

WALSALL METROPOLITAN BOROUGH COUNCIL

Section 38 of the Commons Act 2006

Proposed restricted works on Common Land at

PELSALL NORTH COMMON CL39 AND CL113

1. Walsall Metropolitan Borough Council ("the Council") has applied to the Secretary of State for Environment, Food and Rural Affairs for consent under Section 38 of the Commons Act 2006 to carry out restricted works on Pelsall North Common. The Planning Inspectorate will decide the application on behalf of the Secretary of State. Details of the S38 Restricted Works are set out in the Schedule to the Notice below.
2. Due to Government advice in respect of Coronavirus (COVID19), a copy of the application will not be left in a public area for viewing. However, a copy of the application can be obtained by giving at least 7 days' notice in writing to Kathryn Moreton Head of Highways & Transport, Economy, Environment & Communities Directorate, Walsall Metropolitan Borough Council, Civic Centre, Darwall Street, Walsall, WS1 1DG, email Kathryn.Moreton@walsall.gov.uk. Alternatively, all documents are available online at <https://go.walsall.gov.uk/yorks-bridge>. The application form and documents will be available for public inspection until **Friday 21<sup>st</sup> May 2021**.
3. Any representations in respect of the proposed deregistration and exchange should be sent **ONLY** by email on or before **Friday 21<sup>st</sup> May 2021** to [commonlandcasework@planninginspectorate.gov.uk](mailto:commonlandcasework@planninginspectorate.gov.uk); No Planning Inspectorate staff are currently working at the Bristol or Cardiff offices until further notice. Therefore, we request that you **do not send** any hard copy appeal forms or evidence to us by post.
4. Representations sent to The Planning Inspectorate **cannot be treated as confidential**. They will be copied to the applicant and possibly to other interested parties. To find out more about how the Planning Inspectorate uses and manages personal information, please go to the privacy notice: <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>.

**SCHEDULE OF S38 RESTRICTED WORKS**

The Section 38 works comprise partly of temporary and permanent works. The permanent works comprise of:

- a) Mitigation Pond
- b) Reed-beds
- c) Drainage headwalls and manholes
- d) Crib Walling
- e) The construction of a new access track to the canal towpath. This will connect the towpath to the Common.

The proposed works are the provision of a new mitigation pond with landscaping and a reed-bed with new drainage headwalls and manholes to the north of the Wyrley and Essington Canal. To the south of the canal a new crib wall with a new access track will be installed from the common to the canal towpath.

The mitigation pond will be 40m<sup>2</sup> in area and will be used for the translocation of certain reptiles and invertebrates during construction of the new reed-bed area, which will have an area of 132m<sup>2</sup> and will alleviate current flooding issues in this area of the common. A collector sewer will be constructed which will drain into the proposed reed-bed located to the north-east of the bridge. The reed-bed will act as a natural filter system for pollutants removing the need for a mechanical interceptor system, will prevent flooding and will stop contaminants from entering the adjacent Wyrley and Essington Canal. The provision of these new wetland habitats on the common will ensure the conservation status of great crested newts and increase and improve the diversity and biodiversity of the habitat.

The crib wall to the south of the canal will provide additional space to enable a canal access path linking Norton Road to the towpath to be introduced. The areas within the crib wall will be planted with various flora and fauna to provide a pleasant aspect to the face of the wall. The path will be constructed of resin bound gravel. The creation of the new pathway will allow this area of the Common to be more accessible for use by all sectors of the public including disabled.

During the works high visibility herras fencing will be erected around the boundary to protect members of the public from areas where works are being carried out. The herras fencing will also prevent egress into the works area from Great Crested Newts is a mandatory requirement. These measures are required by Natural England as this species is legally protected. **Plan SECTION J-701/B** available online shows the extent of the Section 38 works for which consent is being sought.

Signed .....

Anthony Cox, Director of Governance, Walsall Metropolitan Borough Council, Legal Services, The Civic Centre, Darwall Street, Walsall, WS1 1TR

Dated 31<sup>st</sup> March 2021

