

**IN THE MATTER OF THE INQUIRIES ACT 2005  
AND IN THE MATTER OF THE INQUIRY RULES 2006**

**THE GRENFELL TOWER INQUIRY**

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**FIRST WITNESS STATEMENT OF ANDRZEJ KUSZELL  
ON BEHALF OF STUDIO E ARCHITECTS LIMITED**

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**I, Andrzej Jozef Maria KUSZELL, Director at Studio E Architects Limited, 90A Tooley Street, London SE1 2TH, WILL SAY AS FOLLOWS:**

1. At the outset I would like to express my deepest condolences to the victims, their families and friends. Words cannot start to express my sense of horror and distress at the tragic events that unfolded on 14 June. This was such an enormous tragedy for this community that I had grown close to over many years through my work as a student and subsequently as an architect. My thoughts were and remain very much with all those that lost their lives, those that survived, the bereaved and friends and the whole hurt North Kensington community. I very much hope that this Inquiry will be effective in preventing such a tragedy ever recurring.
2. I have divided my witness statement into the following areas:
  - A Introduction
  - B My experience and qualifications
  - C Studio E's business
  - D Background to my involvement in the Project
  - E Further details of my involvement in the Project

A INTRODUCTION

3. I am a director of Studio E Architects Limited (SEAL), Chartered Member of the Royal Institute of British Architects (RIBA) and registered architect with the Architects Registration Board (No. 045835J). At all material times up to October 2016, I was also a designated member at Studio E LLP (SELLP). I am authorised by SEAL to make this witness statement.
4. Between 2011 and 2016, SELLP and then SEAL (where the context permits I use **we** or **Studio E** to refer to the relevant entity) was retained in relation to the refurbishment (the **Project**) of Grenfell Tower (the **Tower**) for The Royal Borough of Kensington and Chelsea Tenant Management Organisation Limited (**KCTMO**). As explained in more detail below, I did not have day to day involvement with the Project, but make this statement as a director of SEAL. I make this witness statement on the basis of information obtained in that context.
5. The purpose of this witness statement is to respond to the request for evidence made of SEAL under rule 9 of the Inquiry Rules 2006 dated 5 June 2018 and the request for evidence made of me under the same rule dated 28 August 2018 (the **Requests**) by the Grenfell Tower Inquiry (the **Inquiry**).
6. This is the first witness statement that I have made to the Inquiry. I have also made a witness statement to the Metropolitan Police Service, dated 15 December 2017. I consented to the Metropolitan Police Service disclosing that statement to the Inquiry for use in evidence and understand that the Inquiry has a copy of it.
7. The facts and matters set out below are within my own knowledge unless I expressly state otherwise. Where facts and matters are not within my own knowledge, I cite the source(s) of the information.
8. As the events in question date back to 2011, I have been assisted in the preparation of this statement by looking back at contemporaneous documents (including emails) which have been disclosed by SEAL to the Inquiry. As the

Inquiry has not yet been in a position to provide Phase 2 disclosure as at the date of this statement, I have not had access to what I understand will be the majority of documents held by the other parties involved in the Project. Accordingly, I may need to update my statement to reflect any new evidence in due course.

9. In this witness statement, I refer to various documents primarily in two ways. Where I understand the document will be made available on the Inquiry's electronic platform, I have referred to it by its "*Unique ID*" on the platform, in bold curled brackets in the format **{XXX00000000}**. For other documents, I have annexed them at exhibit **AJK1**. References to pages in this exhibit are given in bold curled brackets, in the format **{AJK1/pagenumbers}**. In the preparation of this witness statement, including annexed documents, I have been assisted by Studio E's solicitors.

## **B EXPERIENCE AND QUALIFICATIONS**

### **My experience**

10. I am a founding director of SEAL and have developed the practice's architectural profile with a particular focus on education, sports and leisure design. Further details of my experience are set out in my CV, attached **{AJK1/32}**.

### **Kensington and Chelsea**

11. My association with North Kensington stretches back to my student days when I made a film about the impact on Golborne of the elevated **A40** which was being constructed at that time. Since then, with Studio E I have been the lead on several projects in the area including, in 2000, the re-design of Emslie Horniman Pleasance, the traditional starting point of the Notting Hill Carnival. Through all this work I got to know this part of Kensington reasonably well and partly as a consequence I was invited in 2007 to join the newly formed **Royal Borough of Kensington and Chelsea (RBKC) Architecture Appraisal Panel**.
12. **Because of the projects that I have worked on in and around North Kensington, I came to know a number of people from the area. These included founders and operators of the Carnival, social workers, teachers, school pupils, local residents and councillors. Through Studio E's architectural work, both at St Charles**

College and Kensington Aldridge Academy I and my practice were involved in doing career talks to pupils interested in studying architecture. These engagements at times extended to taking on pupils for a couple of weeks work experience at our office.

## **C STUDIO E'S BUSINESS**

### **Studio E's structure**

13. SEAL was founded in 1994. David Lloyd Jones and myself remain as two of the original three founding directors.
14. In 2007 we also registered SELLP which commenced trading in 2011 and it was under SELLP that in 2012 we secured the KCTMO commission for the Project. At that time there were three directors / members acting on behalf of both SEAL and SELLP: myself, David Lloyd Jones and Garry Stewart. We were supported by four associate directors: Bruce Sounes, Mark Philips, Neil Crawford and Kai Fabiunke.
15. In 2014, SELLP experienced some financial difficulties caused by issues unrelated to the Project or work on the adjacent Kensington Academy and Leisure Centre (KALC). SELLP was placed into creditors' voluntary liquidation on 6 August 2014. As part of the insolvency process, SEAL acquired some of SELLP's assets and employees.

### **Studio E's practice**

16. SEAL is a small company. As at 31 March 2017 we employed 12 staff and our net assets were £48,803. In the past, Studio E had been a larger practice, and employed up to 45 staff and by way of illustration, as at 30 June 2008, the net assets of SEAL were £168,048.
17. The core of the practice's work has rotated around education, sports/leisure, recreational and commercial work with sensitivity towards designing buildings that were environmentally sensitive. Our success in these sectors led to increased sizes of commissions with new academy and leisure centre projects with construction values of £15m to £30m becoming the norm. Throughout we have

also maintained a project diversity and have also been commissioned for cultural, residential and commercial projects. For example, our projects have included museum visitors' centres, out of town operatic venues, school boarding accommodation, a flats development and bespoke commercial offices, both refurbishment and new build.

18. Studio E has been recognised in the industry for its work. We have taken pride in the recognition being for a spectrum of activity – not only for architectural design but also for the design/construction processes we have followed, our community engagements and our sustainable environmental approach. Through the years we have won The Queen's Award for Enterprise in Sustainable Development in 2010, The Prime Minister's Better Public Building Award 2006, four RIBA Awards, Civic Trust, Building Construction Industry and Sustainable City Awards. Our school work has been specifically recognised through the BCSE Awards School Architect of the Year 2008 & 2010, the BCSE Awards Inspiring Design Primary School 2008 & Academy 2010, the BSF Award Excellence in Student Engagement 2009.
19. Our work methods have had to adapt over the years to respond to preferred client procurement routes. In my experience, on every project, the architect will usually have a slightly different role, because of the route a client chooses to procure its project. In my time at Studio E, the most common procurement routes I have experienced are the traditional route (the client appoints all consultants by itself, so the architect works directly for the client from the start to the completion of a project) and the design and build route (the client appoints all consultants by itself to prepare designs up to a defined point and then appoints a design and build contractor to complete the designs and to build the project. The client's design consultants may at this stage be novated to the build contractor or retained by the client or their involvement may cease entirely). I have made the distinction between these routes to give some context to the role that Studio E had on the Project.
20. Our initial client base was private with a preference for "traditional" procurement where designers are appointed to see a project through from start to

finish working direct to the client and a building contractor being selected by competitive tender using complete design information.

21. From the early 2000s, with our work increasingly coming from the state sector, we saw a shift to “design and build” procurement where design work for the client is taken to an interim stage and then a design and build contractor is selected by competitive tender to complete designs and construct the project.
22. This latter procurement route was favoured by the state sector as requiring less up front design costs and placing both the design and construction risk responsibility on the contractor. The Project fell under this form of procurement.

### **Resourcing and supervision**

23. The practice is an ISO 9001 (quality managements system) and ISO 14001 (environmental management) registered company. These management systems set down procedures under which the practice operates, both for managing the practice’s operation and its project design work. Each new project that enters the practice is set up on our system and senior management, that is directors/associate directors, agree who should take the day to day lead. A commission with an approximately £1m construction value and above would have a director or associate director and a project architect allocated to it. Thereafter the project leadership would determine the further resource requirements and manage these to an agreed project programme and budget. Any strategic issues arising would be raised with the practice’s senior management through formal and informal meetings and reviews.
24. Each project at Studio E usually goes through a number of internal reviews as part of our quality management process, including a design review and a technical review:
  - 24.1 A design review usually occurs at what was previously RIBA design stage C/D (Concept and Design Development). The project lead presents to one or more senior people at Studio E who will consider the proposed design against a checklist of issues with a focus on conceptual, aesthetic and strategic issues.

- 24.2 A technical review usually occurs at what was previously RIBA Stage E/F (Technical Design and Production Information). A senior technically experienced member of staff will review a more detailed information pack, against a checklist covering all aspects of a project from status of project information through to its technical content and including such aspects as building regulation compliance and fire strategy.
25. For each project, the practice ensures that well experienced staff are deployed and that the key element of that staff should maintain continuity from beginning to end. In addition to the directors and associate directors the practice has always retained a good number of senior architects who could be deployed as project architects. I mention this because this is not necessarily a feature of all practices and for Studio E this represented a serious cost but one that we considered was warranted. Additionally I would also highlight that the group within which the Project was undertaken, varied in size from 10 to 18 staff working on four or five projects. We were all located in one open plan studio with Bruce Soune, Neil Crawford and me working within a bay or so of each other. Many Project issues arising on an on-going basis were shared on a daily basis in direct conversation without necessarily resorting to email. We were a close knit group.

#### **D BACKGROUND TO MY INVOLVEMENT IN THE PROJECT**

26. As a director of SEAL I have been the lead on a considerable number of the practice's educational and leisure projects. In RBKC these included two educational and one leisure project. In 2007 I had also been invited to sit on RBKC's Architecture Appraisal Panel.
27. In 2011, RBKC advertised through the Official Journal of the European Union (OJEU) process the opportunity to bid for architectural work on KALC, a new Academy and Leisure Centre, which was also to include around 30 residential units. Amongst the selection criteria there was the requirement to have three academies and three leisure centres completed in the previous five years. We were one of a few practices who could qualify. We were required to submit on behalf of a complete design team – architects, services engineers, structural engineers and landscape architects. The selection process went through two

stages, the first to shortlist six teams and the second involving a design competition and a fee bid. The final stage included an interview and presentation to the local community. Our win was a major achievement for the practice. Following our appointment we were required to procure further services, including a fire engineer. In considering the implications of the proposed development it was clear that in urban planning terms the interface with the Tower was a very important factor, particularly for KALC which would be so close to its base. At this stage we had no knowledge that our team might be approached to carry out refurbishment works to the Tower itself.

28. During late 2011, there were various issues arising from the KALC project that had the potential to impact on the Tower. The KALC project was complex with a considerable number of interfaces with adjoining properties to be resolved. One of these was the Tower with its immediate external surroundings falling within the orbit of the KALC proposals. Areas under consideration were a grassy, tree planted mound to the east of the Tower, as well as a children's playground to the west. There was much discussion about the creation of a new north-south link road connecting Grenfell Road with Siichester Road. There were also discussions about removing a disused stair at the base of the Tower and also providing another way down, by a new lift, from the pedestrian deck south of the Tower. A Combined Heat and Power plant was being discussed that might also serve the Tower.
29. From paragraphs 31 below, I discuss how Studio E came to be involved in the Project. For us the Project was important because RBKC were an important client, who had close connections with KCTMO. My understanding was that we secured the Project because RBKC wished to see the Tower refurbishment completed at the same time as KALC and the most expedient way to do this was to use the same building contractor and design team as were already employed on KALC. RBKC held discussions with its appointed residential management arm, KCTMO, and introduced the KALC team to them.
30. At the time I was fully immersed in the KALC project, as was Neil Crawford, an associate at Studio E, who was working with me. RBKC were concerned that the effort on delivering KALC should not be dissipated by our involvement on the



Project so appropriate resource within SEAL had to be considered. Bruce Sounes, an associate director at Studio E, who was not working on KALC at this stage, was given the Project lead. Bruce had been with Studio E since 2000, and was one of our most experienced architects. He was backed up by a senior project architect, Markus Kiefer, and an architectural team that flexed in numbers depending on the requirements of the Project. Bruce was the continuity on the Project but in 2014, a little after the transfer point in our appointment from KCTMO to Rydon, Neil Crawford was the day to day contact for the Project during the construction stage, under Bruce's lead. Neil was coming free of KALC, knew the site and the Grenfell context and was also highly experienced, having been with SEAL since 2009 and having worked on residential high-rise projects with his previous practice. Neil worked with Bruce through to the completion of the Project in 2016.

## **E FURTHER DETAILS OF MY INVOLVEMENT IN THE PROJECT**

31. In this section, I provide further details about my involvement in the Project by reference to my email correspondence.

### **The brief**

32. As I have already explained above, I did not have day to day involvement with the Project. Bruce Sounes was the architect that had conduct of the Project. He was assisted by various other employees of SEAL, including Neil Crawford and Tomas Rek, amongst others.
33. On or around 7 December 2011. I was approached by Peter Wright of RBKC regarding potential works to the Tower {SEA00003556}.
34. On Friday, 9 December 2011 I attended a preliminary meeting at RBKC's town hall with Peter Wright (RBKC) to review potential works to the Tower. I prepared an agenda for the meeting {SEA00003556} {SEA00003557}. At the meeting Peter Wright would have provided an introduction and overview of RBKC's objectives and reviewed the scope of potential works {SEA00003557}.
35. On 29 February 2012 I received an email from Mark Anderson (KCTMO) which said there was a desire, both on the part of RBKC and KCTMO, to enhance the

Tower whilst undertaking the KALC project, to rapidly conclude the initial stages of the Project and proceed quickly to maximise any opportunities that may arise from joint procurement and construction with KALC. However, Mark was clear that the Project was separate to KALC and there would need to be a clear delineation between the two. {SEA00000007}. I understood that KCTMO wanted to get a planning application in fairly quickly, perhaps because of this.

36. In the email, Mark Anderson said that the principal objectives of the Project were:

- a. To improve the public realm links around the base of the Tower (as provided for in the SPD)*
- b. To rationalise the ground floor arrangements*
- c. To improve the office space provision*
- d. To enclose the open corner of the Tower*
- e. To convert the 3rd (2nd by current numbering) to residential*
- f. To rearrange the fire exit routes allowing for the removal of the external staircases*
- g. To overclad the Tower providing for significant energy efficiency (including the windows)*
- h. To consider the roof level options*
- i. To rationalise the heating and hot water systems to the Tower and the Estate (this is currently provided via central plant)*

37. Mark Anderson had suggested submitting the planning application by mid-June 2012, {SEA00003932}.

38. I believe I was on leave on/around 29 February 2012 {SEA00003568}, however Bruce emailed me so that we could agree how to respond to Mark Anderson's email {SEA00003567}. On re-reading Bruce's email to prepare this statement, I note that he said:

38.1 He was "*Concerned about the emphasis of working at risk while planning to OJEU it all. Doesn't add up.*"

- 38.2 He said he would acknowledge receipt, ask to meet, then walk the site with Mark Anderson to understand the scope described, probably with Neil Crawford.
- 38.3 He thought Studio E was "*a little green on process and technicality*" and "*proposed some rapid CDP* [sic]. I have discussed Studio E's experience at paragraphs 16 to 22 above.
39. I understand that because the Project still needed to be approved by the KCTMO board and RBKC cabinet, our work on the Project would be "*at risk*" until approvals were obtained. I took "*at risk*" to mean that, unless and until the Project was approved, Studio E would not be paid for any of its work on the Project.
40. At the time, Studio E was operating in a climate of deferred fees. All our design and build state education work was being procured under deferred fees. Contractors competing to win batches of state funded projects asked, as a norm, for design consultants to share the risk and to defer fees. A 'no win' meant you did not get your deferred fee; you also did not get your fee if the state chose to cancel the enquiry. By comparison the risk of deferment on the Project was low.
41. With regard to Continuous Professional Development (CPD), to which I understood Bruce to be referring in his email of 29 February 2012, we have a CPD policy at Studio E which comprises organised talks, internal presentations, in-house training and site visits. We maintain readily accessible information sources on our server system and because our projects are very rarely repeats our staff was in constant CPD mode to keep up with current codes and technical guidance. Given the breadth of work that Studio E had a track record in delivering, the size of the practice, the quality and experience of the architects and designers it employs, I took Bruce's comments as nothing more than prudent recognition of needing to do some Project specific research.
42. Whilst I was on leave, on 1 March 2012 I responded to Mark Anderson (KCTMO) and said that we were very grateful for the opportunity to work on the Project and I had asked Bruce to liaise with him further {SEA00003570}, which he did {SEA00003571} {SEA00003572}.

43. I was aware, as I was copied into email correspondence that Bruce then set about contacting potential entities to assist in putting together a design team for the Project. My understanding was that KCTMO were looking for the entire KALC team to work on the Project, therefore in reality Bruce was liaising with the established team that had been appointed on KALC (ie Leadbitter, Max Fordham, Curtins, Exova, Churchman, etc), and was not looking for others. My experience of working with these entities on KALC was a positive one, and I had no concerns in this regard. Bruce also liaised with KCTMO to obtain drawings for the Tower {SEA00003583}. I understand that Bruce will deal with his work on the Project in his statement.
44. On 7 March 2012, Bruce emailed me to provide a brief update on his work on the Project. I replied to Bruce on the same day, saying that I would give Bruce a call to discuss and that I was happy for him to front the Project, but thought that a limit on our appointment of £99,000 would be problematic given my understanding of the Project {AJK1/1}, as I thought that was too low for the amount of work that looked to be involved. I do not recall now whether I did in fact call Bruce or if so, the contents of that call, given it would have taken place over six years ago.
45. I was aware, as I was copied into email correspondence, that Bruce then continued to liaise with KCTMO's proposed consultant team, including Appleyards, which was subsequently purchased by Artelia, (Artelia) and was involved in site visits to the Tower {SEA00003619}.
46. On 26 March 2012, I, together with Bruce Sounes, attended a meeting with Laura Johnson (RBKC), Peter Wright (RBKC) and Mark Anderson (KCTMO) to discuss the Project {SEA00003909}. Having looked at my meeting notes {SEA00003906} I now recall that we discussed Project funding which was to be approved by early May 2012. There was also some discussion about the Project/KALC interfaces particularly in connection with coordinating separate planning applications. After the meeting on 26 March 2012 Bruce sent an email to the professional team (Max Fordham and Curtins and copied me in) summarising what we had discussed at the meeting. Bruce said "*We have just over a month of working at risk. Funding approval will be submitted to RBKC*

*cabinet on 3 May. The cabinet report will address the scope, cost, programme and interface between Grenfell and KALC" {SEA00003909}.*

47. Bruce forwarded me {SEA00003922} a copy of his notes of his meeting with Mark Anderson (KCTMO) and Bill Watts (Max Fordham) on 28 March 2012 {AJK1/2-3}. On re-reading his email to prepare this statement, I note that the minutes contain a post-meeting note stating that "fire safety advise [sic] may be required" {AJK1/3}.

48. On 10 April 2012, Bruce emailed Edward George of planning and said:

*"We would like to discuss pre-application advice for the upgrading to Grenfell Tower which is likely to include areas of public realm just outside the boundary for KALC. The Council are treating these as separate projects and you may feel it is necessary to discuss them separately too, although the design team will be the same as KALC and there will be obvious overlaps. It would be ideal to be able to add Grenfell to this Thursday's Pre-Application Meeting for KALC, even if it is just to give you an outline of the scope of the project and get your first thoughts.*

*Please could you come back to me as to how we go about organising these engagements with your department?"*

49. For completeness, I note that Bruce was in correspondence regarding the terms of Exova's appointment on KALC in April 2012. On re-reading his email to prepare this statement, I note that Bruce said in his email that "designs have not had adequate scrutiny" and he was concerned about Exova's commitment to KALC and the Project {SEA00004053} {SEA00000013} {SEA00000014}. I cannot recall any design issues with Exova on KALC.

50. Again, for completeness, I should note that the topic of the Tower was raised from time to time in the KALC "SRO meetings". I understand that SRO stands for "Senior Responsible Officer", and that the meetings were held by Laura Johnson (RBKC) as she was the RBKC Senior Responsible Officer for the KALC Project. I see from my hand written notes that I attended SRO meetings

regarding the Project on 8 February 2012 {SEA00003565} and 14 March 2012 {SEA00003613}. Further, for example, Bruce was scheduled to speak about the Project at the KALC SRO meeting on 7 June 2012 {SEA00004460} {SEA00004461}

51. I am aware that in late June 2012, Churchman (the landscape architect on the KALC project) had raised a concern about being unable to progress its design of the west half of the KALC site (being the part adjoining the Tower), because Exova would not provide advice until its appointment had been confirmed. I think Churchman might have contacted Studio E about this because it wrongly thought Studio E was appointing Exova on the Project. Bruce responded to clarify that *"Exova's appointment will be direct to the TMO. We will not be appointing them direct as we are on KALC"*. Bruce also noted that *"Artelia have been asked to do a review of team fees and scope"*, and he asked Alun Dawson of Artelia to *"take this up with"* KCTMO {SEA00004789}.
52. On 12 August 2012, Steven Toms at Bouygues (the owner of Leadbitter) forwarded me an email from Churchman regarding a Tower escape stair that was due to be demolished as part of KALC. He asked *"has a fire strategy report been undertaken to confirm that this stair can be removed?"* {AJK1/6-7}. Colin Chiles of Leadbitter (which was part of Bouygues) responded stating that the removal of those stairs would be part of the Project, and not KALC {SEA00005665}. Bruce also responded, stating *"This stair is not part of the existing fire escape strategy for Grenfell Tower. It is locked at the bottom anyway. The concrete stair on the south east bay to the tower is a live fire escape and this will be removed / reprovided as part of the Grenfell works."* {SEA00005668}. Leadbitter wanted to make sure that the stairs were demolished to make sure that they did not risk delaying KALC {AJK1/8}.
53. On 29 August 2012, I emailed David Lloyd Jones (a partner at SELLP) and Cathrin Beermann (a former employee of SELLP) because I wanted to set up a technical review for KALC/Grenfell {SEA00006039}. It was suggested that KALC and Grenfell were reviewed together {SEA00006047}. Garry Stewart was unhappy that the Grenfell planning submission was made for the Project before a design review was held. Ideally it would have been better to have the

design review prior to planning but as it happened the designs were to change anyway and designs had to be re-submitted. In the course of this, design reviews were held and the scheme was also reviewed by RBKC's Planning Architectural Appraisal Panel.

54. I was involved in the design review for the Project (AJK1/33). This was undertaken between me, David Lloyd Jones and Bruce Sounes. As I recall we were reviewing the Project planning submission designs prior to these being presented to the RBKC Architecture Appraisal Panel. I subsequently attended the RBKC Architecture Appraisal Panel with Bruce Sounes where he presented and I gave support.
55. Throughout late 2012, Bruce kept me up to date with key developments on the progress of the Project through planning {AJK1/11-25} {SEA00006782}. I was aware that Bruce asked Michael Cabaj (Studio E) to assist in developing some of the visual designs for the planning process {AJK1/11-25}.
56. On 20 December 2012, Bruce forwarded me an email chain in which Mark Anderson (KCTMO) proposed some ideas to change the configuration of the podium {AJK1/26-27}. Mark's thoughts were:

*"Relocate nursery to the converted garages and provide access and secure play area to the rear finger block garden area*

*Boxing Club to remain on the ground floor in current location with extended space incorporating parts of the current reception and interview room*

*Consider use of existing stair core and lift shafts to access upper levels - cost comparisons will be required for the relocation of electrical switch room currently located within stair core*

*Mezzanine floor used for office provision*

*Deck and +1 Level used for residential"*

57. As this was the second time that Mark Anderson had suggested modifying the brief, and as Studio E had not been paid for two months, we were essentially working for KCTMO for free, Bruce suggested that we make a formal response to KCTMO {SEA00007006}. However, given that we were entering the Christmas period, I proposed that Bruce prepare a draft response to it as "*not much is going to happen in the next two weeks*" {SEA00007014}.
58. On 8 January 2013, Bruce forwarded me an email from KCTMO where Mark Anderson said he had concerns regarding Leadbitter's view on build costs for the Project and asked Artelia to review KCTMO's procurement options {SEA00007059}.
59. Around January 2013, Studio E was still waiting to hear from planning in order to agree the proposals for the appearance for the Tower {SEA00007062}. Subject to this, Studio E was planning to finalise the Stage D report, which I believe Studio E provided to KCTMO on 20 August 2013 {SEA00008052}.
60. On 5 February 2013, Bruce forwarded me an email from Marc Watterson (Taylor Young) which said that planning was not happy with the current proposals for the Project and we should therefore not make a further planning application at this stage {SEA00007302}. My understanding was that the primary concern of planning was with the external aesthetics:

*"As the LPA are not happy with the current proposals in any event (hence the forthcoming submission) and as we are just finalising our current redesign, it may seem more prudent to wait to agree the details properly that are affordable before we undertake the resubmission process.*

*This of course means that achieving planning permission is also delayed so Leadbitter will not be getting started on site for the scheme, which is the downside.*

*If we submit our current proposals now and then go back for an amendment, there is a risk that it will be deemed so different from the approved scheme that the LPA will require a new application, with all*



*the associated submission (and consultants) fees to the LPA which are £5.5k. The benefit is that Leadbitter can get started on the site. However, I think that we may all look rather foolish – not least the TMO as we will have to write to tenants a fourth time to tell them that a further application has been submitted.*

*I know that the LPA are not supporters of render, proved through other schemes, and I would be surprised if they felt any differently on this scheme. They have expressed a clear preference for metal cladding (not tresa) on Grenfell. It could certainly be a time consuming negotiation.*

*Considering the above, my recommendation would be to seek with the LPA to put the application on hold while we establish what we can afford then submit the revised details."*

61. Bruce summed up Studio E's perspective on this the same day in an email to Artelia copied to KCTMO {SEA00007315}:

*"In light of your email and the response from Marc Watterson, which I did discuss with him, and a conversation with Paul Dunkerton and it would appear that we will not be submitting anything to the Planners in the short term. In the absence of an instruction and payment mechanism we are in effect being stood down.*

*'As you can imagine this is very frustrating given the fact we have been negotiating with RBKC and pursuing a successful application for over five months and it seemed like an agreement on appearance was within our grasp.*

*We are concerned about the non payment of back fees, the cost of abortive work when we re-open negotiations with the Planners, and the possible cost to undertake value engineering, which sounds inevitable.*

*I would appreciate a conversation with you on a possible Letter of Intent to release our outstanding fees and to permit further design work to deal with VE, the substitute Planning information and thus keep the project moving. Our last invoice was in October and as you know we have*

*continued to deploy staff on the project up until now. We need to agree fees for a work programme for February onwards."*

62. On 18 March 2013, Bruce emailed me and Neil and attached a link to some files on Studio E's server regarding potential value engineering options for the Project {SEA00007508}. I cannot recall considering the contents of this correspondence at the time.
63. Further to KCTMO's decision in mid-April 2013 to advance the Project, I am aware from Bruce that Artelia asked Studio E to provide some information in order to set out the background to a report for KCMTO to assist its considerations on moving the Project forward. Bruce forwarded his response to me, which covered the appointment and fees for the Project and some information regarding cladding materials and the scope of the Project {SEA00007582}. This was part of a rolling discourse on how the Project might move forward.
64. On 22 May 2013, according to Robert Powell's email to Philip Booth (both at Artelia), I spoke with Robert Powell and Marc Watterson (IBI) regarding the planning position. Robert Powell's email after the discussion states he {SEA00007672}:

*"advised of the outcome of the meeting with TMO yesterday – primarily that the works to the nursery and boxing club are back in, the decent homes stuff is out (unless something miraculous happens with the budget) and that it has been confirmed that programme shall now be subordinate to questions of value for money.*

*The perception is that if we retain the planned external envelope treatment, alloy windows and only reduce the scale of the crown, then we are not departing too wildly from the existing planning application. The biggest question mark remains over the access to the walkway and the lift, which if removed from the scheme might require a more in-depth conversation with the planners.*

*Upshot of all this is that; at present we should carry on with the existing application for consent.*

*In the absence of a formal instruction to withdraw, Marc has not pulled the existing application, which is good news.*

*Let's now concentrate on getting a signed off brief from TMO and then review on that basis."*

65. On 18 June 2013, Grant Starling (Leadbitter) emailed me and Bruce regarding the demolition of the dis-used stairs that had been closed at the base of the Tower {SEA00007757}. He said *"If you have any further info or correspondence on this issue please send it through"* as some public concern had been raised about its removal. Bruce responded to this email {SEA00007758} {SEA00007759}, copying in KCTMO for its information.
66. On 20 August 2013, Bruce confirmed that he had issued Studio E's Stage D report {SEA00008148} {SEA00008052}.
67. At the start of September 2013, Studio E was beginning to enter the RIBA stage E of its work on the Project. Bruce was concerned about the amount of work we would have to do {SEA00008352}, and we started to involve other employees in the Project including Tomas Rek {SEA00008470}
68. To reiterate though, I was not directly involved in the work on the Project. Bruce kept me strategically informed on such issues as cost, appointment, programme, resourcing, planning concerns, changes of work scope. After early 2012 Bruce was the lead and I only reacted if something was drawn to my specific attention.
69. On 10 January 2014, Bruce emailed me to forward me an email from Marc Watterson (IBI) confirming that planning had approved the Project {SEA00010301}.
70. On 17 February 2014, Bruce emailed me to forward an email from Peter Blythe (Artelia) regarding the tender returns for the Project {SEA00010576}. I was aware that on 18 March 2014, Claire Williams (KCTMO) emailed Bruce to say

that Rydon would be in touch to discuss the Project {SEA00010662}. Bruce kept me up to date about his early discussions with Rydon {SEA00010714}.

71. After KCTMO appointed Rydon as the design and build contractor, the dynamic of the Project changed. This was because instead of working directly for KCTMO, Studio E was to work for Rydon. Illustrative of this, on 2 April 2014 Bruce forwarded me an email from Simon Lawrence (Rydon), where Simon said that *"it's now official that [Rydon] are to be appointed for Grenfell"* and *"I'll start tomorrow looking into the finer details of your appointment"* {SEA00010714}. By this, I understood Simon to be saying that he would start looking into how the relationship where Studio E worked for Rydon would be formalised.
72. We seek feedback from our clients following the conclusion of a project. On 15 December 2016 Rydon provided us with very positive client feedback {SEA00014225}. In Rydon's client satisfaction questionnaire, Stephen Blake, a director at Rydon, noted further that *"I only got involved in Grenfell during the latter stages of construction. It was not any easy refurbishment project but I was impressed with Neil's commitment to the project and found it easy and enjoyable to work with him"*.
73. In June 2017 I was contacted by Louis Scorza, KCTMO's communications officer, and told they were producing a *"very positive"* magazine for the residents of the Tower and would like to include an interview with us, the architects. I thought this was a good idea {AJK1/28-29} and Bruce agreed to do the interview {AJK1/30-31}.

#### **F STUDIO E's APPOINTMENT(S)**

74. Bruce was primarily involved in negotiating SELLP's appointment with the KCTMO and SEAL's appointment with Rydon. While Bruce copied me into key correspondence regarding these issues, Bruce led the discussions. I therefore understand that Bruce will deal with these issues in his statement.

### Statement of truth

I believe that the facts stated in this witness statement are true. I am willing for this witness statement to form part of the evidence before the Inquiry and to be published on the Inquiry's website.

Signature



Name Andrzej Kuszell

Date

9 November 2018.