

**From:** [Jim Tarzey](#)  
**To:** [East3](#)  
**Subject:** Final response comments in respect of App No APP/U2235/W/20/3259300 (Monk Lakes) (for Taytime Ltd)  
**Date:** 13 October 2022 15:09:34  
**Attachments:** [image707711.png](#)  
[Monk Lake 2,Section12AA\(3\)Certificate.gw,20220515.pdf](#)  
[Monk Lake 2,Section12AA\(4\)Certificate.gw,20220515.pdf](#)  
[Preliminary Certificate,20180317.pdf](#)  
[Annex to Prelim Cert,20180625.pdf](#)  
[Licence Document.pdf](#)  
[Issue Letter.pdf](#)

---

Dear Sir/Madam

Final comments on submissions from 3rd party as follows:

### 1. Water Strategy

To confirm, it was not under our client's instruction to upload the Water Strategy published on 27<sup>th</sup> September 2022 to the Council's portal. However, in response made by Rebecca Lloyd in her email of 11 October 2022 (@ 15:49) to PINS, please note the following;

1. Information regarding the Water Balance was requested by MBC via email on 25/01/2019. A response to this request is provided in the Hafren Water Report (dated February 2019) page 17-20.
2. Monks Lakes are allowed to pump a certain amount, but it is highly regulated by the Licence, which is attached.
3. The Reservoirs Engineer (Neil Reilly) carried out breach modelling which forms part of the 2012 PBA FRA documentation, which was also appended to the Hafren 2019 document (pdf page 197). During the concept design process the Reservoir Engineer (Neil Reilly) has carried out calculations to check a number of factors, including:
  - i. Flow against toe of north bank
  - ii. Runoff from west embankment of Lakes 1,2,3
  - iii. Runoff from whole site
  - iv. Loss of flow cross section north of lake 3
  - v. Consequences of reservoir breach

In accordance with the Reservoirs Act, 1975, the construction of the lake has been overseen by a Reservoirs Panel Engineer, to ensure the design specification, quality of construction, and suitable monitoring that should be implemented. The Reservoir Engineer also oversees the design process and regularly inspect the site works, once underway, to ensure the works are completed to the approved design. Panel Engineer Correspondence and certification attached.

### 2. Access

As stated during the Hearing, relations between the parties broke down and with very little trust remaining to enter into a reciprocal offer to access the Monks Lake site. During the Hearing, Mr. Maurici initially said that our client (the appellant) made no attempt to gain access. The evidence shows that this was not the case, but relationships subsequently eroded. Access was allowed to all parties to the fishery following the Enforcement Notice hearing in 2015 referred to in her email.

### 3. Warning Letters

As our evidence shows, there was confusion between what Mr. Goulette (The Head of Regulatory Control at MBC), Amanda Fearn & Robert Martingdale (EA) had agreed with our client (the appellant) and what the enforcement department (and their new consultant, Cliff Thurlow) understood.

The letters described came from officers that weren't present in the meeting of the 14th March 2008, and it was clear that there was a break down in communication between the two departments. In order to comply with Mr. Goulette's clear instructions to complete the development, in accordance with the plans they had already been discussing with Simon Hughes (former owner of the appeal site), as quickly as possible, our client (the appellant in this appeal) accepted importation (with soil analysis undertaken) from a Tesco's development in Hastings. If our client had stopped the importation at that stage, that contract would have been lost, and they would have taken

the inert material elsewhere, making it impossible to complete it in the timescales given by MBC. Our client tried to then make contact with Mr. Goulette in order for him to explain the situation to the Enforcement Department, but the meeting with MBC on the 14th March 2008 confirmed that MBC were happy for our client to continue on that basis.

Hope this helps

Yours sincerely

Jim Tarzey

**Jim Tarzey**  
Executive Director

**E** [jim.tarzey@pegasusgroup.co.uk](mailto:jim.tarzey@pegasusgroup.co.uk)  
**M** 07767 686005 | **DD** 020 3897 1111 | **EXT** 9001 | **T** 020 3897 1110  
21 Ganton Street | London | W1F 9BN



---

**Expertly Done.** [LinkedIn](#) | [Twitter](#) | [Instagram](#) | [Our Charity](#) | [Our Website](#)

[DESIGN](#) | [ECONOMICS](#) | [ENVIRONMENT](#) | [HERITAGE](#) | [LAND & PROPERTY](#) | [PLANNING](#) | [TRANSPORT & INFRASTRUCTURE](#)

Offices throughout the UK and Ireland. We are ISO certified 9001, 14001, 45001. Pegasus Group is the trading name of Pegasus Planning Group Ltd [07277000] registered in England and Wales. Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT. This email and any associated files, is intended for the exclusive use of the addressee only. If you are not the intended recipient you should not use the contents nor disclose them to any other person. If you have received this message in error please notify us immediately. We have updated our Privacy Statement in line with GDPR; please click here to view it.