



APPLICATION TO DEREGISTER, OR TO DEREGISTER AND EXCHANGE, COMMON LAND OR TOWN OR VILLAGE GREENS

Commons Act 2006: Section 16

CORONAVIRUS

In view of the Government's advice on Coronavirus some of the requirements about advertising the application have changed. Before completing this form please email commonlandcasework@planninginspectorate.gov.uk or phone 0303 444 5408 for more details.

Return completed application to:

The Commons Team
The Planning Inspectorate
3A Temple Quay House
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5408

E-mail: commonlandcasework@planninginspectorate.gov.uk

I CERTIFY THIS TO BE A TRUE
COPY OF THE ORIGINAL DOCUMENT
Bennett Matthews
.....
SIGNED: *Tom & C* DATE: *30.03.21*

PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THIS FORM:-

- Section 16(9) of the Commons Act 2006 requires that an application to deregister and exchange common land or town or village greens may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. When completing this form you will be asked to confirm that such consent has been obtained and that you have consulted any relevant leaseholder of, and the proprietor of any relevant charge over, the release land/any replacement land about the application.
 - Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer.
 - Refer to "*Notes on completing an application to deregister, or to deregister and exchange, common land or town or village greens*" (the "Notes") when completing this form.
 - References throughout this form to 'common land' apply equally to 'town or village green'.
 - A non-refundable fee of £4,900 is payable for all applications under section 16 to deregister/exchange common land. A cheque for this amount, payable to "The Planning Inspectorate", must accompany every application. Alternatively, if you wish to pay by BACS the Planning Inspectorate's bank details are available on request.
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SECTION A – The common land to be deregistered (i.e. the release land)

Section A1 – The Common

- | | |
|------------------------------------|---|
| 1. Name and full address of common | Pelsall North Common
Pelsall
Walsall
West Midlands |
| CL no or VG no | CL39 and CL113 |
| Commons Registration Authority | Walsall Metropolitan Borough Council |

Section A2 – The owner of the release land

2. Forename

Surname

Organisation (if appropriate)

Walsall Metropolitan Borough Council

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

C/O Kathryn Moreton
Head of Highways & Transportation
Walsall Metropolitan Borough Council
The Civic Centre
Darwall Street
Walsall
West Midlands

Postcode

WS11TP

Telephone No/Mobile

01922658031

E-mail address

Kathryn.Moreton@walsall.gov.uk and
Jag.Raan@walsall.gov.uk

3. Do you prefer to be contacted by Post E-mail

4. Please note that unless you tick the box below we will send all correspondence to the person named above and not to the owner of the replacement land shown in Section B1.

Please send all correspondence to the owner of the replacement land named in section B1

Section A2a – The agent (where applicable)

4a. Forename

N/A

Surname

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

Do you prefer to be contacted by 1. Post 2. E-mail

Section A3 – Area of common and common rights

5. What is the total area of common land as registered? 63.42 Ha - 634,200 sq m
(not recorded) shown
coloured green on plan
SECTION J-602/B
(Appendix 1)

What common rights, if any, are registered? (e.g. number and type) If the land is a town or village green, what kind of recreation is it used for?

The Church Commissioners for England have the rights and interests of the Lord of the Manor of the Deanery of Wolverhampton. This covers units CL39 and CL113 (Appendix 1A).

The Council has received correspondence from the Church Commissioners dated 17th September 2013 and 28th October 2019 confirming that they have no objections to the Scheme (Appendix 7).

6. If there are common rights registered are they exercised? Yes X No

If yes, please give details e.g. which commoners are active, which rights are exercised and how often.

N/A

Section A4 – Description of the release land

7. Area of release land in m² 4925 shown coloured orange
on Plan MP/YB/S16/602 -B
(Appendix 2)

Description (including location) of the release land

The area of common affected lays to the north-east, south-east and south-west of the existing York's bridge. To the north it is bounded by the B4154 to the west and arable farmland to the east and extends 165 m north of the canal. To the south-east it is bounded by the B4154 to the west and residential properties to the east and extends 47 m south of the canal. To the south-west it is bounded by the B4154 to the east, the car park to the Fingerpost public house to the north and extends 15 m west and 44 m south from these boundaries respectively. The area to the north of the canal is largely self seeded broad leaf woodland with dense undergrowth. The area to the south is largely amenity grassland.

Drawing MP/YB/S16/602-B (**Appendix 2**) shows the extent of common land which is to be deregistered shown coloured orange and the extent of common land which is the subject matter of a separate S38 application shown coloured blue.

SECTION B – The land to be given in exchange (i.e. the replacement land)

8. Are you proposing to provide replacement land in exchange for the release land? You must propose replacement land if the area of the release land is more than 200m². Yes No

If **Yes**, go to Question 9. If **No**, please explain below why you are not providing replacement land and then go to Question 14.

N/A

Section B1 – The owner of the replacement land

9. Forename

Surname

Organisation (if appropriate)

Walsall Metropolitan Borough Council

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

C/O Kathryn Moreton
Walsall Metropolitan Borough Council
The Civic Centre
Darwall Street
Walsall
West Midlands

Postcode WS1 1DG
Telephone No/Mobile 01922 658031
E-mail address Kathryn.Moreton@walsall.gov.uk and
Jag.Raan@walsall.gov.uk

Only complete Question 10 if Question 4 has been ticked.

10. Do you prefer to be contacted by Post E-mail

Section B2 – Description of the replacement land

11. Name of replacement land (if any) High Bridges
Area of proposed replacement land (in m²) 7491 shown coloured green on Plan MP/YB/S16/603-B (Appendix 3)

Description (including location) of the replacement land.

The replacement land is contained in an area of Council owned land known as High Bridges which is approximately 0.83 hectares in size with housing adjoining the south-eastern boundary. The site is narrow and elongated, tapering from a depth of about 58 metres at its widest point in the south-eastern boundary to a point towards the north-east.

The proposed replacement land is 7491 sq m in area and bounded by the A4124 Lichfield Road to the south-west and the Wyrley and Essington Canal (SLINC) adjoins the site along its south-eastern boundary. To the north of the site the canal goes underneath the A4124. The land extends for a length of 280 m along the Lichfield Road boundary.

The site is densely vegetated with mixed deciduous trees and large bushes between 3m and 6m in height. Typical tree species comprise Hawthorn in a hedgerow type plantation, particularly along the highway frontage, with occasional larger Ash trees located on the embankment profile. Low lying bramble-type undergrowth is present across the whole site. The north-western section of the land lies at a lower level than the road, but the site is generally level and at grade. There is a 400 sq m area of land in the site allocated for car-parking which will not be registered as common land.

The area of exchange land is within a 1000m radius of the area of land to be deregistered.

12. Please confirm that the proposed replacement land is not already registered as common land or town or village green. I confirm

Section B3 – Rights over the replacement land

13. Give details of any relevant leaseholders, other occupiers, rights of access and easements, those holding any relevant charges over the replacement land, or any other rights or easements. Explain why such rights will not materially interfere with the public's right to use the land (should the application be successful). (see Note 8).

There are no recorded public rights of way across the area of replacement land. In addition, no claims have been received by Walsall Council in relation to the presence of any unrecorded public rights of way over the replacement land.

The Council has undertaken an investigation of title of the replacement land (Appendix 8) which has revealed that there are no existing leases or licences other than that Walsall Council granted a licence to Shand Limited in 1985 for a compound in connection with the reconstruction of High Bridges. This licence ended in late 1985.

SECTION C - Access arrangements and current features of the lands

Section C1 – Access to the lands:

14. To what extent is there **existing** public access over the land(s) e.g. public rights of access under Section 193 of the Law of Property Act 1925?

(a) The release land

All of the release land is currently open to access. The density of trees and undergrowth on the land to the north-east of the existing bridge is such that public use is extremely restricted.

(b) The replacement land (including any existing informal public access)

No public access is available from the eastern boundary alongside the Wyrley and Essington Canal. The tow path is on the far side of the canal away from the site boundary so there is no possible connection across the land. The A4124 Lichfield Road runs alongside the south-western boundary, which has sections of wooden fencing and very dense vegetation. Accordingly, the replacement land is currently not accessible to the public.

15. What are the intended access arrangements for the replacement land?

Existing sections of wooden fencing and dense vegetation along the boundary of the A4124 will be removed. The replacement land will be cleared of a number of existing trees and shrubs and will become mainly scrub habitat and grassland. Any existing sections of wooden fencing and dense vegetation will be removed to make the replacement land publicly accessible from the highway. A new car-parking area is to be provided to facilitate users of the the replacement land. The new car-park will not form part of the replacement land for the purposes of the S16 Application and will not therefore be common land. The new car-park will be accessed by a new single vehicular access off the A4124 Lichfield Road.

Section C2 - Current condition of the lands

16. Describe the current condition and use of the lands, including any biodiversity, landscape, archaeological, agricultural and recreational interests:

(a) The release land

To the north of the canal comprises mostly of self seeded trees and shrubs with ruderal vegetation undergrowth. There are also areas of wetland formed by overgrown drainage ditches which are intended to carry surface water from the carriageway of Norton Road to the canal. The nature of this area of the common is such that public access is difficult. Frogs and newts have been recorded north of the canal along with small populations of field vole, common lizard and grass snake. To the south of the canal (both west and east) the land comprises mown amenity grass. To the south-east there are also areas of shrub/tree planting. Land to the south is easily accessible to the public for dog walking or similar activities

(b) The replacement land

The replacement land is densely vegetated with mixed deciduous trees and large bushes between 3m and 6m in height and is mainly dominated by scrub habitats and grassland. Low lying bramble-type undergrowth is present across the whole site.

The Wyrley and Essington Canal has a local nature conservation designation SLINC assigned and has a 50m bat buffer along its length.

A full Environmental Impact Assessment has been carried out on the land to determine any ecological issues that need to be addressed.

17. What structures (e.g. buildings, roads, bridleways, footpaths, walls, fences) are currently on the land?

(a) The release land

There is a vehicle access track to arable farmland across the land to the north-east of the existing bridge. Plan MP/YB/S16/602-B (**Appendix 2**) shows the location of the vehicle access track shown coloured black. The vehicular access track is recorded as entry no 3, Register Unit 39 as follows:

"Registration of a right of way shown coloured blue with or without agricultural vehicles, with or without animals for all purposes connected with Huddocks Farm shown edged red on the Plan as from J. Gallagher Estates.

The existing York's bridge abuts the release land.

There are no other tracks or structures on the release land.

(b) The replacement land

There are no recorded public rights of way across the area of replacement land and no claims have been received by Walsall Council in relation to the presence of any unrecorded public rights of way at the location. There is no evidence stiles or gates on the perimeter or immediately adjoining the land.

Evidence exists of historic building development on part of the site. A row of terraced houses and a hotel once stood on the site but following demolition in 1976 the land could contain some historic remains beneath the surface.

18. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) are currently on the perimeter of (or on land immediately adjoining) the land?

(a) The release land

To the north-east of the existing bridge the boundary to the arable farmland comprises a hedgerow with a post and wire fence. To the south-east there are residential property boundaries of varying construction.

(b) The replacement land

No public access is available from the eastern boundary alongside the Wyrley and Essington Canal. The tow path is on the far side of the canal away from the site boundary so there is no possible connection across the land. The A4124 Lichfield Road runs alongside the south-western boundary which has sections of wooden fencing and very dense vegetation. The replacement land is therefore currently not accessible to the public.

19. What, if any, boundary or other features are proposed to be removed from or erected on the replacement land as part of the exchange?

The area of replacement land will be cleared of a number of existing trees, dense vegetation and shrubs and will become mainly scrub habitat and grassland. Any existing sections of wooden fencing and dense vegetation will be removed to make the replacement land publicly accessible from the highway.

A mining survey was carried out which did not indicate the presence of any mineshafts on this land.

20. What, if any, works are to be carried out on the replacement land as part of the exchange?

Any development must ensure that habitats suitable for use by protected species known or potentially likely to use the site and the adjacent canal are retained, including birds, bats and water voles. The intention is to provide a pathway on the replacement land to provide better public access to the replacement land. A number of benches will be installed near to the canal to provide areas of seating. A new car-parking area is to be provided at the southern end of the replacement land for users of the proposed common land. This will be accessed by a single vehicular access off the A4124 Lichfield Road with minimum visibility splays of 2.4 metres by 90 metres. All visibility splays should be kept clear of landscaping over 600mm in height. The new car park has been excluded from the S16 Application and will not be registered as common land. The proposal is that the new car-park will be available to the users of the replacement land and therefore facilitate the use of the replacement land as common land. **(see also Appendix 9 Statement of Case for additional information)**

SECTION D – Details of the exchange or deregistration

21. What are the reasons for the exchange or deregistration?

Please refer to the attached Statement of Case (**Appendix 9**)

SECTION E – Designations

22 Are any of the lands subject of this application in or near a Site of Special Scientific Interest (SSSI), National Nature Reserve, a Special Area of Conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention?

(a) the release land Yes No

If **Yes**, please give details and identify the location on the map

The Cannock extension arm Canal is located approx 300 m west of the site and is designated SAC and SSSI. **[Plan SECTION J-601/B (Appendix 4)]**. The Clayhanger SSSI is located approx 700 m east of the site. The EclA (Ecological Impact Assessment) concludes that there is no predicted impact on the Clayhanger SSSI.

A Stage 1 & Stage 2 HRA (Habitat Regulations Assessment) has been carried out to assess the effects of the scheme on the Cannock Extension Arm SAC. The assessment concludes there is no predicted impact. Contract specifications will include measures to protect the SAC during construction which will be closely monitored on site.

(b) the replacement land Yes No

If **Yes**, please give details and identify the location on the map.

There are no formal / statutory designations directly affecting the replacement land. The Clayhanger SSSI boundary is located 150m east of the site and will not be impacted by the replacement land.

Local designations identified relate to the Wyrley and Essington Canal SLINC, which has a local nature conservation designation along the whole of the canal. The canal has a 50m bat buffer along its length, which crosses part of the High Bridges site.

23 Do any of the lands contain a Scheduled Ancient Monument?

(a) the release land

Yes No

If **Yes**, give details and identify the location on the map.

(b) the replacement land

Yes No

If **Yes**, give details and identify the location on the map

24 Are any of the lands in a National Park or Area of Outstanding Natural Beauty?

(a) the release land

Yes No

If **Yes**, please give details.

(b) the replacement land

Yes No

If **Yes**, please give details.

25 Are any of the lands subject of this application covered by any local designations, e.g. local nature reserve, area of special landscape value, heritage coast, conservation area or public open space?

(a) the release land Yes No

If **Yes**, please give details.

The area to the north-east of the existing bridge is Local Nature Reserve

(b) the replacement land Yes No

If **Yes**, please give details.

The area of the replacement land is designated as suitable Open Space land under the council's Site Allocation Document adopted January 2019 (**Appendix 10**) link to the SAD, The inclusion of the land in the Council's SAD does not in itself confer any rights of public access over the land, as the land has no designation as a Public Open Space.

SECTION F – Adjacent common land

26. Does any area of common land with a different registration number adjoin the common land subject of this application? Yes No

If **Yes**, give details and identify them on the map

Pelsall North Common is registered under CL39 and CL113. Both areas of the common are shown on **Plan SECTION J-602/B (Appendix 1)**

Section G – Procedure

27. Most applications are determined by the written representation procedure. This involves an exchange of written evidence and a site inspection by an Inspector.

Do you wish to be present or be represented at the site inspection? Yes
If yes, please suggest a suitable meeting point.

SECTION H – Advertisement and Consultation

28. **You must advertise your proposal** in one main local newspaper and at the main points of entry to the common (or, if there are none, at a conspicuous place on the boundary of the common). Please advertise your proposal at the same time as you make your application. Use the draft notice at **Annex B** of the **Notes**.

A notice has been prepared following the format at Annex B.

29. You **must** also send a copy of the notice (using the letter at **Annex C** of the **Notes**) to the following:

	the commons council or commoners' association (if there is one)
	all active commoners
	others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land
	the relevant Commons Registration Authority (usually the county council or unitary authority), District or Borough Council
	Parish Council (where known)
	Natural England (Please send only to enquiries@naturalengland.org.uk)
	Historic England
	National Park Authority (if the proposal is in a National Park)
	AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
	Open Spaces Society
	The local authority archaeological service

Even if you have consulted any of these bodies before making this application you still need to send them a copy of the notice.

30. Which newspaper has the advertisement appeared in?
On what date?

On what date will the representation period end?

This date must be at least 28 days from the date the application is advertised. Incorrect notices are a common problem and may result in you having to re-advertise, so please read Section H of the Notes carefully.

SECTION I – Maps

31. Please enclose two copies of the map that meet the requirements set out in **Note 19**.

Two copies of the map are enclosed.

Section J – Checklist (tick to confirm)

- | | |
|--|------------------------------------|
| 32. I have read the Notes in full. | X |
| 33. I have answered all the questions (where appropriate) on this form in full. | X |
| I have enclosed two copies of the map that meets the requirements of Note 19. | X |
| I have enclosed a copy of the commons register or register of town and village greens. This should include details of the land, rights, ownership and the register map. | X |
| I have obtained the consent to this application of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. | N/A |
| I have enclosed a copy of any document mentioned in answering the questions on this form. | X |
| I have completed and enclosed a copy of the health and safety questionnaire | |
| I understand that any of the application papers may be copied to interested parties on request and have informed people as necessary. | X |
| I have enclosed my application fee of £4,900. | To
Be
sent
by
BAC
s |
| 34. I have: | |
| advertised the proposal in one main local newspaper | X |
| posted a copy of the notice at the main entry points to the lands | X |
| sent a copy of the notice to all those listed at Section H | |
| placed a copy of the notice, map and application at the inspection point | X |
| enclosed the letter based on the example at Annex D of the Notes confirming that the advertising requirements have been met. | X |

SECTION K – Declaration

We hereby declare that:

The owner of the land to be deregistered or deregistered and exchanged subject of this application have completed this Section.

No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.

The contents of this application are true and complete to the best of my/our knowledge and belief.

Release Land:

Signature of owner

Name

Date

Position and name of organisation (where appropriate).

Walsall Metropolitan Borough Council

Anthony Cox
Director of Governance and Monitoring Officer
Legal Services
Civic Centre, Darwall Street, Walsall, WS1 1TP

I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT

Anthony Cox
SIGNED: WOMBSC DATE: 30.03.21

X Signature of co-owner (where applicable)

Name

Date

Position and name of organisation (where appropriate).

N/A

AMC

29 March 2021

2405



Replacement Land:

X Signature of owner

Name

Date

Position and name of organisation (where appropriate).

Walsall Metropolitan Borough Council

Anthony Cox
Director of Governance and Monitoring Officer
Legal Services
Civic Centre, Darwall Street, Walsall, WS1 1TP

AMC

29 March 2021

Signature of co-owner
(where applicable) N/A

Name

Date

Position and name of
organisation (where
appropriate).

You should keep a copy of the completed form

General Data Protection Regulation

Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

How we use your information

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).