

## **Planning Appraisal:**

Star Carr Lakes  
Brandesburton  
Driffield  
Yorkshire  
YO25 8RU

November 2023

### **On Behalf of:**

Mr and Mrs Turrell

**FPV554**

### **Report Prepared By:**

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## **1. Introduction**

This report provides an appraisal to the accompanying a planning application to vary the agricultural tie (by way of a change of use) attached to the manager's dwelling at Star Carr Lakes, formerly Star Carr Trout Farm, in the village of Brandesburton, East Yorkshire.

Star Carr Lakes extends to 10.7 acres (4.3 ha) and comprises a coarse fishery with three recreational fishing lakes and a large stock pond with a total water area extending to 6.3 acres (2.5 ha).

The property lies within the East Riding of Yorkshire.

### **1.1. Instructions**

The applicants, Mr and Mrs Turrell instructed Fenn Wright to undertake an appraisal to assess the ongoing occupational need for a permanent dwelling to support the business at Star Carr Lakes. Mr and Mrs Turrell purchased the property from the previous owner in 2016. The appraisal is prepared in accordance with the National Planning Policy Framework (NPPF). The conclusions are based on the information provided by the applicants, the current owners, together with our own observations and experience.

### **1.2. Personal Statement**

This report has been prepared by Tom J Good, a Partner of Fenn Wright Chartered Surveyors. I am a member of the Royal Institution of Chartered Surveyors (MRICS) and have operated within the fishery and water and leisure industry for in excess of 12 years, specialising in advising fishery owners on planning, valuation and other property matters. I also hold a first class Honours Degree in Aquaculture and Fisheries Management and have varied experience of working directly in the fisheries and fish farming industry.

I have visited over 1000 fisheries in the last 12 years, undertaking instructions for a wide range of clients throughout the UK.

Fenn Wright have prepared Planning Consultancy Reports for a number of clients including new lakes, retrospective applications, facility buildings, temporary and permanent dwellings. In addition, Fenn Wright have acted as expert witnesses in courts of law and at planning appeals on several occasions.

As a Chartered Surveyor I am bound by the practice statements issued by the Royal Institution of Chartered Surveyors, and confirm that I have the necessary expertise to provide an opinion on the subject matter and that my evidence is produced in accordance with the RICS rules.

### **1.3. Previous Work**

I have discussed the management of the existing fishery and holiday accommodation business together with the amendment of the existing wording with the applicants. We have advised the applicants that this form of development is extremely important, in my own professional experience the business model will fail unless there is a continued permanent presence on site to ensure fish welfare, husbandry related and management issues, together with health and safety led reasons.

### **1.4. Inspection**

The appraisal has been carried out with the benefit of documents attached to the application and an inspection which took place on the 13<sup>th</sup> July 2023.

## 2. Background

Star Carr Lakes is a mixed use leisure property located on the edge of the village of Brandesburton, approximately 1.5 miles north of village of Leven and approximately 8 miles and 11 miles from the towns of Beverley and Driffield respectively. The property is accessed off Hempholme Lane, situated opposite the Hainsworth Park Golf Club.

The site extends to a total of 10.7 acres (4.3 ha) as edged red on the site plan at [Appendix 1](#). Star Carr Lakes comprises of three coarse fishing lakes, including two specimen lakes, a large stock pond, holiday accommodation units, workshop, store and facilities building, together with a manager's dwelling.

The current owners purchased the property from the previous owners in 2016. The previous owners were the original trout farmers, who initiated the change from trout farming to leisure after the trout farming operation became unprofitable. The original development towards leisure is in the form of holiday accommodation units, initially static caravans and subsequently log cabins. This included a manager's dwelling with an agricultural tie, originally linked to the trout farming business.

The applicants have expanded the existing leisure use with a further holiday accommodation unit, planning permission for two further units, the addition of the equipment store and facilities building together with upgrades to the infrastructure and access. We would comment that the works undertaken at Star Carr Lakes have been done to the highest possible standard, examples of this include reinforced concrete access drive, upgraded entrance gates and resurfaced car parking and upgraded paths around the site.

The applicants have developed Star Carr Lakes into a popular holiday destination and fishery with an excellent reputation for specimen fishing. Star Carr Lakes needs to produce its own stock from brood fish. The fishery needs to be self-supporting and rear its own stock for economic, sustainability and biosecurity reasons.

The applicant has identified that there is a continued need for permanent manager's accommodation on site.

### 3. The Proposal and Relevant Policies

The proposal is to amend the wording of the existing occupancy condition for the permanent dwelling to reflect the current business potential need to provide accommodation for the manager of the fishery and holiday complex in order to undertake day to day duties which include managing fish stock, breeding fish, overseeing the holiday complex from a health and safety prospective and deal with the overall security of the site and business.

The proposal is to amend the existing agricultural tie to a more appropriate form of wording consistent with the existing business, varying the wording to an occupancy condition linked to a rural workers dwelling.

In July 2018 the National Planning Policy Framework (NPPF) replaced most national policy statements and guidance. This revised Framework replaces the previous National Planning Policy Framework (NPPF) published in March 2012.

*Paragraph 79 of NPPF states:*

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling;  
or*
- e) the design is of exceptional quality, in that it:*
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

*Paragraph 80 of NPPF states:*

*“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

*Paragraph 83 of NPPF states:*

*“Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

### **Local Plan and Relevant Policies**

The site lies in the County of East Yorkshire and is situated within East Riding of Yorkshire Council. The East Riding Local Plan and Strategy is the relevant planning policy.

### **Policy S3: Focusing Development**

#### **New Development**

New development will be supported where it is focussed within the following locations which includes primary villages, including Brandesburton.

#### **Rural Service Centres and Primary Villages**

- F. In order to sustain the overall vitality of rural areas, development to meet local community needs and sustainable economic growth will be supported in Rural Service Centres and Primary Villages, complementing the roles of Towns in meeting some of the basic needs outside of the Major Haltemprice Settlements and Principal Towns.



- G. To ensure the delivery of the overall spatial approach, the following forms of development will be supported in Rural Service Centres and Primary Villages:
1. Residential development, including affordable housing, commensurate with the scale, role and character of the village.
  2. New and/or enhanced local services and facilities.
  3. Economic development appropriate to the scale of the village.

**Policy S4: Supporting development in Villages and the Countryside**

- A. Outside of the settlements listed in Policy S3, development will be supported to help maintain the vibrancy of Villages and the Countryside where it:
1. Is of an appropriate scale to its location taking into account the need to support sustainable patterns of development;
  2. Encourages the re-use of previously developed land where appropriate; and
  3. Does not involve a significant loss of best and most versatile agricultural land.

**Countryside**

- C. Outside of a development limit land will be regarded as the Countryside and the following forms of development supported, where proposals respect the intrinsic character of their surroundings:
1. Conversion of buildings for economic development (including work-live units), tourism or community uses. Conversions for new housing will be supported where the preservation of the building would enhance the immediate setting and where it:
    - i. would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset; or
    - ii. would re-use a redundant or disused building without significant alteration or significant extension.
  2. Replacement dwellings;
  3. New dwellings of exceptional quality or of truly outstanding innovative design;
  4. Affordable housing for local people;
  5. Agricultural, forestry or other rural-based occupational dwellings subject to demonstrating an essential need. Such dwellings will be subject to an agricultural occupancy condition;
  6. Employment uses in accordance with Policy EC1;
  7. Agricultural, horticultural and forestry uses;
  8. New and enhanced infrastructure;
  9. Energy development and associated infrastructure;
  10. Development to support existing military defence operations; and
  11. Sports, equine, recreation, community facilities and tourism development.

4.43 Permanent dwellings for agricultural and forestry workers, or for other people involved in rural based enterprises, will be supported where it is justified and commensurate with the size of the holding. This will include demonstrating:

- A clear functional need for the dwelling, relating to a full time worker(s) employed on the unit;
- The existing rural activity has been established for at least three years, has been profitable for at least one and is currently financially sound; and
- That the need for the dwelling cannot be provided by an existing dwelling which is suitable and available for occupation by the worker(s) concerned.

**Policy EC1: Supporting the growth and diversification of the East Riding economy**

A. To strengthen and encourage growth of the East Riding economy, employment development will be supported where the proposal is of a scale suitable to the location. Proposals will be encouraged where they:

1. Contribute to the modernisation, development and diversification of the local economy;
2. Develop and strengthen the East Riding's key employment sectors and clusters including: renewable energy; manufacturing and engineering (including chemicals); agriculture/ food and drink; tourism; ports and logistics; transport equipment; digital and creative industries; finance and business services; construction; public administration, defence, health and education; and retail;
3. Contribute towards reducing social exclusion and provide employment opportunities in deprived areas;
4. Contribute to the improvement in the physical appearance of an existing employment site or premises; or
5. Support the vitality and viability of a Town or District Centre.

F. Farm diversification schemes will be encouraged providing they are of an appropriate scale to their location, respect the character of the surrounding landscape, re-use existing buildings where possible and any new buildings are well related to the built form and scale of the farm.

**Policy EC2: Developing and diversifying the visitor economy**

A. Tourism developments including attractions, facilities and accommodation, particularly those helping to meet existing deficiencies, will be encouraged to help strengthen and broaden the tourism offer across the East Riding.

B. In the Countryside, proposals for tourism development will be supported where their scale and cumulative impact is appropriate for the location, and they:

1. Utilise existing buildings;

2. Involve new, expanded, upgraded or rolled back/re-located static and touring caravan sites;
3. Are part of a farm diversification scheme, providing existing buildings are re-used where possible;
4. Support an existing countryside attraction, providing existing buildings are re-used where possible; or
5. Have a functional need to be located in the Countryside, providing existing buildings are re-used where possible.

### **Developing and diversifying the visitor economy**

7.20 A priority of the Economic Development Strategy is to support growth in the tourism sector. The challenge for the East Riding is to develop and diversify the tourism offer by capitalising on the potential of the area's Market Towns, diverse coastline, wildlife, rural landscapes and waterways. This will include working with the City of Hull and the area's Destination Management Organisation, Visit Hull and East Yorkshire (VHEY), to promote the area as a visitor destination. A more diverse mix of tourism accommodation will also need to be provided. Together, this will ensure that the East Riding has a broad appeal that attracts different types of visitors, for different reasons, all year round. As a result, there is a continuing requirement for tourism development and especially for tourism accommodation.

### **Policy S1: Presumption in favour of sustainable development**

#### **Development proposals**

- A. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the East Riding of Yorkshire.

In addition to Local Policy, the business at Star Carr Lakes is clearly the type of enterprise which NPPF Paragraph 79, 80 and 83 set out should be supported by Planning Policy. The onus of developing fishery and leisure businesses have expanded substantially on sustainable basis in order to do so.

## 4 Star Car Lakes

### 4.1 The Fishery

#### Access

Star Carr Lakes has excellent infrastructure in place in terms of an access off Hempholme Lane through secure gates on to a purpose built reinforced concrete road which leads through the fishery to the main car park.



The fishery has excellent access on foot around the southern part of the lakes between the car park, lodges and the fishing swims.

#### General Layout

The site is operated as a holiday complex with three fishing lakes, a large stock pond, conservation area, cabins and car park. The manager's dwelling is surrounded by the trout lake to the north, car park to the west and agricultural land to the south.

#### Landscaping

The current owners have continued to develop the fishery in respect of creating a conservation area which is inaccessible to anglers and holiday guests along the northern boundary with Hempholme Road. This, in connection with mature hedge and tree line boundary to the south and east, ensures that there is a mature screen from both the road and surrounding land.

#### Car Parking

The fishery has the benefit of a large surfaced car park situated between the manager's dwelling and the holiday cabins.

#### Manager's Accommodation

The existing manager's accommodation is a 4-bedroom timber lodge positioned close to the Old Trout Lake. The accommodation comprises entrance hall, open plan kitchen, lounge, master bedroom (en-suite), three further single bedrooms and a bathroom. To the rear of the dwelling is a decking area and fully enclosed private garden.

### **Holiday Cabins**

The site benefits from two holiday cabins providing a 3-bedroom open plan unit, together with an extension to the rear of the main lodge providing a secondary unit with a single bedroom. In addition to the existing units there is planning permission for a further two semi-detached timber cabins situated to the rear of the existing holiday units. The cabins are available to anglers and non-angling holiday guests alike.

### **Coarse Fishing Lakes**

There are three coarse fishing lakes extending to a total of 6.3 acres of water, comprising the Old Trout Lake (3.7 acres), the Gravel Pit (2 acres) and the Clay Pool (extending to 0.6 acres). The existing lakes are available for fishing to guests staying at Star Carr Lakes holiday accommodation, together with pleasure fishing offered on certain days.

### **Stock Pond**

Situated at the rear of Clay Pool, a stock pond with mixed coarse fish species utilised as an on growing facility to stock the other Star Carr Lakes.

### **Water Supply**

The fishery has the benefit of good quality water being provided through the underlying substrate and the water table. The quality of the water at Star Carr Lakes is considered reasonably good for rearing and keeping coarse fish.

### **Services**

The property has the benefit of mains water and electricity together with a private drainage system.

## **4.2 Staffing**

The current owners run the site as a family operation. The labour requirement can usually be assessed by reference to standard data based on standard labour days. In general a working day is equivalent to 8 labour hours with a full time labour unit equivalent to 275 standard labour days. Due to the niche activities undertaken and the alternative point of sale in comparison to the typical market scenario, in this instance it is difficult to find appropriate data specifically for this business.

## **4.3 The Business**

The business is centred around holiday accommodation and coarse fishing with three lakes offering both pleasure and specimen coarse fishing, together with two holiday accommodation units for visiting anglers.

The business trades as Star Carr Lakes and employs the equivalent of a full-time manager to run the fishing and holiday operation at the site.

The fishing enterprise is based on visiting anglers booking to fish on designated days, two days per week in the summer only. This is to suit the current owners requirements. The holiday accommodation business is based on short term bookings to individual parties that have the use of the lakes and the grounds of Star Carr Lakes with visitors being anglers and non anglers alike.

Fenn Wright visit over 100 leisure properties per year and have done so for the last 20 years. A significant proportion of the fisheries of this nature are run on a commercial basis. The remaining fisheries are run on a syndicated or membership basis where an individual pays an annual membership fee, and these primarily tend to be more specialist fisheries rather than holiday complexes.

In every county of the country there are commercial fisheries. A large proportion of these fisheries are managed as coarse fisheries. A small number are mixed commercial fisheries, i.e. coarse and trout fishing with the remainder as commercial trout fisheries. A growing number now provide holiday accommodation in the form of touring caravans, static caravans or holiday lodges, as is the case at Star Carr Lakes. A significant proportion of these fisheries have dwellings attached to them with occupancy conditions, reflecting a rural workers dwelling.

Commercial coarse fisheries operated on day ticket basis tend to be based on a first come first served basis. Coarse fisherman tend to fish for 6-8 hours during the day and up to 24 hours and sometimes longer when fishing for specimen fish, including carp, tench and bream. Fishing pegs on coarse lakes usually average 10m to 15m distance, whereas fishing positions on specimen lakes tend to be 20m plus distance.

Some fisheries have introduced a membership system alongside day tickets. Primarily this is to record the personal details and individuals rod licence information. A modest subscription of between £5-10 is initially charged and membership numbers are not limited.

The Star Carr Lakes fishing operation is open on selected days (Wednesday and Saturday) throughout the summer and fishing by booking only during the winter. The remainder of the time the fishing is given over to the holiday accommodation guests which are staying on site, which is let for 12 months of the year. This management reflects the current owners requirements, it is highly likely that a future owner would run the site more commercially, with the fishing operation being open 5 to 7 days a week. This alone would increase the income, before adding additional holiday accommodation units.

After acquiring the site in 2016, there are a number of dilapidated caravans on site and generally the property was in a general state of disrepair and neglect, Since purchasing the site the applicants have undertaken the following work.

- Upgraded the existing access including entrance, reinforced concrete access road, resurfacing the car park.

- Upgrading of the infrastructure including relocation of overhead electric powerlines.
- Relandscaping and replanting around the lakes to provide screening and a wildlife/conservation area.
- Upgrade of existing fishing swims and paths.
- Erection of a storage building with anglers facilities and W.C./shower. Planning permission for a single storey extension of an existing holiday lodge with the erection of a further cabin for use as two (semi-detached) holiday lodges.

The original lakes were created from mineral extraction and initially used for trout farming due to the relatively good water quality. The economics of trout farming on a small scale basis proved uneconomical and unsustainable and therefore the previous owners initiated the redevelopment of the site into coarse fishing and holiday accommodation, initially static caravans. The applicants have then invested in further developing the leisure use into a high end holiday accommodation destination with excellent quality fishing. Customers travel significant distances to fish and stay at Star Carr Lakes.

#### **4.4 Other Information**

During the winter of 2010-11 during a period of extremely cold weather the lakes became covered with ice. Although fishing could not take place while the lakes were frozen up the lakes did have the benefit of interchangeable water through the water table providing a replacement water and sustaining oxygen levels, however the stock ponds were frozen up and an onsite presence was required daily to keep the surface of the water ice free to maintain oxygen levels and prevent fish deaths. In our experience many fisheries around the country suffered considerable fish losses due to the lakes becoming frozen up and not having onsite management to be able to deal with the breaking up ice and managing aerators.

## 5 Future Development

### 5.1 Assessment

Star Carr Lakes is a holiday accommodation complex with the benefit of excellent quality fishing. All infrastructure has been upgraded to a very high standard under the current ownership. The business has been carefully developed into a leisure business which is attractive to both angling and non-angling visitors, whilst enhancing and preserving the landscape and adding a wildlife/conservation area.

In providing an appraisal of the functional need for a resident worker this appraisal is based on a requirement to safeguard the future of the fishery and holiday complex, which can be achieved by developing its commercial potential as well as ensuring that the fishery and holiday accommodation can be managed to a satisfactory standard.

### 5.2 Aims

- To provide fish rearing facilities and be self-sufficient in restocking thus eliminating disease.
- To develop the angling business to its full potential.
- To develop the holiday accommodation at Star Carr Lakes to a high standard and make the site a desirable holiday complex for visitors both inside and outside the East Riding locality.
- To provide angling opportunities for committed and occasional anglers through the provision of day tickets.
- To protect and enhance the lakes environment, the fish and the ecology of the site.

### 5.3 Business Growth

The applicants have operated the business to suit their own requirements, with limited opening of the coarse fishing operation. In addition the development of further holiday cabins will enhance the income derived from the business.

The current income is derived from:

- Sales of day ticket fishing.
- Guests staying in the holiday accommodation on site.

Future income can be derived from:

- Further holiday accommodation units, including those with existing planning permission.
- Expansion of opening hours and days for visiting anglers (5 to 7 days a week).
- Further expanding day ticket fishing including night fishing.
- Sales of drinks and snacks, together with bait and tackle.



A further planning application could be required for any additional retail or holiday accommodation over and above the two additional units which the site currently has permission for.

#### **5.4 Restocking**

The existing fishery supports a variety of coarse fish species which are capable of breeding, although there is no certainty that fish will breed successfully and the offspring grow to catchable sizes which are desirable by anglers.

The requirement for restocking increases with time as existing fish become older through a combination of age, angling pressure, predation, disease and parasites will reduce populations of the fish stocks at any fishery on an annual basis.

Coarse fish have varying lifespans. For example perch may have an average lifespan of 10 years whereas carp can live in some cases for 30 years or more. Coarse fish will naturally reproduce, however it is rare on many fisheries which are commercially managed for natural reproduction to be successful and when it does occur it can create an imbalance between fish species.

Natural reproduction is unpredictable: During cool summers spawning success may be poor for most species and the growth of the young fry will be slow. Such fish will enter the winter period smaller than normal size and their over winter survival could be effected. Often there is substantial mortality for the fish during the first winter of their lives usually due to a lack of suitable food and inadequate reserves of stored energy. This can be especially true of both common and mirror carp and it is not uncommon for an existing healthy population of mature carp to produce no viable offspring that live more than a few months. It follows that natural fish restocking to the catchable population by natural means is uncertain.

A well-managed fishery will have an appropriate biomass density and an appropriate mixture of fish species which can be managed through careful restocking.

For these reasons restocking with fish is a routine management exercise at many commercial fisheries. There is considerable variation in the quality and health status of live coarse fish currently available commercially. For example poor quality fish may be small, but old (stunted) with little capability for future growth and they may be potentially carrying diseases and parasites.

Historically all fish were stocked by the previous owners and since acquiring the site in 2016, the existing owners have invested in new brood stock and smaller fish that have been put into the stock pond for on growing. The fishery needs to be self-supporting in rearing its own stock from the point of view of sustainability and biosecurity.

## **6 The Functional Requirement for a Dwelling**

### **6.1 Disease and Biosecurity**

The EU Fish Directive was implemented in 2009 and has been enacted in England and Wales through the Aquatic and/or Health Regulations 2009. All fisheries stocked for angling and for low risk cropping and harvesting must be registered with CEFAS. This has increased the legal responsibilities of owners' of fish.

The requirement for a fishery to be able to breed and rear its own stock is extremely important for the biosecurity of the fishery. If the owner imported the fish from other lakes and ponds there would be a greatly increased risk of diseases to existing health fish stock potentially resulting in the death of large numbers of fish. The cost to the business to restock would be tens of thousands of pounds. The solution is to breed fish on site, but alongside this comes the need for more regular monitoring of fish and water quality.

Biosecurity plays a vital role in the protection of fish stocks. Biosecurity is "A single or combined set of procedures that are used to prevent aquatic and other organisms, that may have the potential to impart a detrimental impact upon a fishery and its ecology, from entering a pre-defined geographical area or catchment which is the fishery". It is therefore the mainstay of the programme a fishery must undertake to protect the welfare of the fish stock.

The ability to be able to use home grown fish to restock the fishery is of particular importance because the health status of these fish can be assured, whereas if fish are purchased from external sources there is a significant risk of inadvertent introduction of virulent "foreign" diseases or parasites which could threaten the survival of the indigenous fish. For the last 10 years the Environment Agency and CEFAS have recorded outbreaks of an especially infectious disease Koi Herpes Virus (KHV) resulting in the loss of both significant numbers of fish and significant value. In the majority of cases the common thread between the water bodies was that they had been stocked with carp in the preceding year or two.

### **6.2 Fish Rearing**

We have set out in the above section Disease and Biosecurity the reasons and justifications for producing home grown fish.

It follows that the more self-sufficient fisheries can become for their future fish requirements the less likely fish life will be jeopardised in this way. The benefits of obtaining small fish from specialist suppliers, raising them to larger sizes in controlled conditions and transferring them to fisheries include:

- The parentage genetic capability and age of the fish are known.
- The disease status of the fish can be assured.

- Fish can be stocked in small numbers and at any time irrespective of market conditions.

For a fish rearing operation to be successful in non-natural conditions, coarse fish require “life support” assistance to provide them with their essential needs. This includes the following:

- Provide a series of tanks and small ponds in which small carp and other coarse fish can be stocked and grow into larger sizes.
- Install and deploy water quality, water re-circulation and filtration systems to help aerate the water, remove fish faeces and maintain water quality, linking this to an onsite alarm system to provide warning of any malfunctions.
- Cover the ponds with predator proof nets to prevent access by fish-eating birds and mammals.
- Deploy a suitable cost effective generator as a backup power source in the events of electrical failures.
- Feed the fish regularly on a daily basis with nutritionally-balanced food stuffs and attend to their day to day husbandry needs.
- Intervene to identify and correct any fish health problems.
- Maintain environmental conditions within the tanks and ponds, taking action immediately should there be any failure of the central fish life support systems.

The management of the fishery and facilities relies on the sufficient use of the facilities to maximise growth rates of fish. It is common practice that aeration systems are installed and fish are fed either by hand or through automated feeders on pelleted food. Fish will have to be grown for at least one and sometimes up to several years in such facilities, however the failure of a water recirculation system, aeration, bio-filtration or other life support systems could result in the loss of some or all of the fish stocks within minutes.

If mass fish mortalities occur, there will be an immediate loss of business until environmental conditions improve and the fish can be replaced. This assumes that suitable fish species, in sufficient numbers and sizes, and free of debilitating diseases and parasitic infections, can be obtained from commercial suppliers. This may be possible during the usual fish stocking season (October-March period); it may well prove impossible during the warmer months when legitimate suppliers cease to sell fish for restocking but concentrate on maximising the growth of the fish in their ownership.

In respect to the operations which out of necessity have to be undertaken to manage and supervise the business it is confirmed that the stock and rearing ponds do not have a permanent bio-filtration and life support system, however the entire system needs to be monitored to ensure the waters remain oxygenated.

This was a relevant issue in the Fen Lakes Fishery Appeal Decision (see [Appendix 2](#)) where it was stated by the planning inspector that “deoxygenation is generally a natural phenomena, but one which unless addressed immediately can lead to the death of the

majority, or even all, of the fish in a lake” para 11 APP/L2630/A/07/2054499. Also see the Newbridge Fishing Lake Appeal Decision paragraphs 9-15 (reference [Appendix 3](#)).

I have therefore advised the owner of this fishery that continuing with the existing restocking operation is critical to the future security of fish stocks, but it cannot be achieved unless there is a full-time manager on site in a permanent dwelling to enable a 24 hour presence.

### **6.3 Fish Welfare**

Any fishery specialising in providing sport for a coarse angler needs to meet certain customer expectations. Many of these relate to the quality of the amenities, but most mainly relate to the quality of the fishing. Anglers’ who are paying for fishing expect to be able to catch fish relatively easily and for those fish to be in good condition.

The business must manage its stock to achieve this objective. This normally takes the form of stocking certain species of fish, for example carp, and managing the stock densities so there are plenty of fish of a catchable size. Along with this management comes the responsibility to maintain the welfare of the fish.

There are many different aspects to this duty of care such as additional feeding at certain times of the year, but for the purposes of this planning application important ones are down to monitoring the lakes and responding to problems.

Not only is routine monitoring of the fishery necessary especially throughout an 18 hour day during the summer months, but a quick response to changes or problems is also required. The frequency of the monitoring is based on need and will vary through the seasons. During the summer months, and in particular hot weather, it is normal to monitor the water quality up to five times a day, twice before dawn, twice during the day and once around dusk.

If results from monitoring went below a threshold indicating a possible problem, this requires someone to be on site for significant periods of each day. This person will need to be experienced in all aspects of fishery management, to be practical and resourceful to the appropriate response to the results.

It is often proposed that remote monitoring equipment connected to an alarm could be used (e.g. to measure dissolved oxygen), however these automated sensors are notoriously difficult to keep calibrated and are very expensive particularly in a situation where more than remote sensors will be required.

Significantly they will only monitor one of a number of possible solutions, not the combined effect if there should be more than one parameter going out of the safe zone. There are many water quality parameters that may change. Other parameters such as ammonia concentration are also important. Currently there is no remote monitoring equipment available for ammonia.

Aquatic plants are essential components of fresh water fisheries. In addition to providing fish with sources of food, cover and spawning habitat, submerged species also oxygenate the water during daylight hours through photosynthesis, enabling fish to survive.

Suspended algae because of their rootless, free floating nature are susceptible to changing environmental conditions. When such conditions are favourable and they have ample nutrients, sun light and warmth, algae multiply rapidly and form so called "blooms". Under these conditions, they release huge quantities of oxygen which dissolves in the water. After dark, however, algae respire, utilising oxygen and releasing carbon-dioxide. As a consequence, fisheries where dense algal blooms are present experience significant diurnal variations in the concentrations of dissolved oxygen, typically with the highest concentrations during mid-afternoon and lower concentrations at dawn.

When environmental conditions are favourable algae may exhaust respire available nutrients, especially for phosphates and die rapidly. Such changes in water temperature often associated with thunderstorms can also cause the blooms to collapse. In these cases the death of algae deprives the fishery of oxygen and the dead algae sink to the lake bed where they stimulate rapid proliferation of decomposing bacteria which themselves strip further oxygen from the water.



Under these conditions the net effect of sudden water deoxygenation can cause death of fish by asphyxiation. Algae collapses are not always predictable unless accurate and frequent monitoring of the dissolved oxygen concentrations is undertaken on a daily basis. If oxygen concentrations begin to fall to abnormally low levels intervention through the deployment of oxygenating and/or water recirculation equipment can replace the lost oxygen to ensure that fish survive.

The 24 hour on site presence of a Fishery Manager is the only satisfactory means by which this monitoring and oxygenation can be achieved. I am in no doubt that during

periods when oxygenation of water is essential often overnight automatic generators to provide the necessary power could malfunction. Furthermore, such automated generators come at considerable capital cost.

It goes without saying that if there are significant fish mortalities there is an immediate effect on the business. It may not be possible to restock especially if the fish mortalities have occurred during the summer months as it is good practice only to move fish during the colder months.

As with all forms of husbandry the on-site presence allows quick response to any of a number of different problems that may occur. This may be a response to water quality problems as set out above. However, there are many other unexpected potential problems that may be encountered, for example ice build-up, blockage of overflow or inflow etc. These problems should obviously be dealt with as fast as possible, the impact on fish welfare will be minimalised by a quick response.

It is unusual to find situations where animals are farmed and cared for, where there is not associated accommodation for the persons responsible for the care of those animals. The EU Fish Health Directive implemented in 2009 has increased the legal responsibilities of the owners' of fish, particularly where they are held in a farming situation.

#### **6.4 Night Fishing**

The demand for night fishing has increased significantly over the last decade particularly from anglers' wishing to catch specimen size carp and other species. Customers will stay overnight in bivvies' erected alongside their fishing peg. On other fisheries there may be some form of overnight accommodation, for example a cabin or a pod. Significant additional income is achievable from anglers' who pay additional fees for the right to fish after dark and on some commercial fisheries a separate night fishing syndicate operates without interfering with normal day time fishing.

Allowing regulated night fishing does represent challenges to the management of a fishery as customers require specific services and must be monitored. A business may have been planned on a sound financial basis, but employing additional skilled, trained and experienced staff would represent a major financial burden on the business.

A permanent presence on site for the Fishery Manager would give a more practical and cost effective solution. Unfortunately there is an increasing number of incidents relating to fishermen using drugs and having drink, which is not only a safety issue, but also creating disturbance to other visiting anglers' and these sorts of incidents can only be dealt with by an on-site presence.

The functional need for on-site supervision "most of the time" is determined by the nature and scale of the enterprises operated and the fish breeding, rearing and management systems employed and the following issues are considered relevant:

- A significant proportion of fishing at Carpvale Doubles is based on 24 hour carp fishing with angler's staying on site overnight.
- Angler's currently camp around the lakes unsupervised at all times of the year.
- A locked gate system is operated for security reasons, but problems would immediately occur if there was an incident or an emergency. A resident key worker would alleviate these potential problems.

## 6.5 Fish Theft and Security

Theft of fish is a significant problem for fisheries all over the country, and is a problem involving opportunist thieves often referred to as poachers as well as organised criminal gangs. There is a growing trend of thieves targeting commercial fisheries and fish farms to remove valuable fish stocks either to sell on or introduce into another fishery.

Coarse fish cost between £5-£10 per lbs. This increases if certain species are in demand. Large carp, tench and bream are worth a significant amount of money. By way of an example a 40lb carp can have a value of over £5,000 and clearly such fish will be attractive to thieves.

This illegal removal is often carried out by opportunist angler's who have been paid to fish. The easiest way to catch them is by rod and line and the easiest way to fish a fishery is to buy a ticket and then enter the site as a legitimate customer.

Once caught the fish can be removed from site in amongst the normal fishing equipment that most fishermen have. In reality it can be quite difficult to detect and deter in particular at night without a high frequency of observation by staff with specific experience in fisheries management. At the same time care must be taken to protect normal paying customers from intrusive security systems.

Other fish thefts can be completed within a few hours, usually after dark and they often go undetected in recreational fisheries and netting of lakes at night time is becoming a more common occurrence.

First indication that fish have been stolen may be a sudden unexplainable decline in catch rates. Were this to occur it could result in the reputation of the fishery suffering through a fall in angler numbers and a dramatic decline in business. The advent of Facebook and other social media platforms can have a very negative effect if word gets out or rumours spread.

Many of the specimen fish which reside in a fishery have normally grown to that size over a considerable number of years. The largest fish may be irreplaceable in the immediate term on a like for like basis primarily due to the seasonable nature of the sale of live fish and the current demand and scarcity of specimen carp in particular.

The main methods of tackling such a threat is through regular bankside patrols, direct scrutiny of anglers' vehicles and equipment. However these methods are only partially successful and a permanent onsite presence is the best way to discourage such illegal activity. This enables immediate action to be taken against criminals as well as preventing a crime taking place. Furthermore, a 24 hour presence on site will also help discourage the theft of anglers' equipment. It is not uncommon for such equipment to have value running to several thousand pounds. Burglary and the theft of equipment is also a concern. As more investment is put into a fishery, i.e. pumps, aeration equipment, there is an increased risk of theft.

The threat of fish theft can be reduced by appropriate extensive perimeter fencing, high specification gates, CCTV and other deterrents and there are many examples where these measures alone have not been sufficient and they will not completely guarantee the security of the site, particularly given its rural location. It is my opinion that the only truly effective measure against these security issues is through a 24 hour onsite presence.

## 6.6 Safety

The safety of the customer is a legal and moral duty for any business and owns are subject to the Occupiers Liability Act 1957 ([Appendix 4](#)). Ongoing maintenance of car parks, roads, banks and fishing pegs will go a long way to protect customers from accidents and falling into the water. It is also important for the fishery to have specific safety equipment available on site.

However it is important that any customer that may fall in the lakes are identified and rescued as soon as possible. This is especially important on a cold night when a fully clothed person may have difficulty getting out of the water no matter what the depth.

A principle safety issue at a fishery is to prevent drowning. With a fishery being visited by many customers some with children the risks can increase. It is a fact that the highest cause of deaths for 14 to 18 year old boys is drowning of which a high proportion can swim. Drowning is also the third most common cause in all under 16 year olds ([Appendix 5](#)).

Further risk can be reduced by regular checks on the customers during their fishing stay. It can be argued that the slight risks involved in taking part in angling are an accepted part of any sport. However, when a paying customer is exposed to those risks it becomes a matter of responsibility and liability that falls, in part, on the operator of the site.

Two of the most common incidence are:

- Anglers falling into the fishing lakes both during the day and at night.
- Unauthorised fishing by Europeans.



It is the duty of the owner to reduce the risks associated with customers being on site. Star Carr Lakes has already gone a long way to reducing these risks, with well-designed access roads, paths, and well lit areas around the lakes and log cabins. The presence of an onsite manager has reduced this risk even further.

The fishery has people on site, either fishermen and/or holiday makers, 24 hours a day on an year round basis. Many anglers (particularly women and juniors) choose small enclosed waters as they are more secure than rivers and reservoirs.

## **6.7 Predation**

Fisheries can be predated by a combination of cormorants, herons, otters and mink. Cormorant predation is a growing national problem at fisheries. Their numbers have increased significantly and at present there is very little fishery owners can do to control their numbers. These birds can destroy fish stocks in a relatively short period of time. It is estimated that up to 10% of the fish stock can be lost due to cormorant predation.

The applicant does not have a shot gun licence and has therefore not applied for a licence for DEFRA to control cormorants. In practice more often than not the presence of cormorants at the fishery takes place at first light or late in the evening when there is less human activity. A cormorant can consume up to 2kg of fish per day, however it is not just the consumption of fish that is a problem, but also the effect that cormorants can have on the welfare of the fish. Fish are at their slowest and least responsive during the winter months when attacks from cormorants often occur, which causes fish to seek shelter and can lead to additional stress.

Historically when the Bailiff was on site, he was able to disturb cormorants by using bangers or flares as necessary.

It is therefore important that there is continued monitoring of the fishery to both legally control and scare cormorants off the fishery to prevent serious financial loss.

Predation can also take place from mink. It is legal to use mink traps to control the specie. Many fisheries suffer from mink predation, however it is a legal requirement that traps are checked on a daily basis.

A range of deterrents can be employed to include bird scarers and the provision of fish refuge areas, however the best deterrent is having a human presence on site.

## 7 Evaluation

### 7.1 Intent

The applicants have demonstrated that during their tenure the business has been developed into a popular mixed use leisure facility which has been operated at a very high standard, with the benefit of having a permanent manager's presence on site. This is set to continue, either under the existing ownership or under future owners who are likely to continue to expand the leisure use further and most likely with the consent for additional holiday accommodation units.

### 7.2 Functional Need

Functional need in this case relates to farmed animals requiring essential care at short notice, i.e., based primarily on grounds of animal welfare.

It is an offence under the Agriculture (Miscellaneous Provisions) Act 1968 to cause unnecessary pain or unnecessary distress to any livestock. The basic requirements for the welfare of livestock are a husbandry system appropriate to the health and, so far as practicable, the behavioural needs of the animals and a high standard of stockmanship. Stockmanship is a key factor, because no matter how otherwise acceptable a system may be in principle, without competent, diligent stockmanship, the welfare of the animals cannot be catered for.

Legislation requires that all farm animals are managed in a manner which accords them freedom from thirst, hunger and malnutrition, appropriate comfort and shelter, the prevention and/or rapid diagnosis and treatment of injury, disease or infestation, freedom from fear, freedom to display most normal patterns of behaviour, and it is accepted, that without good stockmanship, animal welfare can never be adequately protected. The health and welfare of fish is covered by the Aquatic Animal Health (England and Wales) Regulations 2009. This requires the Fishery Owner/Manager to record the health of fish stocks and monitor mortality, to record any movement of fish stocks onto or out of the premises.

I have set out the functional reasons why I believe that a continued 24-hour presence on site is essential to the existing and future development of Star Carr Lakes. In this particular case the main duties of the Fishery Manager include:-

- a. immediate intervention to rectify any failure of life-support equipment used in the existing and proposed fish-rearing ponds;
- b. monitoring and feeding the growing fish and some of the older fish stocks which require supplementary feed during cold weather;
- c. frequent observation and monitoring of dissolved oxygen (DO) levels in the fishing lakes;

- d. immediate deployment of aeration equipment in the event of a depletion of DO levels, and the monitoring and running of aeration equipment; [Appendix 6](#) – Aquatico Information Sheet.
- e. providing a daily presence on site if any anglers fall into the water or get into difficulties;
- f. Monitoring and recording the health of fish, taking prompt action if health concerns are identified; [Appendix 7](#) – Fisheries.co.uk Press Release.
- g. prevention of predation, and the theft of valuable fish that, were they removed illegally or jeopardised in other ways, would be irreplaceable and lead to the rapid collapse of the business; [Appendix 8](#) – Angling Trust Press Release.
- h. Establishing 24-hour security to deter vandalism to the fishery and damage to wildlife; [Appendix 9](#) – Cormorants, The Facts.
- i. Preventing predation by cormorants.
- j. Monitoring and maintaining water quality and general fish welfare; [Appendix 10](#) – IFM Stillwater Coarse Fisheries Codes of Practice.
- k. In respect of the holiday accommodation, the manager must meet and greet guests staying at the site.
- l. The manager must respond to health and safety issues of guests whilst staying on site, which could be at any time of day.

These actions are complementary and accumulative, and none of them can be accomplished by use of Close Circuit Television (CCTV). They are necessary on a daily basis and the inability to achieve this effectively rules out these aspects of the business expansion and denies the owner the opportunity to develop the fishery business to its full potential.

It is also important that the overall security of the business and premises are maintained so that if intruders are on the site, their presence is detected and appropriate action taken.

### **7.3 Full Time Requirement**

The functional need relates to a full-time labour unit. Unlike more traditional farming enterprises, there is little standard data for labour for fish related activities as well as holiday accommodation.

The Manager's day at Star Carr Lakes starts at 6:30 a.m. and finishes between 5 p.m. and 8 p.m. depending on the time of year. This means that the manager can spend on average up to 12 hours every day (i.e., 7 days a week 365 days a year) on site. This equates to approximately 3,996 hours – a full-time equivalent farm worker is based on 2,200 hours. The functional need on the property therefore relates to up to 1.8 full-time workers ([Appendix 11](#)).

## 7.4 Financial Viability

At paragraph 83 of the NPPF states that Planning Policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas to include sustainable rural tourism and leisure developments which respect the character of the countryside.

I have provided detailed information on why the development proposals cannot be enacted unless there is a full time presence on site with a Fishery and Site Manager – the functional need.

The current accounts are not reflective of how a reasonably efficient operator would run the site due to the reduced opening hours of the current management. However, despite this there is still an operating profit surplus before finance, tax, drawings and depreciation which is sufficient to cover the wages of a rural worker.

The business would be operated at a higher level under a normal reasonably efficient operator by simply opening for more hours. This has not been possible for the current owners due to other commitments, however a future owner is likely to run the existing operation more commercially.

This can be achieved without the need for any further investment or planning permission, simply by opening on more days for visiting anglers. However, we anticipate that with the additional holiday accommodation units and increased fishing days, the turnover would be in excess of £75,000, with the returning net profit around £40,000.

It is generally accepted that the standard test for a rural worker is that the business should be able to generate sufficient profit to provide a return to land, labour and capital and contribute to financing the purchase/build cost of the permanent dwelling. The dwelling has already been built and therefore the existing operation needs to support the rural worker.

## 7.5 Day Ticket Fishing Income

The income derived from coarse fishing varies greatly. It is influenced by the following factors:

- The location of the site and its proximity to centres of population.
- Ease of access for vehicles and pedestrians.
- The provision of safe and secure car parking.
- The nature and size of the fish populations.
- The attractiveness of the fishery and its environment/tranquillity.
- The prices charged by competitor fisheries.

The total income that can accrue from coarse fishing at a particular venue is also influenced by the number of fishing pegs. At Star Carr Lakes there are a total of 23 pegs.

Although with warmer winters fishing has become a 12 month activity, coarse fishing tends to be more popular during the warmer months. One might expect that for a typical commercial fishery there would be 25% occupancy of pegs during the week and in excess of 50% at weekends from the 1<sup>st</sup> May to the 30<sup>th</sup> September (summer). For the winter months (1<sup>st</sup> October to the 30<sup>th</sup> April), attendance may be a third of these figures (8.33% and 16.67%) respectively. This assumes that the fishery would not be subject to a closed season.

Allowing for a three week period during mid-winter when fishing may be impossible because of inclement weather and/or ice cover, there are 110 week days and 43 weekend days in the summer period and 135 week days and 57 weekend days during the winter period.

## **7.6 Fish Rearing**

Carp are the principle species in the fishing lakes. They are in great demand and do not usually breed successfully in lakes, however they are relatively easy to grow in ponds under carefully controlled conditions. This assessment is based on the production of carp over an annual cycle. Young carp would be purchased from a specialist hatchery and stocked into the ponds during the spring months. It should be possible for the owners to breed their own fish once the techniques have been trialled and perfected.

The young fish would then be grown in the stock ponds during the subsequent summer and autumn period, being retained during the winter prior to stocking into the fishing lakes or if not required sold externally. Replacement young fish would then be stocked again during the spring.

This simple procedure could be amended so that some of the fish are retained in the ponds for two or more years, although some (excess) fish will have to be destocked annually to provide space for those that remain to grow larger.

The grown on fish will have a transfer value if they are stocked into the fishing lakes (as this action curtails additional expenditure on fish purchases from external sources) or the actual sale income if the fish were hypothetically sold.

## **7.7 Other Suitable Accommodation**

A test of the functional need is whether or not it could be filled by another dwelling on the unit, or other existing accommodation area which is suitable and available for occupation by a Fishery Manager. The following considerations have been given to alternative accommodation taking into consideration the following factors:

- Suitability – is the property fit for purpose?
- Availability – is it possible to purchase or rent a property?
- Affordability – is the purchase or rental within the range that could be afforded by a rural worker in the enterprise concerned?

I am also of the opinion that in order for an accommodation to be considered suitable, the requirement is for a dwelling that meets the following criteria:

- Within sight and sound of the business to satisfy the functional needs of the business.
- Of modest size to accommodate the Manager and his family.

Star Carr Lakes lies approximately 1.5 miles from the village of Leven and approximately 1 mile to the village of Brandesburton. The larger towns of Beverley and Driffield are 8 and 11 miles respectively. The possibility exists that if there is affordable housing available in the village or nearby, a Fishery Manager could live there and still be able to discharge their duties at Star Carr Lakes.

It is however necessary to assess the availability of other dwellings in the locality for purchase or rent. My client would favour renting a property due to the amount of risk associated with any business. The reason being is that too much capital would be tied up in the building. The capital outlay would be better employed in the business.

Therefore a rental property would be the preferred option. This will however limit the choices from available stock in the area. Most rental stock is offered with a minimum of 6 months and a maximum of 1 year term. It is unlikely that a property will be available for a long term rent and therefore having to move property every 6 to 12 months would not be conducive for the business.

An internet search in October 2023 has identified only two available 2-3 bedroom properties for rent in the area. These are within the villages identified or within 1 to 3 miles of the site, with rents between £750 and £975 pcm. The properties identified for rent are within [Appendix 12](#).

To determine whether or not a Fishery Manager living in one of these properties could sufficiently quickly in the event of the failure of fish “life support” equipment described earlier in this report (in Section 6) I have timed the simulated difference in actions between a Manager living on site and one living in the village of Brandesburton.

In both cases the Manager would be on site during daylight or normal working hours, being capable of responding rapidly to visual (e.g. a flashing light) or audible (e.g. a siren or hooter) warnings of equipment failure. Irrespective of where the Manager resides overnight they would need to be awoken by an automatic telephone or bleeper call, get dressed in what might be foul-weather gear, leave the property and walk to the source of the failure.

The additional actions for someone living off site would involve gaining access to their vehicle, driving along public road at legal speeds (in what might be inclement weather), unlocking the fishery gate, entering the site, re-securing the gate and driving to the car park and then walking to the source of the incident.

Using a stop watch the simulation exercise demonstrated that the response time for someone living on site is likely to be between three and four minutes. Using the same technique, the equivalent time for a Manager located in the village of Brandesburton is likely to lie between 10 and 15 minutes. The simulation was repeated three times.

This exercise reveals that even if a Bailiff/Fishery Manager was able to live in Brandesburton village relatively close to Star Carr Lakes a response to a typical equipment-failure emergency would take longer than the 10 minute “golden window” of opportunity within intervention must take place to safeguard fish welfare and prevent the onset of wide-scale fish mortalities.

In addition, there are other ancillary reasons which contribute to the need for a Manager to be based permanently on site namely site security and the prevention of theft of fish and/or equipment.

With regard to whether or not any other existing accommodation in the area which is suitable and available for occupation by a Manager is concerned, it is my opinion that to satisfy the functional need the dwelling should be sited at, or very close to, the place of work (e.g. within sight and sound or close proximity of Star Carr Lakes) to enable this essential need to be satisfactorily discharged.

It is therefore clear that there are no suitable or available properties in the local area capable of fulfilling the functional need. The sequential test in respect of nearby dwellings has therefore been passed.

## 8 Planning Comparables

I have personally visited in over 1,000 fisheries in the last 12 years, which vary in size and character from a 1 acre lake to a large water based leisure complex with multiple holiday accommodation units based around fishing. We are aware of a significant number of these fisheries where planning permission has been granted for permanent a residential dwelling on site.

Historically these consents were primarily granted with agricultural ties as planning authorities had no other means of granting consent. Subsequently Section 52's and more latterly Section 106's have been used to grant planning permission with occupancy conditions tying a dwelling to the fishery.

It is my experience in the last 12 years planning permissions which have been granted have a suitably worded occupancy condition relating to a rural workers dwelling as opposed to the historic agricultural ties originally granted.

In some cases planning permission has been granted on relatively small fisheries with site areas under 5 acres (2 ha) to sites comprising of three or more lakes but in all cases they are commercial fisheries which, with the benefit of a planning permission for a residential dwelling, have been able to survive and, in many cases, expand their businesses due to an onsite dwelling.

The addition of the permanent manager's presence on site, has enabled Star Carr Lakes to develop into a popular leisure facility in the locality with multiple holiday accommodation units in addition to the successful coarse fish rearing operation. In particular, the significant investment placed into upgrading the infrastructure and the holiday accommodation to enhance the overall visitor experience would not have been possible without the manager's presence. This is set to continue with further development of the site with the existing planning consent for additional cabins.

I have set out in [Appendix 13](#) a schedule of planning permissions for permanent dwellings and other examples of mixed use fishery and leisure properties across the country. In all cases, a appropriately worded occupancy condition relating to a rural worker's dwelling has been attached to the planning consents, with the wording based on the fishing, fish rearing and/or holiday accommodation uses to the enterprise.



## 9 Conclusion

For reasons outlined in this report I believe it is essential to the continued management and future development of Star Carr Lakes that there is a continued 24 hour presence on site.

Star Carr Lakes has been in operation as a commercial fishery for over 20 years, since being redeveloped from a redundant trout farm. The current owners have invested significant capital funds in improving the infrastructure, lakes and accommodation to cater for anglers and visitors of all ages and circumstances.

The development of an the fish rearing on site enables the fishery to sustain the existing fish stocks, in particular keeping a supply of good quality specimen fish. However, the fish rearing operation would not be possible if there was no on site presence to feed and monitor the fish and take immediate action to prevent failure of equipment, vandalism and fish theft.

These considerations are of crucial importance because the survival of the fish will be entirely dependent on the correct operation of the water recirculation and bio filtration systems. Should either system fail, even for a few minutes, the fish are likely to die and the entire stock will perish. Moreover, fish retained in any conditions are susceptible to outbreaks of disease and parasitic infections. In natural fisheries, such infections tend to spread slowly and are often controlled naturally, in semi-intensive conditions the ailments develop more rapidly and are spread quickly amongst all the stock.

To make efficient use of the facilities and to maximise the growth rates of fish, they should be fed ad libitum on pelleted foods. However, the installation of such devices will be redundant if they become vandalised or stolen. The applicants are concerned this will occur unless illegal acts can be deterred.

As with all forms of husbandry the onsite presence allows a quick response to any of a number of different problems which may occur. This may be a response to water quality problems as laid out above. However, there are many other unexpected potential problems that may be encountered, for example, ice build-up, blockage of overflow or inflow, etc. These problems should obviously be dealt with as fast as possible, the impact on fish welfare will be minimised by a quick response.

Where there is neither a permanent human presence at fisheries nor some other form of effective deterrent against trespassers, there is a real risk that non-anglers will gain access to the banks and the surrounding areas with the intention of committing illegal acts, especially after dark.

Large carp, tench and bream are worth a significant amount of money and are therefore attractive to criminals. The easiest way to catch them is by rod and line, and the easiest way to fish a fishery is to buy a ticket and enter the site as a legitimate customer. If caught the fish can then be removed from site in amongst all the normal fishing paraphernalia that most fishermen have. In reality this can be quite difficult to detect and deter,

especially at night, without a high frequency of observation by staff with specific experience in fisheries management. At the same time care must be taken to protect normal paying customers from intrusive security systems. An onsite presence by a well-trained person will go a long way to address these issues.

On the basis of the current operation it is considered that there is an existing essential functional need for a rural worker to be available at most times of the day. Given that the functional need is generated by an existing and expanding enterprise, the need should be continued to be met by a permanent dwelling.

The siting of the permanent dwelling is sufficiently close to the existing fishery to allow the applicants to carry out their duties satisfactorily and to ensure the property functioning of the enterprise. There is evidence that the business is planned on a sound financial basis and the long term needs of the business are sufficient to justify a dwelling on site. There are no other suitable dwellings within a close vicinity of Star Carr Lakes.

In my opinion the business satisfies the criteria of paragraphs 79a, 80 and 83 of the National Planning Policy Framework as there is a proven essential need for residential accommodation on site in order to meet the essential functional needs of the business and the security and welfare of fish under the applicants care. The demands of the business have significantly changed over the last five years with an increase in the value of fish stocks and ever increasing threat of theft and a requirement to provide an onsite health and safety presence for anglers and to ensure applicants are compliant with current legislation.

The proposal meets the criteria of Policy SP1 and SP2 (Dwellings to support a rural-based enterprise) of the East Riding Local Plan and the terms of the National Planning Policy Framework. I have demonstrated the applicants' special circumstances and the continued essential need for a rural worker to live on site permanently.



Signed.....

For and on behalf of Fenn Wright LLP

Dated 30<sup>th</sup> November 2023

## Appendix 1

### Star Carr Lakes Site Plan



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**Promap**  
LANDMARK INFORMATION

## Appendix 2

### Fen Lakes Fishery Appeal Case



## Appeal Decision

Hearing held on 8 April 2008  
Site visit made on 8 April 2008

by Peter Beasley DipTP DipLD MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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ov.uk

Decision date:  
17 April 2008

**Appeal Ref: APP/L2630/A/07/2054499**

**Fen Lakes Fishery, Fen Road, Carleton Rode, Near Norwich, NR16 1RT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Bryn Chetwynd against the decision of South Norfolk District Council.
- The application, reference 2007/0167/F, dated 18 January 2007, was refused by notice dated 14 March 2007.
- The development proposed is: Improvements to rural enterprise – erection of utility building, erection of dwelling.

### Decision

1. I allow the appeal, and grant outline planning permission for the erection of a single building, comprising a dwelling, shop, store, offices and public toilets for occupation and use in connection with the operation and on-going improvements to a rural enterprise, namely a recreational fishery, at Fen Lakes Fishery, Fen Road, Carleton Rode, Near Norwich, NR16 1RT, in accordance with the terms of the application reference 2007/0167/F, dated 18 January 2007, and the plans submitted with it, subject to the following conditions:-
  - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
  - 2) The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
  - 3) No development shall take place until plans and descriptions giving details of the reserved matters referred to above have been submitted to and approved in writing by the local planning authority. These plans and descriptions shall relate to:-
    - a) the siting, design and external appearance of the building to be erected together with details of the type and colour of the materials to be used in their construction;
    - b) the means of access to the site.The development shall be carried out fully in accordance with the approved details.



OT100-055-011

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- 4) The dwelling hereby permitted shall not exceed 120m<sup>2</sup> net floor area.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the local planning authority.
- 6) The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed or last employed in the recreational fishery business occupying the plot edged blue on the Site Plan (scale 1:10,000) attached to and forming part of the application for planning permission, or a widow or widower of such a person, or any resident dependants.
- 7) No external lighting shall be erected unless full details of its design, location, orientation and level of luminance (in Lux) provided have first been submitted to and agreed in writing by the local planning authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety, and shall be aligned so as to prevent upward and outward light radiation.
- 8) The shop hereby approved shall not exceed 40m<sup>2</sup> net floor area, and the range of goods displayed and sold shall be limited to angling related items and light refreshments.

**Main Issue**

2. Permission is sought for the *erection of utility building, erection of dwelling in connection with improvements to rural enterprise*, namely a recreational fishery. The application is in outline with all matters reserved for subsequent approval. However, illustrative drawings submitted in support of the proposal indicate a single building, comprising a single-storey dwelling with attic bedrooms, linked to a single-storey utility building containing a shop and public toilets, together with garages to serve the proposed dwelling, and attic office accommodation above the shop. The appellant has confirmed that the illustrative drawings are an accurate representation of his intentions. I have thus determined this appeal as being for the erection of a single building, comprising a dwelling, shop, store, offices and public toilets, for occupation and use in connection with the operation and on-going improvements to the recreational fishery at Fen Lakes Fishery, Fen Road, Carleton Rode, near Norwich.
3. The appeal site is outside of any development limits or village boundary where national and local planning policies seek to restrict new development to that which is needed in association with an appropriate rural enterprise. The Council have confirmed that the provision of a utility / store building with an associated information / shop element which is of a limited scale and linked to the operation and maintenance of the site, together with public toilets for use by the visiting public, would be acceptable in principle. The main issue in this case is thus whether the scale and nature of recreational fishing activities at Fen Lakes Fisheries generates a demonstrable functional need sufficient to justify the proposed dwelling.

### Reasons

4. The 3.36ha Fen Lakes Fisheries comprise a series of three lakes and two ponds with surrounding natural vegetation that form part of the Carlton Fen County Wildlife Site, identified by the Norfolk Wildlife Trust. I understand that the lakes were formed during the 1960's, and their use for recreational fishing appears to have commenced sometime shortly thereafter. The fishery presently offers both membership and day ticket fishing. The combined dwelling, shop, and storage facility is required to facilitate the management and on-going development of the fishery as a rural enterprise, to provide security, and to provide appropriate facilities for visitors to the site.
5. Planning Policy Statement 7 (PPS7), which sets out the Government's national planning policies concerning Sustainable Development in Rural Areas, confirms that new building development in the open countryside should be strictly controlled, and that the Government's overall objective is to protect the countryside for the sake of its intrinsic character and beauty. Furthermore, PPS7 reiterates advice in PPS3, Housing, that local planning authorities should apply strict control over new house building, including single dwellings, in the countryside. At the local level, national planning policies have been carried forward in the South Norfolk Local Plan 2003, within which policy HOU9 is of particular relevance. I have therefore assessed the proposal in detail against the requirements of that policy.
6. Policy HOU9 relates to dwellings required in connection with rural enterprises, including organised rural recreational activities that are appropriately located and are not harmful to rural amenity. I am satisfied that Fen Lakes Fishery complies with these fundamental requirements (criterion (i) of policy HOU9), and as such may properly be assessed against the remaining criteria, nos. (ii) to (vii).
7. Criterion (ii) requires the enterprise to be lawful and one which has been established for at least three years; has been profitable for at least one of those years; is currently financially sound; and has a clear prospect of remaining so.
8. I understand that a Certificate of Lawful Use has been issued for the use of the lakes for recreational fishing; the lawfulness of the enterprise and its continuation for more than three years past is thus not open to dispute. Accounts for 2006 / 2007 submitted in support of the application indicate that the enterprise is currently running at a profit, providing an income of some £12,000pa. It is anticipated that the proposed shop would increase profits by some £5000pa. I recognise that the current level of income is low, and presently possibly below that required to fully justify the proposed dwelling. However, given the increasing demand for recreational fishing, I have no doubt that there is a clear prospect of the enterprise remaining profitable; that the proposed shop will result in a significant increase in profitability; and that the provision of accommodation on site will enable the enterprise to grow, with further increased and sustainable profitability.
9. Criterion (iii) of HOU9 requires there to be a functional need for a full-time worker to live on the site.



10. The appellant maintains that there is a demonstrable need for a full-time worker to live on the site for reasons of security; to deal with unforeseen emergencies; and to facilitate on-going improvements, daily maintenance and management. The absence of on-site security is of increasing concern, there having been 16 recorded break-ins during the last three years and some £6000 worth of equipment stolen. This level of loss is clearly having a significant effect on profitability. While the provision of a free-standing store would provide improved security, experience had shown that this would not deter determined thieves. In contrast the presence of a full-time worker on site would bring about a significant reduction in, and possibly eliminate, theft.
11. Fish, in common with all other creatures, are susceptible to rapid and unforeseen changes in their living environment which, in extreme circumstances, can lead to their premature death. In the case of fish, these changes include rapid de-oxygenation and pollution. De-oxygenation is generally a natural phenomena, but one which unless addressed immediately can lead to the death of the majority, or even all, of the fish in a lake. Pollution, from whatever source, can likewise be just as destructive. Both de-oxygenation and pollution have resulted in the death of a significant number of fish in the lakes during the recent past. And I am satisfied on the evidence before me that on each occasion emergency action would have helped to alleviate the situation and saved the lives of the majority of fish. I am thus persuaded that, while emergency situations are relatively rare, the scale of enterprise at Fen Lakes justifies the presence of a full-time worker to provide the necessary husbandry required at such times.
12. During my site inspection I was impressed by both the range of environmental improvements carried out at the lakes, and the appellant's on-going plans for further works. I do not doubt the appellant's intention to complete these works, and am satisfied that both prior to and following completion there will be a continuing requirement for day-to-day maintenance. Likewise, there is an on-going requirement for day-to-day management, including over-seeing ticket sales and serving in the shop. While these activities do not in themselves justify a full-time worker residing on the site, it seems to me that given the extended hours over which fishing takes place, including late evening and throughout the night, it is unlikely that these management duties could be effectively undertaken on a part-time basis or by someone residing some distance from the site.
13. Criterion ((iv) requires consideration to be given as to whether there is an existing dwelling, or an existing building suitable for adaptation for residential use, that is suitable or available for occupation by the enterprise worker either on site or nearby.
14. Clearly there is no existing dwelling available on site. And I am satisfied that there are no suitable dwellings presently available nearby; nor is there likely to be in the foreseeable future. Neither are there any buildings on-site or nearby that are suitable for adaptation. The nearby hamlet of Hargate and surrounds contain a range of dwellings, many of which are linked to local agricultural activities. Others are expensive and, on the basis of projected profits from the enterprise, far beyond the appellant's price range. Furthermore, I doubt that the level of management and security that would be provided by occupation of

a dwelling on site could be achieved by occupation of a dwelling nearby, no-matter how close to the site.

15. Finally, criterion (v) requires any new dwelling to be sited among or alongside other buildings on the site.
16. There are, as noted above, no other buildings on the site. And thus this criterion cannot be met. However, the surrounding area contains a scattering of dwellings and other buildings along Fen Road and nearby Ash Lane, including farm houses and farm buildings, together with detached houses in extensive grounds. Thus, while standing in a somewhat isolated position, the proposed dwelling would not, in my view, detract from or otherwise conflict with the established character of the area.
17. Criteria (vi) and (viii) seek to impose a limit on the size of dwelling permitted, and to tie the occupancy of the new dwelling to a person, or persons, employed in the rural enterprise. I am satisfied that both of these matters can be dealt with by means of planning conditions, and have conditioned my consent accordingly.
18. In light of the above, I conclude that the proposed dwelling meets the requirements of adopted Local Plan policy HOU9 sufficient to justify an exception to restrictive national and local policies concerning development in the countryside.
19. I have thus formed the view that the appeal should be allowed.

*Peter Beasley*

Inspector

**APPEARANCES**

Mr Bryn Chetwynd

Appellant

Mr Stuart Pontin

South Norfolk District Council

**DOCUMENTS**

1. Letter of Notification Issued by South Norfolk District Council.
2. Letter submitted by Mr B J E Nash in support of the proposal.
3. Map of Carlton Fen County Wildlife Site.
4. Agricultural Appraisal : Provision of Permanent Agricultural Worker's Dwelling at Nicklemere Farm, Fen Road, Carleton Rode.

## Appendix 3

# Newbridge Fishing Lake Appeal Decision



# Appeal Decision

Hearing held on 10 February 2009  
Site visit made on 10 February 2009

by **A J Wilson BA MA DipLA MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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Decision date:  
6 March 2009

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## Appeal Ref: APP/E2001/A/08/2081055

### Newbridge Lakes, Newbridge Road, Burstwick, Hull, HU12 9HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr L Bramley against the decision of East Riding of Yorkshire Council.
- The application Ref: DC/07/07243/OUT/EASTSE, dated 30 November 2007, was refused by notice dated 11 March 2008.
- The development proposed is the erection of an occupational dwelling in connection with the management and supervision of Newbridge Lakes.

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### Application for costs

1. At the Hearing, an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Preliminary Matters

2. For clarification, it was confirmed by both parties at the Hearing that the application relates to a permanent residential dwelling.
3. The Council also confirmed that it had withdrawn the second reason for refusal on the notice of decision, relating to flood risk. The Council's case at the Hearing was thus confined to the principle of the proposed dwelling in the context of prevailing planning policy.

### Decision

4. I allow the appeal, and grant planning permission for the erection of an occupational dwelling in connection with the management and supervision of Newbridge Lakes at Newbridge Lakes, Newbridge Road, Burstwick in accordance with the terms of the application, Ref: DC/07/07243/OUT/EASTSE, dated 30 November 2007, and the plans submitted with it, subject to the conditions set out in the schedule at the end of my decision.

### Main issue

5. From all that I have read and heard, I consider that the main issue is whether there is appropriate justification for the erection of a permanent occupational dwelling in association with the existing rural enterprise on the site, taking into account national and local planning policies relating to new residential development in the countryside.
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## Reasons

6. The appeal site forms part of an area of land and water currently in use for a recreational fishing and coarse fish rearing enterprise at Newbridge Lakes. The fishery occupies an isolated rural location, about 1.5km to the east of the village of Burstwick, in an area where national and local planning policy seeks to restrict new residential development unless it is essentially required in association with agriculture, forestry or other, legitimate, rural land use.
7. This policy objective is set out in *Planning Policy Statement 7: Sustainable Development in Rural Areas* (PPS 7) and, in particular, Annex A records the criteria that must be met if a new occupational dwelling is to be justified. It was agreed by both parties that the acceptability of the proposed dwelling would be determined by the tests set out in Annex A and, taking into account paragraph 15, that the same stringent assessment must be applied as would be the case for agricultural and forestry workers' dwellings.
8. Looking at the other caveats of paragraph 15, the Council confirmed that the enterprise itself was acceptable in planning terms in this rural location and that the necessary planning permissions had been granted. I also understand that these permissions include an unimplemented approval for 20 recreational caravans.

### *Functional need*

9. Paragraph 3(i) of Annex A indicates that there must be a clearly-established, existing, functional need and paragraph 4 provides further guidance, particularly in relation to livestock. In this respect, it is clear that a significant amount of appellant's time is devoted to the protection and care of the fish and their breeding, rearing and growing environments. In particular, I heard evidence concerning the potential vulnerability of the very large numbers of fish in the breeding and rearing ponds, which are the most recently established elements of the business. I understand that in certain weather conditions, fish in these smaller ponds are at serious risk of suffocation through lack of oxygen unless mechanical aeration of the water is quickly put in place. I recognise that such incidents may be limited and restricted to the summer months, nevertheless, I heard that they can occur suddenly and unpredictably, with serious implications for the welfare of very valuable stock. When this is taken together with the considerable amount of other activity required to protect the fish from predators, I consider, that there is a compelling case for a competent person to be readily available on the site at most times to ensure the welfare of the fish stock.
10. I heard evidence that the existing fishing use regularly leads to large numbers of customers occupying their pitches over several days, including staying under canvas on the site to fish through the night. The operational difficulties that such unsupervised night-time activity creates for the appellant and his property, together with the potential risks to all of the assets and investment associated with it, were convincingly articulated by Mr Bramley at the Hearing. These difficulties have undoubtedly been exacerbated by the increasing popularity of the fishing venue and, in particular, by the greater number of unfamiliar customers who are visiting the lakes from locations across the country. Moreover, I consider that the very recent national recognition of the

quality of this carp fishery is likely to further increase its popularity to the extent that it would become progressively more difficult, if not almost impossible, to successfully manage the enterprise from a location remote from the site. I am in no doubt therefore, that there is a clearly established existing functional need for a dwelling within the terms of paragraph 3(i).

11. The written evidence of the regular pattern of work required at the site was amplified by the appellant at the Hearing and I consider that that the range of management, supervision and maintenance activities described would generate the requirement for at least one full time worker. This was also accepted by the Council. Thus, the test in paragraph 3(ii) is met by the existing enterprise.
12. Although the business has been established for only ten years, it is clear that it has quickly become an important, local, recreational facility for one of the most popular, national leisure pursuits. Its popularity with the members of the coarse fishing fraternity is demonstrated by both the steadily increasing number of visitors, and the distances which some of them are prepared to travel to fish at the site. Moreover, I also heard that the quality of the fishery and its national importance has recently been recognised in the specialist fishing publications. Based upon the submitted financial information (see paragraph 16 below), I am satisfied, therefore, that the business is well established and financially viable and that it has the prospect of remaining so within the terms required by paragraph 3(iii).
13. Looking at the requirements of paragraph 3(iv), the ability to fulfil any functional need by an existing dwelling in the area was explored at the hearing, having regard to the fact that the appellant already lives relatively close by, in the village of Burstwick. However, in my opinion, the management and supervision of all of the activities on the site from a remote residential location, even at just over 1km away, is already causing significant operational problems for the business (paragraph 10 above refers).
14. However, the Council argues that the business has been operated previously without a dwelling and that the lack of an on-site residential presence does not appear to have been any impediment to its successful expansion. However, in my view, the nature and extent of the business has changed since the appellant left his permanent job to devote himself to it on a full time basis, particularly in respect of the recent establishment of the fish breeding and rearing activities. I also consider that the enterprise has entered a new phase of its development and that this is creating increased and different demands in terms of its management and supervision. No other planning requirements were drawn to my attention by the Council within the terms of paragraph 3(v).
15. I conclude, therefore, that there is a clearly-established, existing functional need for an on-site residential presence at Newbridge Lakes and that this need would meet the tests required by paragraphs 3 and 4 of Annex A of PPS 7.

#### *Financial test*

16. Having concluded upon the functional need, it is also necessary to apply the financial test set out in Annex A. In this respect, the fishing enterprise has been established since 1999 and, in my opinion, the financial information submitted at the Hearing demonstrates that it is a profitable business. I also consider that the business will remain financially sound into the future,

especially with the genuine prospect of additional income streams arising from fish sales, which would add substantially to current profitability.

17. The Council has accepted the financial viability of the business, and its longer term viability, in its statement of case. However, concerns are expressed that the income from the business would be insufficient to sustain the investment required for the proposed dwelling and the permitted recreational caravan site. Nevertheless, even allowing for the costs of borrowing to build the dwelling, the appellant's personal financial information indicated an income well in excess of the national average wage for a countryside worker, as set out in *The John Nix Farm Management Pocketbook 2009* which was submitted in evidence. The permitted caravans have formed no part of the business case put forward by the appellant for the existing enterprise which has been assessed in terms of its current activity and operations.
18. I conclude, therefore, that the proposal would meet the financial test set out in Annex A of PPS 7.

### *Security*

19. My attention has also been drawn to matters concerning security and theft and, in this respect, PPS 7 makes it very clear that site security would, by itself, not be sufficient to justify a new dwelling. Nevertheless, it is evident from the appellant's written and verbal submissions that he has found it increasingly difficult to prevent unauthorised entry to the site and to protect his valuable and vulnerable stock from theft. The security of the site is made more difficult by the particular nature of the carp fishing activity and the requirement to allow customers almost unrestricted use the facility on trust outside the appellant's normal working day. Trust, which the evidence suggests is being abused on a regular basis and which not only increases the vulnerability of the site and the stock but also results in loss of income by unauthorised fishing. I also heard that fisheries across the country are being routinely targeted by persons seeking to steal the largest and most valuable fish alive to meet demand from a growing black market, with no concern for the welfare of their quarry. This remote but accessible site has been subjected to this type of theft in the past and I consider that it would continue to remain vulnerable to it, especially with an increased awareness of its presence.
20. The Council has suggested that other security measures should have been explored and that, even if a dwelling was permitted, the Newbridge Lakes site is so extensive that large parts of it would still not be properly supervised. However, I consider that other physical and electronic security measures commonly used to deter theft would be ineffective at a location where so many people could be legitimately present on the site (whether fishing or not) at any time of the night or day. Moreover, in my opinion, the costs of a full-time, salaried, security guard, that would be necessary to properly police the site outside the appellant's working day, would not be financially sustainable by this emerging new business. Nor would security personnel be an adequate substitute for the persons who have made the bookings, welcomed the customers during the day and would know precisely who should legitimately be at the site and who should not. I consider, therefore, that there is a growing need to protect the site and its stock from theft and this merely adds weight to the other functional requirements for an on-site dwelling that I have identified.
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21. Finally, turning to the size of any future dwelling and its relationship with other buildings, this would clearly be constrained by the location and dimensions of the site, as the area of land available would accommodate the footprint of only a modest dwelling. The proposed dwelling would also be well related to the fishery, and the access to it, and would be satisfactorily sited within the wooded setting at the edge of the main fishing lake, close to the existing, ancillary buildings associated with the neighbouring former farmstead at Totleys Farm.

#### *Other matters*

22. I have taken into account the appeal decisions relating to dwellings at other fishery sites, submitted by both parties in support of their respective points of view<sup>1</sup>. However, it is a well established principle of the planning system that each application must be considered on its planning merits and this particular type of application dictates a close examination of the very specific case being made for each proposal. As I am not privy to all of the information provided to other Inspectors when considering these other cases, I consider that it would be inappropriate to assume that they are directly comparable with the proposal in this appeal, or that the outcome would be a precedent for my decision here.

#### **Conclusion**

23. I conclude, therefore, that the proposed development would be consistent with all of the detailed criteria recorded in Annex A of PPS 7 and that a new occupational dwelling is justified at Newbridge Lakes in accordance with national planning policy. The appeal should therefore succeed.

#### **Conditions**

24. In the event of planning permission being granted, the Council has suggested the imposition of 10 conditions (Council's numbering in brackets) and 2 conditions were recommended by the Environment Agency (EA) following the withdrawal of their objections to the proposal. I have examined these within the terms of Circular 11/95: The Use of Conditions in Planning Permissions.

25. The three standard conditions (1,2 and 3) for reserved matters applications are necessary to comply with the terms of the 1990 Act. I consider that the external appearance of the dwelling must be sensitive to its wooded, lakeside location and the suggested condition (4), which requires the details of the materials to be part of the reserved matters approval, is therefore appropriate. I consider that the requirement for adequate off-road parking is justified (5) on this very narrow lane but the wording of the condition should be amended to accurately reflect the proposal. The submission and implementation of landscaping details (6 and 7) would already be required as part of the reserved matters condition (1) so these 2 conditions are unnecessary. The EA are seeking early sight of foul and surface water drainage due to the proximity of the site to open water and suggested condition 8 is therefore appropriate. The EA also wish to condition the finished floor levels above existing ground level and I consider that condition 9 should be amended to record their suggested figure of 300mm. The occupancy condition (10) follows the guidance on such matters in PPS 7 and I agree with the Council that it should be worded to allow future occupation for agricultural or forestry workers, in addition to the those persons associated with Newbridge Lakes.

26. Finally, the appellant sought to rely upon a draft legal undertaking, offering the revocation of the extant planning permission for a holiday cabin on the appeal site. However, as this legal agreement had not be fully completed and signed by the parties, I was unable to take it in to account.

### **Schedule of Conditions**

27. My formal decision to allow the appeal is set out in paragraph 4 and is subject to the following conditions:

- 1) Details of the siting, design, external appearance of the building, the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) The reserved matters submission shall include details of the proposed access, off road parking space and turning area for the dwelling hereby approved. The dwelling shall not be occupied until the approved details are in place on the site.
- 6) The development hereby approved shall not be commenced until details of the works for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. The dwelling shall not be first occupied until these works have been carried out in accordance with the approved details.
- 7) The dwelling hereby permitted shall be constructed with the finished floor levels at 300mm above the existing ground level. The details required by condition 1 shall include details of the finished floor levels of the dwelling in relation to existing ground levels of the site. The dwelling shall be constructed in accordance with the approved levels.
- 8) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality at Newbridge Lakes, in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

*Anthony J Wilson*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr M Robson	Acorus, Lincoln House, Lincoln Way, Sherburn in Elmet, Leeds, LS25 6AJ
Mr L Bramley	The Appellant
Mrs M Bramley	The Appellant's wife

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr S Robson	Principal Planning Officer with the Council
Mr N Archbutt	Valuation and Estates Officer with the Council

### **OBSERVERS:**

Mr S Patchesa	Acorus
Ms K Jones	The Council

## **DOCUMENTS**

- 1 The Council's letter of notification of the Hearing
- 2 The number of fishing sessions booked each month at Newbridge Lakes in 2007, 2008 and 2009
- 3 Ticket sales income at Newbridge Lakes for 2006/07, 2007/ 08, 2008/09 and fish sales income for 2008/09
- 4 Financial Assessment - Newbridge Lakes February 2008 to January 2009
- 5 The Council Officer's Delegated Report on the original planning application
- 6 A draft unilateral undertaking submitted with the original planning application
- 7 Extract from *The John Nix Farm Management Pocketbook 2009*; submitted by the appellant
- 8 A written application for a full award of costs submitted by the appellant
- 9 A copy of an e-mail from Mr Robson to the Council dated 7 March 2008 referring to the Flood Risk Assessment; submitted by the appellant
- 10 The Council's handwritten response to the Costs Application (and later typed version)

<sup>1</sup> Appeal decisions referred to

By the Council:

APP/N2739/A/07/2035464; APP/M2270/A/05/1179568; APP/F1040/A/05/1185876

By the Appellant:

APP/L2630/A/07/2054499

## Appendix 4

### Occupiers Liability Act 1957

7004

5 & 6 I

# Occupiers' Liability Act, 1957

5 & 6 ELIZ. 2 CH. 31

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## ARRANGEMENT OF SECTIONS

### *Liability in tort*

Section

1. Preliminary.
2. Extent of occupier's ordinary duty.
3. Effect of contract on occupier's liability to third party.
4. Landlord's liability in virtue of obligation to repair.

### *Liability in contract*

5. Implied term in contract.

### *General*

6. Application to Crown.
7. Powers of Parliament of Northern Ireland.
8. Short title, etc.



## CHAPTER 31

An Act to amend the law of England and Wales as to the liability of occupiers and others for injury or damage resulting to persons or goods lawfully on any land or other property from dangers due to the state of the property or to things done or omitted to be done there, to make provision as to the operation in relation to the Crown of laws made by the Parliament of Northern Ireland for similar purposes or otherwise amending the law of tort, and for purposes connected therewith.

[6th June, 1957]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Liability in tort*

1.—(1) The rules enacted by the two next following sections Preliminary. shall have effect, in place of the rules of the common law, to regulate the duty which an occupier of premises owes to his visitors in respect of dangers due to the state of the premises or to things done or omitted to be done on them.

(2) The rules so enacted shall regulate the nature of the duty imposed by law in consequence of a person's occupation or control of premises and of any invitation or permission he gives (or is to be treated as giving) to another to enter or use the premises, but they shall not alter the rules of the common law as to the persons on whom a duty is so imposed or to whom it is owed; and accordingly for the purpose of the rules so enacted the persons who are to be treated as an occupier

and as his visitors are the same (subject to subsection (4) of this section) as the persons who would at common law be treated as an occupier and as his invitees or licensees.

(3) The rules so enacted in relation to an occupier of premises and his visitors shall also apply, in like manner and to the like extent as the principles applicable at common law to an occupier of premises and his invitees or licensees would apply, to regulate—

- (a) the obligations of a person occupying or having control over any fixed or moveable structure, including any vessel, vehicle or aircraft; and
- (b) the obligations of a person occupying or having control over any premises or structure in respect of damage to property, including the property of persons who are not themselves his visitors.

12, 13 & 14  
Geo. 6. c. 97.

(4) A person entering any premises in exercise of rights conferred by virtue of an access agreement or order under the National Parks and Access to the Countryside Act, 1949, is not, for the purposes of this Act, a visitor of the occupier of those premises.

Extent of  
occupier's  
ordinary duty.

2.—(1) An occupier of premises owes the same duty, the "common duty of care", to all his visitors, except in so far as he is free to and does extend, restrict, modify or exclude his duty to any visitor or visitors by agreement or otherwise.

(2) The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.

(3) The circumstances relevant for the present purpose include the degree of care, and of want of care, which would ordinarily be looked for in such a visitor, so that (for example) in proper cases—

- (a) an occupier must be prepared for children to be less careful than adults; and
- (b) an occupier may expect that a person, in the exercise of his calling, will appreciate and guard against any special risks ordinarily incident to it, so far as the occupier leaves him free to do so.

(4) In determining whether the occupier of premises has discharged the common duty of care to a visitor, regard is to be had to all the circumstances, so that (for example)—

- (a) where damage is caused to a visitor by a danger of which he had been warned by the occupier, the warning is not to be treated without more as absolving the occupier from liability, unless in all the circumstances it was enough to enable the visitor to be reasonably safe; and

(b) where damage is caused to a visitor by a danger due to the faulty execution of any work of construction, maintenance or repair by an independent contractor employed by the occupier, the occupier is not to be treated without more as answerable for the danger if in all the circumstances he had acted reasonably in entrusting the work to an independent contractor and had taken such steps (if any) as he reasonably ought in order to satisfy himself that the contractor was competent and that the work had been properly done.

(5) The common duty of care does not impose on an occupier any obligation to a visitor in respect of risks willingly accepted as his by the visitor (the question whether a risk was so accepted to be decided on the same principles as in other cases in which one person owes a duty of care to another).

(6) For the purposes of this section, persons who enter premises for any purpose in the exercise of a right conferred by law are to be treated as permitted by the occupier to be there for that purpose, whether they in fact have his permission or not.

3.—(1) Where an occupier of premises is bound by contract to permit persons who are strangers to the contract to enter or use the premises, the duty of care which he owes to them as his visitors cannot be restricted or excluded by that contract, but (subject to any provision of the contract to the contrary) shall include the duty to perform his obligations under the contract, whether undertaken for their protection or not, in so far as those obligations go beyond the obligations otherwise involved in that duty. Effect of contract on occupier's liability to third party.

(2) A contract shall not by virtue of this section have the effect, unless it expressly so provides, of making an occupier who has taken all reasonable care answerable to strangers to the contract for dangers due to the faulty execution of any work of construction, maintenance or repair or other like operation by persons other than himself, his servants and persons acting under his direction and control.

(3) In this section "stranger to the contract" means a person not for the time being entitled to the benefit of the contract as a party to it or as the successor by assignment or otherwise of a party to it, and accordingly includes a party to the contract who has ceased to be so entitled.

(4) Where by the terms or conditions governing any tenancy (including a statutory tenancy which does not in law amount to a tenancy) either the landlord or the tenant is bound, though not by contract, to permit persons to enter or use premises of which he is the occupier, this section shall apply as if the tenancy were a contract between the landlord and the tenant.



(5) This section, in so far as it prevents the common duty of care from being restricted or excluded, applies to contracts entered into and tenancies created before the commencement of this Act, as well as to those entered into or created after its commencement; but, in so far as it enlarges the duty owed by an occupier beyond the common duty of care, it shall have effect only in relation to obligations which are undertaken after that commencement or which are renewed by agreement (whether express or implied) after that commencement.

Landlord's liability in virtue of obligation to repair.

4.—(1) Where premises are occupied by any person under a tenancy which puts on the landlord an obligation to that person for the maintenance or repair of the premises, the landlord shall owe to all persons who or whose goods may from time to time be lawfully on the premises the same duty, in respect of dangers arising from any default by him in carrying out that obligation, as if he were an occupier of the premises and those persons or their goods were there by his invitation or permission (but without any contract).

(2) Where premises are occupied under a sub-tenancy, the foregoing subsection shall apply to any landlord of the premises (whether the immediate or a superior landlord) on whom an obligation to the occupier for the maintenance or repair of the premises is put by the sub-tenancy, and for that purpose any obligation to the occupier which the sub-tenancy puts on a mesne landlord of the premises, or is treated by virtue of this provision as putting on a mesne landlord, shall be treated as put by it also on any landlord on whom the mesne landlord's tenancy puts the like obligation towards the mesne landlord.

(3) For the purposes of this section, where premises comprised in a tenancy (whether occupied under that tenancy or under a sub-tenancy) are put to a use not permitted by the tenancy, and the landlord of whom they are held under the tenancy is not debarred by his acquiescence or otherwise from objecting or from enforcing his objection, then no persons or goods whose presence on the premises is due solely to that use of the premises shall be deemed to be lawfully on the premises as regards that landlord or any superior landlord of the premises, whether or not they are lawfully there as regards an inferior landlord.

(4) For the purposes of this section, a landlord shall not be deemed to have made default in carrying out any obligation to the occupier of the premises unless his default is such as to be actionable at the suit of the occupier or, in the case of a superior landlord whose actual obligation is to an inferior landlord, his default in carrying out that obligation is actionable at the suit of the inferior landlord.

(5) This section shall not put a landlord of premises under a greater duty than the occupier to persons who or whose goods

are lawfully on the premises by reason only of the exercise of a right of way or of rights conferred by virtue of an access agreement or order under the National Parks and Access to the Countryside Act, 1949.

(6) Nothing in this section shall relieve a landlord of any duty which he is under apart from this section.

(7) For the purposes of this section, obligations imposed by any enactment in virtue of a tenancy shall be treated as imposed by the tenancy, and "tenancy" includes a statutory tenancy which does not in law amount to a tenancy, and includes also any contract conferring a right of occupation, and "landlord" shall be construed accordingly.

(8) This section applies to tenancies created before the commencement of this Act, as well as to those created after its commencement.

#### *Liability in contract*

5.—(1) Where persons enter or use, or bring or send goods to, any premises in exercise of a right conferred by contract with a person occupying or having control of the premises, the duty he owes them in respect of dangers due to the state of the premises or to things done or omitted to be done on them, in so far as the duty depends on a term to be implied in the contract by reason of its conferring that right, shall be the common duty of care. Implied term  
in contracts.

(2) The foregoing subsection shall apply to fixed and moveable structures as it applies to premises.

(3) This section does not affect the obligations imposed on a person by or by virtue of any contract for the hire of, or for the carriage for reward of persons or goods in, any vehicle, vessel, aircraft or other means of transport, or by or by virtue of any contract of bailment.

(4) This section does not apply to contracts entered into before the commencement of this Act.

#### *General*

6. This Act shall bind the Crown, but as regards the Crown's liability in tort shall not bind the Crown further than the Crown is made liable in tort by the Crown Proceedings Act, 1947, and that Act and in particular section two of it shall apply in relation to duties under sections two to four of this Act as statutory duties. Application  
to Crown.  
10 & 11 Geo.  
6. c. 44.

7. The limitation imposed by paragraph (1) of section four of the Government of Ireland Act, 1920, precluding the Parliament of Northern Ireland from making laws in respect of the Crown or property of the Crown (including foreshore, vested in the Sixth  
Parliament of  
Northern  
Ireland.  
10 & 11 Geo.  
5. c. 67.

Crown) shall not extend to prevent that Parliament from amending the law of tort, or enacting provisions similar to section five of this Act, so as to bind the Crown in common with private persons; but as regards the Crown's liability in tort, no such amendments shall bind the Crown further than the Crown is made liable in tort under the law of Northern Ireland by Orders in Council under section fifty-three of the Crown Proceedings Act, 1947.

Short title, etc. 8.—(1) This Act may be cited as the Occupiers' Liability Act, 1957.

(2) This Act shall not extend to Scotland, nor to Northern Ireland except in so far as it extends the powers of the Parliament of Northern Ireland.

(3) This Act shall come into force on the first day of January nineteen hundred and fifty-eight.

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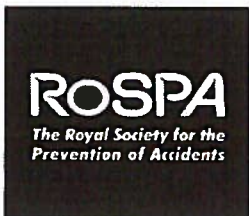
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## Appendix 5

### ROSPA Water Safety Information dated October 2007



# Water Safety..... ..... Information

## Water Safety for Children and Young People

October 2007

During the school holidays, and in particular in hot weather, increasing numbers of children put themselves at risk of drowning. In 2005, 39 children aged between 0-14 accidentally drowned in the UK.

To keep yourself safe, when you are in, on or beside water, always follow the Water Safety Code.



### The Water Safety Code

#### Spot the dangers!

Water may look safe, but it can be dangerous. Learn to spot and keep away from dangers. You may swim well in a warm indoor pool, but that does not mean that you will be able to swim in cold water.

*The dangers of water include:*

- *Very cold temperatures*
- *Hidden currents*
- *It can be deep*
- *It is difficult to estimate depth*
- *There may be hidden rubbish like shopping trolleys or broken glass*
- *It can be difficult to get out (steep slimy banks)*
- *No lifeguards*
- *Water pollution may make you ill*

#### Take safety advice!

Special flags and notices may warn you of danger. Know what the signs mean and do what they tell you.

#### Go together!

Children should always go with an adult, not by themselves. An adult can point out dangers or help if somebody gets into trouble.

#### Learn how to help!

You may be able to help yourself and others if you know what to do in an emergency. If you see someone in difficulty, tell somebody, preferably a Lifeguard if there is one nearby, or go to the nearest telephone, dial **999**, ask for the **Police** at inland water sites and the **Coastguard** at the beach.

## Young people and drowning

The information in this section has been provided by The Royal Society for Prevention of Accidents (RoSPA).

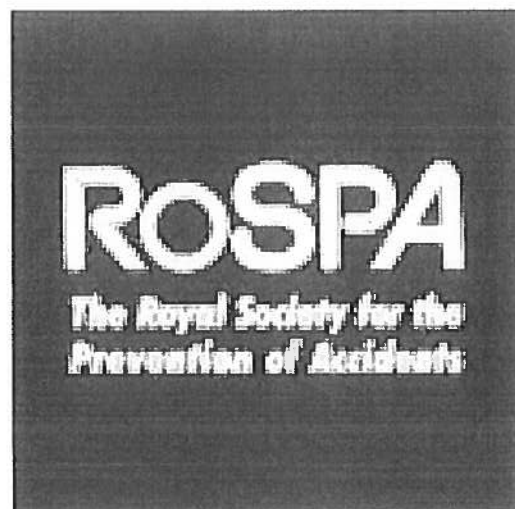
Young people who drown are often victims of their own misjudgement of their swimming ability. They may view a river or lake as a tempting means of cooling off during a hot spell of weather but fail to appreciate the harmful effects that the cold water can have on their stamina and strength.

Although learning to swim may help children who find themselves in difficulties in water, it does not follow that swimming ability makes children safe:

Figures show that more than half of those who drowned could infact swim.

The first preventative measure of drowning is education. Drowning needs to be seen by young people as a very real danger and it needs to be recognised, respected and thus avoided.

The third most common cause of accidental death among under 16 year olds is drowning, and more than half of those who drowned could swim. This fact can be changed with education and giving young people a greater awareness of the dangers in and around water.





Canal &  
River Trust

Canal & River  
**explorers**

# All About Water Safety



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## Appendix 6

# Aquatico Information Sheet





## Lake Aeration

**Pond and lakes are a valuable natural resource adding to the beauty of the landscape. They can provide recreation, and are a habitat for fish and wildlife providing an additional water source if needed. However, the good health of a pond is held in a delicate balance.**

A pond's condition deteriorates when the bottom environment cannot support animal life. The bottom is the area that runs out of oxygen first, it is where the most oxygen is used and it is the farthest from the surface where it is replenished.

Without oxygen a lake or ponds self purification capability is not only reduced, it is reversed. The small animals, snails, worms, bacteria, etc., which help keep a pond clean cannot live and the pond's nutrients are then recycled from the sediment. This forms a layer of muck at the bottom which serves as a fertilizer for weed and excessive algae growth. It could also cause large fish kills.

### Benefits of Pond and Lake Bed Aeration

Aeration means adding air to the water. To restore a lake to health, it is essential to get oxygen down to the lake bottom. Lake Bed Aeration not only adds oxygen to the surface water but to the water at the bottom of the lake as well. Once the lake is full of oxygen near the bottom, beneficial aquatic insect larvae, snails, fresh water shrimp, and other fish food can begin to live on the bottom and littoral zone.

Lake eutrophication begins when the BOD (Biological Oxygen Demand) of a lake cannot be met. When too much pollution enters a lake, plant and algae growth dies and sinks to the bottom, resulting in an overload of organic sludge. Lower forms of life on the lake bed die and this debris rots. Anaerobic bacteria, needs no oxygen, give off deadly poisonous gases, such as hydrogen sulphide, ammonia, and methane. These gases, as they rise through the water, unite with and bind up and dissolved oxygen remaining in the water. Fish will then die from lack of oxygen.

By pumping compressed air out onto the lake bed diffuser, the rising air bubbles bring the bottom water to the surface. Large volumes of water release pollutant gases to the air and pick up more oxygen while on the surface. If oxygen is present at the lake bed, dead organisms will not accumulate but will quickly be consumed by aerobic bacteria, thus providing for a healthier lake environment.

Aerating a lake also makes fish eat more food as the oxygen makes them more active. The aeration also causes the fish to grow at quicker rate nearly 33% faster due to the fish eating more because of lake aeration.

This has the knock on effect of more fish being caught because the oxygen makes them eat more Bait and get caught more, if you want a successful fishery, lake aeration is key. The lake aerators dont use much electric but make a lot of difference to the water quality.

If you have any questions or would like to find out any further information on lake aeration, contact us by [E-mail](#) or by giving us a call on **07891 593870**.



### Methods of Water Aeration

At Aquatico we have a number of products that dramatically agitate high volumes of water at all levels to maximize exposure of water to the air for valuable gas exchange, greatly improving your pond or lake aeration.

Our range of [Aerators](#) and [Circulators](#) will cover a wide variety of situations for your pond, lake or fishery requirements. Our [Fountains](#) can be customised by [lighting](#) for providing a resort-like appearance to the water feature.

## Appendix 7

### Fisheries.co.uk Press Release



## Anglers put on alert over killer carp disease - use dry nets!

Anglers and fishery owners are being warned to be on their guard following outbreaks of the Koi Herpes Virus - a killer carp disease for which there is no known cure.

The outbreak could lead fishery owners to introduce stricter controls over the use of landing nets and keepnets, with anglers having to use only dry nets or nets which have been disinfected for 15 minutes or more and then thoroughly rinsed. Alternatively, some fisheries may insist that anglers use only the fishery's own nets.

There have been confirmed cases of KHV in the South and South East and reportedly suspected cases in the Midlands. At its worst KHV is 100 per cent fatal to koi and other species of carp.

Whilst the Environment Agency are controlling fish movements from known KHV sites, it has come under attack from some fishery owners because it is not prepared to say which fisheries have been affected.

The Environment Agency says this is to protect the long-term reputation and livelihood of the affected waters, whilst a growing band of fishery owners say the EA should release the details as anglers travel many miles to go fishing and the information could help to protect unaffected venues.

**[The Professional Coarse Fisheries Association](#)**, the UK's leading professional body for fishery owners, is contacting all its members and issuing them with advice and information on how best to combat and curtail the outbreak.

Disinfectant in net dips need to be kept fresh and it is advised that anglers and fishery owners immerse nets for a minimum of 15 minutes. Alternatively, some fisheries may insist that anglers use only nets supplied by the fishery itself.

As with all viruses and bacteria and most parasites, the KHV virus cannot survive on a dry host.

Koi herpes Virus, is a viral disease highly contagious to fish which may cause significant fish kills in koi and common carp. Historically, the first outbreak of KHV was reported in 1998 and confirmed in 1999 in Israel, where there is a highly successful international trade in breeding and rearing carp both for the table and for fisheries. Since then, other cases have been confirmed in the United States, Europe and Asia. In England there have been about 17 outbreaks in the last five years, an average of about three a year.

KHV is currently classified as a DNA-virus belonging to the herpes family. Although there have been some scientific discussion regarding the accuracy of this classification, more recent work shows strong evidence that KHV is indeed a herpes virus, based on morphology and genetics. Whilst KHV disease has been diagnosed in koi and common carp, other related carp species such as the common goldfish and grass carp seem to be unaffected.

As with other herpes viral infections, KHV is believed to remain in infected fish for life, and as a result exposed or recovered fish should be considered as potential carriers of the virus.

KHV disease is believed to kill 80 to 100 per cent of infected fish, and fish seem most susceptible at water temperatures of 72 to 81deg F (22-27deg C).

The disease affects fish of various ages, but studies show that fry have a greater susceptibility than mature fish. Clinical signs of KHV are often non-specific. Onset of death may occur very rapidly in affected populations, with deaths starting within 24 to 48 hours after the first signs. In experimental studies, 82 per cent of fish exposed to the virus at a water temperature of 22deg C died within 15 days.

KHV infection may produce severe gill lesions and high mortality rates. In some cases, secondary bacterial and parasitic infections may be the most obvious problem, masking the damage caused by the primary viral infection. Behaviorally, affected fish often remain near the surface, swim lethargically, and may exhibit respiratory distress and uncoordinated swimming.

External signs of KHV may include gill mottling with red and white patches, bleeding gills, sunken eyes, pale patches or blisters on the skin. Microscopic examination of gill biopsies often reveals high numbers of bacteria and various parasites whilst internal signs are inconsistent and non-specific, but may include adhesions in the body cavity and a mottled appearance of internal organs.

The herpes virus that is responsible for KHV seems to spread in the same ways as most herpes viruses, including by direct contact with infected fish, with fluids from infected fish, or with water or mud from infected systems.

Depending upon water temperatures, exposed and susceptible fish may become infected and either develop the disease and die or become carriers of the virus. Goldfish and other fish in the carp family are not susceptible to KHV disease and are said not to appear to act as carriers of the virus.

According to scientists, the virus appears to have an incubation period of 14 days, although this may be longer, indicating that appropriate temperature and possibly a second trigger may be necessary for outbreaks to occur. Mortality related to KHV disease typically occurs between 64deg F and 81deg F (18-27deg C). Almost no mortalities occur below 64deg F, and there has been no reported occurrence of the disease at or above 86deg F (30deg C).

There is no known treatment for KHV. Antiviral drugs are not currently available to treat KHV or any other viral diseases of cultured fish and currently there is no vaccine against KHV. However, preliminary experimental vaccine studies using intraperitoneal injection of a live attenuated virus demonstrated that fish developed high antibodies, were immune to the disease and survived a challenge.

Because KHV outbreaks have caused large losses at koi and common carp facilities, and because there is still some concern over the possibility that survivors are carriers, anyone with koi and common carp that have been diagnosed with KHV should consider eliminating the entire population. This should be followed by disinfection of all materials and systems that have contacted the infected fish.

Fishery owners are being advised that the best way to prevent KHV is to know their fish suppliers and have a good working relationship with them.

Anglers fishing abroad or within areas subject to fish disease outbreaks in England and Wales, can help to prevent the spread of fish disease by disinfecting fishing tackle after use. The Defra leaflet *'Keep Fish Diseases Out'* highlights the importance of this and suggests suitable methods for disinfecting fishing tackle and clothing.

### **Advice for fishery owners**

There are several disinfection methods available. The two commonly used methods are to ensure thorough drying of equipment for a minimum of 48 hours, preferentially in direct sunlight, and chemical disinfectants, primarily Iodine-based preparations (iodophors) or Virkon S.

Of these, drying in sunlight is clearly preferable. However, this is not always practical. In this case, chemical disinfectants can be applied.

Equipment should be cleaned of all mud and debris. The equipment should then be immersed or sprayed with the chosen disinfectant. An immersion/exposure time of at least 15 minutes is required, although this should ideally be as long as 30 minutes. The disinfectant should then be rinsed off with clean water and disinfectant washings must be disposed of in a way that does not harm the environment - they should never be tipped into water containing fish or other aquatic life. The EA has stated that if it soaks away into the ground this is not harmful.

Some disinfectants may contain hazardous chemicals therefore it is important that product labels and manufacturers/suppliers instructions are read and adhered to. Protective clothing and equipment should be worn when carrying out dilutions of disinfectants to prevent exposure to eyes and skin. If in doubt seek advice from the suppliers. Manufacturers guidance on disposal should also be adhered to.

### **What disinfectants can be used?**

Iodophors include products such as Iosan CCT, Deosan Iodophor Udderwash and FAM 30. When active, iodophors are a dark brown solution, however they become colourless when inactivated by prolonged exposure to light. Dilution of iodophors varies between products, therefore manufacturer's guidelines should always be adhered to.

Virkon S is a broad-spectrum virucidal disinfectant that is available in both powder and tablet form. It should be made up to a one per cent solution with water, and when used as directed it forms a pink solution that is stable for five days. However, any residue should be discarded daily and the solution kept out of direct sunlight. Any disinfectant used should be in accordance with the manufacturer's guidelines.

Most good agricultural suppliers will have appropriate disinfectants available.

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[Go back to the News Index](#)  
[Go back to Fisheries homepage](#)

## Appendix 8

### Angling Trust Press Release

FIND YOUR LOCAL POLICE CRIMESTOPPERS



HOME ABOUT WHAT IS WILDLIFE CRIME PRIORITIES FORENSIC ANALYSIS FUND PRESS

BREAKING

HOME / NEWS / NWCU & POLICE PRESS RELEASES / ANGLING TRUST PROVIDE POLICE WITH GUIDANCE ON POACHING

## ANGLING TRUST PROVIDE POLICE WITH GUIDANCE ON POACHING AND FISH THEFT

Angling Trust Press Release

The Angling Trust continues to take a proactive stance in dealing with poaching and fish theft, two issues which are of great concern to anglers. Unfortunately there has been confusion amongst the law enforcement agencies and the public regarding their responsibilities, who anglers should contact and how the reporting and enforcement system works.

To address this, Angling Trust Fisheries Enforcement Manager Dilip Sarkar MBE – a retired police officer – and Adrian Saunders, the Environment Agency’s National Fisheries Enforcement Campaigns Manager, produced the “Elementary Guide to Angling Law & Fishery Enforcement”.

This Elementary Guide to Angling Law & Fishery Enforcement is available as a free download from the Angling Trust website [HERE](#).

Importantly, the Guide has now been endorsed by the Police National Wildlife Crime Unit and uploaded to the Police Online Knowledge Area (POLKA) a central repository of guidance material that all Police Officers have at their fingertips. The National Wildlife Crime Unit have also arranged for links to be placed on its website to the Angling Trust’s webpages for the Voluntary Bailiff Service and Building

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THE VOICE OF ANGLING

Dilip Sarkar said "This is massive progress, because the Guide will be available to every Police Officer throughout the land and an Officer who finds him or herself dealing with a report of poaching or fish theft can refer to the Guide and will know exactly what action to take. D

Also, if incidents are reported to the Police but the response is confused or indecisive, anglers can impress upon Officers that all the information they require is available in this document on POLKA. This will undoubtedly help ensure that poaching and fish theft are dealt with for what they are – criminal offences. C

Links from the NWCU website to the Angling Trust website will make it easier for everyone to find out how the Trust are working to combat poaching and fish theft, get information on our projects in these areas and promote the partnership work we carry out with the Police and Environment Agency to tackle these issues on behalf of angling". DI

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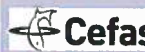


## Appendix 9

### Cormorants, The Facts

# Cormorants

## THE FACTS



### Introduction

Numbers of cormorants have increased substantially in Britain since the 1970s, especially at inland water bodies. Fisheries and angling interests are concerned that this increase can threaten fish stocks and impact upon the viability of fisheries. Conservation groups are worried that any widespread effort to control cormorant numbers could threaten the bird's conservation status.

This leaflet tries to address these concerns and to answer some of the questions most often asked about cormorants. The leaflet has been produced by the Fisheries and Angling Conservation Trust (FACT) Joint Wildlife Management Group - a partnership of fisheries and conservation organisations.

### What species of cormorant?

Two species of cormorant occur in north west Europe – the Great Cormorant and the Shag. However, there are two sub-species of the Great Cormorant in Europe both of which can live inland. One of these, *Phalacrocorax carbo carbo*, is primarily a coastal bird, nesting mainly on cliffs and offshore islands, but sometimes moving inland, particularly in winter. The other, *Phalacrocorax carbo sinensis*, favours inland breeding sites, usually in trees. The *carbo* sub-species has a smaller range (mainly North West Europe) and the UK supports a significant proportion of the world population. The *sinensis* sub-species is much more numerous and its range extends across Europe and parts of Asia. The two sub-species are difficult to tell apart in the field – the *sinensis* sub-species is slightly smaller and has a different shaped 'gular patch' (the pad of skin at the base of the bill), but even experts have difficulty distinguishing them. The *carbo* sub-species contributes the majority of the UK population, although the proportion of *sinensis* birds in the population has been increasing. In recent years, populations of both *carbo* and *sinensis* have become established at lakes and gravel pits inland in Britain.

### How many cormorants are there?

Cormorant populations across Europe have been increasing for several decades, showing a marked recovery from a low point in the mid 20th century. It is very difficult to determine cormorant numbers in Europe with any accuracy given their wide geographical range and extensive seasonal migrations. Current best estimates (winter numbers) suggest there are around 500,000 birds in Europe. Populations are continuing to increase in many countries and to extend their range. However, there is evidence of leveling off in some northern European colonies where numbers are believed to have reached the capacity that the local environment can support.

The most recent estimates for the UK, suggest there are approximately 9,000 breeding pairs, of which about 1,600 pairs nest inland. It is more difficult to assess wintering numbers, when most conflicts with fisheries tend to occur, due to the widespread distribution of the birds at this time. The most recent figures suggest about 30,000 cormorants winter in Britain, of which perhaps 10,000 winter inland. Recent studies suggest that there is sufficient food and habitat for numbers of inland breeding birds to continue to rise in England and Wales.

### Why have cormorants increased inland?

Although cormorants are often perceived as seabirds, they are also birds of freshwater that breed and winter at freshwater sites throughout Europe. Birds of the *sinensis* race (see box), which are used to nesting in trees, visit the UK during the winter and a small but increasing number remain here to breed. Cormorants have always been found inland in Britain, but numbers have been controlled since medieval times. In addition, birds of the coastal race *carbo* increasingly nest inland. It is not entirely clear why this has happened, although it is widely recognised that the creation of many new wetland habitats since the 1960s, and the stocking of fish in these waters, has provided attractive feeding sites for these opportunistic birds. Other factors are believed to include the advent of legal protection and a reduction in pollutant levels.

### ***Are cormorants protected?***

Cormorants, like all wild birds, are protected under the Wildlife and Countryside Act 1981. Birds cannot be killed, their eggs or nests (when in use or being built) taken or destroyed, except under licence. This Act implements the provisions of the 1979 EU Birds Directive. Similar legislation protects birds throughout Europe. In England and Wales, anyone found guilty of an offence can be fined up to £5,000, given six months imprisonment, or both.

If cormorants are causing serious damage to a fishery, or are likely to do so, and where non-lethal anti-predation measures have either been tried and found to be ineffective at the site, or are impractical, the landowner or manager of a site can apply for a licence to shoot a limited number of the birds. See advisory leaflet "Fisheries and the presence of cormorants, goosanders and herons" (TAN14) available from the Department for Environment, Food and Rural Affairs (Defra). Full details of where to obtain this Advice Note and apply for a licence are shown on page 4.

### ***What do cormorants eat?***

Cormorants consume a wide variety of fish species, usually reflecting their availability at inland fisheries. Cormorants commonly take fish between 5 and 15 cm (2 to 6 inches) in length, but have been recorded eating fish of over 40 cm (16 inches) and eels of over 60 cm (24 inches) long. Birds feed individually, or in flocks, sometimes working together to increase their efficiency. Cormorants eat only what they need to survive or to feed their chicks when they are in the nest. The birds are particularly attracted to high prey densities and can often meet their daily food requirements in a short time, and will then 'loaf' for the remainder of the day. At sites where prey densities are lower, foraging may continue for longer.

### ***How much fish do cormorants eat?***

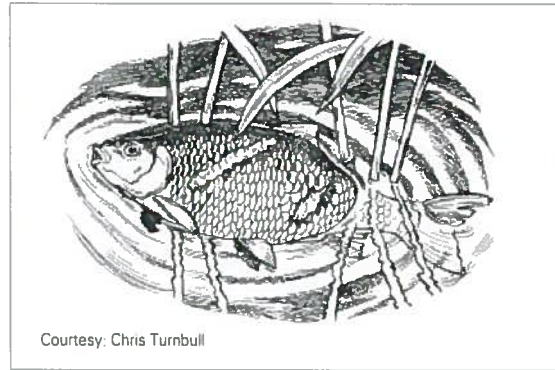
On average, an adult cormorant requires around 400g – 500g (about one pound) of food each day although the weight of fish eaten on any particular day can vary considerably.

### ***Do cormorants damage fish?***

Cormorants can damage and scar fish, especially larger ones which they fail to catch properly. This can increase the risk of disease, mortality and stress.

### ***Are cormorants responsible for declines in fish catches?***

Fish catches are affected by many factors and the mere presence of cormorants at a site where



catches have declined does not mean that the birds are responsible. The underlying size of a fish population is known to have a major influence on catches. It is generally accepted that catches of fish will be better where there are larger stocks of fish in a waterbody. This is why fishery managers commonly resort to stocking to increase fish densities in their waters.

The extent to which cormorants might affect a fish stock, and thus catches, will depend on the duration and level of the predation and the numbers, sizes and species of fish removed. Where predation is at a low level, on very young small fish, or on species not targeted by anglers, losses to cormorants may have a relatively small effect on catches in the short term and losses may, in part at least, be compensated by growth and reproduction. However, where the fish removed by cormorants are of an exploitable size and species, the losses are more likely to affect catches directly. It is also apparent that the presence of cormorants can influence the behaviour of fish and this may make them more difficult to catch.

### ***Are cormorants responsible for impacts on fisheries?***

Investigations have demonstrated that cormorants can cause serious economic and ecological damage to a fishery, but that this does not apply at all sites. The level at which predation becomes 'serious' differs at every site and impact therefore needs to be assessed on a case-by-case basis. Studies at a range of stillwater and riverine sites in England and Wales have indicated wide variation in the losses to cormorants between sites and over time. Losses at stillwater fisheries show greater variability than on rivers. It should also be noted that anglers' perceptions of cormorant damage at a fishery could result in a fall in income from permit sales and in the value of the fishery (regardless of whether a 'serious problem' actually exists).

### ***Do cormorants affect fish conservation?***

There are widespread concerns about continuing declines in populations of eels and salmon, and other species of fish, such as allis shad, twaite shad, vendace and pollan have been identified as threatened in the government's UK Biodiversity Action Plan. For all of these species, habitat or wider environmental factors are likely to be the main cause of decline, and predation by birds is only likely to become a factor for local populations where fish numbers fall to a very low level. Such conflicts are likely to be uncommon, but can arise, as for example in the recent case of predation on an endangered whitefish species in Haweswater in the English Lake District.

### ***Can the impact of cormorant predation be reduced?***

Yes. A range of measures can be employed to reduce the impact of predation by cormorants, but their effect will vary from one site to another. Disturbance by people is consistently effective, and visual or noise deterrents can work on stillwaters. Deterrents are best utilised in combination and when moved from site to site to minimise problems of birds habituating to a particular deterrent. These methods are less likely to be useful or effective on rivers. At any given site there may be potential to improve the fisheries habitat, offering fish greater chances of escape from attack, or to change fish stocking policies to make the food source less attractive to cormorants. Artificial fish refuges have also been shown to be effective in reducing fish losses. Good quality habitat will assist fish recruitment and survival, and help to reduce the impact of fish losses. Practical advice in relation to cormorant predation is provided in the FACT booklet 'Protecting your fishery from cormorants' and in the Defra leaflet (TAN 50) 'Protecting fisheries from cormorants – the use of fish refuges'. Full details of where to obtain these documents are provided on page 4.

### ***Why not just shoot cormorants?***

There is no legal provision to enable a general cull of cormorants; licensed shooting is thus restricted to local sites where a serious problem has been identified. At the local level, shooting cormorants can work, but its effectiveness varies. At some sites, shooting, to kill or to scare, can be effective, but at others less so. Research has shown that numbers tend to be reduced in the short term but recover over a period of a few weeks, as birds return to the site or new birds move in. As with

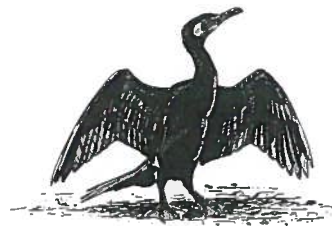
most deterrents, therefore, shooting has to be repeated in order for it to be effective over the longer term. Removing or scaring cormorants without reducing the attractiveness of a water body to the birds is likely to be an ongoing task rather than a 'quick fix'.

### ***Will scaring cormorants move them to other sites?***

Yes, the aim of scaring cormorants using visual or noise deterrents, perhaps supported by shooting, is to move the birds away from a site where they are causing damage. This will only work if there are alternative feeding areas nearby. Sending birds to these areas may not necessarily be a problem, but it follows that scaring techniques may be required at all the sites where cormorants feed regularly and the protection of fish stocks is considered important.

### ***What about the sites where deterrents and shooting cannot be used?***

Inevitably, at certain sites, some deterrents will not be practicable and shooting is not possible. Examples of this are lakes in town parks or navigable canals or rivers in an urban area. In these cases, it has to be accepted that solutions will be limited to particular non-lethal deterrents.



Courtesy: RSPB

### ***THE WAY FORWARD...***

Experience throughout the world has shown that a local approach offers the best chance of success. The Fisheries and Angling Conservation Trust has produced guidance on ways to deter fish-eating birds and promotes the use of the licensing system for fisheries with a demonstrable problem.

Fisheries, angling and conservation organisations are committed to championing the conservation of freshwater habitats and the fish, birds and other wildlife, which depend upon them. We will work with Government and organisations across Europe to manage conflicts where they occur and try to find sustainable solutions that are acceptable to all.

### ***For Further Information...***

In **England**, further information on scaring techniques and licences can be obtained by contacting the Department for Environment, Food and Rural Affairs (Defra), National Wildlife Management Team, Administration Unit, Burghill Road, Westbury-on-Trym, Bristol, BS10 6NJ.  
Tel: 0845 601 4523 (local rate).

In **Scotland**, contact the Scottish Executive Environment and Rural Affairs Department (SEERAD) Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.  
Tel: 0131 556 8400.

In **Northern Ireland**, contact the Environment and Heritage Service, Commonwealth House, 33 Castle Street, Belfast, BT1 1GH.  
Tel: 028 9054 6558.

In **Wales**, contact Food and Farming Development Division 1, Welsh Assembly Government, Agriculture Department, Cathays Park, Cardiff CF10 3NQ.  
Tel: 02920 825317.

### ***Useful texts on fish-eating birds:***

- **Protecting your fishery from cormorants.** FACT Joint Wildlife Management Group.  
Web: [www.cormorants.info](http://www.cormorants.info)
- **Goosanders and Mergansers – The Facts.** FACT Joint Wildlife Management Group.  
Web: [www.cormorants.info](http://www.cormorants.info)
- **Fisheries and the presence of cormorants, goosanders and herons.** Defra Rural Development Service Technical Advice Note 14. Tel: 0845 601 4523 (local rate).  
Web: [www.defra.gov.uk/wildlife-countryside/vertebrates](http://www.defra.gov.uk/wildlife-countryside/vertebrates)
- **Protecting fisheries from cormorants – the use of fish refuges.** Defra Rural Development Service Technical Advice Note 50. Tel: 0845 601 4523 (local rate).  
Web: [www.defra.gov.uk/wildlife-countryside/vertebrates](http://www.defra.gov.uk/wildlife-countryside/vertebrates)

### ***This information leaflet is a product of the FACT Joint Wildlife Management Group and supported by:***

Anglers' Conservation Association  
Angling Trades Association  
Association of Stillwater Game Fishery Managers  
Atlantic Salmon Trust  
Centre for Environment Fisheries and Aquaculture Science  
Department for Environment Food and Rural Affairs  
English Nature  
Environment Agency  
Institute of Fisheries Management  
National Association of Fisheries & Angling Consultatives  
National Federation of Anglers  
National Federation of Sea Anglers  
Professional Coarse Fisheries Association  
Royal Society for the Protection of Birds  
Salmon & Trout Association  
Specialist Anglers Alliance

***For general advice on angling and cormorants please contact the Fisheries and Angling Conservation Trust on 020 7283 5838***

## Appendix 10

### IFM Stillwater Coarse Fisheries Codes of Practice



## INSTITUTE OF FISHERIES MANAGEMENT

### STILLWATER COARSE FISHERIES CODES OF PRACTICE

#### Introduction.

Coarse fisheries in the UK are many and varied and in recent years there has been a tremendous increase in the number of stillwater coarse fisheries, many being specifically built for the purpose. In a natural situation the habitat and other environmental factors will determine the species and numbers of fish that exist in a Stillwater, but truly natural stillwater coarse fisheries are rare and it is a fact that most are man-made and have been stocked or managed at some stage.

Many stillwater coarse fisheries support greater fish stocks than would occur in a natural situation, resulting from both stocking and from supplementary feed in the form of bait. Often termed commercial or intensive coarse fisheries these waters can provide consistently good sport for anglers and increased income for fishery owners. However these fisheries are not natural. High stock densities and the bait needed to sustain them can degrade the water environment. This in itself can have consequences for the welfare of the fish but in addition these coarse fisheries may be subject to intensive fishing pressure. Because of these factors, intensive coarse fisheries require careful management.

Within its evidence to the Salmon and Freshwater Fisheries Review the Institute of Fisheries Management and the Moran Committee proposed that intensive coarse fisheries should be subject to codes of practice for their management and exploitation and that the Institute was the appropriate body to take the idea forward. In its report the Salmon and Freshwater Fisheries Review recommended that fisheries byelaws be complemented by Codes of Practice.

These IFM Codes of Practice set out the fisheries management standards that are required to protect the welfare of fish. Owners and managers of intensive stillwater coarse fisheries are advised to follow the guidance set out in these codes.

In addition to the codes the institute has published a technical booklet that explains the fisheries management principles behind them. Further information can be found in the advisory booklet *The Management of Intensively Stocked Stillwater Coarse Fisheries* published by the Institute of Fisheries Management. (to purchase this booklet visit the IFM website [www.ifm.org.uk](http://www.ifm.org.uk) under Advisory Booklets) The booklet was drawn up following a highly successful seminar held in Nottingham in 2001

#### Codes of Practice.

These codes aim to provide clear guidance and best practice for stillwater coarse fishery managers to protect the environment and guard the welfare of coarse fish in stillwaters. They have been drawn up in discussion with the Commercial Coarse Fisheries Association and have been endorsed by the organisations listed below :-

The Moran Committee, which comprises of:-

- Anglers Conservation Association (A.C.A.)
- Anglers Trade Association (A.T.A.)
- Association of Stillwater Game Fishery Managers (A.S.G.F.M.)

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The **Institute of Fisheries Management** (IFM) is an international organisation of people sharing a common interest in the sustainable and modern management of recreational and commercial fisheries.

Atlantic Salmon Trust (A.S.T.)  
Fisheries and Angling Conservation Trust (FACT)  
National Association of Fisheries and Angling Consultatives (NAFAC)  
National Federation of Anglers (NFA)  
National Federation of Sea Anglers (NFSA)  
Professional Coarse Fisheries Association (P.C.F.A.)  
Salmon and Trout Association (STA)  
Specialist Anglers Alliance (SAA)  
Welsh Federation of Coarse Anglers Ltd.  
Welsh Salmon and Trout Association  
Brooksby Melton College

The Environment Agency fully endorses the codes

## HABITAT

Varied depths make for more interesting fisheries and better habitats for fish and other wildlife. Islands and peninsulas add variety, provide more shallows for weed growth and increase bank length for the creation of interesting swims. Artificial floating islands can provide cover for fish and nesting sites for water birds. For the health and welfare of the fish, some provision should be made to allow spawning, regardless of the need for natural recruitment.

Deeper water is necessary to provide sanctuary for fish in hot or cold weather. If possible, create a deep even-bedded area that will allow easy netting of excess fish stocks when water levels are lowered for management work.

Too many tree leaves or decaying reeds/weeds or inputs from inlet streams can soon silt up a small lake. This can result in shallow water and encourage algal blooms and low dissolved oxygen conditions in summer or when covered with ice. Consider de-silting where these problems occur but take professional advice before embarking on an expensive project. When designing new stillwaters make sure that silt inputs are minimised.

### Provide

- Fixed pegs at a minimum of 10m intervals, with paths set back from the water's edge to allow marginal plants to grow and provide some cover.
- Trees and bushes for overhanging cover
- Some water area of 2 metres deep or more.
- Silt traps and buffer zones to minimise silt and nutrient inputs.
- Spawning substrate - submerged and emergent plants and tree roots provide good spawning substrate for most stillwater species. If natural substrate is not available, artificial spawning substrate, such as bundles of twigs, should be placed in shallow margins at spawning time.
- Shallow (30-60cm) unfished areas with emergent/submergent plants where the water will warm up quickly and shelter will be provided.

## NUTRITION

Some natural food will be present in all stillwaters, but is important to understand that in intensively stocked waters, the natural food will be quickly depleted. Supplementary feeding, primarily anglers' bait and loosefeed, will therefore be needed to sustain a high level of fish stock. In intensively stocked waters, anglers' bait may provide the main food source.

### Do

- Provide marginal or submerged aquatic plants to provide a natural larder.
- Encourage the use of a wide range of baits to provide a varied diet.



- Guard against overfeeding with loose feed/ground bait; introduce restrictions on quantity if necessary.
- Ensure that fish receive supplementary feed when the water temperature is above 10 deg. C, and other sources of food, including anglers' bait, is in short supply.

## SPECIES SUITABILITY

In England and Wales legislation enforced by the Environment Agency regulates the species of fish that may be stocked into stillwaters, based on the potential risks to fisheries and the wider environment. In addition fishery managers should also consider the welfare and ethical issues and should adhere to the following principles:

### Open (on-line) waters

- Native stillwater species only
- No ornamentals or exotics (e.g golden tench, catfish, goldfish)
- Riverine species (chub, barbel, grayling etc) – only if present in receiving catchment.

### Enclosed Waters

- Native species
- Ornamentals acceptable.
- Riverine species (chub, barbel, grayling etc)

When stocking sensitive or riverine species into stillwaters, fishery owners should adopt the following approach:

- Stock a small number as a trial
- Monitor capture rates, growth and condition over a period of at least one year.
- Keep records
- Only continue to stock if it can be demonstrated that the fish have grown and maintained condition.
- Do not stock pike into waters of less than 1 acre or waters that are highly turbid.

## MAINTENANCE OF WATER QUALITY

Water quality is of paramount importance to the welfare of fish stocks, and intensive stocking can have serious adverse effects on water quality. Therefore water quality parameters, especially dissolved oxygen (DO) and ammonia (NH<sub>3</sub>) should be measured on a regular basis, and action taken if necessary. The lowest oxygen levels normally occur at dawn, and the highest at dusk.

### Do

- Obtain a suitable oxygen meter and measure DO at dawn, dusk and 4 hours after dusk; also by day when hot and/or cloudy.
- Measure NH<sub>3</sub> – kits are best but this also requires temperature and pH measurements followed by simple calculations to obtain NH<sub>3</sub> figure.
- Watch out for algal blooms and oxygen sags
- Aim to keep DO above ?% (at dawn) and NH<sub>3</sub> below 0.1mg/l (*Ash to provide figures*)
- Provide aeration if:
  - Feed rate exceeds 35lb/acre/day
  - Stock density exceeds ? (*Ash to provide figure*)
  - Algal blooms present

## STOCKING DENSITIES

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The **Institute of Fisheries Management (IFM)** is an international organisation of people sharing a common interest in the sustainable and modern management of recreational and commercial fisheries.

No stock manipulation should be undertaken unless the true status of the resident stock is known. Only fish of known source and acceptable health status should be considered for introduction. Anglers' bait is an essential part of the diet of fish in intensive fisheries. Therefore the number of anglers using a fishery and the frequency with which they fish is important in determining the biomass of fish that will survive.

Management of water quality will be necessary in intensive fisheries to maintain fish stocks and avoid mortalities. Where biomass is in the range 1000-2000kg ha<sup>-1</sup>, equipment to maintain water quality is desirable; biomass should not exceed 2000kg ha<sup>-1</sup>

The following guidelines are suggested:

- ◆ Less than 10 anglers/ha/week <800kg ha<sup>-1</sup> (not an intensive fishery)
- ◆ 10-25 anglers/ha/week 800-1000kg ha<sup>-1</sup>
- ◆ 25-50 anglers/ha/week 1000-2000kg ha<sup>-1</sup>
- ◆ More than 50 anglers/ha/week 2000kg ha<sup>-1</sup>

## FISH HEALTH

Healthy fish are essential to the success of a fishery. While high stock densities can provide reliable sport, all fish introductions carry risks to the health of the existing stocks, and therefore stocking should only be carried out where absolutely necessary, and only after careful consideration and planning.

### Do

- Ensure the conditions provided in the fishery are suitable for the resident species to not only survive, but thrive, grow and develop.
- Minimise the introduction of new disease agents. By far the greatest risk of disease introduction exists from direct fish introductions.
- Ensure new introductions are health-checked prior to stocking.
- Maintain optimal conditions within the fishery.

## PREDATION

Predators are a part of all natural ecosystems and all fisheries will be subject to predation. Coarse fishery managers should recognise that artificially high stock densities will inevitably be attractive to predators and that steps should be taken to minimise the impacts.

### Do

- Reduce risks to stocks by ensuring that fish have cover in which to hide from predators. If necessary provide artificial refuges (deadwood, pipework, reefs).
- Seek professional advice if excessive predation occurs.

## COMPETITIONS

Large numbers of fish may be caught during competitions, and it will be necessary for these to be retained for weighing. Frequent competitions will place significant angling pressure on the fish stocks.

### Do insist on

- Separate keepnets for carp and silver fish

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The **Institute of Fisheries Management (IFM)** is an international organisation of people sharing a common interest in the sustainable and modern management of recreational and commercial fisheries.

- Careful playing and handling of fish
- Good quality weighing nets – never allow mesh baskets to be used. Preferably provide your own.
- Landing & keep nets meeting agreed trade standards
- Landing nets to be used for all fish of 0.5lb or more in weight.

## **EXPLOITATION RATES**

You should know and understand the exploitation rate for your fishery; this will influence how the fishery should be managed.

### **Do**

- Calculate exploitation rates – average frequency of capture
- Use stock density, angler visits and average catches to do this.

## **Acknowledgements**

The Institute of Fisheries Management would like to thank all those that attended the Nottingham Seminar to participate in what was a very interesting event that has culminated in the Institute's 'Code of Practice for Stillwater Fisheries'

A printed version of the codes and technical booklet has been funded by the Environment Agency, working in conjunction with the Fish Welfare Group and distributed by SAA Carp Unity Group.

The Fish Welfare Group hopes that this publication will improve further the performance of the nation's Stillwater fisheries and encourage fishery managers to manage the welfare of their fish stocks in a humane manner.

November 2006

## **Appendix 11**

### **Manager's Future Duties**

**Manager's Future Duties**



Duties	Per Day	Per Week
<b>Daily Tasks</b>		
Taking and making bookings, meeting customers, explaining fishery rules & tactics, and taking payments.	2 hours	14 hours
Patrolling the banks, enforcing rules and inspecting anglers' equipment and rigs - 4 rounds at 0.5 hours/round	2 hours	14 hours
Daily inspection of the lake margins <ul style="list-style-type: none"> <li>Feeding fish; checking that there is no evidence of sick or dead fish;</li> <li>Removing any litter/debris from the water and banks;</li> <li>Ensuring that water quality is good – taking dissolved oxygen readings and undertaking appropriate action if the levels are too low.</li> </ul>	1 hours	7 hours
Checking and feeding reared fish, monitoring water quality & maintaining fish life-support equipment (6 times per day @ 0.5 hours, plus emergencies)	3 hours	21 hours
Security checks around the boundaries, gates and perimeter fencing.	(weekly)	2 hours
Accounting & banking, ordering consumables, producing catch reports for magazines.	(weekly)	2 hours
On call (day and night) – to deal with accidents, emergencies & security incidents.	(continuous)	(continuous)
<b>Weekly Tasks</b>		
<ul style="list-style-type: none"> <li>Collect all waste, empty bins (twice weekly).</li> <li>Grass cutting around lakes <i>Facilities buildings etc.</i></li> <li>Peg path and perimeter maintenance;</li> <li>Fill feed bins with food on breeding ponds twice weekly.</li> <li>Check water quality on all lakes – PH, ammonia, nitrate test.</li> <li>Update website.</li> <li>Update accounts, Facebook and social media.</li> </ul>	(seasonal variation of duties)	7 hours

<b>Fortnightly Tasks</b>		
<ul style="list-style-type: none"> <li>• Collect samples of fish from breeding ponds for weighing to ascertain growth rates and optimum food requirements.</li> <li>• Strim all areas where necessary.</li> <li>• <i>Fill chemical dips – biosecurity and health and safety issue.</i></li> </ul>	(seasonal variation of duties)	6 hours
<b>Seasonal Tasks</b>		
<ul style="list-style-type: none"> <li>• Net fish for restocking.</li> <li>• Carry out major repairs around the fishery (November to February).</li> <li>• Major improvements and developments to the lake and surrounding areas (November to February).</li> <li>• Drain and lime breeding ponds and empty for fish ready for the next batch (November to March).</li> <li>• Refill and fertilise all empty ponds (November to March).</li> <li>• Cut back all excess growth and trees around pegs and remove any dead and dying trees.</li> <li>• Prepare access roads and paths.</li> </ul>	(seasonal variation of duties)	(dependent on jobs – average per annum estimated at 200.0 hours)
<b>Total estimated hours per week</b>		<b>73 hours</b>
<b>Estimated hours per annum (52 weeks)</b>		<b>3,996 hours</b>
<b>Estimated seasonal tasks</b>		<b>200 hours</b>
<b>Man-days per annum (@ 10 hours/day)</b>		<b>400 man-days</b>

## **Appendix 12**

### **Properties to Rent**

# Rightmove - Rental Property Search



**Westlands Way, Leven, Beverley** ×

House



0.89 miles

This exceptionally well presented bungalow is located in the popular village of Leven, in between the coastal town of Hornsea

Added on 18/10/2023 by Quick & Clarke, Beverley

**£795 pcm**  
£183 pw

**QUICK CLARKE** 01482 425088 ✉ ♡ Save  
Local call rate



**Main Street, YO25** ×



Cottage 🛏 3 🚿 1

0.87 miles

\*\*\*\* A BEAUTIFUL 3 BEDROOM COTTAGE OFFERING EXCELLENT ACCOMMODATION IN THE POPULAR VILLAGE OF

Added on 10/10/2023 by Hughes & Co Lettings, Driffield

**HUGHES & Co** 01377 310908 ✉ ♡ Save  
Local call rate



**Dacre Court, Brandesburton** ×

Semi-Detached 🛏 3 🚿 2

0.78 miles

Applications must be made via our website before viewings can be arranged. Three bed semi-detached house in a popular village

Added on 02/10/2023 by Ulllyotts, Driffield



## Appendix 13

### Other Commercial Coarse Fisheries with Consent for Manager's Permanent Dwelling

**Other Commercial Coarse Fisheries with Consent for Manager's Permanent Dwelling**

<b>Date</b>	<b>Reference</b>	<b>Site Name</b>	<b>County</b>	<b>Local Authority</b>
2007	APP/Y1138/A/06/2019907	South Combe Waters	Devon	Mid Devon District Council
2007	APP/M2270/A/06/2022860	Elphicks Fisheries	Kent	Tonbridge Wells Borough Council
2007	09/07/00012	The Sedges	Devon	Sedgemoor District Council
2008	APP/V4630/A/08/2093109	Foxhills Fisheries	Midlands	Walsall Metropolitan Borough Council
2008	APP/U1430/A/08/2065301	Wyland International Angling Centre	East Sussex	Rother District Council
2008	08/0043	Lonsdale Park	Cumbria	Carlisle City Council
2008	N/132/00955/07	Oasis Lakes	Lincolnshire	East Lindsey District Council
2009	APP/X3025/A/08/2084072	Park Hall Lake Fishery	Nottinghamshire	Mansfield District Council
2009	APP/E2001/A/08/2081055	Newbridge Lakes	South Yorkshire	East Riding of Yorkshire Council
2009	SB/09/00125/TP	Stockwell Farm Fishery	Bedfordshire	Central Bedfordshire Council
2010	R10/1175	Makins Fishery	Warwickshire	Rugby Borough Council
2014	13/00913/OUT	Parklands Coarse Fishery and Caravan Park	North Yorkshire	Hambleton District Council
2014	WD/2013/2315/FR	Brick Farm Fishery	East Sussex	Wealden District Council
2016	16/00820/FUL	Horseshoe Lake	Gloucestershire	Cotswold District Council
2016	S/0790/16/FUL	Lawn Farm Fishery	Cambridgeshire	South Cambridgeshire District Council
2016	14/04148/OUT	Colehurst Fishery	Shropshire	Shropshire Council
2018	WD/2017/0577/F	Tanyard Fishery	East Sussex	Wealden District Council

## Water & Leisure

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Colchester, Essex, CO3 8RQ T: 01206 216555

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