 2021;
2. A copy of our façade consultant's draft and / or final report, relating to the window detachment incident; and
3. Our façade consultant's recommendations for the KSS1 windows going forward.

Your requests have been referred to Berkeley Group Legal for consideration.

While BHNEL wishes to share with you the information requested, we have had to advise BHNEL that this is not possible.

The façade consultant's report relating to the cause of the window detachment is a legally privileged report. It may be used and debated in due course in reasonably contemplated litigation against our contractors and others. If we were to share the report, or the report findings, with you once it is finalised, we would be waiving privilege over the report and its contents would no longer remain confidential or legally privileged. This would severely compromise our legal position in respect of any litigation and any subsequent recovery proceedings.

If there is information that we can share with you because it will not prejudice our legal position, we will endeavour to do so. For example, BHNEL has communicated to you previously that its façade consultant is currently considering its final recommendations on whether there are any other reasonable measures that BHNEL could take to enhance further the performance, operation and use of the KSS1 windows. This relates to item 3 from the list above. Once our consultant's recommendations have been received, discussed and agreed, we envisage being able to share with you a summary of the recommendations.

We would like to take the opportunity to thank you again for your ongoing patience and understanding while we continue to make progress with the investigation and related matters. It is very much appreciated.

The Berkeley Group Holdings plc Berkeley House, 19 Portsmouth Road, Cobham, Surrey, KT11 1JG
Tel: 01932 868555

Company Registration Number: 5172586

www.berkeleygroup.co.uk

Solicitors: Wendy Pritchard Elaine Driver Joanna McClelland Laraine Phillips Brendan Smyth Kim Potts Laura-Rose Budden

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Berkeley
Group

Legal Department

Yours faithfully,

Laura-Rose Budden
Solicitor

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