



# JMS PLANNING & DEVELOPMENT

## PLANNING STATEMENT

ON BEHALF OF

MR AND MRS G JONES

IN RESPECT OF A RETROSPECTIVE  
APPLCIATION FOR THE RETENTION OF  
CLEDLYN LAKE FISHERY AND ANCILLARY  
FISHERMAN'S HUT

AT

CLEDLYN LAKE FISHERY

DREFACH

LLANWENOG

SA40 9UR



Client: Mr & Mrs G Jones  
Project: Cledlyn Lake Fishery, Drefach, Llanwenog, Ceredigion  
Date: July 2023

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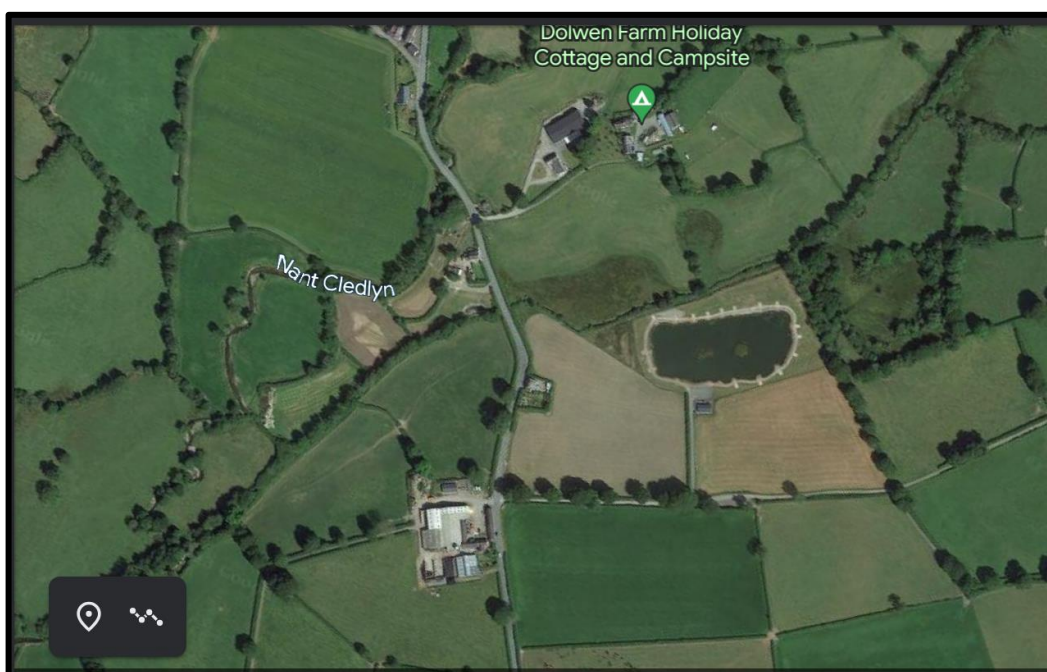


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## SECTION 1: INTRODUCTION

- 1.1. This Planning Statement has been prepared by JMS Planning on behalf of Mr and Mrs G Jones (*the Applicants*) to support a retrospective planning application for the retention of Cledlyn Lake and ancillary Fisherman's Hut and associated works at Cledlyn Lake Fishery, Drefach, Llanwenog, Ceredigion .
- 1.2. It is considered that this application is of considerable benefit to Ceredigion Council ('the Council'), providing a new tourism and leisure facility within an appropriate location, with planning permission granted for the principle of development in 2017 which included a lake, fisherman's hut, access and car parking.



Aerial Photograph of application Site

Source: Google Earth

- 1.3. In order to explain the application proposal fully this Statement is divided into the following sections:
  - **Section 1: Introduction** – outlines the background and purpose of this document;
  - **Section 2: Context** – provides an assessment of the site and its surroundings in terms of the physical, social-economic and planning context;
  - **Section 3: Planning History** – provides an overview of the site's planning history;
  - **Section 4: The Proposal** – details the proposed scheme;

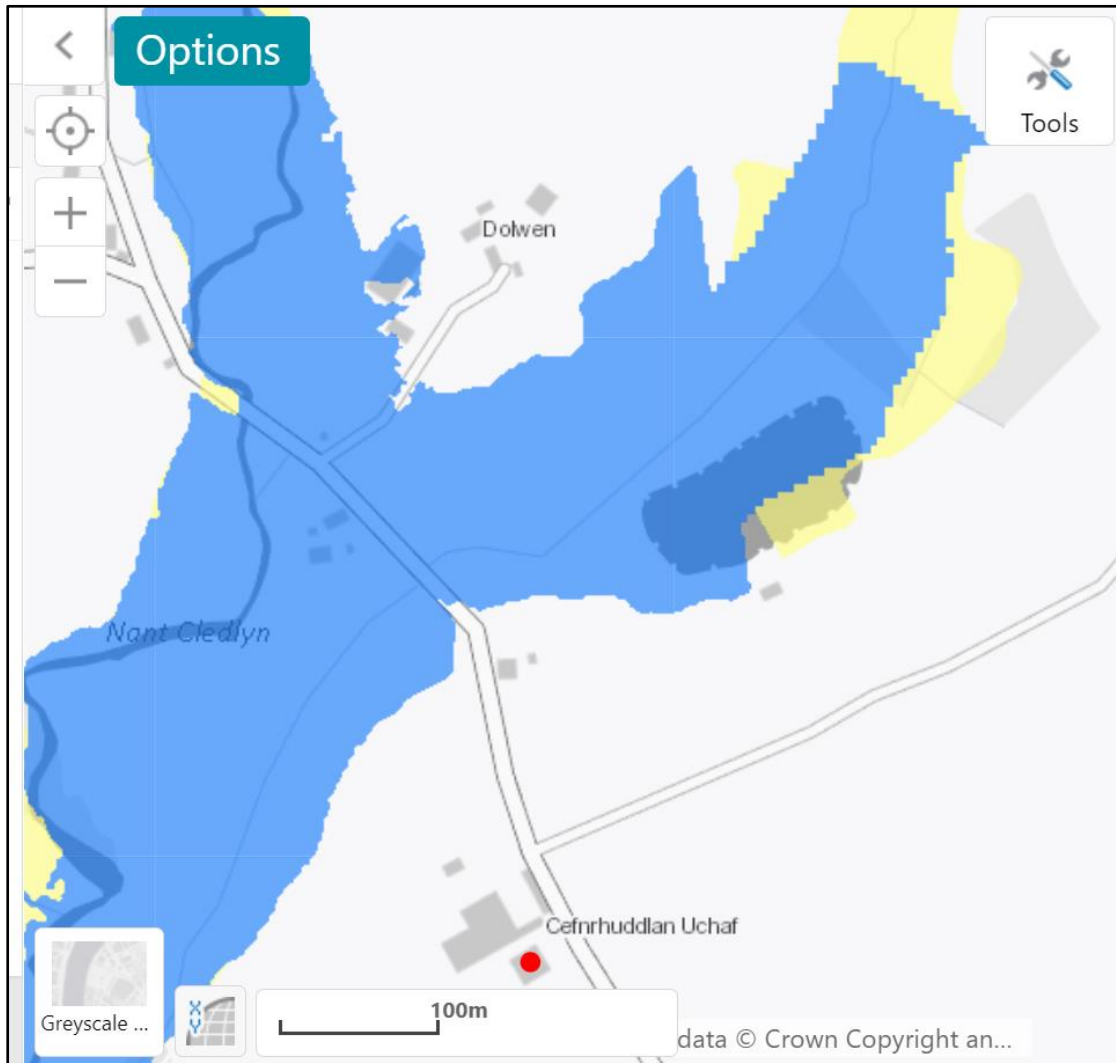


- **Section 5: Planning Policy** – provides an overview of the planning policy position at national and local level;
- **Section 6: Key Planning Issues** – provides an analysis of the key planning issues;
- **Section 7: Conclusions** – draws the preceding sections together.



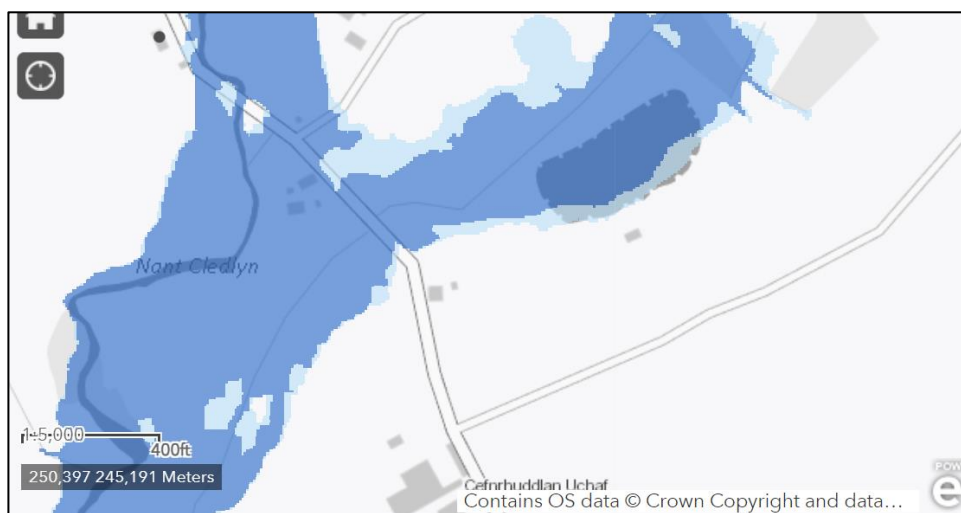
## SECTION 2: THE APPLICATION SITE

- 2.1 The application site (*“the site”*) is located within the Parish of Llanwenog on former agricultural land owned by the applicants and which forms part of Cefnrhuddlan Uchaf. The lake was created in 2018 and the business opened on the 22<sup>nd</sup> July 2019 and is now well established and brings people from the local area to spend time fishing in the lake.
  
- 2.2 The Development Advice Map by Natural Resources Wales below shows the location of the lake along with the Fisherman’s Hut. It demonstrates that the majority of the lake lies within Flood Zone C2 and approximately a quarter within Flood Zone B with a portion along with the Fisherman’s Hut outside of the flood zone. However when assessing the site against the Flood Map for Planning it shows that the majority of the lake is within Flood Zone 3 which is an area with more than 1% (1 in 100) chance of flooding from rivers in a given year, including the effects of climate change, whilst the rest is within Flood Zone 2 – Areas with 0.1% to 1% (1 in 1000 to 1 in 100) chance of flooding from rivers in a given year.



Development Advice Map

Source: Natural Resources Wales



Flood Map for Planning

Source: Natural Resources Wales



- 2.3 Upon visiting the site you will appreciate that the site does not bound a river, Nant Cledlyn which is a tributary of the River Teifi is located approximately 240m from the site. The watercourse which runs to the North of the site is a stream (Nant Inglis) a tributary to Nant Cledlyn and in living memory this site has not flooded. The stream is set approximately 3 meters below the level of the embankment of the lake at a distance of 20m and if it were ever to flood, which is highly unlikely as it only has a small water flow throughout the year it would spill over into the plateau fields at Dolwen.
- 2.4 The C2 Floodplain are areas without significant flood defence infrastructure. Only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered.
- 2.5 TAN 15 defines less vulnerable development as including but not exhausted to: General industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites. The fishing lake is considered to be a less vulnerable development as it is not a residential premises and it is not a public building. The TAN states that “less vulnerable development describes development where the ability of occupants to decide on whether they wish to accept such risks is greater than that in the highly vulnerable category”.
- 2.6 Due to the lay of the land it was impossible to position the lake in the approved location granted by the Local Planning Authority in January 2018 without significant build-up of land and retaining bunds and walls. Water runs downstream and collects within this pond with a discharge overflow into the stream, the overflow system has a tiny mesh to ensure that no fish from the pond enter the stream.
- 2.7 In the event of heavy rain and warnings of localised flooding the lake will be closed to all visitors.
- 2.8 Natural Resources Wales have issued a fishing permit for this lake. NRW are therefore content that there is no risk to the adjoining rivers from the development.





- 2.9 Cledlyn Lake Fishery is a family-run business located in the village of Drefach. The fishery offers an opportunity for anglers who enjoy coarse fishing. The fishery is home to common and mirror carp up to 20lb as well as Ghost Koi reaching up to 27lb with each fish worth thousands of pounds each. However there is no need for the applicants to re-fill the pond as nature takes its course. Fishermen catch the fish and then place them back into the water.
  
- 2.10 There are options in terms of the ability to fish from the lake with a day pass or week pass and people will stay in their Bivys' with the majority having their own portaloos.
  
- 2.11 During a typical week at maximum there would be 5 or 6 people visiting, which is extremely small scale, equating to less than 1 person a day. The regular people attend from the nearby villages of Llanybydder, Llandysul, Cribyn, Rhos and Tregaron.
  
- 2.12 There is on site car parking and a tack shop along with changing facilities within the fisherman's hut. They can also purchase a tea and cake if they wish during their stay. Some fishermen will be there for hours, days or a whole week. The site is disabled friendly.



## SECTION 3: PLANNING HISTORY

- 3.1 Planning permission was granted under application number A170306 on the 30<sup>th</sup> January 2018 for the 'Change of use of land to commercial coarse fishing lake with a fisherman's hut and car parking area.'
- 3.2 There was no objection to the principal of development as the proposal was compliant in land-use planning terms with both national and local planning policies in that it developed and supported a farm in diversifying into a new tourist and community facilities and attraction, Natural Resources Wales did raise some concerns to the location of the lake in its original location (where it has been built). The reason for the objection related to the site being within a C2 flood zone and the risk that during a flood event, commercial fish species could be released from the pond into the wider environment. This was deemed to be a threat to the native fish species of the protected site and as such could have a significant adverse effect on the integrity of the River Teifi SAC.
- 3.3 Nevertheless, since this time the business has been operating for 4 years and has been given a Site Permit for the operation of a commercial fishing business by Natural Resources Wales. As mentioned in the flooding section of this statement this site has never flooded and is highly unlikely to ever flood as it is only abutted by a tributary (small stream known as Nant Inglis) to the River Cledlyn which runs 20 meters from the lake side and is located approximately 3m lower in terms of site levels. It only ever carries a small amount of water throughout the year.



## SECTION 4: APPLICATION PROPOSAL

- 4.1 The application seeks retrospective planning for the retention of the lake, car parking, access lane and fisherman's hut.
- 4.2 Planning permission has been granted for a lake and fisherman's hut, but not in the same location – the business has been operational since 22<sup>nd</sup> July 2019.
- 4.3 The lake has an area measuring 2.5 acres and at its deepest is 11 feet. It has 19 fishing pegs for fishermen to pitch their tents and place their rods.
- 4.4 The opening hours are between 8/9am – 8pm and the business employs one person which is the owner, the business is family run and forms part of a farm diversification scheme from the main farmstead at Cefnrhuddlan.
- 4.5 The number of visitors to the site per week is weather dependant but on average amounts to 5/6 persons during the dryer weather who take a day ticket for £10.00.
- 4.6 The business is based on course fishing and the lake contains Carp and Coy fish and is based on a catch and release method. The lake does not need to be restocked as the fish reproduce on their own. The lake is home to an abundance of wildlife including ducks, geese and 2 kingfishers. There are two outlets on either end of the lake which allows water to flow out in the event of high rainfall. The outlets have a purpose built mesh within the outlet which prevents any fish leaving the lake.
- 4.7 The fisherman's hut includes a small shop, tables to sit down, coffee making facilities a shower and 2 toilets. The site is served by a package treatment plant which was installed in 2019 prior to the site opening in July 2019. The fisherman's hut formed part of the original application.



## SECTION 5: PLANNING POLICY FRAMEWORK

- 5.1 This Section of the supporting Statement sets out national and local planning policy relevant to the site.

### **National Planning Guidance**

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, in the determination of planning applications, decisions are made in accordance with the Statutory Development Plan of the District, unless material considerations indicate otherwise. At a national level, Planning Policy Wales and Technical Advice Notes are relevant. The new spatial strategy document, Future Wales: The National Plan 2040, has also been considered for this development.
- 5.3 The site is within the administrative boundary of Ceredigion's County Council, where the development plan comprises the Local Development Plan 2007 – 2022 (adopted in April 2013).
- 5.4 Supplementary planning guidance (SPG) documents have also been considered for the proposed development including the Ceredigion County Council Parking Standards SPG, Built Environment and Design SPG and Nature Conservation SPG.

### Planning Policy Wales

- 5.5 The Planning Policy Wales (the "PPW") was published in July 2021. At the national level, the PPW provides up to date government policy.
- 5.6 In accordance with the Well-being of Future Generations (Wales) Act 2015, the primary objection of the PPW, as set out at Paragraph 1.2, is to "to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales."



### Well-being of Future Generations (Wales) Act

- 5.7 The Well-being of Future Generations (Wales) Act came into effect in 2015, which seeks to improve the social, economic, environmental and cultural well-being of Wales. The Act puts in place seven well-being goals, which are as follows, to ensure everyone will be working towards the same vision of creating a Wales that everyone want to live in, now and in the future.

### Technical Advice Notes

- 5.8 TAN 5: Nature Conservation and Planning – provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.
- 5.9 TAN 6: Planning for Sustainable Rural Communities – includes advice on sustainable: rural communities; rural economies; rural housing; rural services and agriculture.
- 5.10 TAN 12: Design – provides advice on how ‘Promoting sustainability through good design’ and ‘Planning for sustainable building’ may be facilitated through the planning system.
- 5.11 TAN 15: Development, Flooding and Coastal Erosion – provides technical guidance which supplements the policies set out in PPW in relation to flooding and coastal erosion. It provides a framework within which the flood risks arising from rivers, the sea and surface water, and the risk of coastal erosion can be assessed. It also provides advice on the consequences of the risks and adapting to and living with flood risk.
- 5.12 TAN 18: Transport – includes advice on: integration of land use and transport planning; location of development; regional transport plans; parking and design of development.

### Future Wales: The National Plan 2040

- 5.13 Future Wales – The National Plan 2040 is a 20-year national development plan that covers the whole of Wales. It has been produced by the Welsh



Government and covers the period up to 2040. It was published in February 2021.

- 5.14 The plan seeks to provide strategy for addressing key national priorities through the planning system. The plan is in line with the Well Being of Future Generations (Wales) Act 2015.
- 5.15 Aberystwyth falls under the 'Mid Wales' region according to the document.
- 5.16 The following policies are relevant for the proposed development:
- Policy 1 (Where Wales will grow)
  - Policy 25 (Regional Growth Areas – Mid Wales)
  - Policy 26 (Growing the Mid Wales Economy)

#### Development Plan Policy

- 5.17 The statutory development plan comprises the Local Development Plan 2007-2022, and is split into three documents, Volume 1 Strategy and Policies, Volume 2A Settlement Group Statements and Volume 2B Proposals Maps. The Local Plan was adopted in April 2013.
- 5.18 The Local Development Plan is a statutory plan which sets out policies and specific proposals for the development and use of land in Ceredigion for the 15 year period up to 31 March 2022.

#### *Volume 1*

- 5.19 The following policies are relevant for the proposed development:
- S01 Sustainable Growth
  - S04 Development in Linked Settlements and Other Locations
  - LU17 Tourism Facilities / Attractions (non accommodation)
  - DM03 Sustainable Travel
  - DM06 High Quality Design and Placemaking
  - DM14 Nature Conservation and Ecological Connectivity
  - DM15 Local Biodiversity Conservation



- DM17 General Landscape
- DM22 General Environmental Protection and Enhancement

5.20 Policies LUI7, DM15 and DM22 of the LDP are of particular relevance for the retrospective application. Paragraph 6.111 of the LDP states that:

“Agriculture (which includes fisheries) is also an important employment sector within Ceredigion. Whilst employment in agriculture does not affect the demand for future allocated employment sites, continued restructuring of the sector may present opportunities and challenges.”

5.21 Policy S04 allows economic development on sites which have not been allocated if they accord with TAN 6 requirements in terms of a rural enterprise and in terms of its physical location, regardless of development type, accords with the requirements of TAN 6.

5.22 Policy DM06 (High Quality Design and Placemaking) requires development to have full regard and positively contribute to the context of its location and surroundings. Development should reflect a clear understanding of design principles, the local physical, social, economic and environmental context.

5.23 Policies LUI7 is of particular relevance even though as the business has evolved it has been evident that the people who use this facility are local people who attend on a regular basis rather than tourists. It is therefore a facility which serves the local community and engages the local population in a sport which also assist with well-being and mental health issues.

5.24 Policy LUI7 – Tourism Facilities/Attractions (non accommodation) states that new tourist facilities will be supported provided that they:

1. Relate well to an existing settlement or are easily accessible through a choice of means of transport;
2. Benefit the local economy by broadening the tourism base;
3. Benefit the community and are available for use by the wider community where possible;
4. Include environmentally friendly measures;
5. Offer, where possible, aspects which provide opportunities during wet weather;



6. Do not significantly affect general amenity and enjoyment of existing activities; and
7. Are accompanied by an appropriate Tourism Needs and Development Impact Assessment detailing the long term use and viability of the facility.

Development proposals that would have a significantly adverse effect on the amenity, setting and characteristics of existing tourism resources will not be permitted.

5.25 Policy DM22 (General Environmental Protection and Enhancement) seeks to support applications which achieve environmental protection and enhancement. In particular if the development protects or enhances air, soil and the water environment.





## SECTION 6: PLANNING ASSESSMENT

6.1 This Section of the supporting Planning Statement considers the relevant planning issues pertinent to the proposed pre-application development. These key planning issues include:

- Principle of development;
- Design and the impact on the character and the wider area;
- Ecology
- Flooding
- Phosphates
- Impact on Residential Amenity

### Principle of Development

6.2 During the consideration of application A170306 regardless of the position of the lake and fisherman's hut there were no objections in principle to the development. The proposal was compliant with both national and local planning policies that seek to develop and support farm diversification and new tourist and community facilities and attractions.

6.3 Policy LU17 of the adopted LDP acknowledges that some tourist facilities / attractions will require an open countryside location, however the policy also states that such facilities should be located as close to a settlement as possible to reduce the environmental impact of the development and to make them as accessible as possible through a choice of means of transport. It also states that such facilities should wherever possible benefit the community.

6.4 It is accepted in this instance that an open countryside location is required for this type of development, however at the same time, the LPA were mindful of the fact that such developments shouldn't be located in wholly unsustainable locations that are hard to reach or are completely divorced from nearby settlements.

6.5 In this instance, the proposed development lies a relatively short distance from the settlements of Drefach, Llanwenog and Llanybydder and therefore any visitors would not have to travel a great distance to seek other services. It would



also be possible to access the site via other means than just the private car. There is a Public Right of Way which runs along the access lane. However in order to carry equipment the majority of people attend the site by car. It would be difficult to locate a development of this kind in an urban setting.

- 6.6 In conclusion, the location of the site in this instance is acceptable given its relatively close proximity to the nearby settlements of linked settlements of Drefach and Llanwenog and the Rural Service Centre of Llanybydder, albeit it is located within the open countryside but forms a farm diversification project.

### **Design and the impact on the character and the wider area**

- 6.7 The application site lies within the Teifi Valley Special Landscape Area (SLA), however the development does not result in a detrimental impact upon the surrounding landscape. The lake which is home to an abundance of wildlife nestles neatly into the surrounding rural landscape with the fisherman's hut being a light, timber frame, small building which again does not have any impact on the landscape with the luscious green fields forming its backdrop.
- 6.8 The proposed lake over time has developed to form part of the landscape without any harm being caused to it. The associated fisherman's hut is a minor form of development and the car parking and turning areas are minimal and are accommodated as part of the whole scheme.
- 6.9 The access onto the B4338 has improved its visibility splays to meet the requirements of the Local Highway Authority during the previous approved application A170306.
- 6.10 The original application was therefore deemed to be in compliance with Policy DM06, DM17 and DM18 of the adopted LDP and considers to remain as such.

### **ECOLOGY**

- 6.11 The development of the site back to natural wetland has benefitted biodiversity and nature conservation immensely as previously explained.



- 6.12 The flood maps show the site to partially sit within the flood plain, however upon visiting the site one will understand that this site is not in danger of flooding due to the significant difference in the levels of the land and the minor watercourse which runs adjacent to the site which is a tributary to the Cledlyn which then runs into the Teifi.
- 6.13 The proposal is in compliance with policies DM14, DM15 and DM22 of the adopted LDP.

### **FLOODING**

- 6.14 NRW originally raised objection to the location of the lake under permission A170306, to the position where it has been located and which retrospective planning permission is being sought for. Upon speaking to the applicants as part of preparing this application they were never aware that an amended plan had been submitted to move the location of the lake. The only plan they had ever been given by the agent at that time was the one which they have built. However, the objection from NRW was mainly based on the concern that if the site flooded that non-native fish (coy and carp) would enter the river. The lake has two specifically designed outlets with a mesh which prevents any fish entering the river. Justification has been given previously within this statement regarding flooding and how this site would not flood – one probably needs to attend the site to appreciate this and not rely on desk top analysis.
- 6.15 Moreover however NRW have granted a fishing permit to the site to enable them to use the lake for coarse and angle fishing, therefore it is deemed that NRW will have no objection to the position and use of the lake.

### **PHOSPHATES**

- 6.16 The site is located within the River Teifi Special Area of Conservation and as such it is affected by phosphates. In 2018 a package treatment plant was installed to serve the two toilets within the fisherman's hut.
- 6.17 As previously mentioned, the site is now lightly used, maximum of 5/6 visitors per week, the majority bring their own portable portaloo which they take back



with them. Of the people who do attend the site, they do so on a frequent basis and live locally.

6.18 People who fish here come from Llanybydder, Rhos, Tregaron, Llandysul and Lampeter – from places who have fishing clubs. They come to practice and enjoy. During heavy rain and bad weather hardly will attend site.

6.19 Therefore in line with the most recent NRW guidance on Phosphates the application can be screened out as it states that:

*“The following developments can be screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs, as there is unlikely to be a sources of additional phosphorus or pathway for impacts:*

- *Developments intended to provide services, facilities, commercial sites, or places of employment (e.g. community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the SAC river catchment.”*

6.20 In any event the fisherman’s hut which includes the toilets became functional in July 2019 when the site opened prior to the need to screen applications against the Habitat Regulations which came into effect in January 2021. Planning permission was granted for a fisherman’s hut under the 2017 application.

#### **IMPACT UPON RESIDENTIAL AMENITY**

6.21 There are few neighbouring properties sporadically located within the locality, however it is considered that these are far enough away from the proposed development so as not to be adversely affected by any comings and goings by fishermen etc. Since Covid and following the cost of living crisis the lake is very lightly used and causes no harm to residential amenity. The proposal is compliant with policy DMO6 of the LDP in this regard.



## SECTION 7: CONCLUSIONS

- 7.1 This Planning Statement has been prepared by JMS Planning on behalf of Mr & Mrs G Jones to support a retrospective planning application for the retention of Cledlyn Fishing Lake, Fisherman's Hut, Access, Car Parking and ancillary works at Cledlyn Fishery, Drefach, Llanwenog, Ceredigion.
- 7.2 The principle of development for a fishing lake, fisherman's hut, access and parking to be located within this field was deemed acceptable under planning permission A170306.
- 7.3 The existing lake has been in situ for over 4 years and operational for 4 years. It mostly serves the local community and provides additional income to the farm owned by Mr & Mrs G Jones, the venture is a form of farm diversification.
- 7.4 NRW have granted a site permit for the operation of a Commercial Fishing business which allowed them to introduce non-native fish into the fishery at the location where the lake has been created.
- 7.5 Taking account of when the works were undertaken, the permit from NRW, the actual location of the lake in comparison with the level and location of the stream below, it is considered that the proposal is acceptable and can be approved.