

**Wessex Water**

Claverton Down Bath BA2 7WW Telephone 01225 526000  
www.wessexwater.co.uk

Our ref: DO  
Your ref: 07/03866/FUL

Mr R Young  
West Wiltshire District Council  
Bradley Road  
Trowbridge  
Wiltshire  
BA14 0RD

Direct dial: 01225 526169  
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16 February 2009

Dear Mr Young

**Proposed Asda Store – Bradford Road, Melksham**

I write on behalf of Wessex Water to update the Council on planning matters relating to the above application.

You recall that we wrote to West Wiltshire District Council on 17 January 2008 with an objection to the proposed development on the grounds that the risk of odour nuisance may increase. This was based upon the intensive use of the site with 24 hour opening throughout the week. We also advised that a review of mitigation measures that the developer proposed was to be undertaken by Wessex Water for technical and financial matters.

A review of these measures indicated that a scheme acceptable to Wessex Water at an estimated cost of £2.5m did not necessarily satisfy 'Best Practical Means' and therefore present best value associated with the proposed development.

Discussions with ASDA have not taken place since October 2008 and talks have been held informally with Countrywide Farmers to seek agreement upon a way forward to protect the interests of both parties.

During this period we have agreed to the use of a planning condition that includes a legal easement and agreement with ASDA and we have yet to conclude this arrangement. A meeting is being arranged to resolve matters with ASDA directly and discussions are planned for the week commencing 16 February 2009.

Details for discussion with ASDA include the following

- baseline survey to monitor the emissions of odour at the site boundary
- a deed of easement granted by ASDA in favour of Wessex Water to allow odour emissions within prescribed limits
- a negative planning condition to ensure that appropriate measures are in place before the development commences
- a financial framework to implement remedial measures in the event of complaints whilst operating at current levels.



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In view of the fact that the discussions with ASDA may not be concluded before the planning committee meets on the 19 February we have drafted a planning condition that we consider appropriate for these circumstances.

### **Proposed ASDA Planning Condition relating to Wessex Water**

The development shall not be implemented until

- (1) a legal easement has been completed between the freeholder of the site to which the application relates (the Site) and Wessex Water Services Limited (Wessex Water) to permit Wessex Water in perpetuity to continue the passage of odours and flying insects from Wessex Water's Melksham Sewage Treatment Works (STW) over the Site at current levels. Current levels to be established by odour and insect number survey during normal operation of the existing plant, equipment and processes at the STW in accordance with good operational practice over a 12 month period and the results recorded by the planning authority.
- (2) an agreement is completed between Wessex Water and [Asda Stores Limited] (Asda) in which Asda agrees to fund the reasonable costs of Wessex Water in carrying out odour abatement works or flying insect control measures necessary to meet any requirements of an abatement notice served by the local authority under the statutory nuisance provisions in Part 111 of the Environmental Protection Act provided that such notice is not caused by a failure of Wessex Water to operate the existing plant, equipment and processes in accordance with good operational practice.

Reason: To enable the development to reasonably co-exist in proximity to the waste water treatment works, in accordance with policy U5 of the West Wiltshire Local Plan

It is acknowledged that Wessex Water are not a statutory consultee, however we request that appropriate measures are in place to safeguard the viability of the sewage treatment works and avoid a 'bad neighbour' development described more fully in Planning Policy Statement 23. We believe that the development should have due regard to the risk of potential pollution sources and exposure to poor air quality.

Please can you acknowledge safe receipt of this letter and contact me to advise if any further information is required at this stage.

Yours sincerely



David Ogborne  
Planning Liaison Manager

