



## Development Management

Dave Dowers,  
Atkins  
The Axis  
10, Holiday Street  
Birmingham  
B1 1TF

# PLANNING DECISION NOTICE

The Town and Country Planning Act 1990 (as amended)  
The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

## Grants Planning Permission Subject to Conditions

### Part 1 – Particulars of the application

**Applicant:** Walsall Metropolitan Borough Council  
**Agent:** Atkins  
**Application Number:** 19/1042  
**Site Address:** Yorks Bridge, Norton Road, Pelsall, WS3 5AU  
**Proposal:** Construction of a new road bridge over the Wryley and Essington Canal next to York's Bridge and realignment of Norton Road, plus new parking bays for Pelsall North Common and wetland area (adjacent to Public Footpath Ald0.149). The application includes the provision of an area of replacement common land to the south of the A4124 Lichfield Road, to be served by a new vehicle access and parking area.



## Part 2 – Particulars of the decision

Walsall Council, as Local Planning Authority, hereby **Grants Planning Permission Subject to Conditions** as set out in Part 3 below for the development described in Part 1 above and in accordance with the application and plans submitted.

## Part 3 – Conditions of the approval

1. The development must be begun no later than 3 years after the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents: -

- Site Location Plan Drawing Extent –YB01 Rev A submitted 24th December 2019
- General Location Plan Drawing MP/YB/00-09 Rev B submitted 24th December 2019
- Block Plan Drawing Extent – YB00 Rev A submitted 24th December 2019
- Details of Replacement Common Land Drawing Extent – YB02 Rev A submitted 24th December 2019
- Details of New Parking Area on Replacement Common Land Drawing Extent-YB03 Rev A submitted 24th December 2019
- Areas for Permanent Deregistration Drawing MP/YB/S16/602 Rev A submitted 24th December 2019
- Site Boundary Plan Drawing YB/PA/101 submitted 13th August 2019
- Existing Details Drawing YB/PA/102 submitted 13th August 2019
- General Arrangement Drawing YB/PA/103 submitted 13th August 2019
- Longitudinal Section Drawing YB/PA/104 submitted 13th August 2019
- Cross Sections Sheet 1 of 3 Drawing YB/PA/105 submitted 13th August 2019
- Cross Sections Sheet 2 of 3 Drawing YB/PA/106 submitted 13th August 2019
- Cross Sections Sheet 3 of 3 Drawing YB/PA/107 submitted 13th August 2019
- Drainage – General Arrangement Drawing YB/PA/108 submitted 13th August 2019
- Drainage – Proposed Wetland and Mitigation Pond Drawing YB/PA/109 submitted 13th August 2019
- General Arrangement of Bridge Drawing YB/PA/110 submitted 13th August 2019
- General Arrangement – Retaining Wall Drawing YB/PA/111 submitted 13th August 2019
- Street Lighting Details Drawing YB/PA/112 Rev A submitted 24th December 2019
- Landscaping – General Arrangement Drawing YP/PA/113 Rev A submitted 24th December 2019
- Landscaping – Mitigation Pond Drawing YB/PA/114 Rev A submitted 24th December 2019
- Compensatory Area Works at Pelsall North Common Drawing YB/PA/115 submitted 13th August 2019
- Accommodation Works – Canal Towpath and Access Details Drawing YB/PA/116 submitted 13th August 2019
- Design and Access Statement submitted 31st December 2019
- Ecological Impact Assessment (Nov 2018) submitted 13th August 2019
- Noise Impact Appraisal dated October 2013 submitted 13th August 2019

- Habitat Regulations Assessment (2018) submitted 13th August 2019
- Technical Note – Geotechnical Design Update dated 07-03-19 submitted 13th August 2019
- Yorks Bridge Consultation – Summary of Results June 2019 submitted 13th August 2019.

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority. The scheme should be based on paragraph 5.1.1 of the submitted Ecological Impact Assessment. The drainage scheme and method of working shall also include a timetable for all works and provision for a monitoring scheme to demonstrate its effectiveness.

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

3c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site and to ensure no contamination of the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with NPPF10, BCCS Policies ENV1, ENV4 and ENV5 and saved Walsall's Unitary Development Plan policies GP2, ENV10, ENV23 and ENV40 and SAD policies EN1 and EN4..

4a. Prior to the commencement of the development hereby permitted (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

4b. The approved Construction Environmental Management Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: In order to protect the natural environment surrounding the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with policies EN1 and EN4 of the SAD, policies ENV1 and ENV4 of the BCCS and Policy ENV23 of the UDP.

5. Prior to the commencement of the development a Habitat Management Plan in respect of the replacement common land shown on plan YB02 Rev A submitted 24th December 2019 shall be submitted to, and be approved in writing by, the local planning authority. The content of the Habitat Management Plan shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

5b. The development shall not be carried out otherwise than in accordance with the approved Habitat Management Plan.

Reason: In order to protect the natural environment surrounding the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with policies EN1 and EN4 of the SAD, policies ENV1 and ENV4 of the BCCS and Policy ENV23 of the UDP.

6a. Prior to the commencement of the development hereby permitted details of the proposed materials to be used in the construction of the external surfaces of the bridge including details of the proposed retaining wall between the existing bridge and new bridge shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Canal & River Trust.

6b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

8a. Prior to the commencement of development, and notwithstanding the submitted plans, further plans confirming the crib wall detailing of the bridge shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Canal & River Trust.

8b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the visual amenities of the area and to ensure the development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan and policies ENV1, ENV3 and ENV4 of the BCCS,.

8a. Prior to the commencement of development details of the measures to be implemented to deter antisocial behaviour from taking place adjacent to the northern abutment of the bridge shall be submitted to and agreed in writing by the Local Planning Authority.

8b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the proposed development contributes to enhancement of the local character and distinctiveness of the waterway corridor in accordance with policies ENV3 and ENV4 of the BCCS.

9a. Prior to the commencement of the development hereby permitted details of the hard and soft landscaping for the areas of land around and under the bridges shall be submitted to and agreed in writing by the Local Planning Authority.

9b. Prior to the first use of the new bridge hereby permitted shall not be carried out otherwise than in accordance with the approved hard and soft landscaping and shall thereafter be retained for the lifetime of the development.

9c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area and to ensure the development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan and policies ENV1, ENV3 and ENV4 of the BCCS.

10a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris

- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. Re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.
- xiv. Alternative pedestrian access for the Beacon Way, which runs along the Wyrley and Essington Canal towpath underneath York's Bridge that shall be available for use throughout construction

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

11a. Prior to commencement of the development hereby permitted, details of the specification for the proposed stone footpath, as shown on drawing General Arrangement of the Bridge 13-08-19, ref YB/PA/110, are to be submitted to and approved in writing by the Local Planning Authority.

11b. Prior to being opened for public use, the stone path shall not be carried out otherwise than in accordance with the approved details and retained for the life of the development.

Reason: To ensure acceptable pedestrian access is maintained for the future in accordance with Policy T8 of the UDP.

12a. Prior to commencement of the development hereby permitted, details of the specification of the proposed replacement public footpath sign at the junction of Footpath Ald 0.149 and Norton Road, approximately 25m north of the retained York's Bridge, shall be submitted to and approved in writing by the Local Planning Authority.

12b. Prior to the first use of the replacement bridge hereby permitted, The proposed replacement public right of way sign shall be installed and retained thereafter in accordance with the agreed details and retained for the life of the development, prior to the proposed development coming into use.

Reason: To ensure acceptable pedestrian access is maintained for the future in accordance with Policy T8 of the UDP.

13a. Prior to commencement of the development hereby permitted a scheme of intrusive site investigations adequate to assess the ground conditions and the potential risks to the development by past shallow coal mining activity shall be undertaken.

13b. A report of the findings arising from the intrusive investigations, including any gas monitoring undertaken and a scheme of proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority.

13c. The development shall not be carried out otherwise than in accordance with the approved scheme of remedial works.

Reason: In order to ensure the stability and safe development of the site in connection with Coal Mining legacy in compliance with Policies GP2 and ENV14 of the UDP.

14a. Prior to the implementation of any proposed lighting, details of the proposed lighting, to include a lux plan and indications of the impact on the canal and ecology of the canal, shall be submitted to and approved in writing by the Local Planning Authority.

14b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the development contributes to the preservation and enhancement of the local ecological value of the waterway corridor in accordance with policies ENV1 and ENV4 of the BCCS.

15. No works which include the creation of trenches or culverts shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Reason: In order to protect the natural environment surrounding the Cannock Extension Canal SAC and the Wyrley and Essington Canal Site of Importance for Nature Conservation in accordance with policies EN1 and EN4 of the SAD, policies ENV1 and ENV4 of the BCCS and Policy ENV23 of the UDP.

16. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no birds will be harmed.

Reason: To protect local bird populations in accordance with policy EN1 of the SAD, ENV1 of the BCCS and ENV23 of the UDP.

18. The brickwork of the development hereby permitted shall comprise facing materials that match, in colour and texture, those which are used in the original existing adjacent canal bridge and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

## **POSITIVE AND PROACTIVE STATEMENT**

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. The National Planning Policy Framework encourages pre-application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

**Date of Decision:** 15-Dec-2020



Alison Ives - Head of Planning and Building Control

## **Part 4 – Notes for applicant**

1. Please read this decision notice carefully. Some conditions may require you to submit further matters for approval by the Council, the process for this is known as 'Discharge of Conditions or Approval of Details Reserved By Condition'. If this permission requires further matters to be approved, you will be required to submit a formal application where details relating to an approved development can be considered and a decision made on their acceptability.

Further information can be found online [go.walsall.gov.uk/PlanningDOC](http://go.walsall.gov.uk/PlanningDOC).

2. This decision is given only under The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and The Town and Country Planning Act 1990 (as amended).
3. This permission does not grant approval under the Building Regulations for which a separate application may be required.

The Building Regulations set construction standards for all types of buildings. They cover all aspects of construction including, foundations, drains, damp-proofing, overall stability of the building and any internal alterations, insulation, ventilation, fire protection and fire escape. They also make sure there is adequate access and facilities for all people including those with a disability.

Building Regulations approval checks that a building meets health and safety standards, in order to protect the people who use it. Even if you have planning permission you may still need Building Regulations approval, and vice versa. Each consent stands alone and is controlled by separate legislation.

There are two ways:

1. The full plans route - this is the most popular route and one that we would recommend.
2. The building notice route.



Further information can be found online [Wwww.planningportal.co.uk/commonprojects](http://www.planningportal.co.uk/commonprojects) or [https://go.walsall.gov.uk/building\\_control](https://go.walsall.gov.uk/building_control).

4. This permission does not grant approval or in any way override the requirement to comply with any restrictive covenant(s) that may be on the land. You should be aware that there is a risk involved in proceeding with development without clarifying whether there are any relevant covenants relating to the property.

5. Party Wall Act 1996.

The Party Wall Act 1996 ([www.legislation.gov.uk/ukpga/1996/40/contents](http://www.legislation.gov.uk/ukpga/1996/40/contents)) provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval.

An introduction, what is a party wall?, what the act covers, explanatory booklet, example letters and further information can be found on online [www.gov.uk/guidance/party-wall-etc-act-1996-guidance](http://www.gov.uk/guidance/party-wall-etc-act-1996-guidance).

6. Appeal Information

Only the person who made the application has the right to appeal a planning decision if either:

1. You disagree with it
2. The decision wasn't made within:
  - a) 8 weeks for a minor application
  - b) 13 weeks for a major application (a major development, such as 10 or more dwellings or a building of more than 1,000 square metres)
  - c) 16 weeks for an Environmental Impact Assessment
  - d) If the applicant has agreed a longer period then the time limit runs from the end of that period

The deadline's earlier if you've received an enforcement notice. You must appeal within 28 days of the notice.

There's no fee for appealing.

If you disagree with the decision, you must appeal within 6 months of the date on the decision notice.

If we didn't make a decision within 8 or 13 weeks, you can appeal up to 6 months after the decision was due.

The deadline's earlier if you've received an enforcement notice. You must appeal within 28 days of the notice.

Once your appeal has been validated, you'll normally get a decision within 19 weeks.

You must make your appeal to the Planning Inspectorate, this can be done online <https://www.gov.uk/appeal-planning-inspectorate>, alternatively you can contact the Planning Inspectorate to ask for forms to be sent to you in the post.

If you want to appeal more than one decision you must make a separate appeal for each.

You must send a copy of your appeal, including all the supporting documents, to  
Development Management  
Walsall Council  
Zone 2b  
The Civic Centre  
Darwall Street  
Walsall  
WS1 1DG

You'll need to submit copies of:

1. your original application for planning permission
2. the site ownership certificate
3. the Council's decision notice - if we didn't make a decision, submit a copy of the letter acknowledging your application
4. all plans, drawings and documents you sent to the Council
5. your appeal, if you're appealing by post

You'll also need to submit:

6. a map of the surrounding area
7. any other documents that directly support your appeal, for example your full statement of case

You can upload these documents when you appeal online or post them to the Planning Inspectorate.

The Planning Inspectorate  
Room 4a  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Planning Inspectorate customer support team  
0303 444 5000 [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

The responsibilities of each party and the roles they have in the planning appeal process.

7. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the Secretary of State, and you claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, you may serve on the Council a purchase notice requiring the Council to purchase your land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990. A notice may only be served on the Council by the owner of land concerned.
8. In certain circumstances, a claim may be made against the Council for compensation, where permission is refused or granted subject to the conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act.
9. Development must comply with Section 46 of the West Midlands County Council Act 1980 (namely it shall provide adequate means of access for the fire brigade to the building or, to the building as extended, as the case may be. It must be ensured that existing means of access for the fire brigade to a neighbouring building are not rendered inadequate).

#### 10. Street naming and Numbering

If this decision grants permission for new development, subdivision or a conversion that will give rise to new dwellings or businesses, you must apply to the Council in order to obtain the relevant postal address(es).

Further information is available online  
[go.walsall.gov.uk/street\\_naming\\_and\\_numbering](http://go.walsall.gov.uk/street_naming_and_numbering)

#### 11. Adoption of private sewers and lateral drains by Severn Trent Water.

The Water Industry (Schemes for Adoption of Private Sewers 2011) transfers the ownership of all privately owned shared drains Severn Trent.

Householders and developers planning to build over or close to (within 3 metres of) a public sewer have to seek permission from the relevant sewerage company.

Contact details for Severn Trent can be found on their website [www.stwater.co.uk](http://www.stwater.co.uk).

If your proposal is affected by an adopted sewer (Public Sewer) you are required to apply for a Full Plans Building Regulations application.

The Council does not accept any liability for loss or damage of any nature relating to the foul or storm water drainage.

#### 12. The Coal Authority Standing Advice

##### INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:  
[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Informative Note valid from 1st January 2019 until 31st December 2020

## **Part 5 – Case Specific Notes for applicant**

### **1. Public Rights of Way**

A permit to work and/or temporary prohibition of pedestrians order may be required prior to commencement of work adjacent to, or within, public footpath Ald 0.149. No excavations, scaffolding, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or underneath the path without prior agreement of the highways

authority. Prior to commencement, the applicant must provide details to highways and apply for any necessary permits. Upon completion, the applicant must reinstate the path to its present condition. Please contact Public Rights of Way on 01922 654673, at least 28 days prior to commencement to discuss the requirements.

## 2. Canal & River Trust

The applicant is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with the Trust's Code of Practice for Works affecting Canal & River Trust.

The applicant is advised that Canal & River Trust's consent is required for any discharge to their waterway. Please contact the Canal & River Trust Utilities Team on 01926 626108 for further advice.

The applicant is advised that the Canal & River Trust's consent is required for the oversail of their waterway, and they should contact the Canal & River Trust's Estates team to ensure that all appropriate permissions have been secured. This is likely to also include an application for Defra consent which is not guaranteed and can take approximately 16 weeks.

## 3. Environment Agency

Waste - Nothing other than uncontaminated excavated natural materials shall be tipped on the site. The Environment Agency's definition of natural (inert) waste is: - Topsoil, subsoil, brickwork, stone, set concrete, clay, sand, silica (excluding finely powdered waste), glass, solid or granular dry materials free from any noxious, poisonous or pollution substance which does not decompose or for which the environmental impact of decomposition is less than or comparable with that of topsoil and is virtually insoluble in water.

Water Quality - Site operators should ensure there is no possibility of contaminated water entering and polluting surface or underground waters. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained. Given the close proximity of the Wyrley & Essington Canal, and the Cannock Extension Canal (SSSI) all surface water collected from the working area needs to be treated before discharge into the canal. A discharge consent from the Canals & Rivers Trust may be required to discharge to their canal. We will require a "Duty of Care" notification to make a surface water discharge, as the scheme is likely to last only a few months. This notification will only last for 3 months and will then need to be renewed.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area. Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

Biodiversity - The recommendations and mitigation measures stated in the ecological impact assessment are supported. The applicant should consult Natural England in

relation to the protected species issues, in particular newt translocation. The recommendations for the precautionary method for work near/on the ditches that are potential water vole habitat should be followed. If any evidence of water vole activity is found, work should stop immediately and Natural England consulted.

#### 4. Construction Hours

Site work(s) and operations should only be carried out between the hours of 07.00 to 19.00 weekdays (excluding Bank Holidays and Public Holidays)# and 08.00 to 14.00 Saturdays unless otherwise agreed in writing by the local planning authority and subject to any overriding restrictions.

#### 5. Noise

Notwithstanding the details as submitted and prior to the commencement of any part of the development, the Applicant shall provide an updated noise assessment in writing, to the Local Planning Authority, which predicts noise impact on nearby residential premises against 2018 traffic levels.

Permitted noise levels from all site works and ancillary operations (including maintenance of plant, machinery and equipment) shall not exceed

- a Continuous Equivalent Noise Level, LAFeq (15 minutes), of either 60 dB (inclusive of façade corrections) 1 metre from the façade of any noise sensitive premises\$ at a height above ground level of not less than 1.2 metres; or
- 63 dB (Free-field) at least 3.5 metres from any significant sound reflecting structure (other than the ground) at a height above ground level of between 1.2 and 1.5 metres, at any noise sensitive premises\$; and
- a maximum r.m.s. Noise Level, LAFMax, of either 75 dB (inclusive of façade corrections) 1 metre from the façade of any noise sensitive premises\$ at a height above ground level of not less than 1.2 metres; or
- 78 dB (Free-field) at least 3.5 metres from any significant sound reflecting structure (other than the ground) at a height above ground level of between 1.2 and 1.5 metres, at any noise sensitive premises\$.

For the purpose of this condition sound level measuring instrumentation shall conform to either 'Type 1' of British Standards 5969:1979 Specification for sound level meters and/or BS 6698: 1986 Specification for integrating-averaging sound level meters; or BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters'; or Class 1 or 2 of BS EN 61672: 2003 'Electroacoustics – Sound level meters – Part 1: Specifications' (or any other superseding standard(s) as applicable), which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Permitted levels of ground-borne vibration transmitted to floor structures of vibration sensitive premises\$ from all works and ancillary operations shall not exceed a peak particle velocity (PPV) of 1.0 mms<sup>-1</sup> as determined over a frequency range of not less than 4Hz to 80Hz.

For the purpose of this condition instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS EN ISO 8041:2005 "Human response to vibration. Measuring instrumentation" or any superseding standard, and shall have a linear performance frequency range of

not less than 4Hz to 80 Hz.

All hand-held pneumatic machinery, including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels or damped points.

No explosive blasting, dynamic compaction, drop-ball demolition or thermic lancing shall be undertaken.

No vibratory compaction shall be undertaken within 25 m of vibration sensitive premises unless written prior notification is received by the Walsall Metropolitan Pollution Control Section not less than 3 days in advance.

No vibratory pile driving shall be undertaken.

All plant and machinery in use shall be silenced and maintained in accordance with the manufacturer's and/or suppliers instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design. Wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

Where specifically required in writing by the Council, portable acoustic screens shall be used to control noise from site operations and works.

The recipient(s) of this notice may seek variation(s) and/or dispensation(s) from the conditions specified in this notice. Any variation and /or dispensation may only be by specific application to, and subsequent approval in writing from, the Council and any approval may be subject to additional qualifications or constraints. Any application for a variation or dispensation shall be in writing within 5 working days of the date applicable either to the variation or the dispensation.

Any emergency deviation from these conditions shall be notified to the undersigned without delay.

A telephone number for emergency and complaint use shall be notified to the undersigned prior to the commencement of operations and maintained for the duration of the works.

Prior to any engineering and/or construction operations commencing, a method statement shall be agreed in writing with the local planning authority for the purposes of controlling dust from such operations. The agreed method statement shall be implemented and thereafter maintained until works are complete.

\$ 'Noise sensitive' and 'vibration sensitive' premises shall be taken to include, inter alia: any premises used as an occupied dwelling, hospital or similar institution, schools or other educational premises (when in use), places of worship (when in use), hotels and similar facilities.