



## **Thurrock Flexible Generation Plant**

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### **Section 16 Application Common Land Report**

**Date: April 2021**

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**Section 16 Commons Application**

**Common Land Report**

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This report is also downloadable from the Thurrock Flexible Generation Plant website at:

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Thurrock Power Ltd

1st Floor

145 Kensington Church Street

London W8 7LP

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Prepared by: Julia Tindale and Eunice Stephenson

Checked by: Tom Dearing

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## 1. Introduction

- 1.1.1 Thurrock Power Ltd proposes to develop a flexible generation plant on land north of Tilbury Substation in Thurrock. The flexible generation plant will provide up to 600 megawatts (MW) of electrical generation capacity on a fast response basis, together with up to 150 MW of battery storage capacity. This proposal directly affects approximately 10.1ha of Walton Common, approximately 464m<sup>2</sup> of common land to the east of Fort Road known as Tilbury Fort Common and adjoining land.
- 1.1.2 This report contains information in support of the Section 16 application to deregister approximately 10.15ha of common land (the release land) that is affected by the proposal and provide in exchange an area of approximately 11.6ha to be designated as common land (the exchange land).
- 1.1.3 Section 2 of this report identifies the extant interests of persons having rights in relation to, or occupying The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Commons – CL 228.
- 1.1.4 The existing characteristics of both the release land and the exchange land are considered in Section 3, together with the works proposed to the exchange land prior to the release of the land from Walton Common.
- 1.1.5 A summary of the consultations that have taken place in relation to the proposed Section 16 commons application is provided in Section 4.
- 1.1.6 Section 5 of the report provides an analysis of this Section 16 Application in relation to the criteria set out in the Commons Act 2006.

## **2. The interests of persons having rights in relation to, or occupying The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Commons – CL 228**

- 2.1.1 A copy of the common land registration documentation for CL 228 obtained from Thurrock Borough Council in March 2021 is attached at Appendix A to this document. This documentation has yet to be updated to take account of the Tilbury2 project, which resulted in a section of common land parcel CL 228 adjacent to Fort Road being de-registered and an area of replacement land provided.
- 2.1.2 This documentation includes a single plan showing the boundary of CL 228 which is shown at Figure 1.
- 2.1.3 Whilst Figure 1 confirms the extent of the Common, the inspector's decision dated 1979 and Rights Entries Schedule includes entries and areas of land that are no longer part of unit CL 228.
- 2.1.4 In order to identify the extant rights of common that exist for CL 228, a series of plans have been assembled in Figure 2 to show the location of the areas attached to each of the 22 rights entries. Table 1 below provides a summary of the Rights entry and the status of these rights in relation to the current boundary of CL 228. The notes that accompany the schedule state:
- “(1) 1 sheep is deemed 1 stint; 1 cow or bullock is deemed equivalent to 5 sheep; 2 donkeys are deemed equivalent to 5 sheep (2) All rights except CL 228 No 1 are attached to land.”
- 2.1.5 In summary, the extant rights relate to Entries 1 and 14 in the table below, which apply to the whole area of the common, not specific parcels. These rights include a total of 55.5 stints.
- 2.1.6 These extant rights are managed by the Conservators of West Tilbury Commons by means of the West Tilbury Commons Bye-laws made by the Conservators under the powers of the Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893 and of the award made in pursuance thereof, and of the Inclosure Acts 1845 to 1882. Other rights, including those for the benefit of the neighbourhood are also included in the 1893 Act and relevant Bye-laws.

**Table 1: Summary of Rights for CL 228**

<b>Rights Entry</b>	<b>Rights Holder</b>	<b>Rights</b>	<b>Status</b>
1	Charles Henry Cole, owner as Lord of the Manor	31.25 stints	Extant – not attached to land
2	Charles Henry Cole – owner	4 stints	No longer part of the Common
3	Robert Lindsay Cole	145 stints	No longer part of the Common
4	Robert Lindsay Cole	148 stints	Entry 4 has been replaced by Entry 3 but no longer part of the Common
5	Allen Charles Cole	7 stints	No longer part of the Common
6	CH Cole and Sons, tenants	6 stints	No longer part of the Common
7	Allen Charles Cole and Robert Lindsay Cole, joint owner and joint tenants; Richard Timothy Asplin joint owner	42.75 stints	No longer part of the Common
8	William John Ockendon, tenant	26 stints	No longer part of the Common
9	William John Ockendon tenant and Arthur Allan Charles Cole owner	6.75 stints	No longer part of the Common
10	William John Ockendon tenant and Robert Lindsay Cole owner	12.25 stints	No longer part of the Common
11	Miss Bertha Evelyn Bull owner and Allen Charles Cole and Robert Lindsay Cole tenants	2 stints	No longer part of the Common
12	David Nelder and William Nelder owners	5 stints	No longer part of the Common
13	Walter Gothard, owner	To graze 20 cattle over part of land south of railway line and west of Marsh Farm sewage works	No longer part of the Common
14	Allen Charles Cole and Rover Lindsay Cole Owners	24.25 stints	Extant – not attached to land
15	CH Cole and Sons, tenants	25 stints	No longer part of the Common
16	CH Cole and Sons, tenants	44.75 stints	No longer part of the Common
17	CH Cole and Sons, tenants	2.75 stints	No longer part of the Common
18	Rev Dudley Arthur Whitwham, owner	4.5 stints	No longer part of the Common
19	Rev Dudley Arthur Whitwham, owner	2.75 stints	No longer part of the Common
20	Thurrock Urban District Council	2.25 stints	No longer part of the Common
21	Thurrock Urban District Council	1.5 stints	No longer part of the Common
22	Thurrock Urban District Council	15 stints	No longer part of the Common

### 3. Common Land Baseline

#### 3.1 Release Land – Walton Common & strip of Tilbury Fort Common

3.1.1 The main development site for Thurrock Flexible Generation Plant partly comprises an area of common land known as Walton Common, together with a strip of Tilbury Fort Common, which form part of a single common land parcel known as The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons (Common Land Parcel CL 228). The total area of CL 228 is approximately 37.04 ha.

3.1.2 The area of common affected comprises approximately 10.1 hectares on Walton Common and 0.464 hectares of Tilbury Fort Common. Walton Common is located to the south of the existing railway line and links to the other parts of The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons via an at grade crossing over the railway. There are padlocked gates to either side of the tracks as shown in the Photograph 1 below.



3.1.3 There are no existing public rights of way connecting to the release land which comprises the whole of the area known as Walton Common.

3.1.4 This area of release land lies at the southern tip of CL 228 and is an isolated block of land with no links to other recreation routes and cut off from the remainder of the CL 228 by the railway line.

3.1.5 The centre of the proposed area of release land is approximately at GR TQ 6620 7650 and the location of the release area is shown on Figure 1.

3.1.6 The following photographs taken in September 2020, illustrate the nature of the release land and their locations are shown on Figure 2. Photograph 2 presents a view of the southern part of the release land looking south towards the power station.



3.1.7 Photograph 3 illustrates the entrance to the small area of the release land on Walton Common to the west of the track immediately south of the railway, access to which can only be taken through private farmland with no public rights of access.



3.1.8 The strip of release land on Tilbury Fort Common lies to the east of Fort Road and comprises an area of grassland that is currently grazed by horses. It partly includes an area of common land that was identified for temporary use for the Tilbury2 project and is immediately adjacent to the common land that was de-registered as part of that project. The common land register has not been updated to reflect this deregistration and exchange but the deregistration and exchange was authorised in the Port of Tilbury (Expansion) Order 2019 (Article 37) and therefore the additional land required for this application has been calculated as though the common land register and map had been updated.

3.1.9 Aerial and street view photography of this strip of land illustrates that the part temporarily used for the Tilbury2 project has been disturbed with a significant reduction in the grassland sward as shown on Photograph 4 below, although it appears that the area has been re-seeded and is recovering.



#### The soil and agricultural characteristics of the release land

3.1.10 The release land currently comprises agricultural grassland and forms part of the alluvial coastal marshes along the Thames Estuary.

3.1.11 The published soils information from the Soil Survey of England and Wales, Soils of South East England shows the land to comprise soils from the WALLASEA 1 Association (813f.). These soils are described as a collection of “Deep, stoneless non-calcareous and calcareous clayey soils; groundwater controlled by ditches and pumps, flat land, slight risk of flooding”.

3.1.12 A soil survey of the release land was undertaken as part of a larger study of the proposed development. Soil profiles within the area comprise approximately 20 cm clay topsoil overlying a thin mottled, dark grey mottled clay upper subsoil and a grey slowly permeable clay lower subsoil at a depth of approximately 30 cm.

3.1.13 The agricultural quality of this land, according to the Ministry of Agriculture Fisheries and Food Agriculture Land Classification System 1988 is limited to lower quality Subgrade 3b according to a moderately severe soil wetness limitation.

3.1.14 The release land is within the ownership of the Mill House Farm landholding. This is currently a large, predominantly arable land holding comprising approximately 1200ha.

3.1.15 Access for agricultural operations is gained along a track that runs westwards immediately to the south of the railway line from a gated access located to the south of the railway crossing in Church Road.

#### Public rights of access

3.1.16 The public has a right of access over the release land by virtue of the Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893. However, as this only permits public access to those in the locality it is supplemented by the access provided by section 193 of the Law of Property Act 1925. In the event that the Law of Property Act right of access was ever revoked the provisions set out in the Countryside and Rights of Way Act 2000 would automatically apply. The right of access conferred under the Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893 is managed by the West Tilbury Commons Conservators (WTCC) in accordance with the West Tilbury Commons Bye-laws.

3.1.17 The 1893 Act makes provisions under 3.1 “*That there be reserved to the inhabitants of the parish and neighbourhood at all times a right of free access to the common, and a privilege of playing cricket and other games, and of enjoying reasonable recreation thereon, subject to such byelaws and regulations as may from time to time be made by the Conservators and confirmed by the Secretary of State, and that the Conservators may set apart such portion or portions of the common as they consider expedient for cricket and other games, and may inclose the same temporarily with posts and chains or other open fence, so as to prevent cattle or horses straying thereon*”.

3.1.18 The West Tilbury Commons Bye-laws prohibit, *inter alia*, the “*Interfering with, obstructing or annoying any person Exercising as Volunteers, or who are Playing or have made preparations for playing at Cricket, Football, Golf, or other games on the Places sanctioned by the Conservators or with Persons properly using the Commons*”.

- 3.1.19 There are no existing public rights of way connecting to either area of release land, although a public footpath (FP146) forming part of the Thames Estuary Path runs to the south of the Tilbury Fort Common.
- 3.1.20 There are gates across the railway that link Parsonage Common to the north and the release land of Walton Common to the south. However, as illustrated in Photograph 1 above, the gates are padlocked with Network Rail warning signs attached to them. Access between Parsonage Common and the release land therefore requires the public to climb over two gates and cross an active railway line. Its value as a recreational resource is therefore limited by the fact that it is difficult and hazardous to reach and in effect is a recreational dead end, not forming part of any recreational circuit.
- 3.1.21 To the south of the railway line the main area of common land is accessed via a grass track. The small area of common land to the west of this track shown on Figure 1 cannot be accessed directly from the track and is therefore landlocked and inaccessible to the public by land that does not form part of the common to the north, where the field access is situated.
- 3.1.22 Visits to the Walton Common release land have been made on a periodic basis since 2018 by the environmental survey teams and no active public access has been observed by them on this area of the release land.
- 3.1.23 The area of release land on Tilbury Fort Common comprises a sliver of land to the east of Fort Road and immediately adjacent to the new highway fence. It forms a very small part of the remaining area of the Common that lies on this side of the upgraded road. The common is fenced and gated against the road on the eastern side as far as FP146. This means that public access to this parcel does not appear to be easily achieved and therefore its value as a recreational resource is severely limited.

### Nature conservation interests

- 3.1.24 There are no designations for biodiversity on the Walton Common release land. The Phase 1 survey of this area of common land, see Figure 3, shows the main part of the release land predominantly comprises semi-improved grassland which is relict grazing marsh. This does not meet the criteria for the Priority Habitat Coastal & Floodplain Grazing Marsh due to its relatively degraded nature and lack of botanical and breeding wetland bird interest in the associated perimeter ditches. The small area of common land to the west of the track is shown on Figure 3 as improved grassland. This piece of land has not been mown this year and therefore currently comprises overgrown improved grassland.

- 3.1.25 The release land on Tilbury Fort Common adjacent to Fort Road, lies within the Tilbury Marshes Local Wildlife Site (LWS), designated for presence of relict grazing marsh, brackish ditches and grasslands (the latter associated with Tilbury Fort). Most of this release land overlaps with land taken temporarily for construction works associated with the Tilbury2 development, and consequently currently includes recently restored grassland, ditch and scrub / woodland planting. These habitats are not considered to have developed significant ecological value at this stage.

### The Landscape

- 3.1.26 The release land on Walton Common lies at approximately 2 m AOD and is slightly uneven in its levels. It comprises mainly mown grassland, with reed filled ditches on some of its boundaries crossed by pylons and overhead power lines. There are a few scrubby bushes, mainly hawthorn associated with the edges of the field. There are no rare landscape features or elements on the release land, which is visually dominated by the adjacent National Grid 400 kV Tilbury Substation and associated overhead power lines. The area of release land on Tilbury Fort Common predominantly comprises recovering grassland that is heavily grazed by horses.
- 3.1.27 Both areas of release land lie within the Thurrock landscape character area of 'Tilbury Marshes', which is described as an open and exposed landscape dominated by the sky and with few settlements, but the *"influence of the urban edge of Tilbury and associated roads/industrial and port building is significant in the north and west of the area [and] the large-scale building and bulk of the Tilbury Power Station provides a dramatic contrast to the prevailing flatness of the landscape."* It does not lie within any designated (protected) landscape.

### Archaeological remains and features of historic interest

- 3.1.28 The release land on Walton Common and Tilbury Fort Common does not contain any recorded heritage assets in local and national datasets or designated heritage assets. There are no World Heritage Sites, Historic Battlefields, Registered Parks and Gardens, Scheduled Monuments, Conservation Areas or listed buildings located on the release land.
- 3.1.29 There are no recorded remains within the following archaeological and/or historic periods on the release land:
- Prehistoric (pre 150,000 BC – AD 43)
  - Roman/Romano-British (AD43 – AD410)
  - Saxon/Early Medieval (AD410 – AD1066)
  - Medieval (AD1066 – AD 1485)

- Post-Medieval (AD 1485 - 1700)
- 18th century (AD 1701 – 1800)
- 19th century (AD1801 – 1900)
- Early 20th century (1901 – 1939)
- World War II (1939 – 1945)
- Modern (1901 onwards).

3.1.30 The release land is not located within any areas of perceived archaeological potential, as recorded within the Essex Historic Environment Record (EHER) or National Heritage List for England (NHLE). However, indications of sub-surface potential archaeological features were recorded within a geophysical survey of the release land on Walton Common in 2017 and geoarchaeological monitoring of site investigation works identified a possible Bronze Age ditch. A detailed gradiometer survey of the Walton Common release land has been undertaken and has identified magnetic anomalies, along with weaker anomalies of likely geological origin and a large amount of high magnitude, ferrous anomalies. Given the previous ground disturbance on the Tilbury Fort Common release land there is not expected to be any impacts to below ground archaeological deposits: However, a written scheme of archaeological investigation has been prepared to investigate, record and understand the archaeological potential of the area affected by the proposal and to offset the impacts of the Scheme through preservation by record.

3.1.31 The release land lies within 'Zone 117\_2 East Tilbury Marshes' as characterised in The Essex Thames Gateway Historic Environment Characterisation Project. This area historically comprised grazing marsh with a field system of small, irregular enclosures and would have provided extensive grazing, a characteristic feature of the Essex marshes.

## 3.2 Exchange land

3.2.1 It is proposed that an agricultural field north of the railway line, which comprises approximately 11.6 hectares of land, would be offered in exchange for the release land being deregistered. The location of the proposed exchange land is shown on Figure 1 and the centre of the area is at approximately GR TQ 6580 7680. Photograph 5 below shows the entrance to the exchange land from Parsonage Green at the eastern end.



3.2.2 This area is not currently common land, open space or subject to any rights of public access pursuant to the Countryside and Rights of Way Act 2000 or neighbourhood rights under any other legislation. The area is also not currently used by the public for recreation.

### Soil and agricultural characteristics

3.2.3 The published soils information from the Soil Survey of England and Wales, Soils of South East England shows the exchange land to comprise soils from the WALLASEA 1 Association (813f.). These soils are described as a collection of “*Deep, stoneless non-calcareous and calcareous clayey soils; groundwater controlled by ditches and pumps, flat land, slight risk of flooding*”.

3.2.4 A soil survey of the exchange land has been undertaken as part of a larger study of the proposed development area. Soil profiles within the area comprise approximately 20 cm clay topsoil overlying a thin mottled, dark grey mottled clay upper subsoil and a grey slowly permeable clay lower subsoil at a depth of approximately 30 cm.

3.2.5 The agricultural quality of the exchange land, according to the Ministry of Agriculture Fisheries and Food Agriculture land Classification system 1988 is limited to lower quality Subgrade 3b according to a moderately severe soil wetness limitation.

- 3.2.6 The exchange land currently forms part of a single arable agricultural field. The land is bounded by ditches on the eastern, northern and western edges and by the railway to the south. There is a field entrance that crosses the ditch on the eastern edge, adjacent to Parsonage Common.
- 3.2.7 The exchange land is within the ownership of the Mill House Farm landholding. This is currently a large, predominantly arable land holding comprising approximately 1200ha of land.
- 3.2.8 The land and ownership rights that are currently extant on the release land would be transferred to the exchange land ensure that there are no adverse effects to those rights. As there are no commoners currently exercising their rights of common there will be no detriment to those commoners. In addition as the only way the public can access the release land is across other common land any future use of the rights will be able to be accessed in the same way as currently but without the need to cross the railway to access the exchange land.
- 3.2.9 Furthermore, the only rights of common over the release land are those belonging to the landowner of the release land who consents to the application.

#### **Public rights of access**

- 3.2.10 The exchange land is not currently common land, open space or subject to a right of public access pursuant to the Countryside and Rights of Way Act 2000 or neighbourhood rights under any other legislation.
- 3.2.11 It is proposed that the same rights of public access would apply to the area of exchange land as those extant on the release land. In relation to the 1893 Act, the replacement land would be managed by the WTCC in accordance with the West Tilbury Commons Bye-laws.
- 3.2.12 The exchange land would be contiguous with the remaining common land parcels making up The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons (adjoining and having direct access from Parsonage Common).

#### **Nature conservation interests of the exchange common land**

- 3.2.13 The land currently comprises an agricultural field in arable use which is of limited ecological value. It will be established as semi-natural grassland as outlined below.

#### **The landscape of the exchange common land**

- 3.2.14 The exchange common land does not lie within any designated (protected) landscape. There are no rare landscape features or elements in the area which is bounded by drainage ditches to the north and an existing hedgerow alongside the railway to the south. Tree and hedgerow planting is proposed to improve the screening between the railway and the replacement land.

#### **Archaeological remains and features of historic interest of the exchange land**

- 3.2.15 The area of exchange land does not contain any recorded heritage assets in local and national datasets or designated heritage assets. There are no World Heritage Sites, Historic Battlefields, Registered Parks and Gardens, Scheduled Monuments, Conservation Areas or listed buildings located within the exchange land.
- 3.2.16 There are no recorded remains within the following archaeological and/or historic periods on the exchange land:
- Prehistoric (pre 150,000 BC – AD 43)
  - Roman/Romano-British (AD43 – AD410)
  - Saxon/Early Medieval (AD410 – AD1066)
  - Medieval (AD1066 – AD 1485)
  - Post-Medieval (AD 1485 - 1700)
  - 18th century (AD 1701 – 1800)
  - 19th century (AD1801 – 1900)
  - Early 20th century (1901 – 1939)
  - World War II (1939 – 1945)
  - Modern (1901 onwards).
- 3.2.17 The land is not located within any areas of perceived archaeological potential, as recorded within the Essex Historic Environment Record (EHER) or National Heritage List for England (NHLE).

3.2.18 The area of exchange land lies within 'Zone 117\_3 Low Street and West Tilbury Marshes' as characterised in The Essex Thames Gateway Historic Environment Characterisation Project. This comprises a rural landscape of small, rectilinear fields with extensive drainage ditches on the grazing marsh to the south, with major power lines running north from Tilbury Power Station (although there are none in the exchange area itself).

3.2.19 A detailed gradiometer survey has been undertaken on the proposed exchange land as well as on the release land. This survey has identified magnetic anomalies across both areas and therefore identifies them both as being broadly comparable in terms of geological and archaeological potential, and are thus of equal historic interest.

**Works to be undertaken to establish the exchange land.**

3.2.20 These would include:

- The arable use of the field will be replaced by semi-natural grassland. The area would be cultivated and sown with a mix that is representative of the NVC community (MG1) present within the release land. An example of the type of mix currently available would be <https://grassandflower.co.uk/british-flora/store/products/bfs-13-tussocky-grassland-wildflower-meadow-mix/>
- It is proposed to thicken the existing vegetation along the southern boundary with a native scrub and tree mix to a maximum width of approximately 5m
- A ditch would be dug to create the western boundary of the area of exchange common land with a crossing point for agricultural access to the remaining arable land to the west

3.2.21 It is proposed that the current entrance to the exchange land across the existing ditch would be retained in its current location and would not be gated.

## 4. Consultation

4.1.1 Thurrock Power Limited (a Statera Energy Group company) undertook a pre-Section 16 Application consultation exercise in September 2020 in relation to the release of 10.1ha of Walton Common which included the landowners together with the following consultees:

- Natural England
- Historic England – East of England
- Essex Field Club
- Open Spaces Society (OSS)
- West Tilbury Commons Conservators (WTCC)
- Thurrock Council

4.1.2 The consultation letter and accompanying plan are attached at Appendix B.

4.1.3 Wider consultation was not undertaken at this time as the proposal to deregister the common land and offer exchange land had previously been consulted upon as part of the development consent order process which is being used to secure consent to construct the proposed development. Therefore it was considered that the public were aware of and had previously had the opportunity to comment on the proposals and to consult again would risk causing consultation fatigue.

4.1.4 No consultation has been undertaken on the proposed de-registration of the small sliver of land on Tilbury Fort Common as this was a late addition to the project and this application. However, the landowner and commoners with rights of common are aware of, and supportive of the proposal.

### Natural England

4.1.5 A response to this consultation was received from Natural England on 5<sup>th</sup> November. A copy of this is attached at Appendix C and the following comments on this response are made below.

4.1.6 General matters Page 2 of the NE consultation letter which provides general background commentary states:

*“However, discussion with the West Tilbury Conservators indicates that there is still grazing on the site, this is undertaken by the one remaining stint holder who is now the owner of the common. All other stint holders in fact no longer exist due to changes to the dominant tenements.”*

4.1.7 In response, it is confirmed that whilst grazing rights exist, the release land is not currently grazed. Instead, the grass was cut and baled in 2020.

4.1.8 On page 2, NE continue:

*“Natural England has also been made aware by the West Tilbury Conservators that they are deeply concerned with illegal use of the existing common on the Fort Hill Road. As Natural England’s remit does not extend to the interest of the landowners and managers of the land we would not normally involve ourselves in these matters. However, it would appear that this might influence the Conservators regarding the replacement land and its accessibility.*

*Natural England has been informed that as part of the NSIP process significant consultations with stakeholders, conservators, and the public have taken place over a long period. We would expect that views and advice given during this process have directed the choice of the replacement land during this process.”*

4.1.9 There has been continual liaison between Thurrock Power Limited and the WTCC and these views have been taken into account in the development of the Section 16 proposals, as discussed below at Paragraph 4.1.34. The WTCC have not responded to the pre-Section 16 Application consultation.

4.1.10 The NE consultation response letter beginning at page 3 discusses the following specific points in relation to the pre-application consultation.

### Recreation and Access

4.1.11 On page 4, NE states:

*“The proposed replacement land has the potential to improve access to Parsonage Common and Hall Hill Common as well as providing a replacement for Walton Common close to their homes. Together with Hall Hill Common and Parsonage Common, which are contiguous, the replacement will form an extensive stretch of common land. However, several questions remain unanswered which will affect the use and accessibility of the proposed area”.*

4.1.12 The first question at Point 1 states.

*“The new common falls short of the Fort Hill Road by approximately 100 metres. The applicant states that they would provide a permissive route across this new field to reach to the Fort Hill Road. This route is not dealt with under this s16 application. We have seen from the railway crossing how easily a route that no doubt existed at one point in time can be simply taken away when there is no right in law.*

*This has the potential to be an exceedingly important route for the community of Tilbury. Without this route the public would have a walk 1.7km to reach the proposed replacement land. Therefore, it is too important to be left to the possibility of future closure. The estimate of distance that we have made aligns with that given in the applicant’s statement at 1.2.8.*

*The applicant’s statement 2.2 - Land, Special Category Land and Crown Land Plans shows the land to be purchased includes a narrow strip of land that runs from the proposed replacement land to the Fort Hill Road, at the northern edge of the present field. This land could also be offered as part of the replacement land and create a statutory corridor of common land to the main area of the common from the road.*

*An alternative to would be to agree to the creation of a public right of way.*

*It is Natural England’s view that the access to this replacement land should be dealt with under the s16 proposal as it impacts on the use of the proposed common.”*

- 4.1.13 The proposal for the provision of a permissive route from Fort Road to the proposed exchange land is not included as part of this S16 application. However, the location of the proposed exchange land would improve the accessibility of the common as it currently exists.
- 4.1.14 Currently, in order to access the release land from the residential community close to Fort Hill Road, a walker would follow the strip of common northwards along Fort Hill Road, eastwards along Cooper Shaw Road and then south through Parsonage Common, crossing the railway line to access the release land.
- 4.1.15 The location of the proposed exchange land to the north of the railway line firstly prevents the need for a walker to have to cross an operational railway line and also reduces the distance that a walker would have to travel to access the current area of the release land by approximately 225m.
- 4.1.16 NE go on to state at Point 2

*“There is no information provided regarding the boundary which lies between Parsonage Common and the proposed replacement land. It would be useful to know if the commons will be managed as one entity or continue to be managed, separately. If this is the case, then the boundary would be needed to be punctuated with access points to provide permeability. The least restrictive option should be chosen. If no grazing is be undertaken, then gaps could be provided. If the land is to be grazed then a 2 way non self-closing gates are recommended which meet the BS 5709: Gaps, Gates and Stiles. If, on the other hand, there is a ditch between the 2 commons provision should be made for bridges/ crossings which meet the Equalities Act and are wide enough to take a mobility vehicle”.*

- 4.1.17 There is farming access from Parsonage Green through an existing field entrance as shown in the Photograph at paragraph 3.2.1 above. It is proposed that this entrance would be retained in its current location and would not be gated. This access does not require the crossing of the railway lines, as is currently the case to reach the existing the release land.

- 4.1.18 At Point 3 NE state:

*“The replacement land, even when grassed may not readily appear to the public to be common land- rather it may very appear to the public to be an area of inaccessible agricultural grassland. How will the public be aware the land is now registered as common and to which they have rights of access.”*

- 4.1.19 The public have been informed through the consultation process on the Thurrock Power Ltd DCO application that this area of exchange land would be brought forward as part of the proposals. The Section 16 application will also be subject to advertisement in accordance with relevant guidance.

- 4.1.20 At Point 4 NE state:

*“There is no information as to whether there has been discussion on whether the management of the land will cause conflict between various parties. It would be useful to know whether this has been considered.*

*For instance, as discussed Walton Common has been underused, the same management regime is now planned for the replacement land. It is our understanding that the land will be sown with a grass mix and become semi- improved grassland cut for hay. Will this cause difficulty for the land manager possibly because the hay crop will be trampled and may be contaminated by dog faeces, conversely, will the hay crop prevent the public from enjoying the access rights as stipulated in the legislation. Does this require some thought? It might be that when the grass is long, mown routes might prevent problems, as would information”.*

4.1.21 The landowner, who is the remaining stint holder has been involved in the development of the proposals throughout the DCO and Section 16 Application process and is content that the land can be managed for agricultural production as part of a much larger agricultural holding alongside the common land and neighbourhood access and recreation requirements.

4.1.22 Under the heading of 'Other Matters', NE continue:

*As stated in the Background we are aware of the concerns of the Conservators regarding illegal activity on the common at Fort Road. Natural England acknowledges that the replacement land could be more liable to illegal activity than the existing Walton Common. This could make the situation more difficult for the Conservators. Thereby for this land to be successful as common steps an approach has to be found to make the land accessible to the public but not to illegal usage. This should be part of any arrangement.*

4.1.23 It is proposed that public access on to the replacement common land could also be achieved via the proposed permissive route from Fort Road which forms part of the DCO application and not this Section 16 application.

4.1.24 In summary, NE concluded that:

*"The replacement land has the potential to be a much-improved offer for local residents of Tilbury if it's potential is reached. It could also become an area of grassland, never used, and never known to have rights of access".*

4.1.25 It is agreed that the replacement land will provide a benefit for the neighbourhood and the wider public. It is a larger area of common land than the release land; access to the exchange land is much easier than that to the release land and could also benefit from a proposed new permissive access route from Fort Road. The extent and use of this land will be shown on mapping of the area and advertised through the Section 16 process.

#### **Nature Conservation interests**

4.1.26 The NE consultation response letter poses the following question on page 6.

*"Are there potential benefits to nature conservation from carrying out the proposals? Does Natural England or any other competent person agree with the assessment of any proposed benefits?"*

4.1.27 NE then make the following comments:

*"Walton Common is a degraded coastal grazing marsh with ditches that are in poor condition. It is managed as semi-improved grassland. The applicant has done a detailed ecological review, survey and report and has found that Walton Common is never-the-less a habitat for a number of species. These include eighteen species of birds with conservation concern breeding within the survey area, including Cetti's Warbler. They concluded that overall the breeding bird groups were considered to be of district-level importance. Further they reported that the area supports populations of adder, grass snake, common lizard and slow-worm. Also that Water voles have been found to be present in the ditches in some surveys.*

*The requirement of the replacement land is that it should be of at least equal benefit to biodiversity. The last year has indicated the strength of the public interest in nature conservation as well as having access to where they can connect with nature. It would therefore be unfortunate if the replacement land did not provide at least an equal value of the land that the statement says is degraded*

*The position of the replacement land is further from the coast and it may therefore be that the land is destined to have a different biodiversity, however it should be of at least equal benefit. The habitat maps of the area of replacement land seem to indicate that it is presently used by Lapwing, Redshank and by Corn Bunting.*

*The use of the replacement land is cultivated arable land. Since the habitat of the land will be changing it is difficult without further information to say whether the land will have equal biodiversity to the present Walton Common.*

*The proposed replacement land is used for arable and therefore will have been cultivated and fertilised. The plan is to plant a seed mixture that will result in a semi-improved grassland. The applicant's statement is confusing, under 1.2.3 there is a commitment to sow "grassland would be, as a minimum, of the same quality as that existing in Zone A" (Walton Common). This indicates that the mixture could be less valuable for wildlife than the existing common. Further at 1.2.9 the applicant states that "Zone E (the replacement land) currently comprises an agricultural field in arable use which will be established as an area of agricultural grassland. Its primary function is for common land mitigation rather than biodiversity mitigation." This is a very odd statement to make as common land is valued for its contribution to biodiversity. The statement goes on to say that this will lead to a net benefit to breeding birds but does not say how or what breeding birds are expected to benefit or whether there will be a disbenefit to the existing population. Neither is there mention of whether the land will provide habitat for the other species of reptiles and mammals present at Walton Common.*

*Further, in order to ensure that this will happen it would be useful to provide a management plan.*

### Summary

*The applicant has acknowledged that Walton Fen has become degraded in terms of its biodiversity value. Even so it does appear to provide a habitat for a variety of species. The description given to the plans for the exchange land seem to lack any ambition to reverse the degradation, or even to aim at ensuring that an equal biodiversity is found on the proposed area of common.”*

- 4.1.28 With regard to the comment on section 1.2.9. above, the common land application includes a proposal to provide exchange land of at least equal benefit to biodiversity. The point being made is that the proposals for biodiversity mitigation as part of the DCO application do not rely on the proposals being made in relation to the provision of exchange land and the Section 16 Application.
- 4.1.29 As laid out in paragraph 3.2.19 above the area of the exchange land would be cultivated and sown with a mix that is representative of the NVC community (MG1) present within the release land. An example of the type of mix currently available would be <https://grassandflower.co.uk/british-flora/store/products/bfs-13-tussocky-grassland-wildflower-meadow-mix/>
- 4.1.30 The provision of a similar grass sward and the incorporation into the same farming ownership would enable land of at least equal benefit to nature conservation to be provided on the exchange land as on the release land. In addition, the area of habitat would be increased as the exchange land area is 1.5ha larger than the area of the release land.

### The Landscape

- 4.1.31 The NE consultation response letter at page 7 poses the following questions in relation to landscape impact:
- What will be the impact on the landscape if the proposals proceed? Is the landscape in a specially designated area, such as a National Park, or area of outstanding natural beauty? Will the impact include an adverse effect on the enjoyment of the remaining part of the common or green? (E.g. if development of any release land might spoil the view or impair the conservation of wildlife on the remaining part)? What consideration has been given to minimising any impact by good design (e.g. in relation to any fencing scheme, minimising the extent of new fencing by utilising the existing boundaries of the common?)*
- 4.1.32 NE then make the following comments:
- “The Tilbury Commons do not sit within a designated landscape. Walton Common is Walton Common is undoubtedly affected by the urbanisation of the existing power plant. The applicant has proved extensive information regarding landscape and Natural England agrees with this analysis.*

*We also note that the applicant plans to improve the screening between the railway and the replacement land through tree planting / hedging, this may create an improvement in terms of tranquillity and visual appearance”.*

- 4.1.33 The proposals for the exchange land utilise the natural features of the landscape, as far as possible, with current field boundaries to the north, south and east of the land being retained. In addition, as the NE letter states the use of boundary planting to the south would provide enhancement in terms of tranquillity and visual appearance.

### Historic England

- 4.1.34 Historic England in their response contained in Appendix C confirmed that *“On the basis of the information available to date, we do not have any objection to the proposal in principle. However, following NPS EN-1 paragraph 5.8.10, we have recommended the need for detailed archaeological field surveys within the area of Walton Common. This work is required to fully characterise the historic environment baseline, and to establish the significance, and level of harm to the significance of those archaeological remains. We have recommended this work should be carried out prior to, and in order to inform, development consent”.*
- 4.1.35 In addition, comments were received from both the OSS and WTCC as part of the preparation of the draft DCO and accompanying Environmental Statement which included the draft proposals for the provision of exchange common land for the loss of the release land. These responses are summarised below and attached at Appendix D.

### Open Spaces Society

- 4.1.36 While the Open Spaces Society (OSS) did not respond formally to the consultation they did ask some questions seeking clarification in respect of the plans and the permissive footpath. In their response to the October 2019 DCO consultation the OSS raised no issues in relation to the area of land proposed for deregistration or the area proposed as exchange land. They do comment on the provision of a link between the exchange land and Fort Road which forms part of the DCO application, but this proposal does not form part of this Section 16 Application

### West Tilbury Commons Conservators

- 4.1.37 The WTCC have responded to the October 2019 DCO consultation but not to the Section 16 application. The concerns raised that are relevant to the Section 16 Application are addressed as follows:
- 1. Access:** *It would be necessary for any newly acquired replacement land, and parts thereof, to be easily accessible for stint holders.*

Access would be easily accessible directly from Parsonage Common immediately to the east

**2. Security:** *A suitably secure fence between the acquisition land and existing common land to be erected at Statera/TPL expense. This would benefit both parties but Statera/TPL more than West Tilbury Commons.*

Fencing is proposed along the western boundary of the proposed exchange land to maintain security as suggested by WTCC.

**3. Contiguity:** *All replacement land acquired by Statera/TPL for exchange must be contiguous with existing common and of an area not less than that acquired.*

The proposed exchange land is contiguous with the existing common and provides an additional 1.5ha of land to be added to the area of the common.

**4. Costs:** *All expenses for the legal, survey, administrative, clearance and re-registration charges to be met by Statera/TPL. The WTCC have very slender resources and we would not want any hold ups due to lack of funds.*

These costs would be met by the applicant.

**5.** *That any development should not at any time, present and future, adversely affect the operation of the common land for stint holders or create any conflict or infringement of the appropriate bye-laws for WTCC.*

The Section 16 application would not adversely affect the operation of the common land for the stint holders and adds additional land to the common.

**6.** *What area of the common land will be required?*

The area of the release land is 10.15ha.

**11.** *Will there be any connections to gas (or other pipes) as well as electricity cables and suchlike to run across, over or under any present or future registered common?*

There are no proposals for cables to run beneath the proposed exchange land as part of this Section 16 Application.

**14.** *Will there be any run-off of water in to ditches alongside any of the present or future registered common land?*

The existing ditches would be retained on the eastern and northern boundaries of the proposed exchange land as part of this Section 16 Application.

## 5. Section 16 Application – Relevant Criteria

### 5.1 Introduction

5.1.1 In identifying the provision of exchange land to replace the area of land to be released from registration as common land as a result of the proposed Thurrock Flexible Generation Plant development, Thurrock Power Limited has considered the relevant criteria set out in the Commons Act 2006.

5.1.2 The exchange land meets the requirements of each of these criteria as follows:

### 5.2 The interests of persons having rights in relation to, or occupying, the release land

#### Area of release and exchange land

5.2.1 The proposed area of exchange land is approximately 11.6 hectares. This area is of sufficient size to mitigate for the permanent loss of the release land (10.15 ha) and exceeds the area of the release land by approximately 1.5ha.

#### Physical characteristics

5.2.2 The release and exchange land both comprise soils from the WALLASEA 1 Association (813f.). These soils are described as a collection of “*Deep, stoneless non-calcareous and calcareous clayey soils; groundwater controlled by ditches and pumps, flat land, slight risk of flooding*”. An Agricultural Land Classification and Soil survey has confirmed that both the release and exchange areas comprise Subgrade 3b land, typical of the WALLASEA 1 Association. Therefore, the exchange land comprises similar physical characteristics to the release land.

#### Land Use

5.2.3 The proposed works to the exchange land includes the seeding of the exchange land with a suitable grassland mix to establishment an area of agricultural grassland which would be of the same quality as that existing in the release land.

#### Land and ownership rights

5.2.4 The land and ownership rights that are currently extant on the release land remain as the de-registration of the release land only affects its status as common land.

5.2.5 There are no rights over the exchange land which would be detrimentally interfered with as a result of the land becoming common land. Therefore, the commoners and other rights holders could continue to exercise their rights as compared to the current situation.

### 5.3 The protection of public rights of access to any area of land

5.3.1 The same rights of public access would apply to the exchange land as those on the release land. In addition, neighbourhood access and recreation rights under the Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893 would also be transferred to the exchange land.

5.3.2 The exchange land will be very similar in character to that existing on the release land and will be contiguous with the remaining common land parcels making up The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons. Therefore, the proposed exchange land would protect the public rights of access and the neighbourhood access and recreation rights.

5.3.3 Indeed, the exchange land offers the following benefits in regard to public rights of access and neighbourhood access and recreation rights:

- The total area of accessible exchange land is approximately 1.5ha greater than the area of the release land;
- All of the exchange land can be accessed from existing public/neighbourhood access land. This is not the case for the release land where the small area to the western side of the track to the south of the railway can only be accessed from the north through privately owned land;
- As the replacement land is adjacent to Parsonage Common it is easier to access than the release land, where access can only be achieved by crossing the gated active railway line in the case of Walton Common or by climbing over a fence/gate in the case of Tilbury Fort Common.

5.3.4 In addition, it is proposed as part of the DCO application that permissive pedestrian access be provided to the exchange common land from the strip of common land along Fort Road. The access would be by way of a permissive footpath between the exchange land and Fort Road which would provide a new link which would improve access between the common land and the residential areas to the west, a distance of approximately 110 metres. This permissive route would be compliant with the Equalities Act 2010. This proposal does not form part of the Section 16 Application and therefore no reliance is placed upon it in this consideration of the relevant criteria.

## 5.4 Public interest in nature conservation

- 5.4.1 The conversion of the exchange land from arable to semi-improved grassland would function as like-for-like exchange for grassland lost on the release land. Overall, the creation of a larger area of exchange land would result in approximately an additional 1.5ha of semi-improved grassland habitat.
- 5.4.2 There will also be additional planting along the southern edge of the exchange land that would also improve linear habitat connectivity.
- 5.4.3 There would therefore be no negative impacts on the public interest in nature conservation. Rather there would be a benefit through the increase in available habitat and the improvement in habitat connectivity.

## 5.5 Public interest in the conservation of the landscape

- 5.5.1 Neither the release land nor the exchange land lies within any designated (protected) landscape, nor do either contain any rare landscape features or elements.
- 5.5.2 The proposed works to the exchange land includes a provision of a strip of scrub and tree planting feature to the south of the area, alongside the railway line.
- 5.5.3 There would be no impact on public interest in the conservation of the landscape arising from the provision of exchange land for the loss of the release land.

## 5.6 Public interest in the protection of archaeological remains and features of historic interest:

- 5.6.1 The characteristics of the exchange land are very similar to that of the release land. Neither of the areas contain any recorded heritage assets in local and national datasets or designated heritage assets and there are no recorded remains within archaeological and/or historic periods from pre 150,000BC to the modern period (1901 onwards).
- 5.6.2 In addition, neither are located within any areas of perceived archaeological potential, as recorded within the Essex Historic Environment Record (EHER) or National Heritage List for England (NHLE).
- 5.6.3 Therefore, there would be no impact on the public interest in archaeological remains and features of historic interest arising from the provision of exchange common land for the loss of the release land.

## 5.7 Summary

- 5.7.1 The analysis of this Section 16 application above shows that not only would be no negative impacts arising from this application in relation to any of the relevant criteria under the Commons Act 2006, but there would be benefits arising from these proposals, including:

- An increase of approximately 1.5ha of land within the total area of The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Commons – CL 228.
- An area of exchange common, all of which can be readily accessed by the neighbourhood and the wider public, compared to the current situation where a proportion of the release land can only be accessed through private land.
- A benefit in the ease to which the neighbourhood and the wider public can access the exchange land where there will be no requirement to cross the railway or climb a fence/gate as is currently the case to access the release land..
- A net benefit to nature conservation from the additional provision of suitable habitat within the exchange land and an increase in habitat connectivity through the provision of a strip of scrub and woodland planting to the south of the exchange land.

## Figures

565000

565200

565400

565600

176400

176400

176200

176200

176000

176000

175800

175800

565000

565200

565400

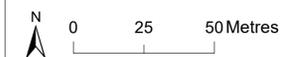
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### Legend

- Land required for Thurrock FGP
- Permanent deregistration as part of Tilbury2 scheme



Date: 14/07/2020  
 Created by: MS  
 Checked by: JT  
 Doc no: 10872-0246-003  
 Scale: A1@ 1:2,500  
 Reference System: OSGB36  
 Projection: BNG



Rev	Date	Remark

### Thurrock Flexible Generation Plant Tilbury 2 Commons Context Plan

Figure 1



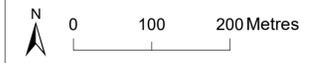


**Legend**

- Exchange land
- Release land
- Common land



Date: 14/07/2020  
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 Checked by: JT  
 Doc no: 10872-0311-01  
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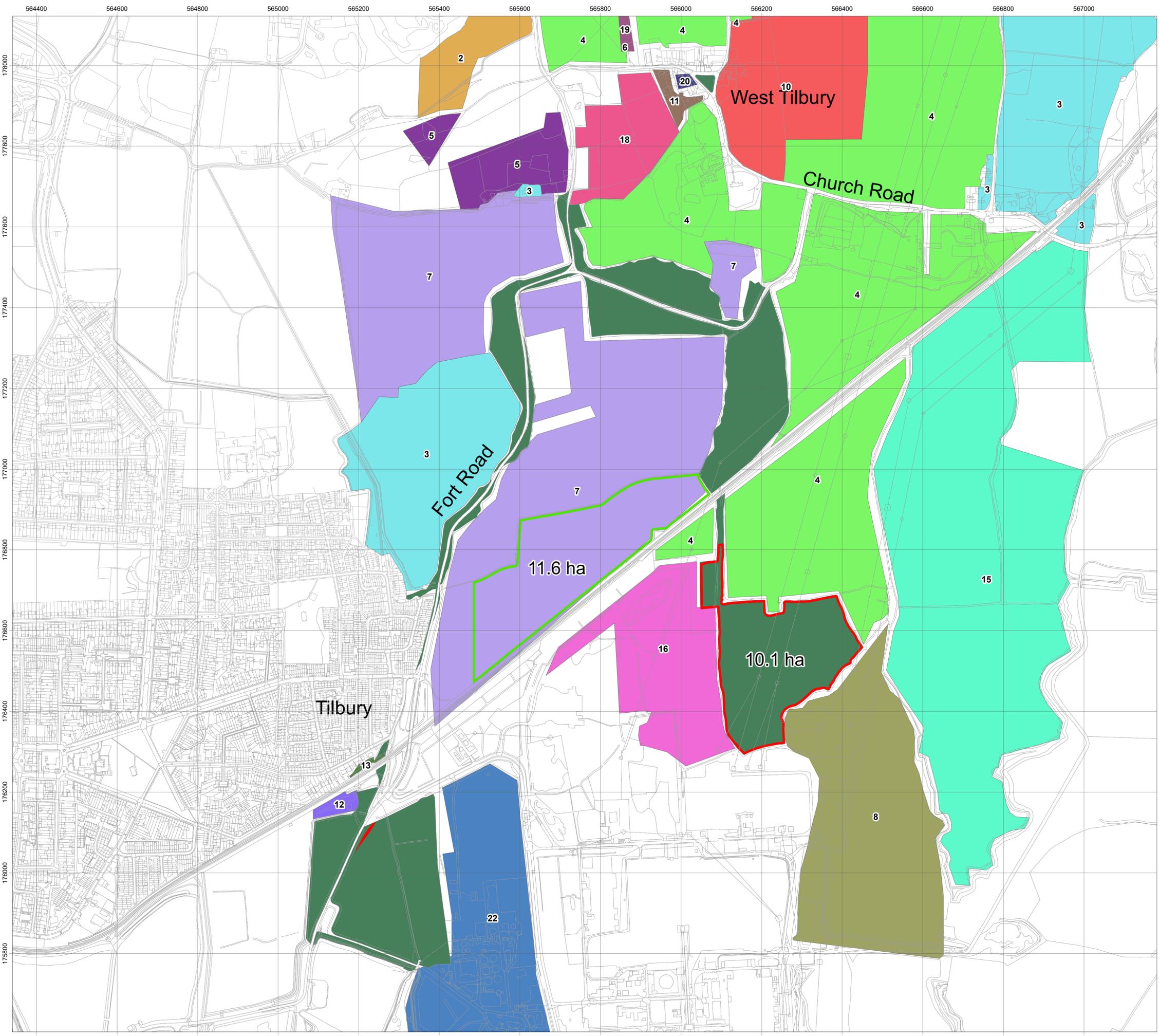


Rev	Date	Remark

**Thurrock Flexible Generation Plant  
 Section 16 Commons Application Context Plan**

Figure 2



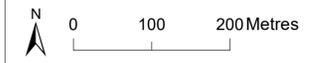


**Legend**

- █ Exchange land
  - █ Release land
  - █ Common land
- Common Land Entry Number**
- █ 2
  - █ 3
  - █ 4
  - █ 5
  - █ 6
  - █ 7
  - █ 8
  - █ 10
  - █ 11
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  - █ 22



Date: 14/07/2020  
 Created by: MS  
 Checked by: JT  
 Doc no: 10872-0246-003  
 Scale: A1@ 1:4,500  
 Reference System: OSGB36  
 Projection: BNG

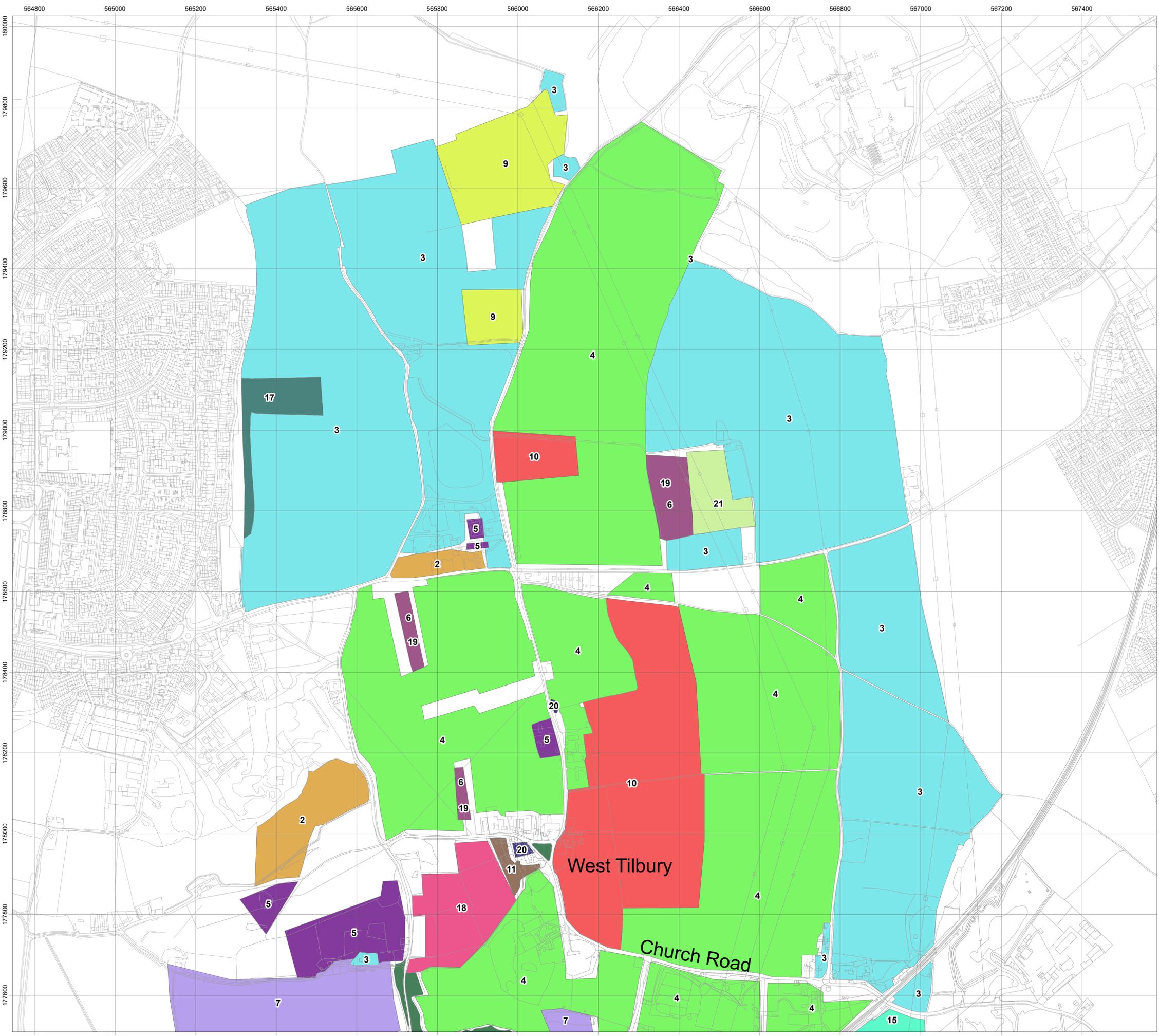


Rev	Date	Remark

**Thurrock Flexible Generation Plant**  
 Section 16 Commons Application - CL 228 Register  
 Entries and Current area of Common Land

Figure 3a





### Legend

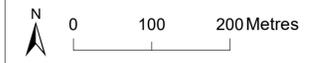
- Exchange land
- Release land
- Common land

#### Common Land Entry Number

- 2
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- 4
- 5
- 6
- 7
- 9
- 10
- 11
- 15
- 17
- 18
- 19
- 20
- 21



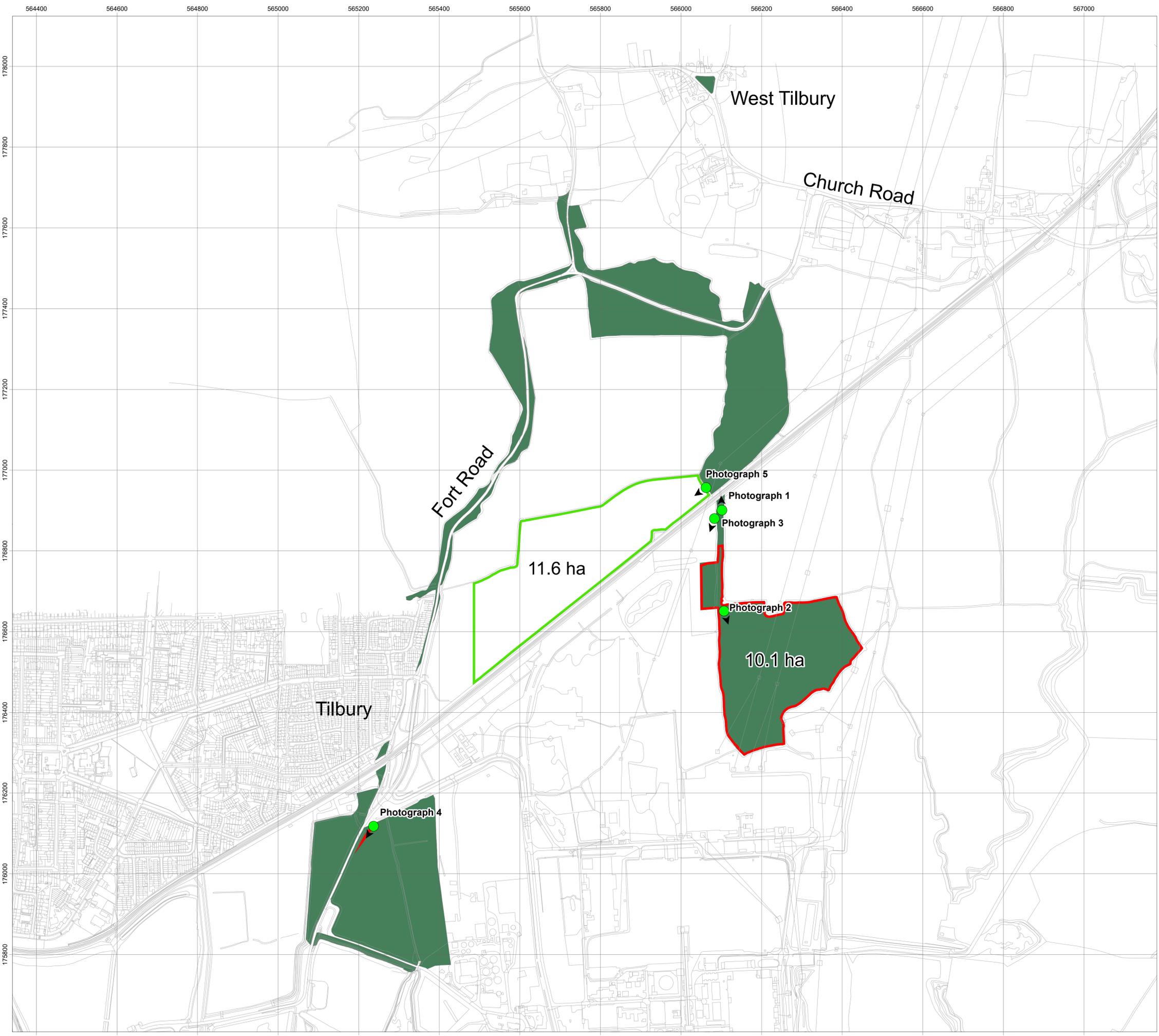
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 Checked by: JT  
 Doc no: 10872-0246-003  
 Scale: A1@ 1:4,500  
 Reference System: OSGB36  
 Projection: BNG



Rev	Date	Remark

Thurrock Flexible Generation Plant  
 Section 16 Commons Application - CL 228 Register  
 Entries and Current area of Common Land  
 Figure 3b



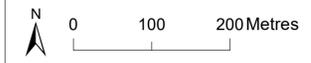


**Legend**

- Exchange land
- Release land
- Common land
- Photograph Location



Date: 14/07/2020  
 Created by: MS  
 Checked by: JT  
 Doc no: 10872-0246-003  
 Scale: A1@ 1:4,500  
 Reference System: OSGB36  
 Projection: BNG



Rev	Date	Remark

**Thurrock Flexible Generation Plant  
 Section 16 Commons Application Context Photograph  
 Location Plan**

Figure 4



## **Appendix A Common Land Registration Documentation**



COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford  
Telephone 53233  
Ext. My ref.

C.P. 64  
9 JUL 1970  
To Mr  
COPY  
Your ref  
Date

2034 or SJG/  
2035 CP.92.03/

8 July 1970

Dear Sir/Madam

Commons Registration Act 1965 ✓  
Copy of Registration ✓  
Application No. 5, 606 and 811, 819 & 942. ✓

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

*L. P. Lewis*

Clerk of the Council

To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

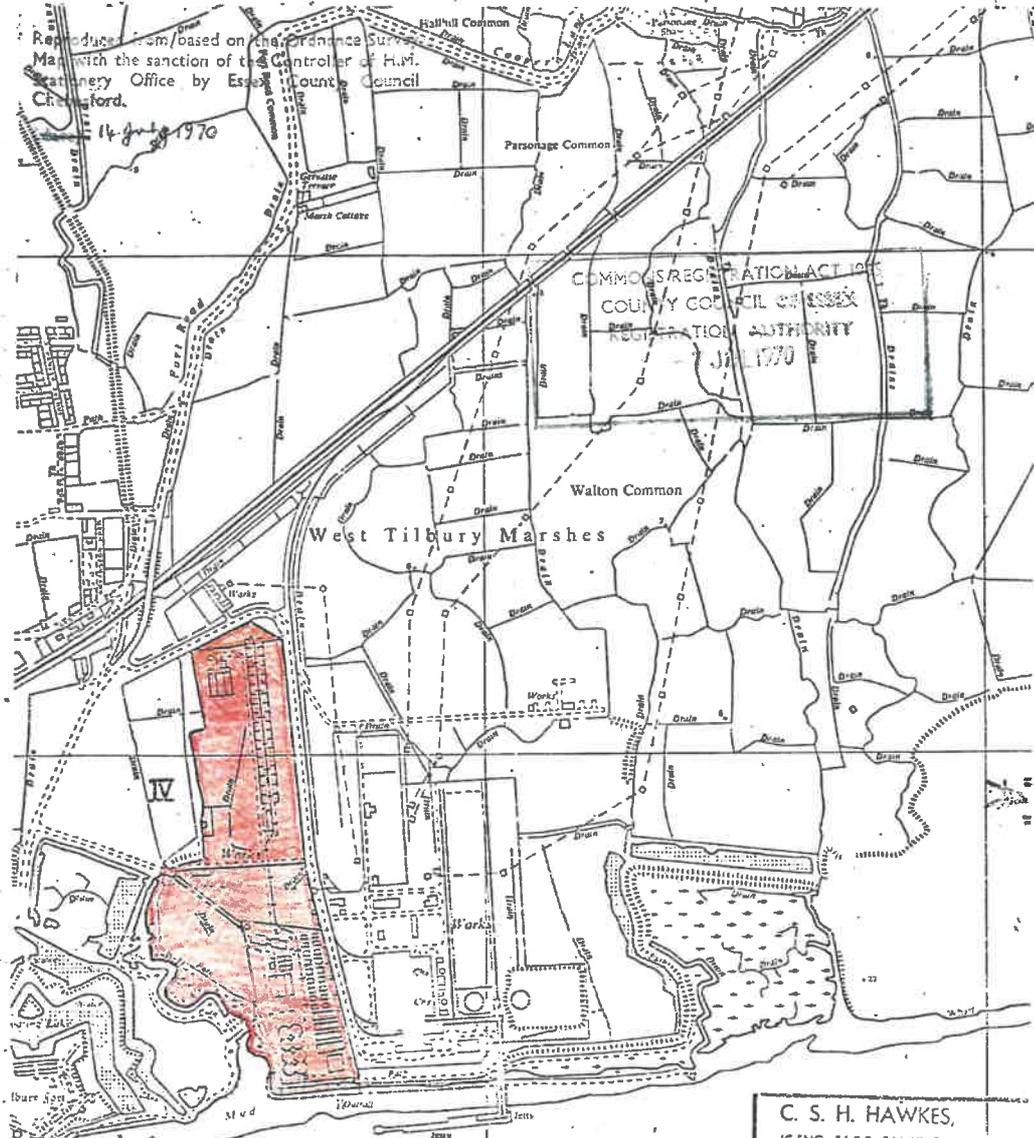
Clerk of Turruck O.D.C.

P/c ack sent  
13/7/70.

Please address any reply impersonally to the Clerk of the County Council quoting my reference

Reproduced from the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office by Essex County Council  
Chelmsford.

14 June 1970



Reproduced from the Ordnance Survey Map with the Sanction of the Controller of H. M. Stationery Office.

Unauthorised reproduction infringes Crown Copyright.

C. S. H. HAWKES,  
(C.ENG. F.I.C.E., F.I.M.U.N.E., M.P.S.M.)  
ENGINEER AND SURVEYOR,  
COUNCIL OFFICES, GRAYS.

Supplemental map referred to in column 5 of entry No.22 in the rights section of register unit No. CL 228 in the Register of Common Land.



COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233  
Ext. My ref.

C.P. 64  
9 1970  
To All  
COPY  
Your ref. Date

2034 or SJG/  
2035 CP.921.03/

8 July 1970

Dear Sir/Madam

Commons Registration Act 1965 ✓  
Copy of Registration ✓  
Application No 5, 606 and 811, 819 & 942. ✓

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

Clerk of the Council

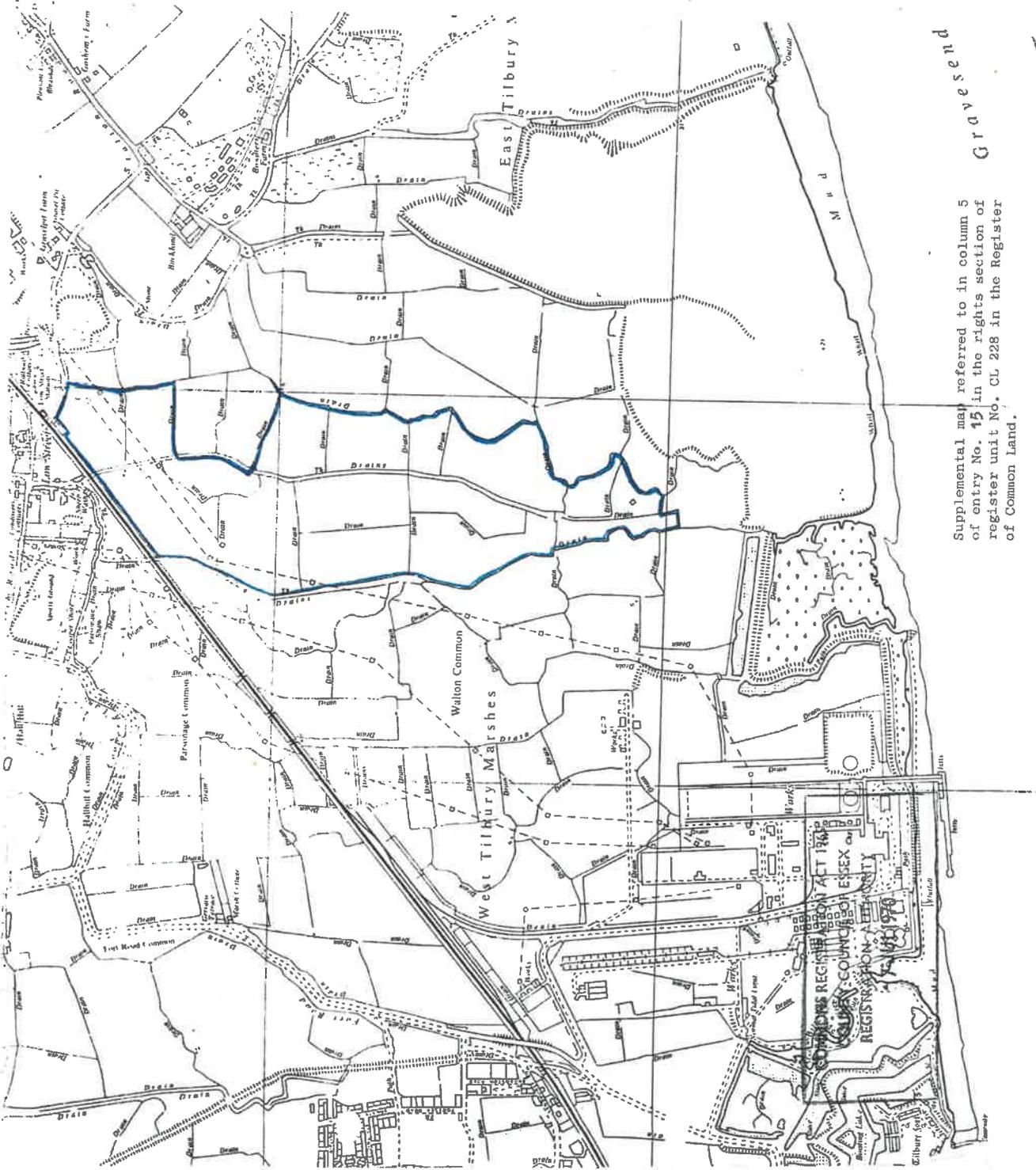
To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

*Clerk of Turnock U.D.C.*

*P/c acc sent  
13/7/70  
MP.*

Please address any reply impersonally to the Clerk of the County Council quoting my reference





Supplemental map referred to in column 5 of entry No. 15 in the rights section of register unit No. CL 228 in the Register of Common Land.



# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. My ref.

Your ref.

Date

2035 SJG/MP

23 August 1972.

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/~~Madam~~

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Green

Register Unit CH228

CLERK T.U.D.C.  
REC'd 24 AUG 1972  
To MJP  
COPY

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (or withdrawal) which has been inserted in the <sup>Rights</sup> Section of the Register Unit specified above (Tracts of land called The Green, Hall Hill Common, Fort Road Common, Parsonage Common, West Tilbury Common, Tilbury Fort Common, West Tilbury in the Urban District of Thurrock.)

No. and Date	Description
23 August 1972	The objection No. 516 of D.S.O. Hunt & Co as Clerk to the West Tilbury Commons Conservators 5 holes cottages, West Tilbury, Essex made 31 July 1972 is noted in respect of registration entry No. 16 in this section.

~~\*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.~~

I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

To: ~~The Town Clerk~~/Clerk of the Council  
~~...~~ <sup>Thurrock</sup> ~~Borough/Urban/Rural~~  
District Council.

Clerk of the Council

~~The Clerk of~~ ~~Parish Council.~~

\*Delete if inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference



# COUNTY COUNCIL OF ESSEX

OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233  
Ext. My ref.

C.P. 64	
9 JUL 1970	
To: Mf	Date
COPY	Your ref.

2034 or SJG/  
2035 CP.92A.03/

8 July 1970

Dear Sir/Madam

Commons Registration Act 1965 ✓  
 Copy of Registration ✓  
 Application No 5 606 and 811, 819 & 942. ✓

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

Clerk of the Council

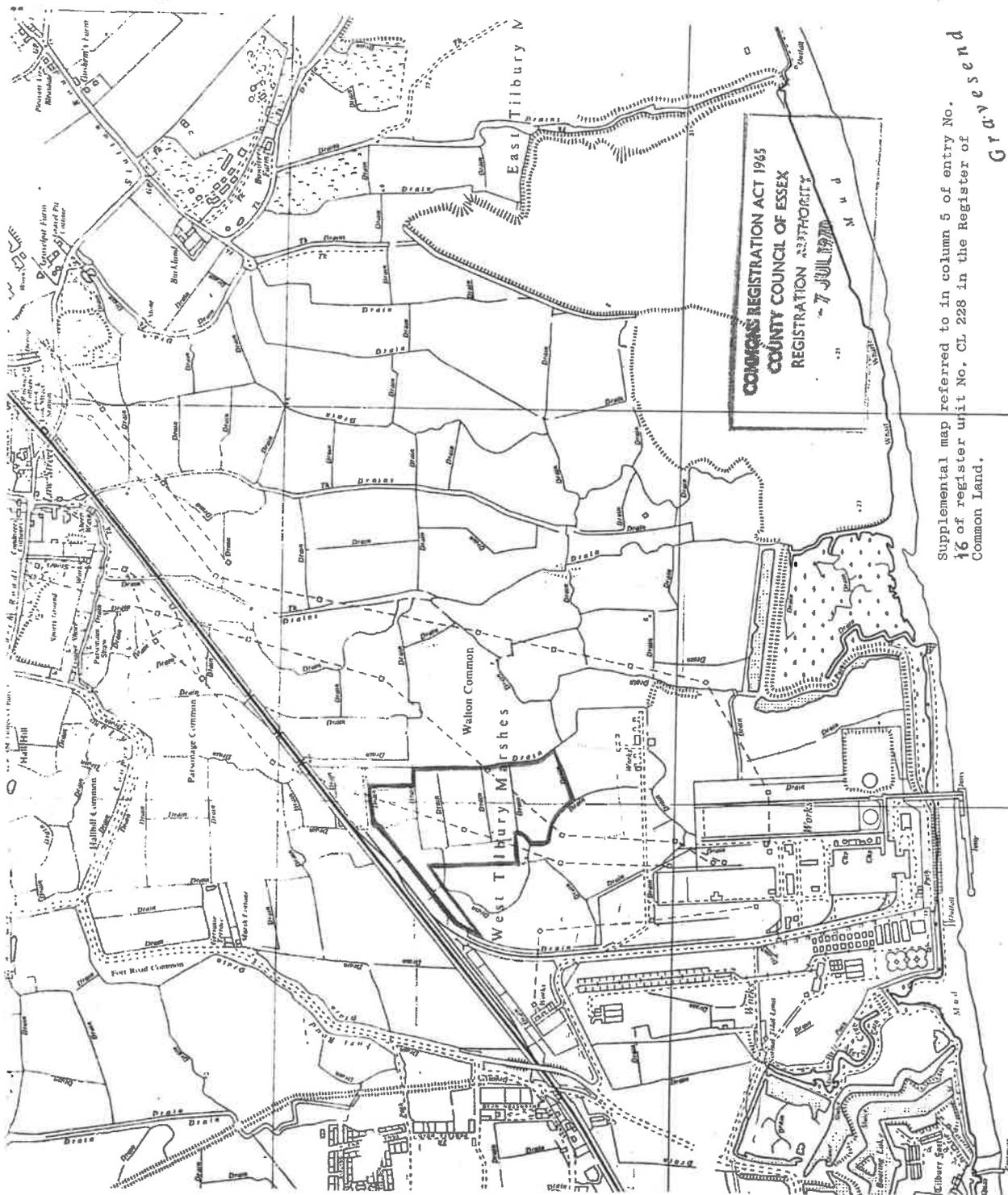
To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

Clerk of Turnrook O.D.C.

Plc ack sent  
13/7/70 K.P.

Please address any reply impersonally to the Clerk of the County Council quoting my reference





Supplemental map referred to in column 5 of entry No. 16 of register unit No. CL 228 in the Register of Common Land. *Gravesend*



# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. My ref.

Your ref.

Date

2035 SJG/1P

23 August 1972.

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/~~Madam~~

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Greens

CLERK P.U.C.  
REC: 24 AUG 1972  
To HJP  
COPY

Register Unit CH228.

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (or ~~withdrawal~~) which has been inserted in the Section of the Register Unit, specified above.   
*Tracts of land called the green, Hill Hill Common, East Road Common, Passage Common, West Tilbury Common, West Tilbury in the Urban District of Thurrock.*

No. and Date 23 August 1972	The objection No. 512 of Messrs. H. Cole & Sons (a firm) Hill House, West Tilbury, Grays, Essex made 31 July 1972 is noted in respect of registration entry No. 18 in this section.
--------------------------------	---

... ~~\*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.~~

... I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

To: ~~The Town Clerk~~/Clerk of the Council  
.....Borough/Urban/Rural  
District Council.  
The Clerk of Parish Council.

Clerk of the Council

\*Delete if inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference



COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233  
Ext. My ref.

C.P. 64	
9 JUL 1970	
To: Mr	Date
COPY	Your ref.

2034 or SJG/  
2035 CP.921.03/

8 July 1970

Dear Sir/Madam

Commons Registration Act 1965 ✓  
Copy of Registration ✓  
Application No 5, 606 and 8, 11, 819 1942. ✓

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

Clerk of the Council

To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

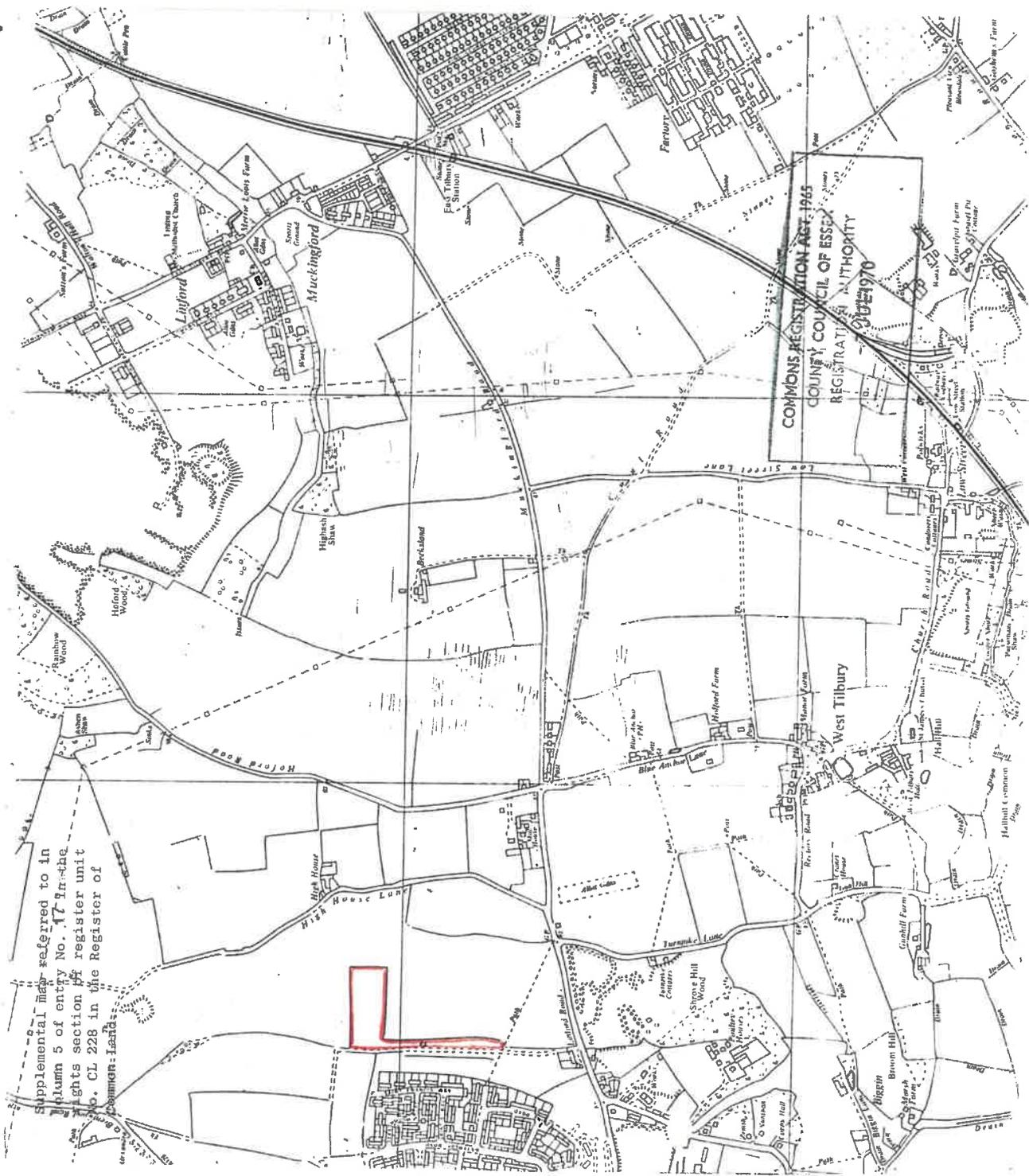
Clerk of Tinnock V.D.C.

P/c am sent  
13/7/70.

Please address any reply impersonally to the Clerk of the County Council quoting my reference



Supplemental map referred to in  
column 5 of entry No. 17 in the  
rights section of register unit  
No. CL 228 in the Register of  
Commons Lands





COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233  
Ext. My ref.

C. P. 54	
9 JUL 1970	To MP
COPY	Date
Your ref.	

2034 or SJG/  
2035 CP.921.03/

8 July 1970

Dear Sir/Madam

Commons Registration Act 1965 ✓  
Copy of Registration ✓  
Application No 5,606 and 8,11,819 & 942 ✓

As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

*L. J. Lewis*

Clerk of the Council

To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

Clerk of Turruck V.D.C.

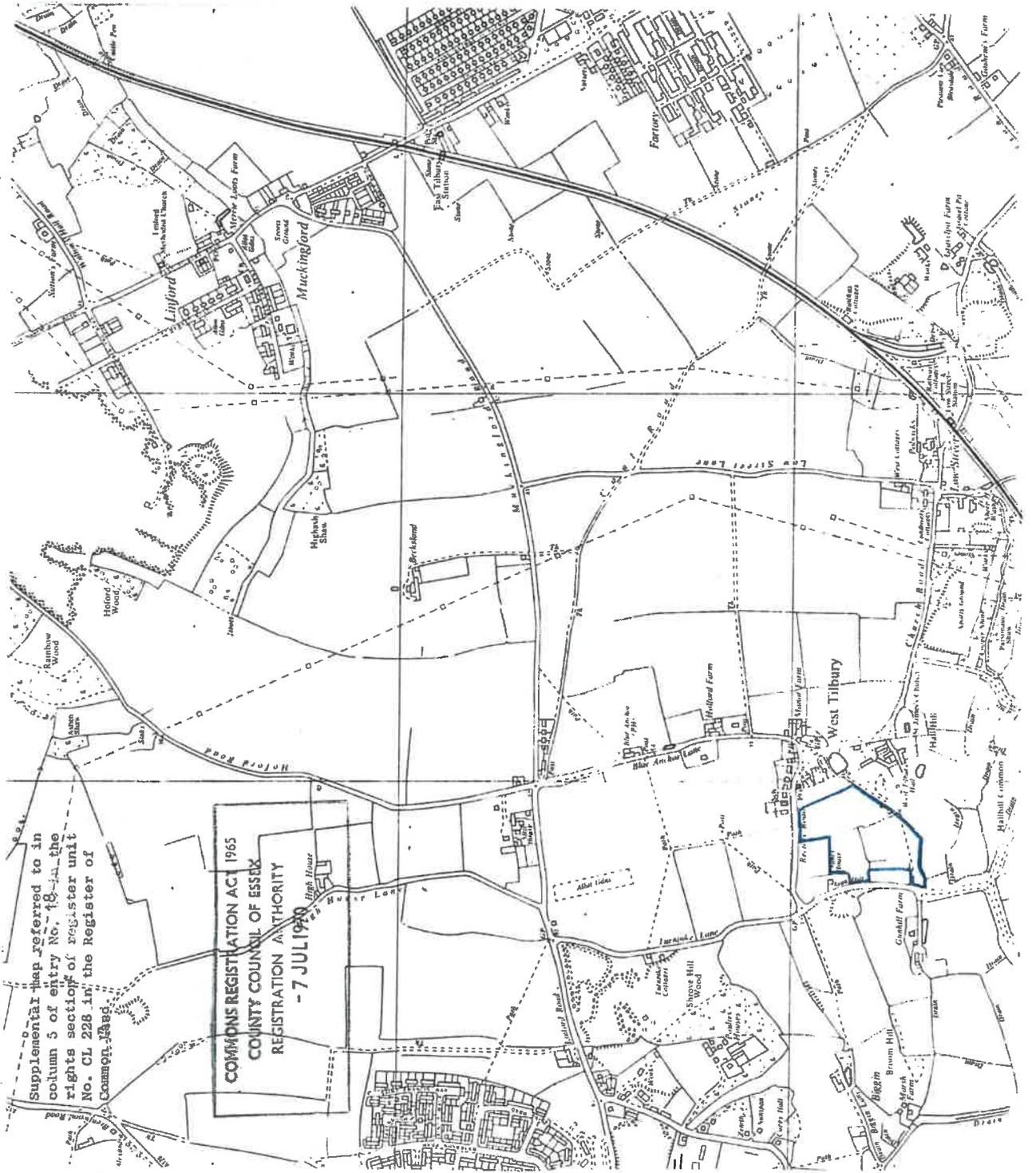
*He ack sent  
13/7/70*

Please address any reply impersonally to the Clerk of the County Council quoting my reference



Supplemental map referred to in  
column 5 of entry No. 18 in the  
rights section of register unit  
No. CL 228 in the Register of  
Common Land.

COMMONS REGISTRATION ACT 1965  
COUNTY COUNCIL OF ESSEX  
REGISTRATION AUTHORITY  
- 7 JUL 1970





# COUNTY COUNCIL OF ESSEX

OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233

Ext. My ref.

C.P. 64	
9 JUL 1970	
To Mr	
COPY	Date
Your ref.	

2034 or SJG/  
2035 CP.92..03/

8 July 1970

Dear Sir/Madam

Commons Registration Act 1965 ✓  
 Copy of Registration ✓  
 Application No. 5, 606 and 811, 819 & 942. ✓

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

Clerk of the Council

To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

Clerk of Thurrock U.D.C.

*P/c ack sent  
13/7/70*

Please address any reply impersonally to the Clerk of the County Council quoting my reference



No. and date of note

The registration at entry No. 19 above is in conflict with the registration at entry No. 6 <sup>hand</sup> above in the rights section of the Register of Common Land No. CL 228 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict.

SE/2

Notes

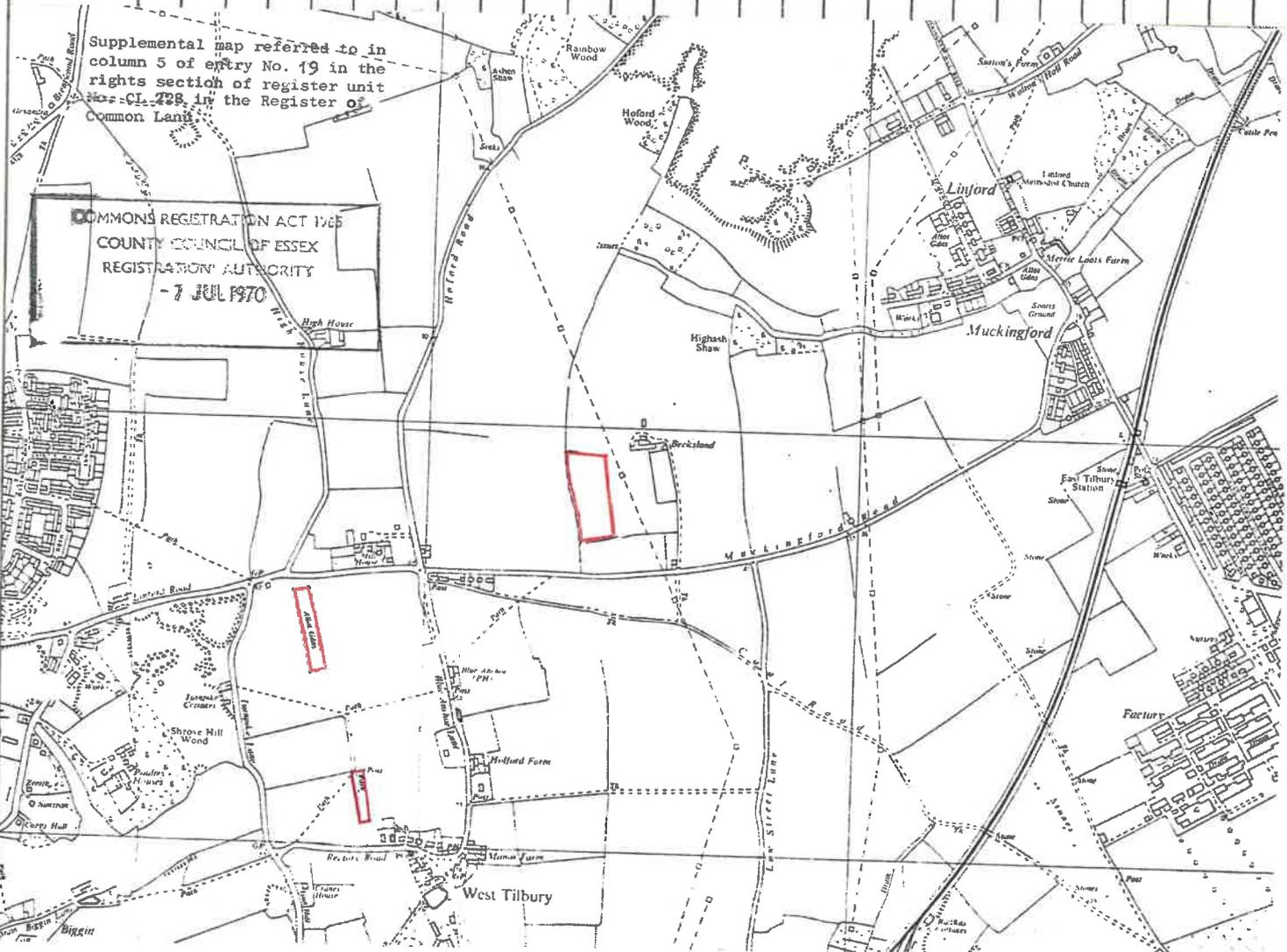
No. and date of note

95

7 July 1970

Supplemental map referred to in column 5 of entry No. 19 in the rights section of register unit No. CL 228 in the Register of Common Land

COMMONS REGISTRATION ACT 1965  
COUNTY COUNCIL OF ESSEX  
REGISTRATION AUTHORITY  
- 7 JUL 1970

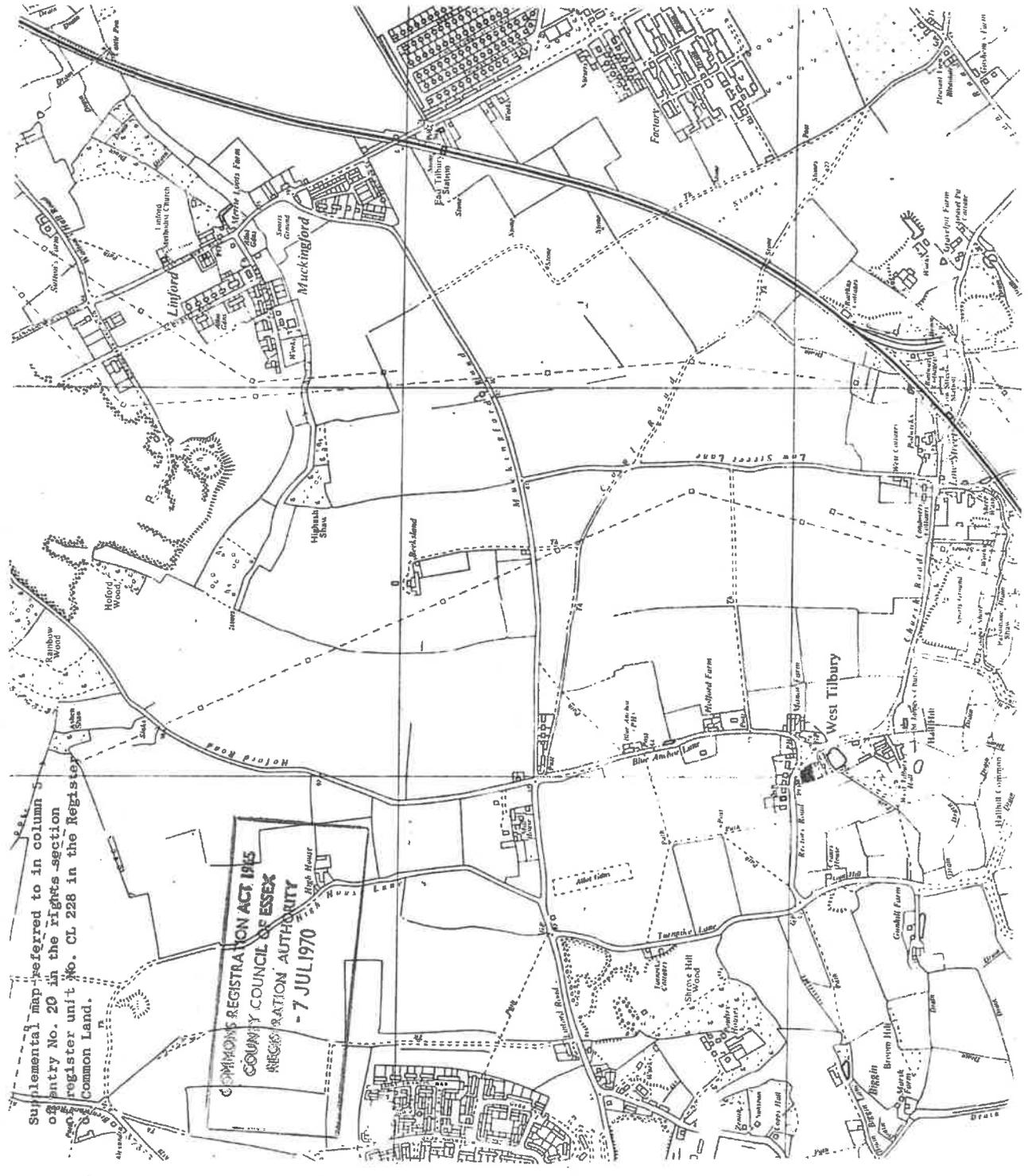






Supplemental map referred to in column  
of entry No. 20 in the Rights section  
of register unit No. CL 228 in the Register  
of Common Land.

COMMONS REGISTRATION ACT 1965  
COUNTY COUNCIL OF ESSEX  
REGISTRATION AUTHORITY  
- 7 JUL 1970







# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. My ref.

Your ref.

Date

2035 SJG/MP

23 August 1972

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/~~Madam~~

Commons Registration Act 1965  
Commons Registration (Objections and Kaps) Regulations 1968  
Register of Common Land/Town or Village Greens  
Register Unit **CH228**

CLERK T.V.C.  
RECa 24 AUG 972  
To MJP  
COPY

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (~~or withdrawal~~) which has been inserted in the Section of the Register Unit specified above. <sup>Rights</sup> (Tracts of land called the green, Hill note: Hill Common, East Road Common, Carriage Common, Saltan Common, Silbury, West Common, West Silbury in the Urban District of Thurrock).

No. and Date	Objection No 514 of D.S.O. Hunt 29 as B 614 to the West Silbury Common Generators. 5 Sales Cottages, West Silbury, Essex made 31 July 1972 is noted in respect of registration entry No. 13 in this section.
23 August 1972	

~~\*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.~~

I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

Clerk of the Council

To: ~~The Town Clerk/Clerk of the Council~~  
~~..... Borough/Urban/Rural~~  
District Council.  
~~The Clerk of~~ Parish Council.

\*Delete if inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference



# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. My ref.

Your ref.

Date

2035 SJG/MP

23 August 1972

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/~~Madam~~

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Greens

C: 3 T.U.D.C.  
REC 24 AUG 1972  
1988 to MJP  
COPY

Register Unit CH 228

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (~~or withdrawal~~) which has been inserted in the <sup>Rights</sup> Section of the Register Unit specified above.   
(Tract of land called the green, Hall Hill Common, Hatfield Common, Parsonage Common, note: Water Common & Jilbury Post Common, West Jilbury in the Urban District of Thurrock.)

No. and Date	The objection No. 513 of Heads CH, Lake & Co (a firm), Mill House, West Jilbury, Grays Essex made 31 July 1972 is noted in respect of registration entry No. 13 in this section.
--------------	--

\*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.

I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

Clerk of the Council

To: The Town Clerk/Clerk of the Council  
.....~~Thurrock~~.....Borough/Urban/~~rural~~  
District Council.

The Clerk of Parish Council.

\*Delete if inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference

COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

C.P. 64



County Hall Chelmsford

Telephone 53233  
Ext. My ref.

2034 or SJG/  
2035 CP.92A.03/

Your ref. No. 28 NOV 1969 21.11.69  
No. To  
COPY

Dear Sir/Madam

Commons Registration Act 1965  
Copy of Registration  
Application No. 694

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

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- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

Clerk of the Council

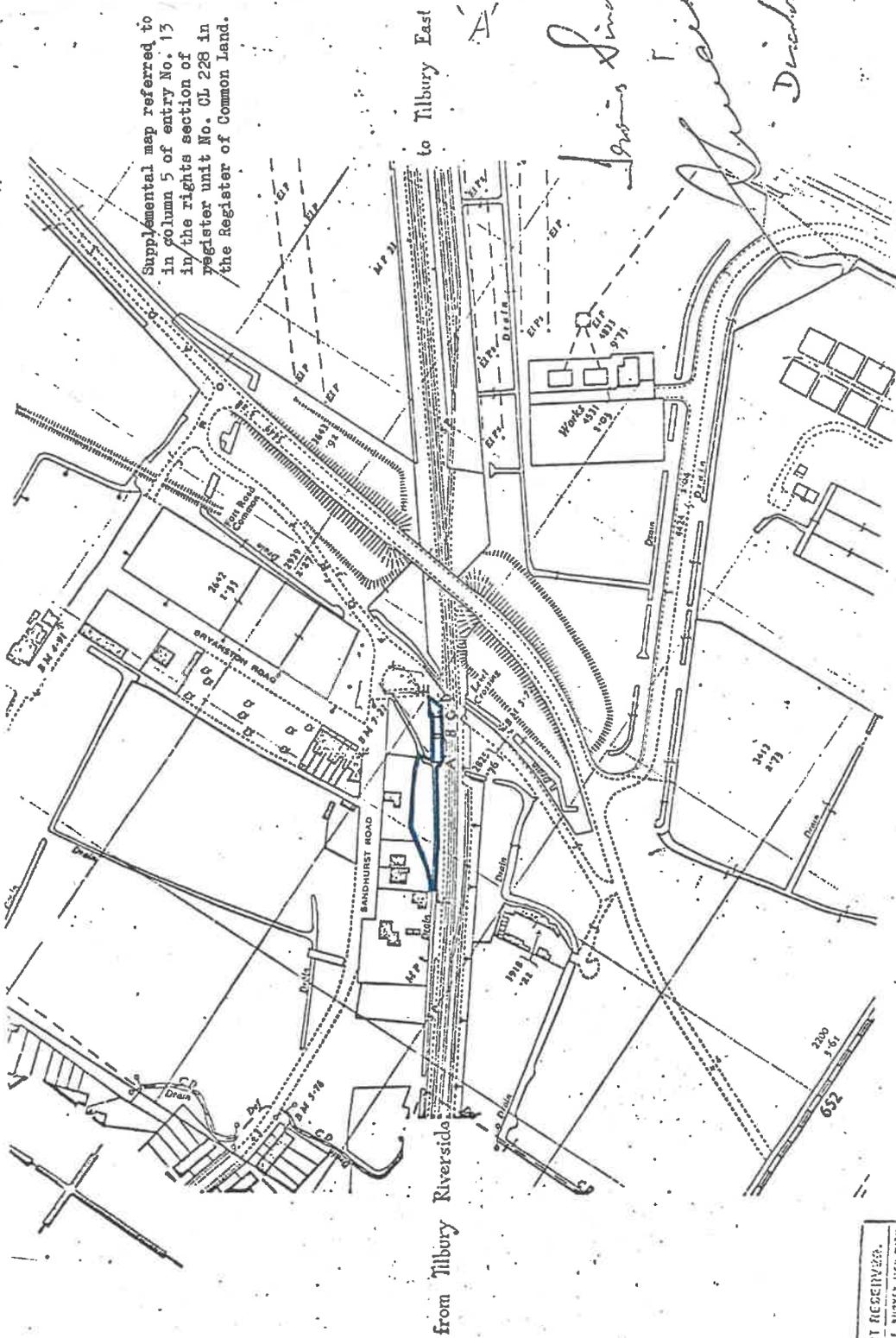
To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

Clerk of Thurrock U.D.C.  
Council Offices,  
Whitchell Lane,  
GRAYS,  
Essex.

P/c ack sent  
24/11/69  
LF

Please address any reply impersonally to the Clerk of the County Council quoting my reference

Supplemental map referred to in column 5 of entry No. 13 in the rights section of register unit No. CL 228 in the Register of Common Land.



BRITISH RAILWAYS	
EASTERN REGION	
SURVEYOR	
ESTATE	DATE TRACED
43010	21-9-69
	1/2-1

SCALE 1/2500

This is the exhibit marked 'A' referred to in the Statutory Declaration of Walter Gohard made this 14<sup>th</sup> day of November 1969.

*Walter Gohard*  
 Signature

GRAHAM R. CATTON, A Commissioner for Oaths.

COPYRIGHT RECEIVED.  
 COPY FROM THE DEPARTMENT SURVEY MAPS UNIT FOR CUSTODY OF THE DEPARTMENT OF MAPS AND SURVEYS.  
 BRITISH RAILWAYS - EASTERN REGION,  
 EASTERN SURVEYORS DEPT.

# Register of COMMON LAND

RIGHTS SECTION—Sheet No. 9

Received unit 19/18/69  
 Registration authority  
 Essex County Council 19/18/69  
 County Information

Register unit No. G1.220

Edition No 1

See Overleaf for Notes

Note: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
9	609 19 June 1969	William John Ockendon Collingwood Farm	To graze animals of the classes given below over the whole of the land comprised in this register unit to the extent of 63 stints or rights of pasture, where -	The land at West Tilbury shown edged red on the supplemental map bearing the number of this registration.
	1969	Hacking Heath Orsett, Essex	1 sheep is deemed 1 stint;	
		tenant; and Allen Charles Cole	1 cow or bullock is deemed equivalent to 5 sheep;	
		Will Kease	2 horses is deemed equivalent to 15 sheep;	
		West Tilbury	2 donkeys is deemed equivalent to 5 sheep.	
		Essex		
		Owner		

(Registration provisional)











COMMONS REGISTRATION ACT 1965  
 COUNTY COUNCIL OF ESSEX  
 REGISTRATION AUTHORITY  
 19 JUN 1969

Supplemental Map referred to in column 5  
 of entry No. 11 in the rights section of  
 register unit No. CL 228 in the Register  
 of Common Land.

COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL



County Hall Chelmsford

Telephone 53233

Ext 2036

My ref. SJG/

Your ref. CP.92A.03/

Date

23 June 1969

Dear Sir/Madam

Commons Registration Act 1965  
Copy of Registration  
Application No. 601-612

*(Rights ~ Tilbury Common)*

As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

*L. G. Lewis*

Clerk of the Council

To: The Town Clerk/Clerk of the District Council/Clerk of the Parish Council

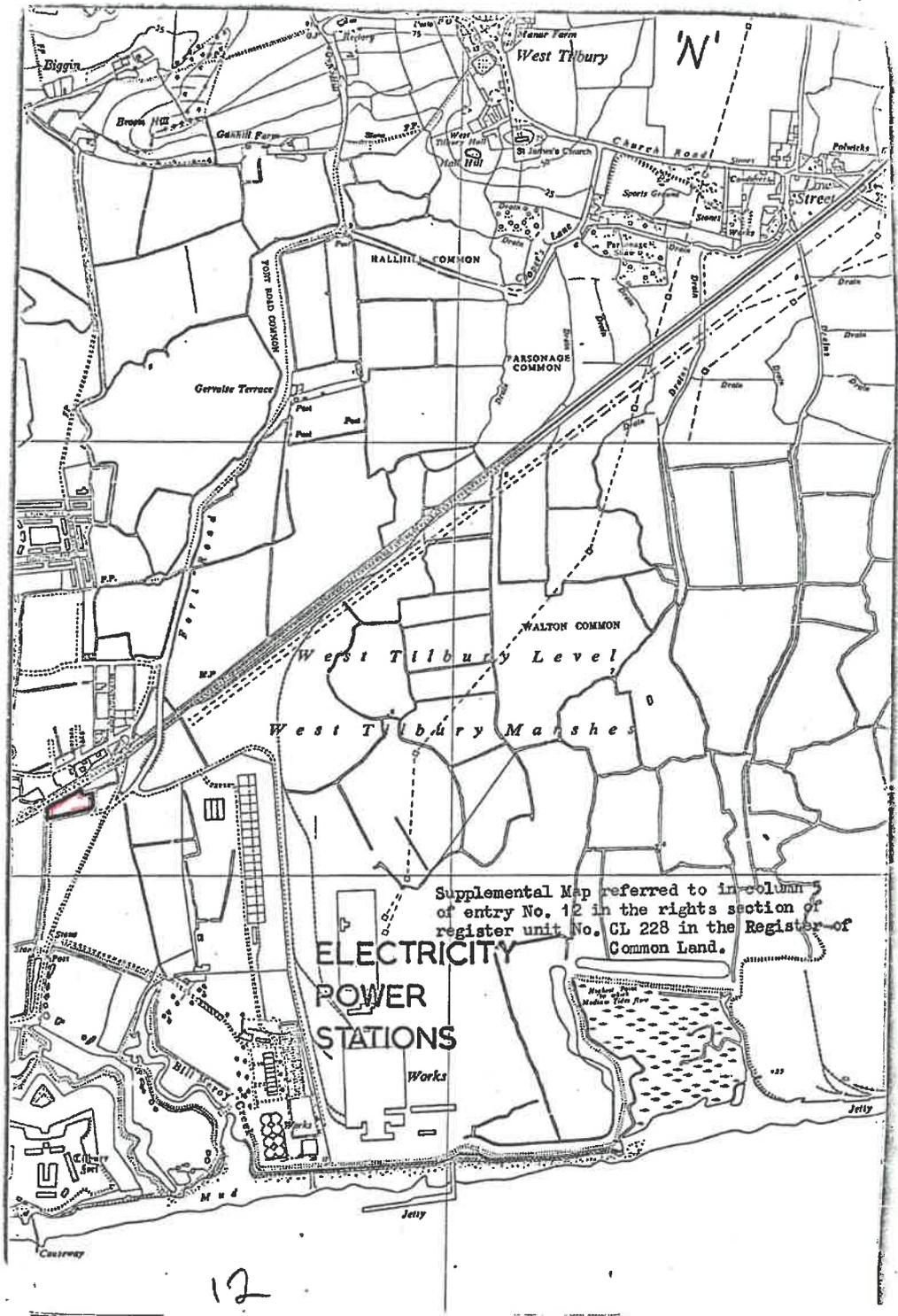
601  
18/8/69. Money this was  
said application no. 603 is for 4 3/4. I think  
this is the same as appears on the card.  
11/5/69. I have been  
informed by the Clerk  
receives with the letter to  
the City of London. I have  
no received with this. I  
date 2 July 1970. H.S.P.

E	Y.U.D.C.
REF	26 JUN 1969
NO.	To
CO.	MP

Post Card Acknowledgement Sent  
13 August 1969. W.P.

Please address any reply impersonally to the Clerk of the County Council quoting my reference





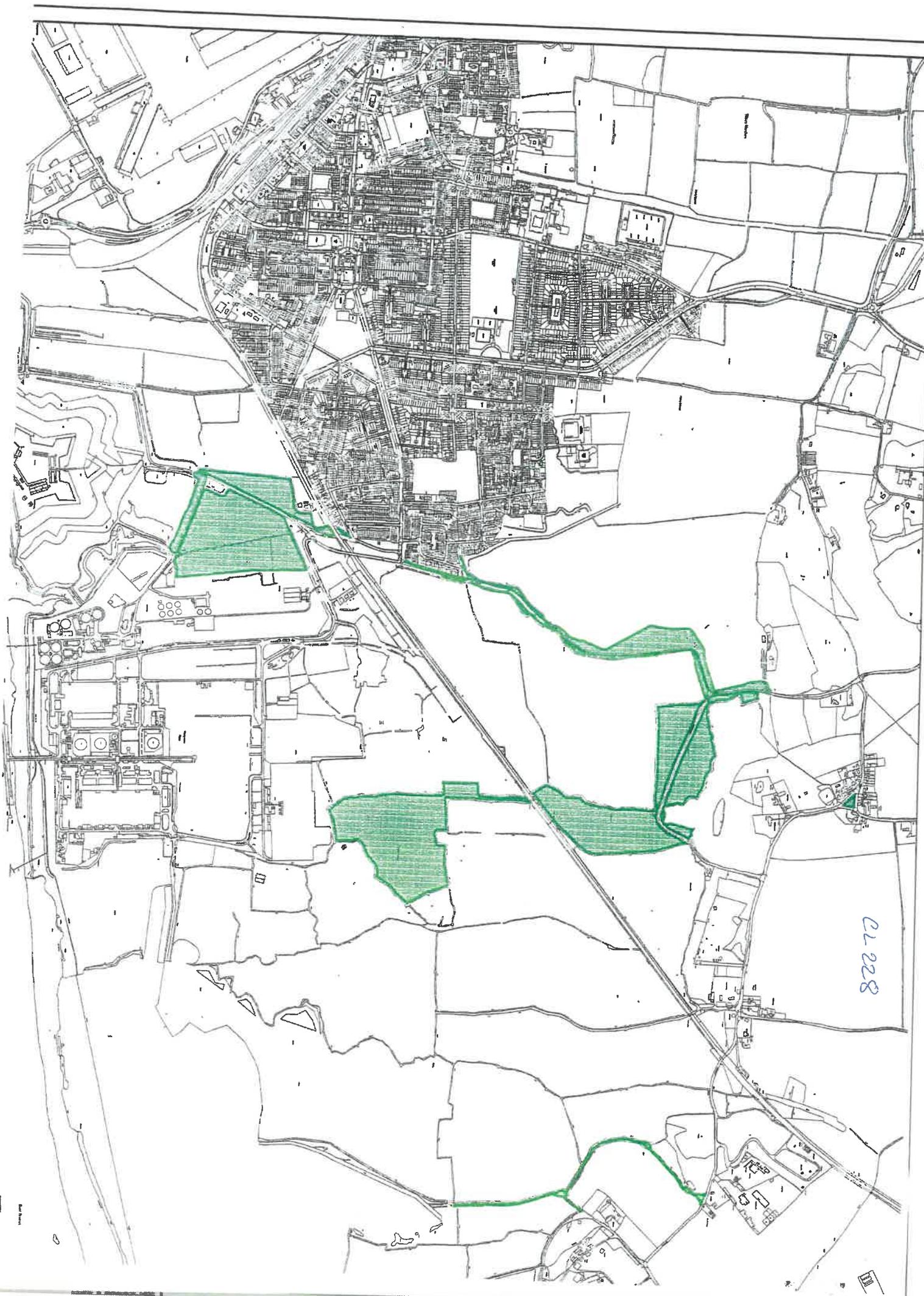
# Register of COMMON LAND

See Overleaf for Notes

RIGHTS SECTION—Sheet No. 1

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
13	694	Walter Gothard,	To grass 20 cattle over that part of the land	Oste House, Port Road, West Tilbury, Essex as shown
14	November 4 1969	32 Shakespeare Avenue, Tilbury	comprised in this register unit lying south of the railway line and west of Marsh Farm Sewage Works. (Registration provisional)	edged blue inside the boundary on the supplemental map bearing the number of this register unit.
		Essex		
		Essex		





2228

NOTE: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

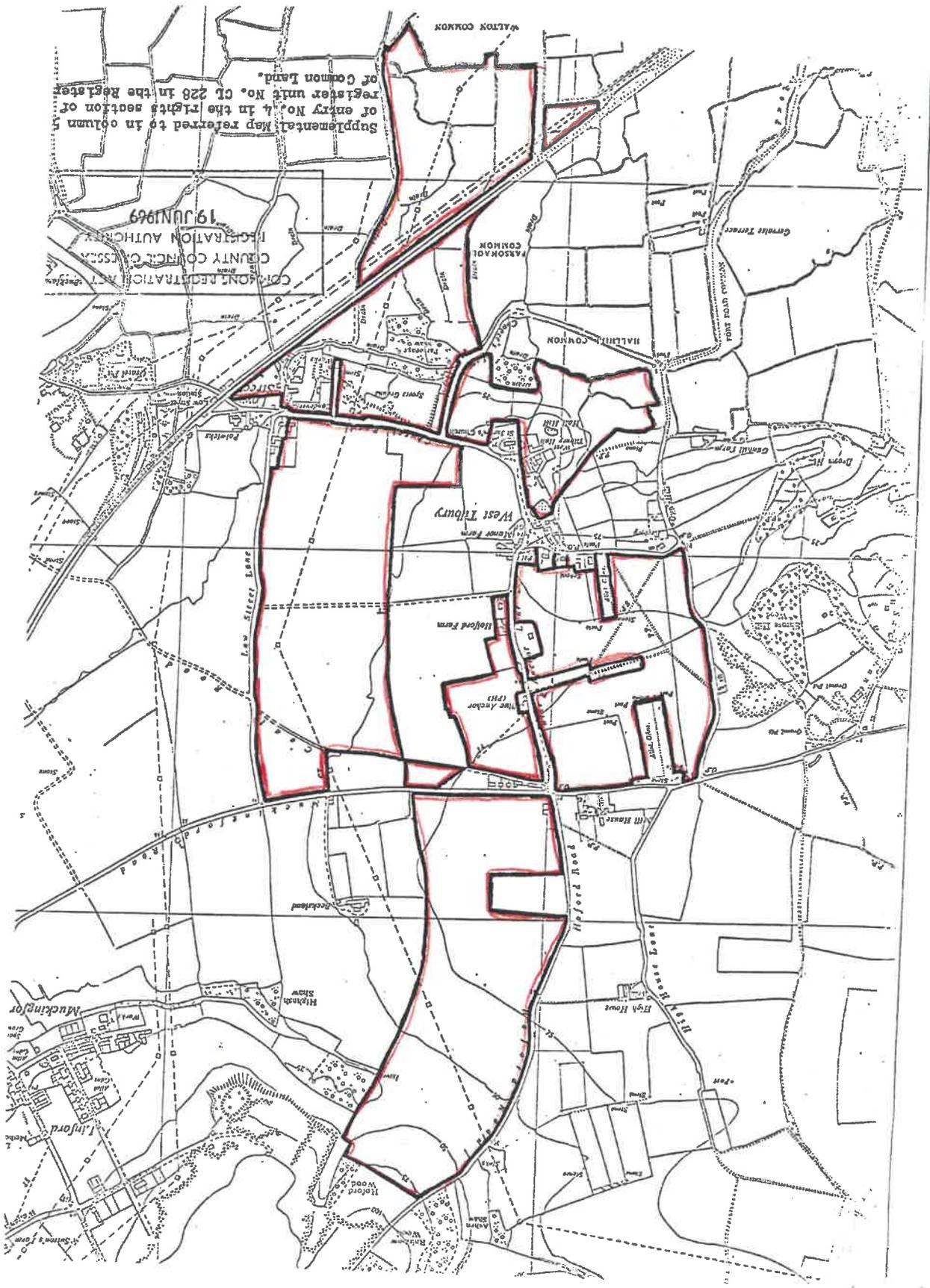
# Register of common land

Registration authority  
*15/12/69*  
*15/12/69*  
 Essex County Council  
 Register unit No. **CL228**  
 Edition No. **1**

RIGHTS SECTION—Sheet No. 3

See Overleaf for Notes

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
3	603	Allan Charles Cole	<del>No grass available for the horses</del> over the whole of the land comprised in this register unit to the extent of 14.5 ares or rights of pasture there.	Land in West Tilbury shown edged red on the supplemental map bearing the number of this registration.
19 June 1969	19 June 1969	Will House West Tilbury	1 cow or bullock is deemed equivalent to 5 sheep;	
		Farrer.	1 sheep is deemed 1 stint;	
		Gamer.	2 horses is deemed equivalent to 15 sheep;	
			2 donkeys is deemed equivalent to 5 sheep.	
			(registration provisional)	



Supplemental Map referred to in column  
of entry No. 4 in the right section of  
register unit No. CL 228 in the Register  
of Common Land.

19 JUN 1969  
COMMON REGISTRATION AUTHORITY  
COUNTY COUNCIL OF SOMERSET  
REGISTRATION AUTHORITY

WALTON COMMON

WALTON COMMON

WALTON COMMON

West Liberty

Lloyd Farm

The Anchor

Hill House

Fish House

Maukingsford

Linsford

Hill House

Note: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

Registration authority  
**Essex County Council**

Register unit **NGL 228**  
Edition **N04**

See Overleaf for Notes

# Register of common land

RIGHTS SECTION—Sheet No. 1

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
	604	Charles Henry Cole		
19 June	19 June	Hatfield		
1966	1966	West Tilbury Essex	The grass-animals of the classes given below over the whole of the land comprised in this register unit to the extent of 311 akins or rights of pasture, where -	none.
		Owner as Lord of the Manor	1 sheep is deemed 1 aking;	
			1 cow or bullock is deemed equivalent to 5 sheep;	
			2 horses is deemed equivalent to 15 sheep;	
			2 donkeys is deemed equivalent to 5 sheep.	
			(Registration provisional)	

rd date	Notes	No. and date of note	Notes
1 June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <del>same</del> section of the Register of <del>Town or Village Green</del> register unit No. VG 16 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict.	8 27 October 1970	The objection No. 1287 Munster Urban District Council, Council Office, Millbrook Lane, Bangor, Essex made 28th September 1970, is noted in respect of registration entry No. 1 in this section.
2 18 June 1968	Part/the whole of the land comprised in this register unit is also provisionally registered in the Register of Common Land/Town or Village Greens under register unit No. VG 16 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.		
3 18 June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <del>same</del> section of the Register of <del>Town or Village Green</del> register unit No. VG 17 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict.		
4 18 June 1968	Part/the whole of the land comprised in this register unit is also provisionally registered in the Register of Common Land/Town or Village Greens under register unit No. VG 17 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.		
5 26th June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <del>same</del> section of the Register of <del>Town or Village Green</del> register unit No. VG 15 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict.		
6 26th June 1968	Part/the whole of the land comprised in this register unit is also provisionally registered in the Register of Common Land/Town or Village Greens under register unit No. VG 15 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.		

SE/1

SE/1

SE/2

SE/1

SE/2

SE/2



# COUNTY COUNCIL OF ESSEX

OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233

Ext. My ref.

2035 SJG/

Your ref.

Date

27 October 1970

**I M P O R T A N T.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Greens  
Register Unit CL 228

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (or withdrawal) which has been inserted in the hand. Section of the Register Unit specified above (West Tilbury Commons)  
Note

No. and Date 8 27 Oct 1970	The objection No 128 of Thurrock Urban District Council, Council Offices, Whitehall Lane, Grays, Essex, made 28th September 1970, is noted in respect of registration entry No 1 in this Section.
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\*The objection applies only to the part of the land on this register unit which is edged and coloured on the attached plan.

I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as a Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

*L. G. Lewis*

Clerk of the Council  
10

TO: ~~The Town Clerk~~ Clerk of the Council,  
Thurrock.....Borough/Urban/Rural District Council  
The Parish Clerk of

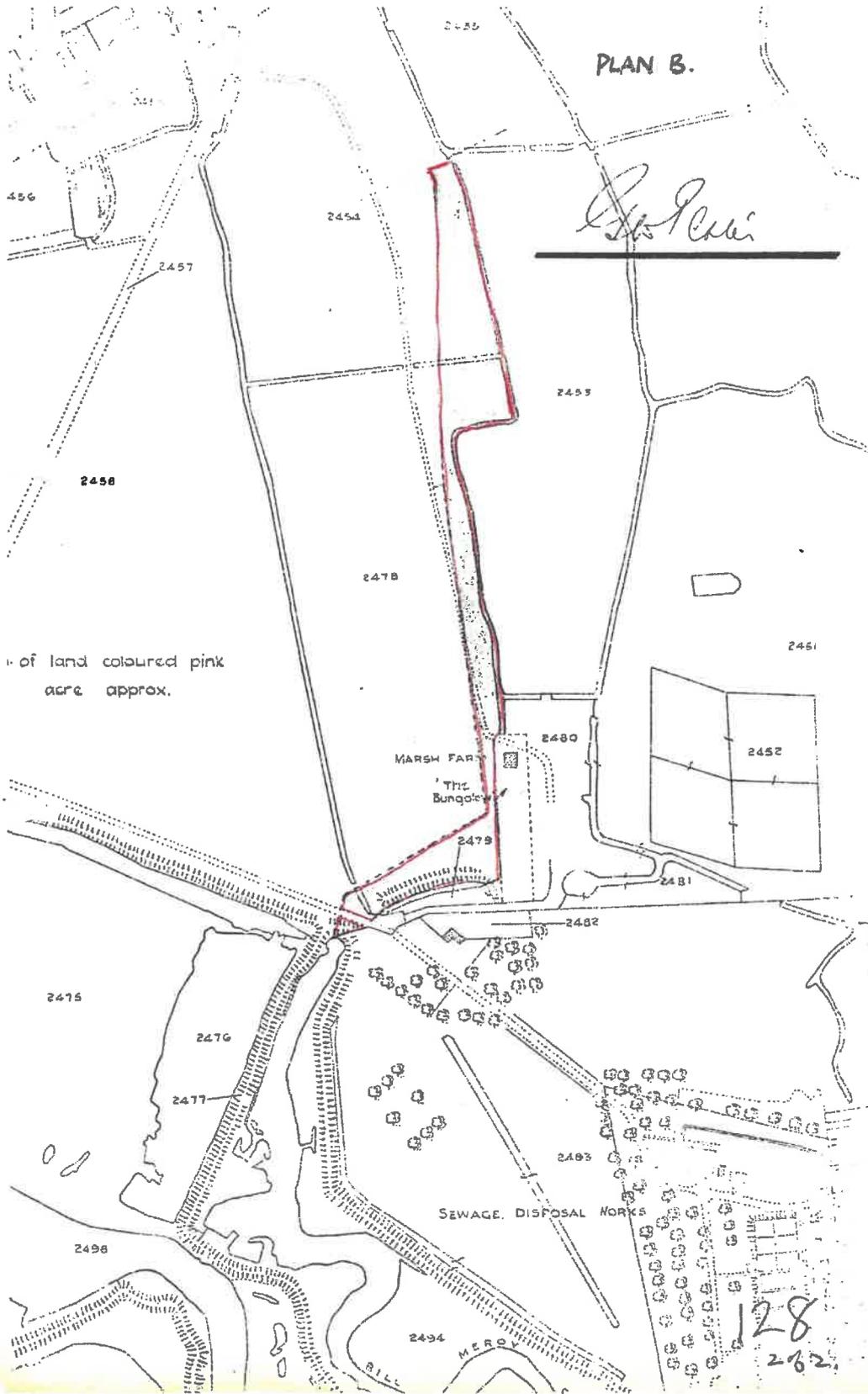
\*Delete if  
inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference

*p/c ack. post  
29/10/70  
LJP.*

PLAN B.

*Sp. Plan*

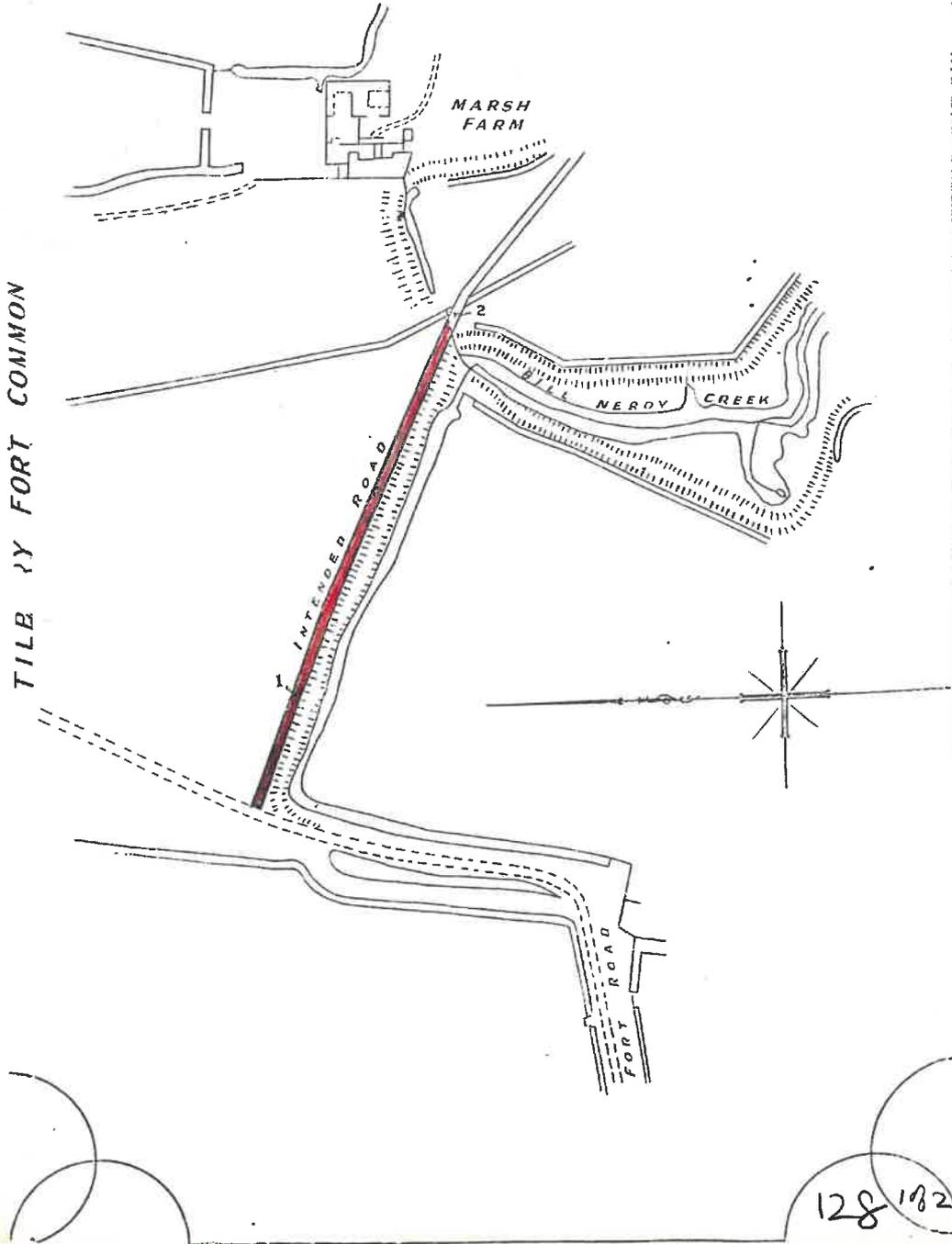


of land coloured pink  
acre approx.

128  
282

PLAN A.

*G. J. Carter*





C.P. 64

COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL



County Hall Chelmsford

Telephone 53233

Ext. My ref.

Your ref.

Date

12.7.68

2035 SJG/  
CP.92A.03/

Dear Sir/Madam

Commons Registration Act 1965  
Copy of Registration  
Application No. 284

As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

Please acknowledge receipt of this letter on the enclosed postcard, making use of the reply-paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply-paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

*L. G. Lewis*

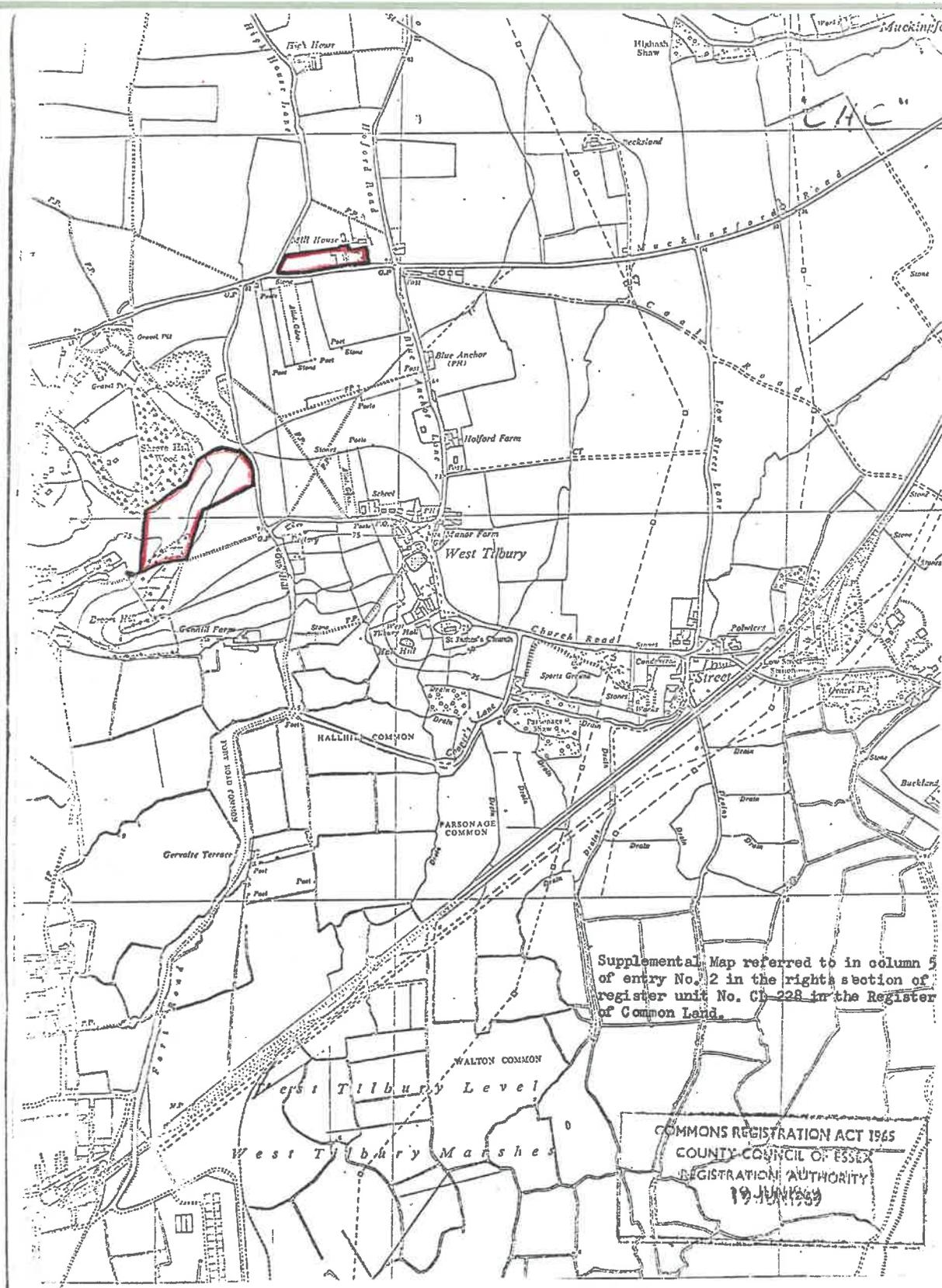
Clerk of the Council

To: ~~The Town Clerk/Clerk of the District Council/Clerk of the~~  
Parish Council

*At Case sent  
27/8/1968. This was  
delayed until copy of  
Newtown Common (N. & 151)  
has been received  
imp.*

CLERK 1968	
REC'D 15 JUL 1968	
No. 572	To
COPY	

Please address any reply impersonally to the Clerk of the County Council quoting my reference



Supplemental Map referred to in column 5 of entry No. 2 in the right hand section of register unit No. C1-228 in the Register of Common Land.

COMMONS REGISTRATION ACT 1965  
 COUNTY COUNCIL OF ESSEX  
 REGISTRATION AUTHORITY  
 19 JUN 1969







Reference Nos 212/D/107 to  
130 inclusive

In the Matter of The Green, Hall Hill Common,  
Fort Road Common, Parsonage Common, Walton Common  
and Tilbury Fort Common, all in West Tilbury,  
Thurrock Borough, Essex.

DECISION

These 24 disputes relate to the registrations at Entry No. 1 in the Land Section, at Entry Nos 1 to 22 (inclusive) in the Rights Section and at Entry Nos 1 and 2 in the Ownership Section of Register Unit No. CL 228 in the Register of Common Land maintained by the Essex County Council, and at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. VG 16 in the Register of Town or Village Greens maintained by the said Council, and at Entry No. 1 in the Land Section of Register Unit Nos. VG 17 and VG 151 in the said Register of Town or Village Greens, and are occasioned by the CL Land Section registrations being in conflict with the VG Land Section registrations, by the Objections specified in the First Schedule hereto, and by CL 228 Rights Section Entry Nos. 6 and 19 being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Chelmsford on 22 February 1979. At the hearing (1) Essex County Council (the VG Land Section registrations were made by them as registration authority without application) were represented by Mr J R M Brown, solicitor, being Assistant Clerk in their Chief Executive and Clerk's Department; (2) Thurrock Borough Council, as successors of Thurrock Urban District Council (they made objections Nos 127 and 128) were represented by Mr M J Pratley a solicitor in their employ; (3) Anglian Water Authority (as successors for the purpose of the said Objections of the Rural District Council) were also represented by Mr M J Pratley; (4) The Ramblers Association (an application by them is noted in the VG 17 Land Section and in the CL 228 Land Section) were represented by Mr R J Carpenter, Hon Footpaths Secretary of their Chelmsford District; (5) Mr Charles Henry Cole (at Entry No. 1 of the CL 228 Ownership Section he is registered as the owner of all the land in the Register Unit and the registration at the CL 228 Rights Section Entry No. 1 was made on his application) was represented by Mr R T Asplin solicitor of Hatten Asplin Channer & Glennay, Solicitors of Grays; (6) C H Cole and Sons. (a firm comprising Mr Alan Charles Cole and Mr Robert Lindsay Cole they made Objection Nos. 156, 157, 512 and 513 and the registrations at the CL 228 Rights Section Entry Nos. 2, 3, 4, 5, 14, 15, 16, 17, were made on their application or on the application of one of them, and they or one of them was applicant with another for the registration at Entry Nos. 7, 9, 10, 11) were also represented by Mr R T Asplin; (9) Mr R T Asplin (as joint applicant with Mr A C and Mr R L Cole for Entry No. 7) attended in person; (9) Mr William John Ockendon (applicant for the registration at Entry No. 8, jointly with Mr A C Cole applicant for Entry No. 9 and with Mr R L Cole applicant for Entry No. 10) and Mr Colin Ockendon (the other member of the firm of Ockendon Bros) were also represented by Mr R T-Asplin; (11) Mr D S O Hunt (he made Objections Nos. 514 and 516) was also represented by Mr R T Asplin; (11) The Chelmsford Diocesan Board of Finance Limited (as being concerned with CL 22 Rights Section Entry Nos 18 and 19 made on the application of the Rev D A Whitwham) were represented by Mr D C Bright solicitor of F H Bright & Sons, Solicitors of Witham.

The land ("the Disputed Land") which is that in Register Unit No. CL 228 and to which or to part of which all the 24 disputes relate, comprises a number of tracts extending (not continuously) from West Tilbury Village on the north down to a short distance from Tilbury Fort (by the River Thames). The larger of these tracts, all on one or both sides of Coopers Lane or Fort Road are known as Parsonage Common, Hall Hill Common, Fort Road Common and Tilbury Fort Common; the Disputed Land



includes a tract south of Parsonage Common (the other side of the Railway) known as Walton Common; these so called Commons contain (as I read the maps I have) about  $13\frac{1}{2}$ ,  $12\frac{1}{2}$ ,  $10\frac{1}{2}$ ,  $29\frac{1}{2}$  and 25 acres respectively. The Disputed Land includes a number of smaller tracts by the sides of these roads and of Gun Hill, and also a triangular area ("The Green") containing about 0.303 of an acre and situated in the middle of the Village of West Tilbury (a short distance north of St James Church). The land ("The Green") in Register Unit No. VG 17 comprises The Green (the triangular area above mentioned). The land ("the VG 16 Land") in Register Unit No. VG 16 comprises the whole (possibly with some small and not now relevant addition or exception) of the Disputed Land except the rectangular area south of the Railway and northwest of Walton Common. The land ("the VG 151 Land") in Register Unit No. VG 151 is the said rectangular area. The registrations in the CL 228 and the VG 16 Rights Section are summarised in the Second Schedule hereto. In the CL 228 Ownership Section at Entry No. 1 Mr C H Cole is registered as the owner of all the Disputed Land, and at Entry No 2 Mr W Gothard is registered as owner of a comparatively very small part south of Sandhurst Road and north of the Railway.

As to Objections Nos. 470 and 471:- I have a letter dated 25 January 1979 from Mullis & Peake, Solicitors of Romford saying that their client D L & P Luck Ltd (who made the Objection) do not wish to pursue any claim. My decision is therefore against these Objections.

Objections Nos. 127 and 128 are to the registration (whether it be CL or VG) of Land coloured red on plan "A" or "B". Mr Pratley said that all but a small part of plan B is outside the Disputed Land, and to give precision to the Objection as now supported by Anglia Water Authority be put in a plan ("Plan TBC/1") which showed cross hatched black the land which he contended should be removed from the Register. With the explanation of the plan recorded later in this decision, Mr Brown and Mr Asplin conceded the objection. Nobody suggesting otherwise, my decision is these objections succeed to the extent explained.

As to Objection No. 476:- I have a letter dated 18 April 1978 from Mrs W Barnett of Clematis Cottage, Sandhurst Road in which she says (in effect) that she as sole executrix of Mr Diprose, who made the Objection and who had then died nearly 2 years ago, wished to withdraw his claim. My decision is therefore against this Objection.

On the question whether the Disputed Land is a town or village green or is common land:- Mr Carpenter said that the Ramblers Association supported the VG 17 registration (The Green) and were to that extent against CL 228 registration. Mr Brown contended that the VG 16 and 17 registrations were all properly made because the Disputed Land was within the words "been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality" in the definition of a "town or village green" in Section 22 of the 1965 Act, and in support of this contention oral evidence was given by Mr S J Gardner, senior administrative officer, (countryside) in the Chief Executive and Clerk's Department of the County Council, in the course of which he produced the documents ECC/1 to 5 specified in the Third Schedule hereto. After this Mr D S O Hunt who is now and has been for the last 15 years Secretary of the West Tilbury Commons Conservators gave oral evidence in the course of which he described the Disputed Land in some detail. Then Mr Carpenter gave oral evidence in the course of which he produced the documents RJC/1 to 3 specified in the Third Schedule hereto. About 6 weeks after the hearing, I motored through West Tilbury village and along Coopers Lane and Fort Road.



the 1893 Act the scheduled Provisional Order was confirmed. In this Order the lands known as The Green, Hall Hill Common, Fort Road Common, Parsonage Common, Walton Common and Tilbury Fort Common were referred to as "the common"; the order provided for the regulation of the common by a valuer's award and for the appointment of seven Conservators, and paragraph 3 was as follows:-

"There be reserved to the inhabitants of the parish and neighbourhood at all times a right of free access to the common, and a privilege of playing cricket and other games, and of enjoying reasonable recreation thereon, subject to such byelaws and regulations as may from time to time be made by the Conservators ..., and that the Conservators may set apart such portion or portions of the common as they may consider expedient for cricket and other games, and may enclose the same temporarily with posts and chain or other open fence, so as to prevent cattle or horses straying thereon."

The 1895 Award contained a declaration similar to but rather shorter than the words above quoted. Mr Brown referred me to the Inclosure Act 1845 Section 15, to the Commons Act 1876 generally and particularly to Section 7 which expressly requires every provisional order made ~~it that/contains~~ words such as those above quoted.

As to Mr Brown's contention:- By Section 30 of the 1845 Act, provisional orders made under it for the inclosure of a common may include an "appropriation of an allotment for the purposes of exercise and recreation for the inhabitants of the neighbourhood". The Commons Act 1876 preamble refers to "the appropriation of an allotment for the purpose of exercise and recreation by the inhabitants of the neighbourhood ... (in this Act referred to as allotment for recreation grounds ...)". As a Commons Commissioner I have seen many awards which contain allotments "for the purposes of exercising recreation by the inhabitants of a parish and the neighbourhood and some of such awards were made before the 1845 Act. In my opinion the words above quoted from the 1965 Act definition appropriately apply to such allotments, so great effect can be given to such words without construing them as applicable to anything else.

The possibility of giving the 1965 Act definition a wider meaning was considered by the High Court in re Rye, High Wycombe. Section 58 of the Chepping Wycombe Corporation Act 1927 provided that Rye Mead should be "deemed to be a public park or pleasure ground or land acquired by the Corporation for the purpose of cricket, football or other games and recreation ... as the Corporation may from time to time determine ...". In a judgement given on 16 March 1877 (not reported) the Court held (Brightman J) that the land was not within Section 22 definition of a town or village green because by the 1927 Act the land was not allotted to ~~by~~ Corporation but was included in the Act merely to define the purposes for which it was to be held by the Corporation. The circumstances in re Rye are different to those of this case (West Tilbury): however the judgement supports the view that the words in the 1965 Act definition are not to be read in any large way.

I get I think some guidance from the 1876 Act. Section 7 which is the Statutory Authority for the words above quoted from the Provisional Order, includes at (paragraph 3) "where a recreation ground is not set out"; indicating that the Act contemplates that land to which the provisions of the Section are applicable is not an allotment within the meaning of the preamble. This indication accords with the view I have reached from the consideration of the words used in the 1965 Act and the 1893 Provisional Order.



On the above considerations, my conclusion is that the Disputed Land is not within 1965 Act definition (first part) by reason of the 1893 Act and the 1895 award made under it.

As to the possibility of the Disputed Land being within the second part of such definition (on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes):- Except as regards The Green (the said triangular area) nobody at the hearing suggested it could be; rightly I thought when I saw it.

As to The Green:- It is called "The Green" on every map I have, and in the 1893 Act and 1899 Award. It is a grassed area open to the surrounding roads and of attractive appearance, such that the name "The Green" is, in accordance with popular usage, appropriate. When questioned about it Mr Hunt said (in effect):- Apart from a bus shelter, a lamp standard at the west end and normal road furniture, it is open grass land; at one time it was mown by Thurrock Borough Council once or twice a year, but he understood that now it is mown by Scouts. He had never known it to be grazed.

Mr Carpenter in the course of his evidence produced the documents RJC/1 to 3 mentioned in the Third Schedule. The 1584 Survey contains an item:-

"The Syght of the howse with the hill and the land grownde Enclosed aboute the same having parte of the parsonag lande and the Church Yarde with the high way on the Este ... on the weste and ... on the South and the fayer grene on the north".

Mr Carpenter on the map identified the site with the land on the west of The Green and contended that this Survey showed that in 1584 it was used for the purposes of a Fair. The 1740 history, says of Tilbury (among other things) "Richard de Tilbury succeeded, and had a Fair granted in here, and a Market" and reference is made to "Cart. 41 Hen.III. m.i."

I am prepared to infer from the above quoted documents that at the time they were made The Green was used for the purposes of a "Fair" as the word was then understood. The word in modern times is commonly used to describe recreational activities associated with roundabouts and other amusements provided by travelling showmen; but in older times the meaning was "only a market held at rarer intervals", see *Wylde v Silver* 1962 Ch. 243. Although even in old times most fairs may have been followed by some local jolification, the mere circumstances that a place was used for a Fair, is I think no certain indication the land was subject to a customary recreational rights.

The 1893 Act Provisional Order includes The Green in "the common" therein stated to be waste land of the Manor of West Tilbury.

I am concerned to determine not whether The Green is a "green" within the popular meaning of these words but whether it is within the definition of the 1965 Act. Of any inhabitant of West Tilbury ever having indulged in any sport or pastime on it within living memory, there was no evidence at all, and I think I can properly infer that such indulgence has never been to any extent which could now be significant. Balancing this information against the indication summarised above that The Green could at some time have been used for the purpose of recreational activities often associated with a Fair my decision that The Green is not within 1965 Act definition and accordingly VG 16 and 17 and the CL 228 conflict should be resolved against the VG registrations.



The 1957 Order (ECC/5) shows that the VG 151 was substituted for that under it compulsorily purchased, and accordingly became subject to all the incidents which were applicable to VG 16 Land and the rest of the CL 228 Land. It follows therefore that my decision is against VG 151 Land also.

As to the Rights Section Entries:-

As to the conflict between the CL 228 Rights Section Entry No. 6 (C H Cole & Sons) and No. 19 (Rev D A Whitwham) and, as to Objection No. 512 by C H Cole & Sons against Entry No. 18 (Rev D A Whitwham), Mr Asplin and Mr Bright were agreed that I refuse to confirm Entry No. 6 and should treat the Objection as withdrawn. Accordingly my decision is against the Objection and on the conflict against Entry No. 6.

As to Rights Section Entry No. 13 (Mr W G Gothard) to which C H Cole & Sons and Mr Hunt have made Objection Nos 513 and 514:- The land to which the right Register is attached is a small piece by the Old Fort Road Railway level crossing (now replaced by a bridge) and in the Register called Gate House; the right over the part of the Disputed Land south of the Railway and west of Marsh Farm Sewage Works. Mr Hunt pointed out that a right to graze 20 cattle was equivalent to 100 stints. Of any such right the Conservators have no record, and there is nothing in the Award made under the 1893 Act to support it. In the absence of any evidence supporting the right, my decision is, the registration ~~is the registration~~ was not properly made.

As to VG 16 Rights Section Entry No. 1 (Mr S J Melder) to which C H Cole & Sons have made Objection No. 156:- Mr Hunt said (in effect):- Mr Melder had not and never had any rights such as those claimed. As tenant he claimed they were attached to land which was outside West Tilbury (as is apparent on the maps attached to his application). He has never paid stint money. In the absence of any evidence in support of the right, my decision is, the registration was not properly made.

As to Rights Section Entry No. 16 (C H Cole & Sons) to which Mr Hunt has made Objection No. 516 that it should be only in respect of  $17\frac{1}{2}$  stints (instead of  $41\frac{3}{4}$  as now registered):- There was no agreement at the hearing, but I have since received a letter dated 15 May 1969 from Hatten Asplin, Channer & Glenny in which they say on behalf of Messrs A C & R L Cole that they concede of the Objection. My decision is that the Objection succeeds.

All the Rights Section Entries are in dispute by reason of the objections made to the various Land Section Entries and the operation of Section 5(7) 1965 Act. However I have no reason to give such Objections a wider effect than was intended by those who made them. Mr Hunt save as otherwise mentioned in the preceding 4 paragraphs of this decision supported the registrations as being as far as he knew in accordance with the information available to the Conservators. My decision is therefore that save as aforesaid all the now Disputed Rights Section Entries were properly made.

As to CL 228 Ownership Section registrations:- Mr Asplin produced 1961 conveyance and abstracts CEC/1-2 specified in the Third Schedule hereto. The 1893 Act Provisional Order recites that the "common" is waste land of the Manor, West Tilbury of which George Richard Burness Esq is the Lord. The abstract shows that he died on 17 January 1925 having devised all his land in East and West Tilbury, known as



the Tilbury Hall Estate (other than as therein mentioned) to his son Mr G W I and also shows that he died on 30 December 1935 having devised his property to Trustees who under appointment of 30 June 1961 were the vendors mentioned in the conveyance. By this conveyance was conveyed to Mr C H Cole "THIRDLY ALL such rights as the Vendors may have in the lordship of the Manor of West Tilbury".

There was no evidence to support Mr Gothard's claim that Ownership Section Entry No. 1 to be the owner of the part of the Disputed Land south of Sandhurst Road and north of the Railway. Having regard to evidence summarised about Rights Section Entry No. 1 is unlikely that Mr Gothard is the owner of the land.

The 1895 Award does not clearly state who is to be the owner of "the common", and it might perhaps be argued that the ownership of the lord of the Manor was displaced so that the stint holders became owners as tenants in common; no objection to this effect had ever been made, and no suggestion as to this was made at the hearing. However this may be, the 1893 Act, the 1961 conveyances and abstract in my opinion show Mr Gothard is not the owner of any part of the Disputed Land. But for his registration, that made at Entry No. 1 on behalf of Mr C H Cole would have become final. My decision is in having regard to such conveyance and abstract, the conflict between the Ownership Section registration should be resolved in favour of Entry No. 1.

For the above reasons, I refuse to confirm the registrations at:- (a) Entry No. 1 in the VG 16 Land Section and Rights Section; (b) Entry No. 1 in the VG 17 Land Section; (c) Entry No. 1 in the VG 151 Land Section; (d) Entry Nos. 13, 16 and 18 in the CL 228 Rights Section, (e) the Entry which by reason of regulation 14 of the Commons Registration (General) Regulations 1966 is deemed to have been made in the CL 228 Rights Section by reason of Entry No. 1 in the VG 16 Rights Section; and (f) Entry No. 2 in the CL 228 Ownership Section. I confirm the registration of the CL 228 Land Section with the modification that there be removed from the register the lands referred to in Objection No. 127 and which for greater precision are shown cross hatched black on the TBC/1 Plan before mentioned (a copy of which is appended to this decision) with the explanation that the road so cross hatched shall be assumed to be the new existing carriageway (be it a little more or less than the land so cross hatched) with the result that there be removed from the Register this carriageway is considered as extending for 10 ft north of and 10 ft south of middle line of the part now made up. I confirm the registration at Entry No. 16 in the CL 228 Rights Section with the modification that in Column 4 for "41 $\frac{3}{4}$ " there be substituted "17 $\frac{1}{2}$ "; And I confirm the registrations at Entry ~~numbers~~ 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21 and 22 *without any modification.*

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision is being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.



FIRST SCHEDULE  
(Objections)

Relevant file and Entry No. affected	No of objection and date noted in the Register	Name of objector	Ground
212/D/126 VG16; Land Section Entry No. 1	No. 127 17 Oct 1970	Thurrock Urban District Council	That those parts of the land comprised in Register Unit VG 16 as are also shown coloured pink on the two plans lettered A and B attached hereto were not town or village greens at the date of registration.
212/D/126 VG16; Rights Section Entry No. 1	"	"	(Deemed objection under Section 5(6) of the 1965 Act).
212/D/110 CL228; Land Section Entry No. 1	No. 129 27 Oct 1970	Thurrock Urban District Council	As in objection No. 127 to
212/D/111 CL228; Rights Section Entries Nos. 1 to 22 inclusive	"	"	(Deemed objection under Section 5(6) of the 1965 Act).
212/D/128 VG16; Rights Section Entry No. 1	No. 156 3 Oct 1970	C H Cole & Sons	The rights have not been acquired by grant prescription, custom or otherwise.
212/D/123 CL228; Ownership Section Entry No. 2	No. 158 3 Oct 1970	C H Cole & Sons	No rights of ownership have been acquired in the land under the limitation Act 1939 or otherwise in contravention of the Commons Act 1876 section. 36
212/D/122 CL228; Ownership Section Entry No. 1	No. 470 7 Aug 1972	D L & P Luck Ltd	That the person named as owners was not at the date of his registration as such not the owner of that part of the land edged red on the plan attached hereto.

TURN OVER



212/D/112 CL228; Rights Section Entries Nos. 1 to 22	No. 471 17 Aug 1972	D L & P Luck Ltd	That the rights do not exist at all over the land edged red on the plan attached hereto.
212/D/124 CL228; Ownership Section Entry No. 1	No. 475 8 Aug 1972	William Diprose	That the person named as owner was at the date of his registration as such not the owner of the part shown edged red on the attached plan.
212/D/113 CL228; Rights Section Entries Nos. 1 to 22	No. 476 22 Aug 1972	Mr William Diprose	That the rights do not exist at all over the land edged red on the plan attached hereto.
212/D/116 CL228; Rights Section Entry No.18	No. 512 23 Aug 1972	C H Cole & Sons	These rights do not exist.
212/D/118 CL228; Rights Section Entry No.13	No. 513 21 Aug 1972	C H Cole & Sons	These rights do not exist.
232/D/119 CL228; Rights Section Entry No.13	No. 514 23 Aug 1972	D S O Hunt as clerk to the West Tilbury Commons Conservators	These rights do not exist.
232/D/117 CL228; Rights Section Entry No. 16	No. 516	D S O Hunt ditto	There should only be 17½ rights registered in respect of this land.

TURN OVER for Second Schedule



SECOND SCHEDULE  
(Rights Section Entries)

Part I: CL228

Notes (1) 1 sheep is deemed 1 stint; 1 cow or bullock is deemed equivalent to 5 sheep; is deemed sheep; 2 donkeys are deemed equivalent to 5 sheep. (2) All rights except CL228 No. 1 are attached to land. (3) All rights by section 5(6) of the 1965 Act in the CL228 registration are deemed to have been made in the VG registers and conversely

Entry No.	Applicant	Right
<u>Part I: CL228</u>		
1	Charles Henry Cole, owner as Lord of Manor.	31 $\frac{1}{4}$ stints
2	Charles Henry Cole, owner.	4 stints
3	Allen Charles Cole, owner.	145 stints
4	Robert Lindsay Cole, owner.	148 stints
5	Allen Charles Cole and Robert Lindsay Cole, owners.	7 stints
6	C H Cole & Sons, tenants.	6 stints
7	Allen Charles Cole and Robert Lindsay Cole, joint owner and joint tenants; Richard Timothy Asplin joint owner.	42 $\frac{3}{4}$ stints
8	William John Ockendon, tenant	26 stints
9	William John Ockendon tenant and Arthur Alan Charles Cole owner.	6 $\frac{3}{4}$ stints
10	William John Ockendon tenant and Robert Lindsay Cole owner.	12 $\frac{1}{4}$ stints

TURN OVER



11	Miss Bertha Evelyn Bull owner and Allen Charles Cole and Robert Lindsay Cole tenants.	2 stints
12	David Nelder and William Nelder owners.	5 stints
13	Walter Gothard, owner.	To graze 20 cattle over part of land south of railway line and west of Marsh Farm sewage works.
14	Allen Charles Cole and Robert Lindsay Cole owners.	24 $\frac{1}{2}$ stints
15	C H Cole & Sons, tenants.	25 stints
16	C H Cole & Sons, tenants.	44 $\frac{3}{4}$ stints
17	C H Cole & Sons, tenants.	2 $\frac{3}{4}$ stints
18	Rev. Dudley Arthur Whitwham, owner.	4 $\frac{1}{2}$ stints
19	Rev. Dudley Arthur Whitwham, owner.	2 $\frac{3}{4}$ stints
20	Thurrock Urban District Council, owner.	2 $\frac{1}{2}$ stints
21	Thurrock Urban District Council, owner.	11 $\frac{1}{2}$ stints
22	Thurrock Urban District Council, owner.	15 stints

Part 2: VC16

1	Stanley John Nelder, tenant.	Graze 15 cattle over part of land south of railway line with some exceptions.
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THIRD SCHEDULE  
(Documents produced)

TBC

ECC/1.

29 June 1893 .

Commons Regulation (West Tilbury  
Provisional Order Confirmation Act  
1893 (56 & 57 Vict. c. cii).

TURN OVER  
10



ECC/2	21/26 February 1895	Award under said Act confirmed by Board of Agriculture.
ECC/3	ditto	Copy (reduced) map accompanying Award.
ECC/4	ditto	Copy further map accompanying Award.
ECC/5	14 November 1957	Central Electricity Authority (Tilbury) Compulsory Purchase Order 1957.
RJC/1	1584	Extract from "The Survey of West Tilbury" by John Walker, Architect (Essex Record Officer D/DU23/138.
RJC/2	1584	Transcript of above.
RJC/3	1740	Title page of History and Antiquities of Essex by N Salmon (London) with copy of page 300.
CHC/1	31 October 1961	Conveyed by Mrs O M Burness and Mr R T D Stoneham to Mr C H Cole of land at Tilbury, manorial right and stints.
CHC/2	21 October 1920 to 30 June 1961	Abstract of will and codicils of George Richard Burness (he died 17 January 1925), of an assent in favour of his son G W I Burness, of his will and codicil (he died 30 December 1935) and an 1961 appointment of new trustees.
-	25 March 1909 to date	West Tilbury Commons Conservators Account Book.
-	-	Copy Title Award map (the Disputed Land coloured green).

Dated this *6th* day of *July* - 1979

*a. a. Bastin Fuller*

Commons Commissioner

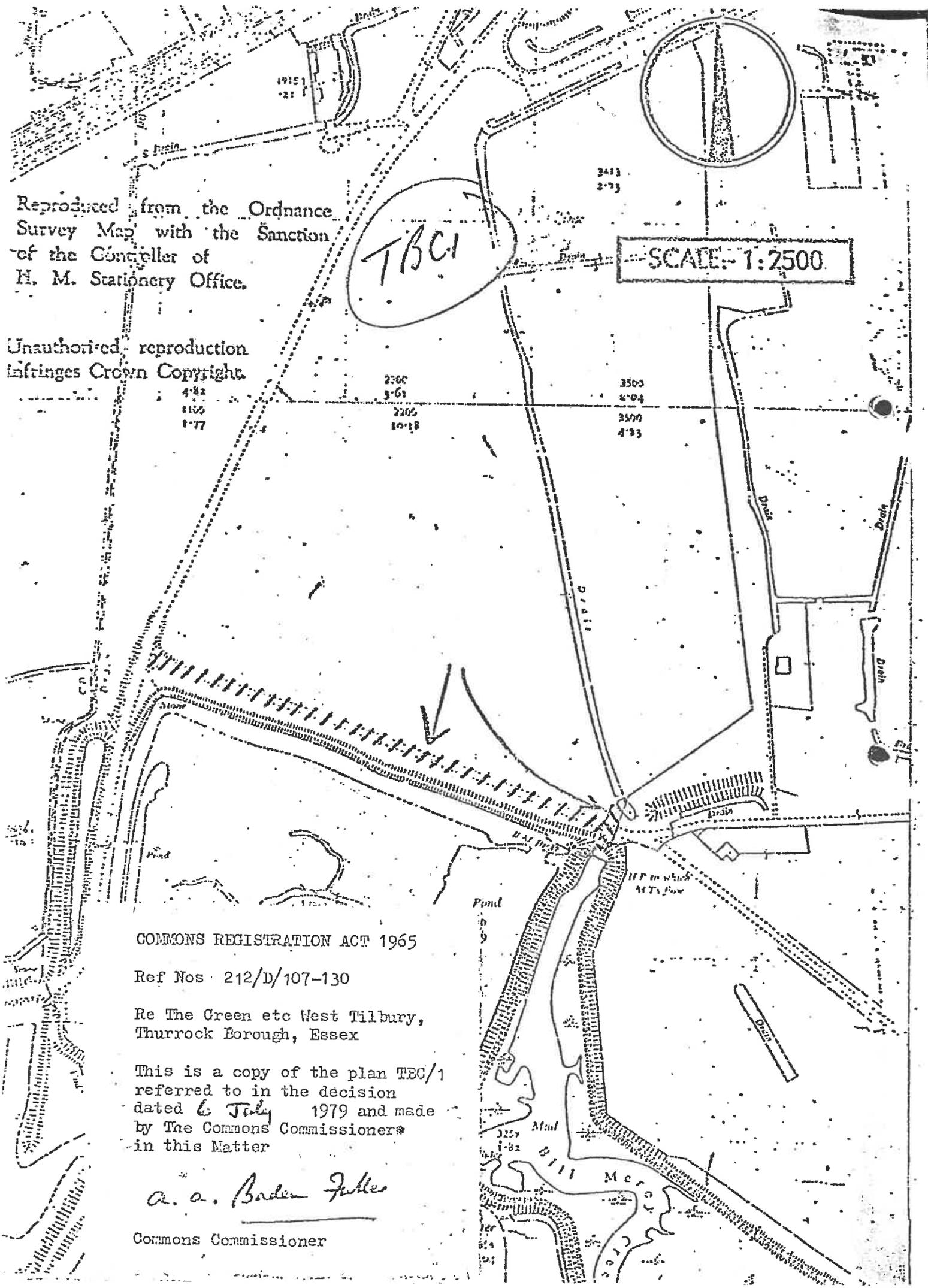
TURN OVER for copy of TBC/1 plan

Reproduced from the Ordnance  
Survey Map with the Sanction  
of the Controller of  
H. M. Stationery Office.

Unauthorized reproduction  
infringes Crown Copyright.

TBC/1

SCALE 1:2500



COMMONS REGISTRATION ACT 1965

Ref Nos 212/D/107-130

Re The Green etc West Tilbury,  
Thurrock Borough, Essex

This is a copy of the plan TBC/1  
referred to in the decision  
dated 6 July 1979 and made  
by The Commons Commissioner  
in this Matter

*a. a. Baden Fuller*

Commons Commissioner



*Chief Solicitor*

Essex County Council  
Chief Executive and Clerk's Department  
PO Box 11, County Hall, Chelmsford CM1 1LX

Telephone: Chelmsford (0245) 492211 extension 20452  
Telex: 995910 DX: 3315  
Fax: (0245) 352710  
Legal Services Division Fax: (0245) 346994



Essex County Council

Your ref  
Our ref  
Date  
Enquiries to:  
Direct telephone line: (0245)

DAF/ENV.92A.03/43/19  
23rd December 1994  
Miss D.A. Farrow

THURROCK BOROUGH COUNCIL

29 DEC 1994

*P. Adcock*

Robert W Adcock CBE DL  
Chief Executive and Clerk

K W S Ashurst  
Deputy Chief Executive and Clerk

1994

Dear Sirs

West Tilbury Commons  
Application for the removal of land from the register of Common Land  
Unit No. CL228

With reference to the above mentioned application, I hereby give you notice that certain of the land comprised in register unit CL228 (West Tilbury Commons) has been removed from the register of common land and substituted land has been added.

The removed land is shown by black hatching on the attached plan and the new land is edged green.

With the plan is an extract of the register indicating the manner in which the amendment has been made.

The Commons (General) Regulations 30(2) requires that the Borough Council keep the papers available for public inspection at all times with the copy registration which you hold.

Yours faithfully

*Robert W Adcock*

for Chief Executive and Clerk

THURROCK BOROUGH COUNCIL

RECD. 03 JAN 1995

AL...

Thurrock Borough Council  
Civic Offices  
New Road  
GRAYS  
Essex  
RM17 68L

NOTE: This section contains the registration of the land comprised in this register unit.

Registration authority

Essex County Council

Register unit No. CL 2227

Edition No. 1

# Register of COMMON LAND

See Overleaf  
for Notes

LAND SECTION—Sheet No. 1

No. and date  
of entry

Deviation of the land, reference to the register map, registration particulars etc.

1  
1974  
June  
1968

The tracts of land called The Green, Hall Hill Common, Fort Road Common, Parsonage Common, Salton Common and Tilbury Port Common, West Tilbury in the Urban District of Thurrock, Essex as marked with green verge lines inside the boundaries on sheet 67 NE/A of the register map and distinguished by the number of this register unit. Registered pursuant to application No. 284 made 21st May 1968, by Charles Henry Cole of Hatchetts, West Tilbury, Essex.

(registration provision)

2

2  
by April  
1961

The registration at entry No. 1 above, which was disputed, became final on 12 November 1979 with the following modification:

The land referred to in objection 12B to be removed from the register, the said land being near the southern part of the register unit and shown hatched black on the register map sheet 67 NE/A, with the explanation contained in the Commons Commissioner's decision that the road so hatched shall be assumed to be the new existing carriageway (be it a little more or less than the land so hatched) with the result that there be removed from the Register this carriageway considered as extending for 10 feet north of and 10 feet south of the middle line of the part now made up.

3  
20 December  
1994

Registration Amendment: The part of the land comprised in this register unit (which adjoins the eastern side of Fort Road and the northern side of Footpath 146, Thurrock at their junction) ceased to be common land on 3 November 1992, and is removed from the register pursuant to application made the 26 July 1994 by the West Tilbury Commons Conservators, the Chairman being Allen Charles Cole, Mill House, Linford Road, West Tilbury, Essex.

No. and date of note	Notes	No. and date of note	Notes
1 18 <sup>th</sup> June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <u>Common-Land</u> section of the Register of Town or Village Greens register unit No. VG 15 and each of those registrations accordingly to be treated as an objection to the other to the extent of the conflict. SE/2	7 8 December 1969	The Application of The Raulders' Association, 124 Finchley Road, London, N.W.3. No. 719 made 3 Dec. 1969 is noted in respect of the registration of No. 1.
2 18 <sup>th</sup> June 1968	Part/The whole of the land comprised in this register unit is also provisionally registered in the Register of <u>Common-Land/Town or Village Greens</u> under register unit No. VG 15 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register, and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/2	8 27 October 1970	The objection No. 128 of Thurrock Urban District Council, Council Offices, Whitehall Lane, Lympsey made 28 September 1970 is noted in respect of registration entry No. 1 in this section.
3 18 <sup>th</sup> June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <u>Land</u> section of the Register of Town or Village Greens register unit No. VG 17 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict. SE/2	9 9 July 1971	D.L. and P. Luck Limited claim a right of way for vehicular and foot traffic traversing the common Dard from Fort Road to field No. 2373 immediately south of field No. 3580.
4 18 <sup>th</sup> June 1968	Part/The whole of the land comprised in this register unit is also provisionally registered in the Register of <u>Common-Land/Town or Village Greens</u> under register unit No. VG 17 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register, and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/2	10 2 NOV 1968	The area of the land contained in this register unit is ..... 39.54 ..... hectare(s).
5 26 June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <u>Land</u> section of the Register of Town or Village Greens register unit No. VG 15 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict. SE/2	6 26 June 1968	The land comprised in this register unit is regulated by a Provisional Order confirmed by the Commons Regulator (West Tisbury) Provisional Order Confirmation

# Register of COMMON LAND

Register unit No. CL228  
Edition No. 1.

See Overleaf  
for Notes

## LAND SECTION—Sheet No. 2

<i>No. and date of entry</i>	<i>Description of the land, reference to the register map, registration particulars etc.</i>
4 20 December 1994	Registration Addition: The piece of land in the Parish of West Tilbury situated south east of the sewage treatment works, approximately 270 metres east of Fort Road and immediately west of Marsh Farm, as marked with a green verge line on inset map 67 NE/A and distinguished by the number of this register unit. Registered by the registration authority in consequence of the removal in entry No. 3 above.
5 20 December 1994	The land comprised in the registration at entry No. 4 became Common Land on 3 November 1992 in substitution for the land removed from the register at entry No. 3 above by virtue of an order of exchange made by the Secretary of State for the Environment under the Inclosure Acts 1845 to 1882 and the Commons Act 1899 and became, on 3 November 1992, subject to rights of Common which were, immediately before the said date exercisable over the said removed land.



nd date re	Notes	No. and date of note	Notes
1 June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <del>land</del> section of the Register of Town or Village Green register unit No. VGr 16 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict. SE/2	8 27 October 1970	The objection No. 1287 Thurrock Urban District Council Council Office, Westwood Lane, Langley, Essex under 28k. September 1970, is used in respect of registration entry no. 1 via this entry.
2 18 June 1968	Part/whole of the land comprised in this register unit is also provisionally registered in the Register of Common Land/Town or Village Greens under register unit No. VGr 16 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/2		
3 18 June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <del>land</del> section of the Register of Town or Village Green register unit No. VGr 17 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict. SE/2		
4 18 June 1968	Part/whole of the land comprised in this register unit is also provisionally registered in the Register of Common Land/Town or Village Greens under register unit No. VGr 17 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/2		
5 18 June 1968	The registration at entry No. 1 above is in conflict with the registration at entry No. 1 above in the <del>land</del> section of the Register of Town or Village Green register unit No. VGr 17 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict. SE/2		
6 18 June 1968	Part/whole of the land comprised in this register unit is also provisionally registered in the Register of Common Land/Town or Village Greens under register unit No. VGr 17 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/2		





C.P. 64

118P.

# COUNTY COUNCIL OF ESSEX

OFFICE OF THE CLERK OF THE COUNTY COUNCIL



County Hall Chelmsford

Telephone 53233

Ext. 20365

My ref. SJG/

Your ref. CP.92A.03/

Date 19 June 1969

Dear Sir/Madam

Commons Registration Act 1965  
Copy of Registration  
Application No. 600

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

*L G Lewis*

Clerk of the Council

To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

*The Clerk,  
Thurrock UDC  
Council Office  
Whitehall Lane  
Grays, Essex.*

CLERK T.U.D.C.	
REC'D 23 JUN 1969	
To	/
COPY	

*P/c. act. sent 26/6/69.*

Please address any reply impersonally to the Clerk of the County Council quoting my reference

*26/6/69. Please Council that who agree that this registration relates to CL 228 & the Gdn. and Street nos 15 and 17. - E.*

**COPY**

# Register of

Registration authority

Note: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Register unit No. **CL228.**  
Edition No. **1**

See Overleaf for Notes

OWNERSHIP SECTION—Sheet No. **1**

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
1 19 June	500 19 June	Charles Henry Cole, Hatchetts, West Tilbury, Essex. (Registration provisional)	The whole of the land comprised in this register unit.
1969	1969		

*Keep track by sheet - Inventory 24/11/1969  
W.S. King*

No. and date of note	Notes	No. and date of note	Notes
1 18 June 1968	Part/the whole of the land comprised in this register unit is also provisionally registered in the Register of <del>Common-Land/Town</del> or Village Greens under register unit No. <del>VG 16</del> and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/3		
2 18 June 1968	Part/the whole of the land comprised in this register unit is also provisionally registered in the Register of <del>Common-Land/Town</del> or Village Greens under register unit No. <del>VG 17</del> and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/3		
3 28 June 1969	Part/the whole of the land comprised in this register unit is also provisionally registered in the Register of <del>Common-Land/Town</del> or Village Greens under register unit No. <del>VG 18</del> and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register. SE/3		



No. and date  
of note

Notes

1

8 December  
1969

The registration at entry No. 1 above is in conflict with the registration at entry No. ~~above~~ in the ~~land~~ <sup>Common Land</sup> section of the Register of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict.

SE/2

2

8 December  
1969

~~Part~~ The whole of the land comprised in this register unit is also provisionally registered in the Register of Common Land/~~Town or Village Greens~~ under register unit No. CL 373, and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.

SE/3

3

10 December  
1970

The objection No. 157 of Messrs CH Cole Jones (a firm) Mill House, West Dillbury, Group Essex made 29 September 1970 is upheld in respect of registration entry No 1 in this section



# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. My ref. 2035 SJG/MF

Your ref.

Date

8 August 1972

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/~~Madam~~

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Greens  
Register Unit CH228

RECEIVED  
10 10 72  
=MSJ?  
COPY

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (~~or withdrawal~~) which has been inserted in the <sup>Ownership</sup> Section of the Register Unit specified above (Tract of land called The Green, Hall Hill Common, Frit Road Common, Farnage Common, Wadston Common and Tilbury Post Common, West Tilbury in the Urban District of Thurrock).

No. and Date	The objection No. 1475 of William Pipestone Sep 6 Lemnolds Cottage, Sandhurst Road, West Tilbury, Essex. made 24 July 1972 is noted in respect of registration entry No. 1 in this section.
7 August 1972	

... \*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.

... I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

Clerk of the Council

To: ~~The Town Clerk/Clerk of the Council~~  
~~..... Borough/Urban/Rural~~  
District Council:  
~~The Clerk of~~ Parish Council.

p/c am. sent 10/8/72  
MJ.

\*Delete if inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference



# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. My ref. 2035 SJG/MF

Your ref.

Date

7 August 1972

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/Madam

RECEIVED  
13 AUG 1972  
To MJP

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Greens

Register Unit CL228

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (~~or withdrawal~~) which has been inserted in the Ownership Section of the Register Unit specified above (Tract of land called The Green, Hall Hill Common, Foot Road Common, Passage Common, Walton Common and Tillyng Foot Common, West Tillyng, Thurrock.)

No. and Date 6 7 August 1972	The objection No. 470 of D. K. and P. Luck Ltd., of Astra House, Astra Close, Harchurch, Essex (Registered office) made 17 July 1972 is noted in respect of registration entry No. in this section.
------------------------------------	---

... \*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.

... I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

10  
Clerk of the Council

To: ~~The Town Clerk~~ Clerk of the Council  
... ~~Thurrock~~ ... Borough/Urban/Rural  
District Council.  
The Clerk of ~~the~~ Parish Council.

p/c ack. sent 10/8/72  
MF

\*Delete if inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference



COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233

Ext. My ref.

2035 SJG/GB

Your ref.

Date

16 October 1970

*MIP*

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land

Register Unit CL 228

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (or withdrawal) which has been inserted in the ownership Section of the Register Unit specified above.

Note

No. and Date	The objection No.158 of Messrs. C.H. Cole and Sons of Mill Lane, West Tilbury, Grays, Essex made 29 September 1970 is noted in respect of registration entry No.2 in this section.
5 October 1970	

~~This information applies only to the part of the land on this register unit which is shown on the attached plan~~

I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as a Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

*L. G. Lewis*  
Clerk of the Council

TO: The ~~Thurrock~~ Clerk of the Council,  
Thurrock.....~~Rural~~/Urban/~~Rural~~ District Council

Delete if  
inapplicable

~~XXXXXX~~  
Council Offices  
Whitehall Lane  
GRAYS  
Essex.

Please address any reply impersonally to the Clerk of the County Council quoting my reference

*Plc ack sent 19/10/70  
WJP.*



COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233

Ext. My ref.

Your ref.

Date

2035 SJG/EB  
CP.92A.  
03/

Date as postmark

Dear Sir/Madam

Commons Registration Act 1965

Copy of registration

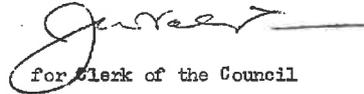
Application No. 579

I refer to my letter of 24.4.69 sending to you a copy of a registration made in the Register of Common Land or the Register of Town or Village Greens, consisting of a plan and written entry.

You were requested to return to me a reply-paid postcard indicating that you had received the documents safely.

I have not received this and shall be obliged if you will let me know the position.

Yours faithfully

  
for Clerk of the Council

The Clerk of the Council,  
Thurrock Urban District Council,  
Council Offices,  
Whitehall Lane,  
Grays.

P/c returned  
4/6/1969.

Please address any reply impersonally to the Clerk of the County Council quoting my reference



COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford

Telephone 53233

Ext. My ref.  
2035 SJC/PB  
CP.92A.  
03/

Your ref.

Date  
Date as postmark

Dear Sir/Madam

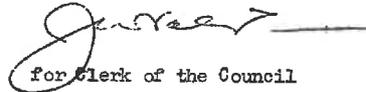
Commons Registration Act 1965  
Copy of registration  
Application No. 578

I refer to my letter of 23.4.69 sending to you a copy of a registration made in the Register of Common Land or the Register of Town or Village Greens, consisting of a plan and written entry.

You were requested to return to me a reply-paid postcard indicating that you had received the documents safely.

I have not received this and shall be obliged if you will let me know the position.

Yours faithfully

  
for Clerk of the Council

The Clerk of the Council,  
Thurrock Urban District Council,  
Council Office,  
Whitehall Lane,  
Grays.

ack. card  
Sent 4/6/69.

Please address any reply impersonally to the Clerk of the County Council quoting my reference



# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. 2035 My ref. SJG/M:P

Your ref.

Date

17 August 1972

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/Madam

REC 18 AUG 1972

No. To A:JP

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Greens

Register Unit CH 228

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (~~or withdrawal~~) which has been inserted in the Section of the Register Unit specified above ( <sup>Rights</sup> ~~Tracts of land~~ called The Green, Hall Hill Common, Fort Road Common, note Invernage Common, Watten Common and Tilbury Hill Common East Tilbury in the Urban District of Thurrock. )

No. and Date	The objection No. 471 of Dk and P Act 1965, Astra House, Astra Place, Harlow, Essex (Registered Office) made 17 July 1972 is noted in respect of registration entries 1-22 (inclusive) in this section.
8 August 1972	

\*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.

I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

To: ~~The Town Clerk/Clerk of the Council~~  
~~Thurrock~~....Borough/Urban/Rural  
District Council.  
The Clerk of  
Parish Council.

Clerk of the Council

D/C ack.  
Sent 21/8/72

\*Delete if inapplicable

Please address any reply impersonally to the Clerk of the County Council quoting my reference

new th  
side  
Byline



Whittier State  
for road on  
to road on the  
collection  
14 July 1972  
Pug on 1971



# COUNTY COUNCIL OF ESSEX

Clerk of the County Council J. S. Mills.

P.O. Box No. 11 County Hall Chelmsford CM1 1LX

Telephone 53233

Ext. My ref.

Your ref.

Date

2035 SJG/MP

22 August 1972

**IMPORTANT.** This document containing a copy of a note must be kept available for public inspection at all reasonable times.

Dear Sir/~~Madam~~

CLERK T.C.B.  
24 AUGUST

MJP

Commons Registration Act 1965  
Commons Registration (Objections and Maps) Regulations 1968  
Register of Common Land/Town or Village Greens

Register Unit CL228

Under the above Regulations, I am required to send you the following copy of a note regarding an objection (or ~~withdrawal~~) which has been inserted in the <sup>Rights</sup> Section of the Register Unit specified above (Tracts of land called The Green, Hall Hill Common, Pitt Road Common, Passage Common, Littleton Common and Tilbury Pit Common, East Tilbury in the Urban District of Thurrock)

No. and Date	The objection No. 476 of William Duprez Esq. Blenheim Cottage, Sandhurst Road, West Tilbury Essex made 24 July 1972 is noted in respect of registration entries 1-22 inclusive in this section.
9 22 August 1972.	

\*The objection applies only to the part of the land on this register unit which is edged red on the attached plan.

I shall be obliged if you will acknowledge receipt of this notice by completing and returning the enclosed postcard. A reply paid label is also enclosed for attaching to the postcard. If this notice is sent to you in your capacity as A Clerk of a Parish Council, but you no longer hold that position please return this document to me making use of the reply paid label and if possible indicate the name of the new Parish Clerk.

Yours faithfully

J. S. Mills

To: ~~The Town Clerk~~/Clerk of the Council

...~~Thurrock~~...~~Sorough/Urban/Rural~~

District Council.

~~The Clerk of~~

~~Parish Council~~

Clerk of the Council

\*Delete if inapplicable

Please address my reply impersonally to the Clerk of the County Council quoting my reference





COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL

County Hall Chelmsford  
Telephone 53233  
Ext. My ref.

C.P. 64  
9 JUL 1970  
To Mr  
COPY  
Your ref. Date

2034 or SJG/  
2035 CP.921.03/

8 July 1970

Dear Sir/Madam

Commons Registration Act 1965 ✓  
Copy of Registration ✓  
Application No 5 606 and 811, 819 & 942. ✓

... As required by the Commons Registration (General) Regulations, 1966, I send herewith to your Council a copy of a registration which has been made in the Register of Common Land or the Register of Town or Village Greens.

Your Council, being a "concerned" authority within the meaning of the Act, are required by the Regulations to keep the copy available for public inspection at all reasonable times.

... Please acknowledge receipt of this letter on the enclosed post card, making use of the reply paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply paid label and kindly indicate, if you are able to do so, the name and address of the new Clerk OR
- (b) pass the documents to the new Clerk, requesting him/her particularly to send the acknowledgement card to me. If I do not receive this from him/her, I may send a reminder to you unnecessarily.

Yours faithfully

*L. G. Lewis*

Clerk of the Council

To: ~~The Town Clerk/Clerk of the District Council/Clerk of the Parish Council~~

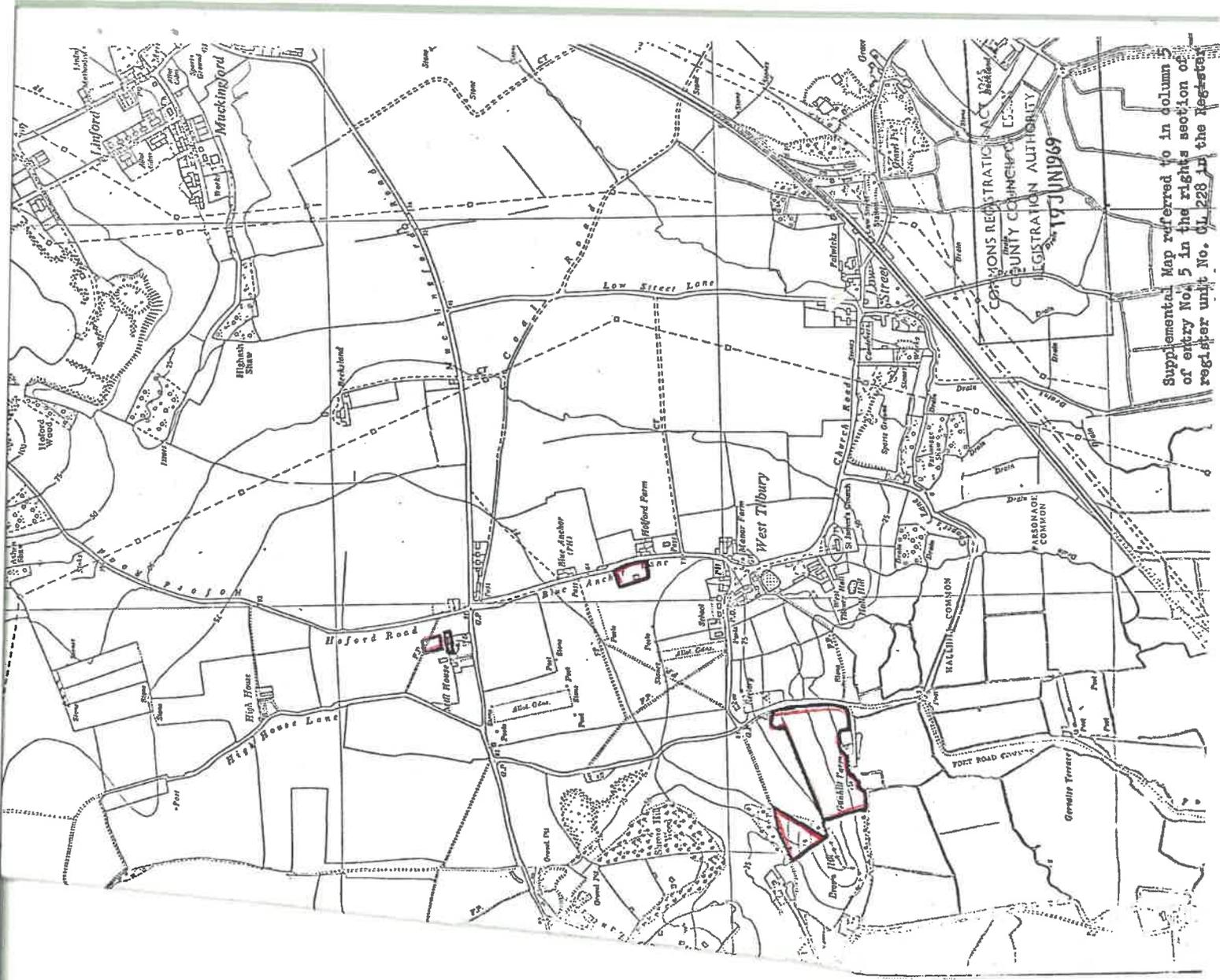
*Clerk of Turrook V.D.C.*

*P/c ack sent  
13/7/70*

Please address any reply impersonally to the Clerk of the County Council quoting my reference







Supplemental Map referred to in column  
of entry No. 5 in the rights section of  
register unit No. 01, 228 in the Register

COMMONS REGISTRATION ACT 1965  
COUNTY COUNCIL  
REGISTRATION AUTHORITY  
1969

**COPY**

# Register of Common Land

RIGHTS SECTION—Sheet No. 6

See Overleaf  
for Notes

Notes: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
6	606	Allen Charles Cole, Mill House, West Tilbury	To graze animals of the classes given below over the whole of the land comprised in this register unit to the extent of 6 stints or rights of pasture where	Land at West Tilbury, Essex as shown edged red inside the boundary on the supplemental map bearing the number of this registration.
7	July 19 June 1969	West Tilbury Essex and Robert Lindsey Cole Holford House West Tilbury Essex.	1 sheep is deemed 1 stint; 1 cow or bullock is deemed equivalent to 5 sheep; 2 horses are deemed equivalent to 15 sheep; 2 donkeys are deemed equivalent to 5 sheep.	(Registration provisional)
		Trading as Messrs. C.H. Cole and Sons, Mill House, West Tilbury Essex. Tenants		

No. and of note

The registration at entry No. 6 above is in conflict with the registration at entry No. 19 above in the rights section of register unit No. G 228 in the Register of Common Land.   
 (1970 or hand)   
 these registrations is accordingly to be treated as an objection to the other to the extent of the conflict.   
 SE/2

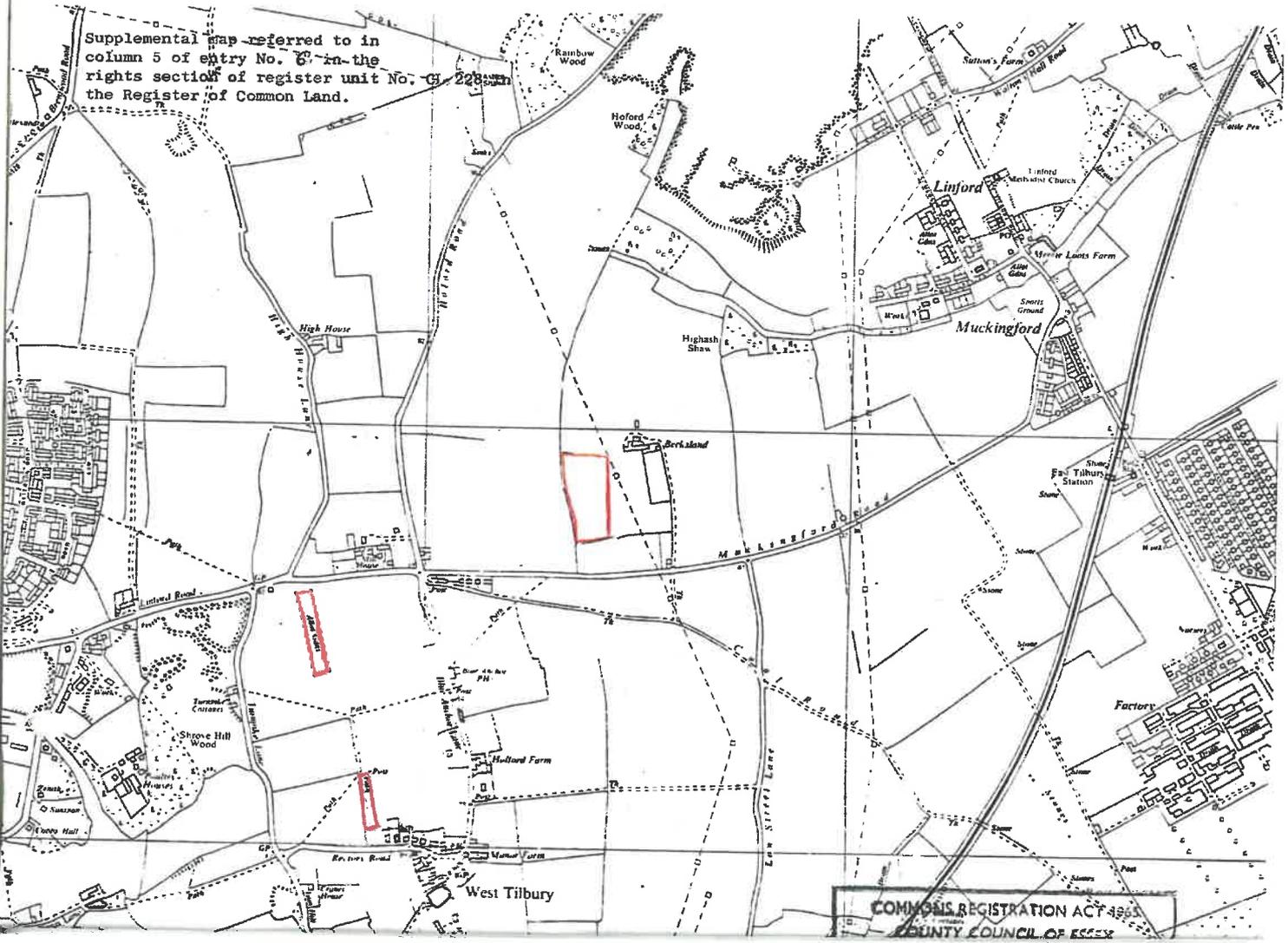
Notes

No. and date of note

84

2 July 1970

Supplemental map referred to in column 5 of entry No. 6 in the rights section of register unit No. G 228 in the Register of Common Land.











COMMONS REGISTRATION  
COUNTY COUNCIL OF  
19 JUN 1969

Supplemental Map referred to in column 2  
of entry No. 8 in the right section of  
register with No. 228 in the Register  
of Common Land.

ELECTRICITY

Westbury Marshes  
Westbury Level  
Morton Common

Harrison Common

Hallin Common

Westbury

Low Street Lane

Blue Anchor

Highway

Solicitor & Assistant Town Clerk

Director of Planning & Development.

ML/PN

(Attention of Mr. P. Preston)

6th November, 1979.

Ownership of Common Land

With reference to our recent conversation concerning the ownership of West Tilbury Commons I would inform you that at the recent hearing of the Commons Commissioners the provisional registration of Charles Henry Cole of 'Hatchets', West Tilbury, Essex, as owner of the whole of the land shown edged green on the attached plan was confirmed.

At the same hearing the provisional registration of Walter Gothard of land lying to the south of Sandhurst Road, north of the railway, was not confirmed.

For Solicitor & Assistant Town Clerk

COUNTY COUNCIL OF ESSEX  
OFFICE OF THE CLERK OF THE COUNTY COUNCIL



County Hall Chelmsford

Telephone 53233

Ext.  
2036

My ref.  
SJG/ CP.92A.03/

Your ref.

Date

21 November 1969

Dear Sir/Madam

Commons Registration Act 1965  
Conflicting Registration

REC. 28 NOV 1969

No.

is MP

COPY

As required by the Commons Registration (General) Regulations 1966, I send here-  
with to your Council copy registration(s) which has/have been made in the Register  
of Common Land or the Register of Town or Village Greens, together with a re-  
placement copy of a former Registration entry.

Your Council already have in their possession the former Registration and I shall  
be glad if you will, as required by the Regulations, destroy the former Registration  
entry sheet marked "Register Unit No. ~~4228~~ and replace it by the document sent  
herewith marked "replacement copy". (OWNERSHIP)

Please arrange for the replacement copy and the new Registration(s) to be kept  
available for public inspection at all reasonable times as required by the  
Regulations. I should be glad if you will acknowledge receipt of this letter  
on the enclosed postcard, making use of the reply-paid label provided.

Should this letter be addressed to you in your capacity as Clerk of a Parish  
Council but you have relinquished this office, I shall be obliged if you will -

- (a) return the documents to me, using the reply-paid label and kindly  
indicate, if you are able to do so, the name and address of the new Clerk or
- (b) pass the documents to the new Clerk, requesting him/her particularly to  
send the acknowledgment card to me. If I do not receive this from  
him/her, I may send a reminder to you unnecessarily.

Yours faithfully

*R. G. Lewis*

Clerk of the Council

The Clerk of the District Council; THURROCK U.O.C.  
~~The Clerk of~~ Parish Council,

P/c ack.  
sent.  
28/11/69.



## **Appendix B Section 16 Pre-Application Letter and Plans**

Head of Commons Registration Authority  
Thurrock Council  
Civic Offices  
New Road  
Grays  
RM17 6SL

One Glass Wharf  
Bristol BS2 0ZX  
**Tel: +44 (0)117 939 2000**  
Fax: +44 (0)117 902 4400  
email@burgess-salmon.com  
www.burgess-salmon.com  
DX 7829 Bristol

**By Email** [CPurvis@thurrock.gov.uk](mailto:CPurvis@thurrock.gov.uk)

Our ref: CY02/JB13/47016.8/TRACE

Your ref:

18 September 2020

Dear Sirs

**Thurrock Power Limited (A Statera Energy Group Company)  
Proposed Flexible Generation Plant in Thurrock, Essex  
Section 16 Commons Application**

You will previously have been consulted in relation to the Development Consent Order (DCO) application by Thurrock Power for Thurrock Flexible Generation Plant, which comprises an electricity generating station and battery storage facility next to Tilbury Substation in Thurrock.

The boundary of the DCO application includes an area of registered common land known as Walton Common (CL228) as shown edged red on the attached map. This area of common land is required for the main site of the development.

Where common land is permanently affected by development proposals, and is not to be compulsorily acquired, consent must be granted under the Commons Act 2006. Thurrock Power's proposal to deregister a piece of Walton Common and to register suitable replacement land in exchange of this land requires a separate application under Section 16 of the Commons Act 2006 which will be determined independently from the DCO application.

A Section 16 Application is currently being prepared and this letter is to consult and seek your views on the proposed deregistration and exchange of common land. Comments received on common land as part of the DCO consultation process have been carefully considered to inform this Application. When the Section 16 Application is submitted you will be notified and able to submit representations directly to the Planning Inspectorate (PINS).

The proposed development site was chosen following a logical and staged decision-making process to determine the most appropriate site for the development and taking into account the impacts on the common land. This included whether replacement land could be provided and how that would affect commoners. The Environmental Statement produced as part of the DCO application has fully assessed the potential effects of the proposed project on common land, in particular in Volume 6, Appendix 8.2. The Environmental Statement and other DCO application documents are available to view electronically and download, free of charge, on the Planning Inspectorate project website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant>

The attached map shows the location of the area of Walton Common proposed to be released from the Common as part of the development. This land comprises approximately 10.1 ha of agricultural grassland

WORK\37910290\1

Classification: Confidential

located to the south of the existing railway line. It links to other parts of the Common on the northern side of the railway, known as Parsonage Common, via a crossing of the railway line.

It is proposed that, in exchange for the release of this land in Walton Common, a larger area of land comprising 11.6 ha will be provided as exchange land to be added to the area of Walton Common (as shown edged green on the attached map). This land comprises a single agricultural field located to the north of the railway line, and is adjacent to Parsonage Common and the existing crossing into Walton Common. The exchange land will have the same rights of public access as the release land and the grassland will, as a minimum, be of the same quality as the land to be deregistered. The exchange land is not currently common land and is not subject to a right of public access on foot under the Countryside and Rights of Way Act 2000.

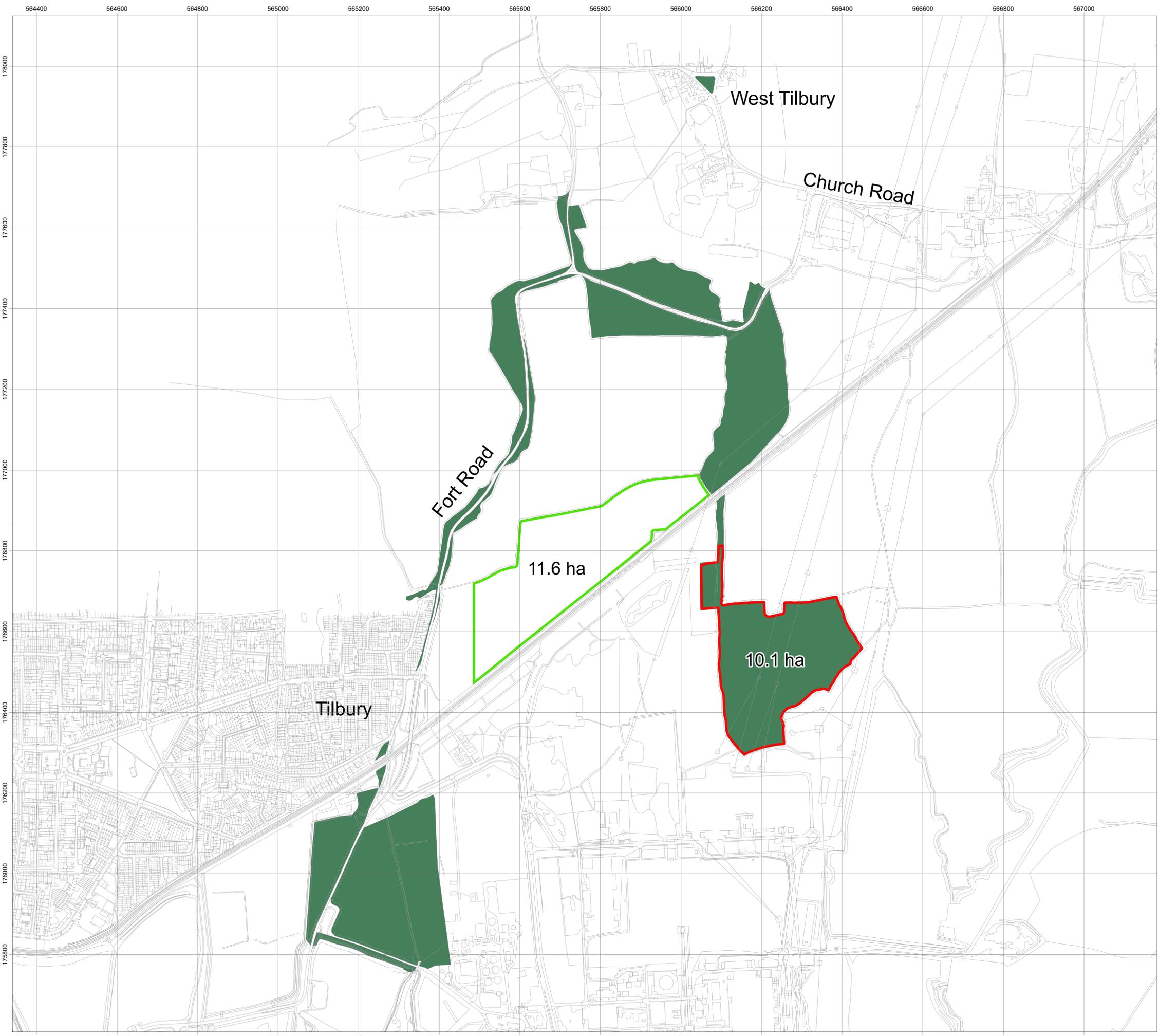
If you have any comments on these common land proposals, please send these by **12pm on Monday 19 October 2020** to Cathryn Tracey either by email to [Cathryn.Tracey@burges-salmon.com](mailto:Cathryn.Tracey@burges-salmon.com) or by post to the address at the top of this letter.

Yours faithfully

*Burges Salmon LLP*

BURGES SALMON LLP

*Enc*

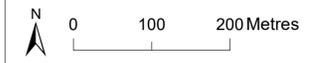


**Legend**

- Exchange land
- Release land
- Common land



Date: 14/07/2020  
 Created by: MS  
 Checked by: JT  
 Doc no: 10872-0246-003  
 Scale: A3@ 1:4,500  
 Reference System: OSGB36  
 Projection: BNG



Rev	Date	Remark

**Thurrock Flexible Generation Plant  
 Section 16 Commons Application Context Plan**



## **Appendix C Section 16 Pre-Application – Natural England and Historic England Responses**

Date: 5<sup>th</sup> November 2020  
Our ref: 328496  
Your ref: CY02/JB13/47016.8/TRACE



**Common Land Casework Team  
The Planning Inspectorate  
Room 3/25B Hawk Wing  
Temple Quay House,  
2 The Square  
Temple Quay  
Bristol BS1 6PN**

By email only

Dear Common Land Casework Team

**APPLICATION FOR DEREGISTRATION OF WALTON COMMON AND  
PROVISION OF LAND IN REPLACEMENT**

**Commons Act 2006: Section 16**

**Consultation: S16: Commons Act 2006**

**Location: Walton Common, West Tilbury, Essex**

**Background**

I am writing in response to the consultation on the application made by Burgess Salmon; on behalf of Thurrock Power Limited (A Statera Energy Group Company). It is Natural England's understanding that the application is to release 10.1 ha of land known as Walton Common which will be used for the development of a power station. They offer replacement land a short distance north and adjacent to the railway line; this will comprise 11.6 ha. The replacement land will be contiguous with Parsonage Common. It appears that a small piece of Walton Common will not be de-registered although it will not be either accessible or usable.

The applicant has submitted the following document in support of their proposal:

*Thurrock Flexible Generation Plant: Environmental Statement Volume 6 Appendix 8.2: Common Land.*

Natural England has noted what it considers to be an error or misleading statement, namely the rights of access. See below.

Natural England is a non-departmental public body. Our statutory purpose is to

ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's statutory responsibility relation to 16(6) of the Commons Act 2006 is to provide advice to the Secretary of State and therefore the Planning Inspectorate with advice on the public interest of the common.

Natural England is aware that Walton Common is one of several commons that make up West Tilbury Commons; this is regulated under the 1876 Commons Act. The Act regulating this common was passed on the 29 June 1893.

Access rights were granted under this order. They provide for access, recreation and where permissions are granted the playing of games; this is to the whole area of Walton Common, and, at all times. The Act also states that the conservators can set aside areas for playing games should they so wish. We understand that permissions for playing games has not been given and possibly never sought.

There are no PROW across the site. It should be noted that the proposed ECP lies to the south of Walton Common and will not be affected by the proposals.

Walton Common has no designations for biodiversity. The applicants environmental statement confirms this and points out that the land is now predominantly semi-improved grassland; a relict grazing marsh that does not meet the criteria for the Priority Habitat Coastal & Floodplain Grazing Marsh. They also state that it is no longer managed by grazing by the stint holders, rather, the site is managed by mowing. However, discussion with the West Tilbury Conservators indicates that there is still grazing on the site, this is undertaken by the one remaining stint holder who is now the owner of the common. All other stint holders in fact no longer exist due to changes to the dominant tenements.

Natural England has also been made aware by the West Tilbury Conservators that they are deeply concerned with illegal use of the existing common on the Fort Hill Road. As Natural England's remit does not extend to the interest of the landowners and managers of the land we would not normally involve ourselves in these matters. However, it would appear that this might influence the Conservators regarding the replacement land and its accessibility.

Natural England advises, that when landowners or managers review the management and usage of commons, that they give due regard to both the needs of wildlife and the public interest. Where changes in management have an implication for the accessibility on common land, the decision-making process should take account of "the least restrictive option", as well as the opinions of both the local community and of user groups. We consider that it is good practice that the land manager follows a process of decision making based on *A Common Purpose: a guide to Community Engagement* which is supported by several agencies including Natural England.

<http://publications.naturalengland.org.uk/publication/730889?category=40026>.

Further, any planned infrastructure should be in accordance with equalities legislation and consider the diversity of the needs of all users including the less able, guidance is given in: *By All Reasonable Means: Inclusive access to the outdoors for disabled people*.

### **Wider Consultation**

Natural England has been informed that as part of the NSIP process significant consultations with stakeholders, conservators, and the public have taken place over a long period. We would expect that views and advice given during this process have directed the choice of the replacement land during this process.

### **De- Registration and Replacement Land**

The proposal is to deregister 10.1 ha of land known as Walton Common; which is situated south of the railway line and to replace with 11.6 ha land to the north and adjacent to the railway line. The railway line now appears to be a deterrent to people from reaching Walton Common from either Tilbury or West Tilbury. The Proposed replacement land lying north of the railway line presents the possibility of better access for these two communities.

### **Our Response**

This is a highly complex proposal which involves areas of land, apart from the common. For the purposes of the s16 proposal Natural England has focussed on the area known as Walton Common; the resultant implications of the proposed loss, and the replacement land with its potential gains.

We are mindful that the Secretary of State's Guidance for Common Land Consent Policy states that the process should aim to achieve the following outcomes:

*Our stock of common land and greens is not diminished — that, on balance, any deregistration of registered land is balanced by the registration of other land of at least equal benefit*

Our interpretation of this policy is that the land lost is replaced with land that gives at least equal benefit in terms of the areas of land that are involved, the biodiversity or its potential, the landscape, the rights of access to the land as well as its accessibility for the community affected.

In making our response we have been mindful of the consents policy. We have referred to it as a framework in providing our response to the consultation. This framework is shown in bold below and our advice in normal text.

### **What effect will the proposals have on those wishing to use the common for recreation and access?**

Walton Common is part of the West Tilbury Commons which were subject to the Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893. It provided a Schedule of Regulation for several individual but closely spaced

commons namely The Green, Hall Hill Common, Fort Road Common, Walton Common and Tilbury Fort Commons. All but The Green was in affect linked. This was one of 36 commons that were regulated under the Commons Act 1876. It provided for a scheme under which to manage the common land, with respect to protection of the land and the rights of commoners but it also made provisions for the benefit of the neighbourhood. This gave free access to the common and of enjoying reasonable recreation. In short, access rights have thus existed on these commons since 1893.

These rights which were originally conferred on the neighbourhood and the residents of the Parish can now be enjoyed by the public at large under s15(2) of the Countryside and Way Act 2000. These rights are frequently referred to as “higher rights” and were not extinguished by the 2000 Act.

Hence the following narrative (shown below) taken from s1.1.6 of the Commons Statement is misleading, if not incorrect:

*The public has a right of access over Walton Common by virtue of the provisions set out in the Countryside and Rights of Way Act 2000. Under the Act, areas of registered common land became Access Land to which there is a right of public access on foot. As described above, this Access Land comprises an area of agricultural grassland*

It is the rights that were granted by the 1893 Order that should be transferred to any replacement land. Should the replacement land be given CROW Access rights, this would be a loss or lowering of rights.

At the time of the 1893 order it can be seen on old maps that the London Tilbury and Southend Railway had already been built <https://maps.nls.uk/view/101456144>. Walton Common is the same shape as today but the elongated narrow, north, south strip can be seen more clearly and appears to traverse to the north of the railway where it joins Parsonage Common. It suggests that the crossing of the railway line was meant to be both usable and enabled free access from Parsonage to Walton Commons. The applicants statement describes this crossing as it is today, which whilst still appearing to provide access between the 2 commons, it is reported to have been padlocked, thus deterring access. This crossing can be seen on the following photograph available online, and taken by Robin Webster: <https://www.geograph.org.uk/photo/6087031>. There is no information as to whether the padlocking of the gates and prevention of access is permissible under law.

The applicants have helpfully observed the crossing which they feel has had little use. We do not know whether this is because the public do not know that the land on the other side has rights of access, or because they are deterred from reaching it.

Like most areas of Britain there has been a growth of communities this seems to have been concentrated at Tilbury itself rather than the surrounding smaller hamlets. The community of West Tilbury can access the commons from Parsonage Common. It is the people of Tilbury which must travel the furthest to access the common land. The proposed replacement land has the potential to improve access to Parsonage Common and Hall Hill Common as well as providing a replacement for Walton

Common close to their homes. Together with Hall Hill Common and Parsonage Common, which are contiguous, the replacement will form an extensive stretch of common land. However, several questions remain unanswered which will affect the use and accessibility of the proposed area.

1. The new common falls short of the Fort Hill Road by approximately 100 metres. The applicant states that they would provide a permissive route across this new field to reach to the Fort Hill Road. This route is not dealt with under this s16 application. We have seen from the railway crossing how easily a route that no doubt existed at one point in time can be simply taken away when there is no right in law.

This has the potential to be an exceedingly important route for the community of Tilbury. Without this route the public would have a walk 1.7km to reach the proposed replacement land. Therefore, it is too important to be left to the possibility of future closure. The estimate of distance that we have made aligns with that given in the applicant's statement at 1.2.8.

The applicant's statement 2.2 - Land, Special Category Land and Crown Land Plans shows the land to be purchased includes a narrow strip of land that runs from the proposed replacement land to the Fort Hill Road, at the northern edge of the present field. This land could also be offered as part of the replacement land and create a statutory corridor of common land to the main area of the common from the road.

An alternative to would be to agree to the creation of a public right of way.

It is Natural England's view that the access to this replacement land should be dealt with under the s16 proposal as it impacts on the use of the proposed common.

2. There is no information provided regarding the boundary which lies between Parsonage Common and the proposed replacement land. It would be useful to know if the commons will be managed as one entity or continue to be managed, separately. If this is the case, then the boundary would be needed to be punctuated with access points to provide permeability. The least restrictive option should be chosen. If no grazing is to be undertaken, then gaps could be provided. If the land is to be grazed then a 2 way non self-closing gates are recommended which meet the BS 5709: Gaps, Gates and Stiles. If, on the other hand, there is a ditch between the 2 commons provision should be made for bridges/ crossings which meet the Equalities Act and are wide enough to take a mobility vehicle.
3. The replacement land, even when grassed may not readily appear to the public to be common land- rather it may very appear to the public to be an area of inaccessible agricultural grassland. How will the public be aware the land is now registered as common and to which they have rights of access.

4. There is no information as to whether there has been discussion on whether the management of the land will cause conflict between various parties. It would be useful to know whether this has been considered.

For instance, as discussed Walton Common has been underused, the same management regime is now planned for the replacement land. It is our understanding that the land will be sown with a grass mix and become semi-improved grassland cut for hay. Will this cause difficulty for the land manager possibly because the hay crop will be trampled and may be contaminated by dog faeces, conversely, will the hay crop prevent the public from enjoying the access rights as stipulated in the legislation. Does this require some thought? It might be that when the grass is long, mown routes might prevent problems, as would information.

### **Other Matters**

As stated in the Background we are aware of the concerns of the Conservators regarding illegal activity on the common at Fort Road. Natural England acknowledges that the replacement land could be more liable to illegal activity than the existing Walton Common. This could make the situation more difficult for the Conservators. Thereby for this land to be successful as common steps an approach has to be found to make the land accessible to the public but not to illegal usage. This should be part of any arrangement.

### **Summary**

The replacement land has the potential to be a much-improved offer for local residents of Tilbury if it's potential is reached. It could also become an area of grassland, never used, and never known to have rights of access.

### **Are there potential benefits to nature conservation from carrying out the proposals? Does Natural England or any other competent person agree with the assessment of any proposed benefits?**

Walton Common is a degraded coastal grazing marsh with ditches that are in poor condition. It is managed as semi-improved grassland. The applicant has done a detailed ecological review, survey and report and has found that Walton Common is never-the-less a habitat for a number of species. These include eighteen species of birds with conservation concern breeding within the survey area, including Cetti's Warbler. They concluded that overall the breeding bird groups were considered to be of district-level importance. Further they reported that the area supports populations of adder, grass snake, common lizard and slow-worm. Also that Water voles have been found to be present in the ditches in some surveys.

The requirement of the replacement land is that it should be of at least equal benefit to biodiversity. The last year has indicated the strength of the public interest in nature conservation as well as having access to where they can connect with nature. It

would therefore be unfortunate if the replacement land did not provide at least an equal value of the land that the statement says is degraded.

The position of the replacement land is further from the coast and it may therefore be that the land is destined to have a different biodiversity, however it should be of at least equal benefit. The habitat maps of the area of replacement land seem to indicate that it is presently used by Lapwing, Redshank and by Corn Bunting.

The use of the replacement land is cultivated arable land. Since the habitat of the land will be changing it is difficult without further information to say whether the land will have equal biodiversity to the present Walton Common.

The proposed replacement land is used for arable and therefore will have been cultivated and fertilised. The plan is to plant a seed mixture that will result in a semi-improved grassland. The applicant's statement is confusing, under 1.2.3 there is a commitment to sow "grassland would be, as a minimum, of the same quality as that existing in Zone A" (Walton Common). This indicates that the mixture could be less valuable for wildlife than the existing common. Further at 1.2.9 the applicant states that "Zone E (the replacement land) *currently comprises an agricultural field in arable use which will be established as an area of agricultural grassland. Its primary function is for common land mitigation rather than biodiversity mitigation.*" This is a very odd statement to make as common land is valued for its contribution to biodiversity. The statement goes on to say that this will lead to a net benefit to breeding birds but does not say how or what breeding birds are expected to benefit or whether there will be a disbenefit to the existing population. Neither is there mention of whether the land will provide habitat for the other species of reptiles and mammals present at Walton Common.

Further, in order to ensure that this will happen it would be useful to provide a management plan.

### **Summary**

The applicant has acknowledged that Walton Fen has become degraded in terms of its biodiversity value. Even so it does appear to provide a habitat for a variety of species. The description given to the plans for the exchange land seem to lack any ambition to reverse the degradation, or even to aim at ensuring that an equal biodiversity is found on the proposed area of common.

**What will be the impact on the landscape if the proposals proceed? Is the landscape in a specially designated area, such as a National Park, or area of outstanding natural beauty? Will the impact include an adverse effect on the enjoyment of the remaining part of the common or green? (E.g. if development of any release land might spoil the view or impair the conservation of wildlife on the remaining part)? What consideration has been given to minimising any impact by good design (e.g. in relation to any fencing scheme, minimising the extent of new fencing by utilising the existing boundaries of the common?)**

The Tilbury Commons do not sit within a designated landscape. Walton Common is

undoubtedly affected by the urbanisation of the existing power plant. The applicant has proved extensive information regarding landscape and Natural England agrees with this analysis.

We also note that the applicant plans to improve the screening between the railway and the replacement land through tree planting / hedging, this may create an improvement in terms of tranquillity and visual appearance.

Sincerely

Nicola Harper, for and on behalf of Natural England

Senior Adviser for Common Land and Access.

S16 pre-application draft advice

Footnote 1:

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. Should the applicant be successful in obtaining consent they should take note of the following if they have not already done so.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

### Thurrock Flexible Generation Plant Environmental Statement A6.0.1 Extracts

Information about the existing habitats and species has been gathered from the Essex Wildlife Trust Biological Records Centre, the Kent and Medway Biological Records Centre, and the Essex Field Club and a range of site-specific surveys carried out during 2017, 2018 and 2019. These included habitat and botanical (vegetation) surveys, and further surveys where existing records, consultation with Natural England and other stakeholders and/or the habitat surveys suggested that protected species may be present including invertebrates, eels, Great Crested Newts, reptiles, breeding and wintering birds, water vole, bats, otter and badger.

The main development site for the flexible generation plant is a mixture of arable farming land (of no conservation value) in the north and former grazing marsh in the southern part, which is degraded and has little botanical or breeding bird value. Other land within the application boundary, to be crossed by the gas pipeline and used for access roads, is mainly farmland with either arable fields or grassland which is not considered to have significant ecological value. Ditches crossing or forming the boundaries of many of the areas of land within the application boundary provide habitat for water voles and connect other areas of habitat in the local area. Hedgerows are relatively patchy and have limited value for connecting local habitat areas.

4.5.4 The main development site has populations of adder, grass snake, common lizard and slow-worm. Water voles have been found to be present in the ditches in

some surveys, but at other times many of the ditches had dried out and were no longer supporting water voles. No were observed in the survey area. Eighteen species of birds with conservation concern are breeding within the survey area, including Cetti's Warbler, and overall, the breeding bird groups are of district-level importance. Wintering terrestrial bird surveys have indicated that the farmland in and adjacent to the proposed development are not used by birds from the nearby Special Protection Area (SPA). Wintering bird surveys of the foreshore in the vicinity of the proposed causeway carried out in September–March 2019/20 recorded Avocets in November–March that would be sensitive to disturbance from its construction. A review of previous years' surveys in 2016/17 and 2017/18 suggested that the foreshore in this location is not used by significant numbers of birds from the nearby SPA. Bat surveys indicate that bat activity in the vicinity of the main development site is minimal.

3.1.19 A total of 28 species were confirmed as breeding within the survey area. A further 15 species were probably / possibly breeding within the survey area – records for these species were not wholly indicative of behaviour that could allow confirmation of breeding on site

One confirmed breeding species, Cetti's warbler, is listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). Five pairs of this species were recorded in 2018, four on Zone Z (outside the Thurrock Flexible Generation Plant Order Limits) and one in Zone A. In 2019 the distribution was similar (three pairs in Zone Z but two pairs were recorded in Zones W and V (also outside the Thurrock Flexible Generation Plant Order Limits). One pair was noted in F4 south of the main construction area.

3.1.21 Of the 43 species considered to be breeding or possibly breeding on site, 18 had some status as species of conservation concern. Ten species are listed as a priority species in the UK BAP, nine species are listed as Species of Principal Importance under Section 41 of the NERC Act, two species are listed on the Local BAP, nine species are included on the Birds of Conservation Concern (BoCC) Red List and six species are included on the BoCC Amber List.

3.1.22 The breeding bird assemblage is of district importance.  
Site not important for wintering birds



Historic England

Ms Cathryn Tracey  
Burgess Salmon LLP  
One Glass Wharf  
Bristol  
BS2 0ZX

Direct Dial: 01223 582769

Our ref: PA01124505  
Date: 16 November 2020

[Cathryn.Tracey@burgess-salmon.com](mailto:Cathryn.Tracey@burgess-salmon.com)

**BY EMAIL**

Dear Ms Tracey

**Thurrock Power Limited (A Statera Energy Group Company)  
Proposed Flexible Generation Plant in Thurrock, Essex**

**Section 16 Commons Application**

Thank you for your letter of 18 September 2020 regarding the above consultation for Thurrock Power's proposal to deregister a piece of Walton Common and to register suitable replacement land in exchange of this land. This requires a separate application under Section 16 of the Commons Act 2006 which will be determined independently from the DCO application.

On the basis of the information available to date, we do not have any objection to the proposal in principle. However, following NPS EN-1 paragraph 5.8.10, we have recommended the need for detailed archaeological field surveys within the area of Walton Common. This work is required to fully characterise the historic environment baseline, and to establish the significance, and level of harm to the significance of those archaeological remains. We have recommended this work should be carried out prior to, and in order to inform, development consent.

I would be pleased to provide any further advice on request.

Kind regards,

**Dr Jess Tipper MCIfA FSA**

Inspector of Ancient Monuments (Essex and Hertfordshire)  
Email: [Jess.Tipper@HistoricEngland.org.uk](mailto:Jess.Tipper@HistoricEngland.org.uk)



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



## **Appendix D Open Spaces Society and West Tilbury Commons Conservators DCO Application Responses**

# West Tilbury Commons Conservators

c/o The Old Bakery,  
The Green,  
West Tilbury,  
Essex RM18 8TU

Senojna@outlook.com

Date: Wednesday, 09 January 2019

Thurrock Power Limited  
1st Floor  
145 Kensington Church Street  
London W8 7LP

Dear Sirs,

## **Ref: Thurrock Power - Flexible Generation Plan**

I write on behalf of the West Tilbury Commons Conservators regarding the above development proposal. This proposal has raised a number of issues which would need to be answered by yourselves as they would have a very important knock-on effect to the proposal.

The first issue that is necessary to be addressed is with regard to the informal consultation taken throughout 2017 and during 2018, with the following parties; Thurrock Council, Open Spaces Society, Essex Wildlife Trust, Natural England, Highways England, Essex County Council SuDS, Environment Agency, Port of Tilbury, RWE, Anglian Water, Network Rail, Department for BEIS, National Grid and PINS. Of those bodies consulted, eight are not landowners or responsible for the administration of the land under consideration for the development. The Conservators would like to know why they are not represented on this list? This is important as not only should a statutory body be consulted formally but it should be seen to have been consulted which has not happened due to this omission.

In addition, a number of matters will require some response from yourselves which will be passed on to Conservators as a response to their queries.

1. Access: It would be necessary for any newly acquired replacement land, and parts thereof, to be easily accessible for stint holders.
2. Security: A suitably secure fence between the acquisition land and existing common land to be erected at the Statera/TPL expense. This would benefit both parties but the Statera/TPL more than West Tilbury Commons.
3. Contiguity: All replacement land acquired by Statera/TPL for exchange must be contiguous with existing common and of an area not less than that acquired.
4. Costs: All expenses for the legal, survey, administrative, clearance and re-registration charges to be met by Statera/TPL. The WTCC have very slender resources and we would not want any hold ups due to lack of funds.
5. That any development should not at any time, present and future, adversely affect the operation of the common land for stint holders or create any conflict or infringement

of the appropriate bye-laws for WTCC.

6. What area of the common land will be required?
7. When is the DCO likely to be enacted?
8. What are the likely levels of air pollution to be experienced on any adjoining land?
9. What are the likely levels of noise pollution to be experienced on any adjoining land?
10. Will wayleaves be required for the removal of de-commissioned plant at the end of the operating period?
11. Will there be any connections to gas (or other pipes) as well as electricity cables and suchlike to run across, over or under any present or future registered common?
12. The over riding of easements has been mentioned. Under what rulings will this be made?
13. Can you give details of the location, area and duration for the temporary construction compounds?
14. Will there be any run-off off water in to ditches alongside any of the present or future registered common land?

I look forward to your response

Yours faithfully,

A.N. Jones  
Clerk to West Tilbury Commons Conservators

## Kirsty Cassie

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**From:** Hugh Craddock <hughcraddock@oss.org.uk>  
**Sent:** 27 November 2019 15:24  
**To:** Kirsty Cassie  
**Subject:** RE: Thurrock Power - Further Consultation

Dear Kirsty

Thank you for your reminder email below, and for the consultation letter dated 18 October.

We note the revised proposals, particularly in relation to the provision of a link between the replacement common land, located north of the railway line, and Fort Road (and therefore with the residential area west of Fort Road). We welcome this, and assume that the link would itself be designated as common land, and capable of registration as such.

The land would be subject to a public right of access under s.193 of the Law of Property Act 1925 (it being located within the former Thurrock urban district). It would also become subject to the rights for access, games and reasonable recreation under the order and award made under the Commons (West Tilbury) Provisional Order Confirmation Act 1893. However, it seems to us that mere designation as common land, and public rights of access, do not ensure that the link is provided. In particular, the requirement for a bridge over the drain on the east side of Fort Road, demands something more.

Our view, at this stage, is that a requirement for a footbridge could be made a condition of the development consent order, but invite your comment.

We also note that a short length of road at Buckland is designated as a temporary footpath diversion route (J on the zone plan). However, this appears to lie along Buckland Lane, which is a public road maintainable at public expense.

regards

Hugh

*Hugh Craddock  
Case Officer  
Open Spaces Society  
25a Bell Street  
Henley-on-Thames  
RG9 2BA  
Email: [hugh@oss.org.uk](mailto:hugh@oss.org.uk)  
[www.oss.org.uk](http://www.oss.org.uk)  
Tel: 01491 573535  
Please note that I work Mondays, Wednesdays and Thursdays  
(Registered in England and Wales, limited company number 7846516  
Registered charity number 1144840)*

**[Our campaigning works!](#)**  
**[Help us continue our work to protect paths and open spaces](#)**



The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

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**From:** Kirsty Cassie [mailto:KCassie@stateraenergy.co.uk]  
**Sent:** 22 November 2019 09:47  
**To:** Hugh Craddock  
**Subject:** Thurrock Power - Further Consultation

Dear Hugh

**Thurrock Power Limited (a Statera Energy Group Company)  
Proposed Flexible Generation Plant in Thurrock  
Consultation with Open Spaces Society on Project Changes**

You are receiving this email to follow up on the recent formal consultation on project changes to the proposed Thurrock Power Flexible Generation Plant, which ran from 11<sup>th</sup> October to 11<sup>th</sup> November 2019.

Thurrock Power Limited and the Open Spaces Society have, of course, been engaged in ongoing discussions in relation to iterative design of the project. However, I am now making contact with you because you are one of the organisations which has not yet provided formal consultation feedback on the proposed project changes.

We are keen to engage with you and I should be grateful if you would confirm receipt of the consultation letter (and enclosures) sent to you on 9<sup>th</sup> October 2019 and indicate whether you are intending to provide any formal feedback.

If you would like to discuss any aspect of the proposed project changes or have any questions, please do not hesitate to contact me by phone (0207 1860580) or by email (atroup@stateraenergy.co.uk).

Kind regards

Andrew Troup  
Director

Thurrock Power Limited  
1<sup>st</sup> Floor | 145 Kensington Church Street  
London | W8 7LP  
Tel: 02071860580  
Email: [contact@thurrockpower.co.uk](mailto:contact@thurrockpower.co.uk)  
Website: [www.thurrockpower.co.uk](http://www.thurrockpower.co.uk)

