

DECISION NOTICE

**Mr M Robinson,
Mobile Crush & Recycle,
Bridge House
Llanbadoc
Usk
Monmouthshire
NP15 1TF**

APPLICATION NO. 08/P/00594(E)

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995**

NOTIFICATION OF APPROVAL OF DETAIL APPLICATION

In pursuance of its powers under the above mentioned Act and Order, TORFAEN COUNTY BOROUGH COUNCIL (hereinafter called the Council) as Local Planning Authority hereby **PERMITS:-**

Construction & demolition waste processing facility enabling the reuse of construction waste into new projects. Re use vacant Brownfield site with the erection of agricultural type shed.

AT:

Old Brickworks, Little Mill, Pontypool

In accordance with the plan(s) and application submitted to the Council on **07 October 2008**.

SUBJECT TO THE CONDITION(S) SPECIFIED HEREUNDER:

1. Permission is granted subject to the provisions of Section 91(1) of the Town and Country

DATED: 13 January 2009

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DECISION NOTICE

Planning Act 1990, namely that the development to which the permission relates must be begun not later than the expiration of five years beginning with the date on which the permission is granted.

REASON: To comply with the requirements of Section 91, Town and Country Planning Act 1990.

2. In respect of any condition that requires the written approval of the Local Planning Authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved, in writing, by the Local Planning Authority.

REASON: To ensure the development is carried out in accordance with the approved details.

3. Notwithstanding the 1:500 scale site layout plan no. 668:SK:3:01, no development shall occur outside the site as identified in the 1:2500 site location plan.

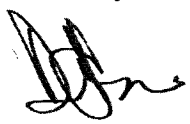
REASON; For the avoidance of doubt.

4. The site shall be used for inert construction and demolition waste processing to a maximum of 65,000 tonnes capacity per year and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), unless an express grant of planning permission is given on an application made in that behalf.

REASON: To ensure that any proposed change or intensification in the use of the site is properly regulated and any potential impacts fully assessed.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted

DATED: 13 January 2009

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Cont/d..

DECISION NOTICE

Development) Order 1995 Part 2, details of all new boundary walls, fences and other means of enclosure to be erected on the site, showing the height, design and materials, are to be submitted for the consideration and approval of the Local Planning Authority.

REASON: To safeguard amenity interests.

6. No development shall commence until details of the re-surfacing and drainage of the access track, from the railway bridge to the operational area within the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to operational use of the site. In addition, details and positioning of a height restrictor shall be submitted to and agreed in writing by the Local Planning Authority. The agreed height restrictor shall be constructed and positioned prior to the commencement of any other development at the site and shall be retained in accordance with the agreed details.

REASON: In order to protect the railway bridge and in the interests of highway safety.

7. No development shall commence until a wheel cleaning facility has been provided at the site exit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner shall be retained and utilised for the period of the operational use of the site.

REASON: In the interests of amenity and to prevent the deposit of mud or other extraneous material on the access track and highway.

8. Detailed plans showing the layout of the site and the proposed foul and surface water drainage arrangements to serve the development hereby permitted shall be submitted for the consideration and approval of the Local Planning Authority. The submitted arrangements shall include percolation test results for the proposed soakaway system with the soakaway pit to be 5 metres from any proposed structure.

REASON: In order to ensure appropriate drainage within the site so as not to cause

DATED: 13 January 2009

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detrimental impact to existing watercourses or exacerbate any risk of flooding within the site.

9. No development shall commence until the recommendations set out in Paragraphs 5.6 to 5.13 of the Phase 1 Desk Study (22 August 2008) undertaken by Johnson Poole and Bloomer Land Consultants have been implemented. Written notification that these recommendations have been completed shall be provided to the Local Planning Authority prior to operational use of the site.

REASON: To ensure the safety and appropriateness of the site for the purposes hereby approved.

10. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists (Institute for Archaeologists). The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

11. No development shall commence until the recommendations set out in Section 6 of the Ecological Assessment (August 2008) undertaken by David Clements Ecology Ltd, have been implemented. Written notification that these recommendations have been completed shall be provided to the Local Planning Authority prior to operational use of the site.

DATED: 13 January 2009



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REASON: In the interests of nature conservation and protected species.

12. No development, including the removal or cutting back of scrub, gorse, bramble or tall ruderals shall commence on the site until further surveys have been carried out to assess the potential for impact to dormouse and reptile populations at the site. In the event that dormouse is found on the site, the appropriate licenses must be obtained from the statutory authorities before any works are undertaken which might affect habitats which are used by this species. A full method statement with respect to reptiles should be prepared in consultation with the Countryside Council for Wales (CCW) and Torfaen County Council Ecologists prior to construction.

REASON: In the interests of nature conservation and protected species.

13. An ecological management plan for the site and surrounding land within the control of the applicant, to last for the duration of the use of the site hereby permitted, shall be compiled, submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. A buffer zone of 10 metres of undeveloped land should be retained around the boundary of the site adjacent to the Coed Bryntovey SINC and should be securely fenced along the boundary of the proposed development to deter unauthorised access into the SINC. The ecological management plan shall be implemented accordingly.

REASON: In the interests of nature conservation and protected species.

14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The proposed scheme shall include planting along the southwestern boundary adjacent to the G-Force Go Karting premises.

DATED: 13 January 2009



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REASON: To safeguard landscape and amenity interests.

15. All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard landscape and amenity interests.

16. No development shall take place until details of an acoustic barrier/bund to be provided on the site are submitted to and approved in writing by the Local Planning Authority. This barrier shall be provided in accordance with the approved details prior to the reception of any waste material and retained as such unless otherwise approved in writing by the Local Planning Authority.

REASON: in the interests of amenity.

17. The processing, reception and movement of waste shall only take place between the hours of 8.00am to 6.00pm Monday to Friday and between 8.00am and 1.00pm on Saturday, and not at all on bank/public holidays and Sundays.

REASON: In the interests of amenity.

18. All material entering and leaving the site shall be sheeted in a manner to ensure all materials and dust are contained within the vehicles.

DATED: 13 January 2009



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REASON: In the interest of amenity.

19. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats etc) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

REASON: To ensure that animal and plant species which come within the terms of the Regulations are effectively protected and to comply with National Assembly planning guidance.

NOTES TO APPLICANT (IF APPLICABLE):

1. Please be advised that the permission of the various landowners will be required prior to undertaking works to the access track.
2. You are advised that an Environmental Permit is required under the Environmental Permitting Regulations 2007 from the Environment Agency. Please contact their Use Environment Management team on 02920 582745. In addition, the development would be regulated by the Health and Safety Executive. Please contact the HSE to ensure compliance with relevant health and safety legislation.
3. Please be advised that Public Footpath 61 crosses the site. This must be kept open and free from obstruction for the public at all times or alternatively a legal diversion must be obtained and implemented before any development takes place. If the use of the route by

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private vehicles damages the surface of the path to such an extent to make the path dangerous to the public, then notice shall be served on the owners to make good the surface to the satisfaction of the Authority.

4. A list of archaeological contractors who have indicated their availability to work in Wales is available from www.ggat.org.uk and another list is available from <http://bajr.org/WhoseWho/Contractor.asp>
5. Please see the enclosed comments from the Environment Agency (letter dated 5 November 2008) for your information.
6. Please be advised of the comments made by Network Rail regarding works within the vicinity of their structures and land as per the attached email dated 27 November 2008.
7. Japanese Knotweed is a vigorous growing perennial weed that is spread locally by underground growth. The main method of dispersal is through the movement of infected soil and illegal tipping. It is an offence under the Wildlife and Countryside Act 1981 to knowingly introduce Japanese Knotweed into the wild and all contaminated waste must be disposed of to a licensed tip. Initial information and advice can be obtained from the Countryside Section of the Regeneration Service, Torfaen County Borough Council, County Hall, Cwmbran (Tel. 01633 648041).
8. Please be advised that the access route to the site lies within an area believed to be at risk of flooding during the estimated 1 in 100 year flood event.
9. The Development Plan covering Torfaen County Borough is the Gwent Structure Plan and Torfaen Local Plan. The following policies were relevant to the consideration of this application:
 - a) Torfaen Local Plan, Policies G1, G5, G3, E2, E5, L4 and E11
 - b) Gwent Structure Plan, Policies E7, L1, ENV5 and C5

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