

<b>CYNGOR SIR YNYS MÔN</b>	
<b>ADRODDIAD</b>	<b>Pwyllgor Cynllunio</b>
<b>DYDDIAD</b>	<b>6 Gorffennaf 2011</b>
<b>PWNC</b>	<b>Cais i Gofrestru Grîn Pentref Llyn Maelog</b>
<b>COMISIYNYDD PERTHNASOL</b>	<b>MICK GIANNASI</b>
<b>SWYDDOG PERTHNASOL</b>	<b>Rheolwr Gwasanaethau Cyfreithiol</b>
<b>SWYDDOG CYSWLLT</b>	<b>Alan Carr, Cyfreithiwr (ffôn 01285 712181)</b>

1. Fe dderbyniodd yr Awdurdod Cofrestru (AC) gais gan Gyngor Cymuned Llanfaelog ar 30 Mawrth 2009 i gofrestru Llyn Maelog fel grîn pentref. Roedd y cais yn cael ei wneud yn unol ag adran 15 Deddf Comin 2006 ac ynghyd â'r cais roedd saith llythyr yn cynnwys tystiolaeth gefnogol a datganiad statudol gan Glerc Cyngor Cymuned Llanfaelog. Roedd yr AC yn ystyried bod y cais fel y cyflwynwyd ef yn wreiddiol yn ddiffygiol mewn rhai agweddau ond yn dilyn derbyn gwybodaeth bellach gan yr ymgeisydd, fe dderbyniwyd y cais fel un dilys ar 8 Ionawr 2010. Mae cynllun yn dangos terfyn y tir yn y cais wedi'i amlinellu mewn coch ynghlwm wrth yr adroddiad hwn (Atodiad 1)
2. Rhoddwyd Rhybudd o'r cais fel sydd ei angen gan y rheoliadau perthnasol gyda dyddiad cau o 15 Tachwedd 2010 i wrthwynebiadau gael eu cyflwyno i'r AC. Derbyniwyd tri o sylwadau mewn ymateb i'r rhybuddion; dau ohonynt gan berchenogion tir cyfagos ac un gan Gyngor Cefn Gwlad Cymru (CCGC). Roedd y CCGC yn bryderus oherwydd bod y llyn wedi'i ddynodi'n Safle o Ddiddordeb Gwyddonol Arbennig (SSSI). Ni ddywedwyd bod yr un o'r sylwadau a dderbyniwyd yn wrthwynebiadau ffurfiol i'r cais ac nid oedd ond un gan y CCGC yn codi mater oedd yn cael ei ystyried i fod yn berthnasol i'r meini prawf ar gyfer penderfynu ar gais Grîn pentref. I raddau helaeth roedd y sylwadau yn y tri yn ymwneud ag effeithiau tebygol defnyddio'r safle ar weithgareddau'n ymwneud â'r cais yn hytrach na thystiolaeth o ddefnydd hanesyddol fel hawl gan drigolion lleol; yr olaf hwn yw'r maen prawf perthnasol ar gyfer penderfynu'r cais. Mae copïau o'r tri sylw a gyflwynwyd ynghlwm wrth yr adroddiad hwn (Atodiad 2)
3. Fe wnaeth y CCGC fynegi barn (ar gyngor a gafwyd ganddo) na allai cais i gofrestru Grîn pentref gael ei wneud, mewn modd ddilys, yng nghyswllt tir sydd wedi'i orchuddio'n gyfan gwbl gan ddŵr. Roedd y pwynt hwn yn amlwg yn berthnasol wrth benderfynu'r cais ac roedd angen ei ystyried a delio ag ef.

- 4 I gynhoi, roedd y cais yn gwneud achos (yn cael ei gefnogi gan y dystiolaeth y cyfeirir ati ym mharagraff 1) bod safle'r cais wedi'i ddefnyddio gan nifer sylweddol o drigolion ardal neu gymdogaeth o fewn ardal (sef pentrefi Llanfaelog a Rhosneigr) fel hawl i gynnal chwaraeon cyfreithlon a difyrwch am gyfnod o 20 mlynedd o leiaf ac yn parhau hyd at ddyddiad y cais. Roedd y chwaraeon a'r difyrwch y cyfeiriwyd atynt yn y cais a'r dystiolaeth yn ymwneud yn bennaf a gweithgareddau yn y dŵr yn cynnwys pysgota, mynd ar gychod, nofio a hwylyrddio. Y mae bellach yn gyfraith sefydlog nad yw "nifer sylweddol o drigolion lleol" yn golygu bod yn rhaid i fwyafrif o'r rhai sy'n defnyddio'r tir fod yn dod o'r ardal a nodwyd cyn belled ag y bo nifer "sylweddol" o'r ardal neu'r gymdogaeth berthnasol. Mae'r llysoedd hefyd yn awr wedi sefydlu bod y term "cymdogaeth" yn fwy hylaw na'r dehongliad traddodiadol o'r term ardal, gyda'r olaf hwn yn cael ei ddefnyddio ar gyfer uned weinyddol.
- 5 Yn unol â'r arfer cyffredinol fe gyflwynwyd y cais a'r sylwadau i Fargyfreithiwr am gyngor ynghylch a oedd achos wedi'i wneud ar yr olwg gyntaf o blaid y cais, ac a fyddai'n ddoeth yn yr achos hwn i wneud trefniadau ar gyfer ymchwiliad cyhoeddus anstatudol o gofio nad oedd unrhyw wrthwynebiadau ffurfiol wedi'u derbyn. Y Cyngor a gafwyd gan Fargyfreithiwr oedd bod achos wedi'i wneud ar yr olwg gyntaf i gofrestru ac nad oedd yn ymddangos bod unrhyw reswm paham y dylid gwrthod y cais. Fe roddodd sylw arbennig i'r materion a'r dystiolaeth berthynol y cyfeirir ati ym mharagraff 4 uchod gan ddod i'r farn bod y meini prawf hynny wedi'u bodloni. O safbwynt y mater y cyfeirir ato ym mharagraff 3 uchod dywedodd y Bargyfreithiwr na allai nodi unrhyw reswm paham na allai cais i gofrestru Grŵn pentrefi ymwneud â thir oedd wedi'i orchuddio'n gyfan gwbl gan ddwr. Cyfeiriodd y Bargyfreithiwr at adran 61(1) o Ddeddf 2006 sy'n diffinio "tir" fel yn cynnwys "... tir wedi'i orchuddio gan ddwr". Barn y Bargyfreithiwr yw bod yn rhaid mai ystyr plaen y ddarpariaeth hon yw bod tir sydd wedi'i orchuddio'n gyfan gwbl dan ddwr wedi'i gynnwys phe bai'r Senedd wedi bwriadu unrhyw beth yn wahanol fe allai fod wedi dweud hynny heb unrhyw anhawster. Argymhellodd, fodd bynnag, y dylid gofyn i CCGC ddarparu copi o'i gyngor i'w ystyried.
- 6 Darparodd CCGC gopi o'i gyngor (a dderbyniwyd gan gyfreithwyr Eversheds) a chyflwynwyd hwn i'r Bargyfreithiwr. Yn dilyn ystyried cyngor CCGC, fe gadarnhaodd y Bargyfreithiwr ei farn gynharach ar y pwynt sef nad oes yna unrhyw rwystr cyfreithiol i gais sy'n ymwneud â thir sydd wedi'i orchuddio'n gyfan gwbl gan ddwr.
- 7 Yng ngoleuni'r ffeithiau a'r cyngor y cyfeirir ato uchod ystyrir, mewn casgliad, nad oes yna unrhyw reswm dilys i wrthod y cais ac felly, argymhellir:

**7.1 Yn dilyn ystyried yr holl ddatganiadau ysgrifenedig dderbyniwyd mewn ymateb i'r rhybuddion statudol am y cais a**

**7.2 Yn dilyn ystyried cyngor Bargyfreithiwr ynglŷn â'r cais a'r ymatebion hynny .**

**Bod y cais yn cael ei ganiatáu a'r tir yn cael ei gofrestru fel Grŵn Pentref.**



B.J & E.M. Summerfield & Son

# TY HEN

Station Road, Rhosneigr,  
Anglesey, North Wales, LL64 5QZ.  
Tel: 01407 810331 [www.tyhen.com](http://www.tyhen.com)

(Family Run Business – Established 1944)



We at Ty Hen are passionate about the environment and as such we have used 100% recycled paper which has been de-inked without bleaching

Saturday, 25 September 2010

Robyn Wyn Jones  
Legal Services Manager  
Isle of Anglesey County Council  
Council Offices  
Llangefni  
Ynys Mon  
LL77 7TW

RE: Application for Registration as a Village Green: Llyn Maelog

Dear Sir,

In principle I have no objections to the application, but cannot see any advantage as it is already available to all water sports.

We have certain reservations, namely we object to fishermen using our property, without our permission, the reasons for this are:

1. Leave their rubbish on our bank
2. Defecate in the bushes & dogs roll in it (Disgusting)
3. Leave baited hooks laying around
4. We have had abusive and violent threats from fishermen in the past while on our banks

It is my understanding that as Llyn Maelog is classed as still or standing water all properties, with banks onto Llyn Maelog, own out to the centre of the lake in line with their properties. I would assume then that as such you would require permission from the owners to change it into a village green.

We have for the last sixty years kept our area (the Islands & Sluice at the north of the lake) as a wildlife sanctuary, also we would like to point out that in 1997 the lake was declared a SSSI area. (Copy of paperwork from last update in 2007 enclosed).

I would like a letter either from the County Council or the Community Council reassuring myself that our banks and the lake immediately adjacent to our banks (i.e. within 10 meters, approximately 11 yards, of our banks) will not be used for fishing and that the SSSI areas (i.e. the Islands & all 3 Sluices) will be maintained to a SSSI standard so as to protect the wildlife.

If I have not received this a letter by Monday the 1<sup>st</sup> of November 2011 I will send a formal objection to the registration of land as a town or village green.

Please note that I have also sent a copy of this letter and the enclosed paperwork to the Llanfaelog Community Council

Yours sincerely

[Redacted signature]

John "JJ" Summerfield  
Partner Ty Hen Holiday Park,  
[www.tyhen.com](http://www.tyhen.com)

ADAIN GYFREITHIOL
28 SEP 2010
LEGAL SECTION

[REDACTED]  
LL635TB

4/11/10

Dear Mr Carr

Thank you for your letter concerning the registration of the Maelog  
Lake as a Village Green.

I am quite happy that this should proceed, my only concern being that  
the rights of owners of land with a boundary directly on to the lake  
should have their rights protected.

Yours sincerely

[REDACTED]

ADAIN GYFREITHIOL  
8 NOV 2010  
LEGAL SECTION



# Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: MORGAN PARRY PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Anfonwch eich ateb at/Please reply to:

Sally Ellis

Ffon/Tel.: 01248 672500 Ffacs/Fax: 01248 679259

Ebost/Email: s.ellis@ccw.gov.uk

Swyddfa Rhanbarthol Gogledd

North West Regional Office

Llys y Bont

Parc Menai

BANGOR

Gwynedd

LL57 4BH

Director of Legal and Committee Services  
Isle of Anglesey County Council  
Council Offices  
Llangefni  
Anglesey  
LL77 7TW

Our ref: SH37.10/JR/SMP  
Your ref: AGC/SR/MD-013033-RWJ

15 November 2010

Dear Sir

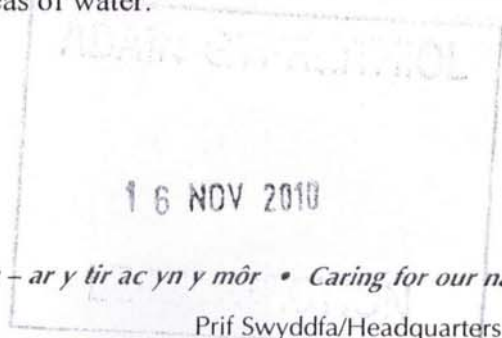
## **LLYN MAELOG SITE OF SPECIAL SITE OF SCIENTIFIC INTEREST: APPLICATION FOR REGISTRATION AS A VILLAGE GREEN**

Thank you for your consultation regarding the proposal to register Llyn Maelog as a Village Green under The Commons (Registration of Town or Village Greens)(Interim arrangements)(Wales) Regulations 2007.

CCW has sought legal advice regarding this proposal and has been advised that an expanse of water such as Llyn Maelog without any accompanying dry land may not fulfil the criteria required for registration as a Village Green.

Should registration go ahead, the site will continue to be a Site of Special Scientific Interest and any activities which cause damage to the lake may be unlawful. Recreational activities permitted under Village Green legislation must be lawful: any intensification of activity may be damaging to the SSSI and may therefore not be lawful.

Llyn Maelog is designated a Site of Special Scientific Interest as an example of a shallow lowland lake with aquatic plants typical of naturally nutrient rich lakes and for its marginal swamp, dominated by common reed. The lake is also of interest for its wintering bird communities. The aquatic plants are very vulnerable to disturbance and may be damaged by both physical contact with boats or people or by the disturbance of fine grained sediments, which prevent light penetrating to the lake bed as they hang suspended in the water. In addition the disturbance of sediments can lead to the increased availability of nutrients in the water, which in turn may lead to increased growth of undesirable plant species including algae. The disturbance itself may be relatively local and small scale, but the impacts can spread over wide areas of water.



*Gofalu am natur Cymru – ar y tir ac yn y môr • Caring for our natural heritage – on land and in the sea*

Prif Swyddfa/Headquarters

MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR, GWYNEDD LL57 2DW FFFÓN/TEL: 01248 385500 FFACS/FAX: 01248 355782

We understand that current usage of the lake is for sailing, windsurfing, fishing and occasionally for power boating or jet skiing. The latter are particularly damaging, due to the speed of travel of the boats and the turbulence which they cause in the water column. The average depth of the lake is just 2m and the rapid passage of a boat engine can easily disturb soft sediments in shallow waters.

We advise that registration of this lake as a Village Green is conditional upon the production of a Management Plan acceptable to CCW and the establishment of a regulatory framework, possibly including bye-laws, to control recreational use of the lake to that which is not damaging to the special interest.

The following recommendations should be incorporated in the management plan

- The lake should be used only for quiet enjoyment
- No use of jet skis / personal water-craft
- No powerboats other than electric motors, with a maximum speed of 5 mph
- Use of lake for sailing and windsurfing should be for an agreed maximum number of craft
- No use of the lake for commercial/intensive purposes e.g. sailing/windsurfing lessons
- There should be provision for closure of the lake to recreational activities in the event of severe i.e. cold weather, in order to protect wintering birds.
- No boats should be permitted within 50 m of the islands from 1 March to 31 August in order to protect breeding birds.
- Access to the lake for boat launching should be restricted to no more than 3 agreed locations to prevent widespread physical disturbance of aquatic plants growing on the lake bed.
- No racing of any craft.
- No introduction of any live fish
- No live-bait to be brought to the site by anglers
- Any equipment introduced to the lake e.g. boats, fishing tackle etc must be clean and free of weed or mud to prevent introduction of alien or invasive species to the lake.

Please contact us if you require further advice.

Yours faithfully



S A Ellis (Mrs)  
Senior Conservation Officer  
North West Wales Sites Team

