

PLANNING REF : 252782
PROPERTY ADDRESS : Fish Legal
: Eastwood House, 6 Rainbow Street, Leominster, Herefordshire
: HR6 8DQ
SUBMITTED BY : Ms Zoe Wedderburn-Day
DATE SUBMITTED : 16/12/2025

COMMENTS:

Dear Sirs/Madams,

Objection to Planning Application: 252782
On behalf of: Charvil Fishing Society

Fish Legal is a not-for-profit membership association using the law to promote the conservation and maintenance of UK rivers and stillwaters and the role of angling within. We are writing on behalf of our member club - Charvil Fishing Society (CFS) - to object to the above planning application.

Our member has also submitted an objection letter on behalf of the club (prepared by Andy Church) and we would suggest this is read in conjunction with the objection here.

Our members lease the Canberra and Orrell Lakes within the Country Park for fishing. The lakes are famous for the prized carp, tench and bream amongst other species. CFS is a not-for-profit with members

investing a great deal of time, money and effort into maintaining the lakes, fish stocks and surrounding paths. This is not only for their own benefit but also for the benefit of other users of the country park. Our member is therefore well positioned to understand the potential grave risks presented by this application to the lakes and the species within.

The planning application site sits less than 10m to the north of the lakes. Given the extreme proximity, our members are very concerned by the application and the impact it could have on their club.

We have set out below the reasons for objection, and we request the Planning Committee take these into consideration in its deliberation of this application.

Inadequate Application Documents

As a primary point, we would note that this application is for a "change of use of the site from a service station to a fuel oil storage and distribution facility. The development also includes the addition of 8no. above ground fuel tanks, the recladding of the remaining building, construction of retaining structures and other associated works as described below". Conversely, the Flood Risk Assessment and Drainage Strategy notes that the development will comprise a new compressed natural gas (CNG) HGV refuelling site. Assuming this is an error and it is in fact an application for fuel oil not CNG, this perhaps highlights the poor quality of the application documents submitted.

Drainage - Foul Water

It is noted that sewage will be treated by a package treatment plant

and then discharged into the Old River. No information is provided in the documents on the type or size of the treatment plant. This is crucial information as if the plant is too small the risk of an overflow or blockage is considerably higher. There is also no information on the containment measures for the plant and what might happen in the event of a failure. Untreated sewage could then end up directly in the Old River, River Loddon or the Charvil lakes. The Flood Risk Assessment and Drainage Strategy is therefore substantially lacking in detail.

We would strongly urge the Planning Committee to not consider this application until a proper drainage proposal with details of the package treatment plant has been submitted. To do so in the absence of this would be extremely unfair to our member as we cannot comment on an incomplete proposal.

Drainage - Surface Water

A key concern for our member is the risk of water pollution from the site into their lakes and the wider river system. There are several references in the planning documents to the risk of water pollution arising from both proposed and historic uses of the land on site.

One of the main potential sources of pollution would be from surface water flowing from the site into the lakes. This risk is heightened by the natural gradient of the area with the application site above the lakes meaning any surface water will drain straight down towards them. The Phase I + II Geo-Environmental Risk Assessment notes that "groundwater may flow to the south towards the lake, which may act as a 'natural sump' for groundwater movement". This is compounded by the overall flood risk for the area. The site spans Flood Zones 1, 2 and 3 with the highest risk being in the north-west corner of the site.

We note that the Flood Risk Assessment and Drainage Strategy provides for treatment and an attenuation tank on site prior to surface water discharge to the Old River. However, given that this is a site for the storage of fuel (a highly polluting and toxic substance), discharging to a river even with treatment is very risky. If the treatment system fails, which it likely could, this would result in untreated surface water containing hydrocarbons (diesel, heating oil, kerosene, HVO etc) leaching straight into the rivers and/or lakes via surface water flows. To our knowledge there is no such thing as a leak-proof attenuation tank, all tanks will fail at some point and will need replacement (an online estimate suggests 20-30 years for the lifespan of a tank). Both the failure and any replacement works carry high risks for the surrounding waterbodies. We would urge the council to insist on the strictest measures being in place to detect a leak and minimise the damage from this, if it is minded to approve the application.

In addition, the groundwater below the site is a protected and highly productive aquifer and is also a Source Protection Zone III. This should warrant additional protection measures, not an increase to the presence of hydrocarbons and other pollutants.

Whilst we appreciate the proposed mitigation measures within the documents to address the risk of pollution, it is clear that this risk can never fully be eradicated. Even the highest regulatory standards cannot account for every type of catastrophic failure.

Given the levels and types of toxic substances in the area, we would suggest that any risk of pollution is too much. The mitigation measures will only be as successful as those maintaining and reviewing the equipment. The effectiveness of the designed pollution controls is therefore inseparable from the sustained performance of physical systems and human factors.

Without wishing to state the obvious, any risk of pollution from hydrocarbons to our member's lakes could be catastrophic and could impact their ability to function as a fishing club. Fish are very sensitive to pollutants in the water and Fish Legal has unfortunately seen many clubs suffer significant fish deaths and loss of business as a result of poorly managed construction sites allowing pollutants into lakes. As lakes are still water systems any pollutant will likely spread across the whole system and depending on the type and concentration can cause untold levels of damage. The cost of removing the pollutant can be extreme and will no doubt be more than our not-for-profit member could afford. In addition, carp are a prized species in part because they can grow to exceptional lengths and can live in excess of 30 years. The loss of even just one carp would be devastating to our member.

We would note that this is contrary to National Planning Policy Framework (NPPF) paragraph 187(e):

"187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans".

In the Charvil draft local plan, the fishing lakes are designated as "important community facilities" noting the popularity of the complex. Whilst the draft local plan is not yet in force, all effort should be made by the council to protect existing facilities like this that fall under the draft plan.

Contaminated Land

The application documents note that the site contains levels of hydrocarbons, PAH and heavy metals in excess of environmental quality standards for controlled waters. However, these are not present in the Charvil lakes. It is essential that this remains the case if this application is approved. Construction and operation of the plan should not in any way endanger the lakes or risk the presence of pollutants exceeding their current levels. We appreciate that a CEMP has been completed, however, the success of this relies on sustained physical systems and human factors. For example, it mandates for a containment membrane and kerbed zone so polluted water is intercepted by site drainage, flows through the interceptor

and then once clear leaves the site . These systems will only be as effective as the people in charge of maintaining and operating them. In addition, for the discovery of new contaminants during the construction phase, the procedure to mitigate is to isolate and manage the area . This will certainly reduce the risk but arguably will not fully remove it unless the whole construction project ceases (which is unlikely).

We would like to remind the council of the duty under the National Planning Policy Framework (NPPF) 2024 paragraph 196:

"196. Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination"

It is not clear from the planning documents whether the application site has been assessed as Contaminated Land under Part 2A of the Environmental Protection Act 1990 on the basis that there is a serious risk of environmental harm or harm to human health.

Please could the council confirm if this assessment has been conducted.

We find it difficult to see how the planning committee could ever truly be satisfied of the suitability of this site given the presence of contamination and the risk of this entering a water system.

Fire Risk

As this is an application for fuel storage and distribution, this carries the increased risk of a fire. Combatting fuel based fires requires specific fire fighting equipment that can contain "forever chemicals". These will no doubt leach into the lakes and rivers in the event of any fire and will cause untold levels of damage. We would suggest the fire department is consulted on this application given the risk involved.

Other Pollution - Noise and Light

There is a risk of light pollution from this development. We understand there will be additional lighting in the form of LED lamps for external areas . Whilst these will be downlights to minimise

light spread outside the site, this would still account for a considerable amount of light pollution likely visible from the lakes.

The lakes are used extensively by our member during both dawn and dusk and even for night fishing. At night, anglers take advantage of the darkness and quiet to pursue species such as Carp and Tench. The impact of artificial lighting on this would be significant. Not only would it disturb the angler's peace and quiet, but it would also have an impact on the fish in the lake as many of these species are nocturnal and rely on darkness to feed and spawn.

There is no doubt that there will be significant noise pollution during construction of the site and from the increased traffic once construction is complete. The Design & Access statement notes that an additional 172 vehicles are expected over the course of a week .

This is a substantial increase from present levels. Our member has also acknowledged the presence of fuel smell from the site, which is detectable from the angler's car park by the lake.

Angling is a sport where peace and quiet are essential both for the angler's enjoyment but also to avoid causing stress to the fish and other wildlife. For many anglers, fishing is a way to manage stress and mental wellbeing. Constant, disruptive noise, smell and light pollution from the site could ruin this and the benefits that angling can have for CFS's members.

Biodiversity

The Charvil lakes and application site fall under the SSSI Impact Risk Zone for Lodge Wood & Stanford Mills SSSI.

As the Ecological Assessment demonstrates, there are numerous important species that live within a close radius of the site, including: various species of bats, hedgehogs and various breeding birds. Some of these species are an important part of the ecology of the lake and are also nocturnal. Any impact to their habits and patterns from the artificial lighting could be significant for the whole ecosystem in the lake and surrounding areas.

We would like to remind the council of the duty under CP7 of the Wokingham Core Strategy that sites designated as of importance for nature conservation will be conserved and enhanced and inappropriate development will be resisted. We would argue that this development is inappropriate for its proximity to a SSSI.

We would strongly urge the council to refuse this application for the reasons mentioned above.

Yours faithfully,

Zoe Wedderburn-Day
Solicitor - Fish Legal