



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

Commons Act 2006: Section 16

CORONAVIRUS

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

Return completed application to:

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

Tel: 0303 444 5408

E-mail: commonlandcasework@planninginspectorate.gov.uk

PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THIS FORM:-

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

Section A1 – The Common

- | | |
|------------------------------------|--|
| 1. Name and full address of common | Walton Common,
Tilbury,
Essex,
RM18 8UL |
| | Tilbury Fort Common,
Tilbury,
Essex,
RM18 8UL |
| CL no or VG no | CL228 |
| Commons Registration Authority | Thurrock Council |

Section A2 – The owner of the release land

2. Forename Diana Mary and James Andrew
- Surname Cole
- Organisation (if appropriate) N/A
- Title (Mr/Mrs/Miss/Dr) Ms and Mr
- Full Postal Address Ms Cole - Cherry Orchard Farm, Conways Road, Orsett, Grays ,RM16 3EL
- Mr Cole - Mill House, Muckingford Road, West Tilbury, Tilbury RM18 8TP
- Postcode
- Telephone No/Mobile Please use Agent details for contact
- E-mail address Please use Agent details for contact

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

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

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

Section A2a – The agent (where applicable)

- 4a. Forename Cathryn
- Surname Tracey
- Organisation (if appropriate) Burges Salmon LLP
- Title (Mr/Mrs/Miss/Dr) Mrs
- Full Postal Address One Glass Wharf
Bristol
- Postcode BS2 0ZX
- Telephone No/Mobile 01179392223 / 07807550254

E-mail address

cathryn.tracey@burges-salmon.com

Do you prefer to be contacted by

Post

E-mail

Section A3 – Area of common and common rights

5. What is the total area of common land as registered? 370,400 square metres (approx)

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

Please see section 2 of the Common Land Report attached to this application for the details of the commoners.

The extant rights are entries 1 and 14 in Table 1 in the Common Land Report. These rights apply to the whole of the common and include a total of 55.5 stints. The stints are managed by the Conservators of the West Tilbury Commons.

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

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

The owners of the common land currently have the sole rights to the 55.5 stints but they do not exercise them.

Section A4 – Description of the release land

7. Area of release land in m² 1000,695.37 and 4,640

Description (including location) of the release land

Please see section 3.1 of the Common Land report attached to this application which includes a full description of the release land together with photographs.

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

8. Are you proposing to provide replacement land in exchange for the release land? You must propose replacement land if the area of the release land is more than 200m². Yes No
- If **Yes**, go to Question 9. If **No**, please explain below why you are not providing replacement land and then go to Question 14.

Section B1 – The owner of the replacement land

9. Forename Diana Mary and James Andrew
- Surname Cole
- Organisation (if appropriate)
- Title (Mr/Mrs/Miss/Dr)
- Full Postal Address As per the release land
- Postcode
- Telephone No/Mobile Please use the Agent's details for contact
- E-mail address Please use the Agent's details for contact

Only complete Question 10 if Question 4 has been ticked.

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

Section B2 – Description of the replacement land

11. Name of replacement land (if any) N/A
Area of proposed replacement land (in m²) 115779.30

Description (including location) of the replacement land.
Please see section 3.2 of the Common Land Report attached to this application which includes a full description of the replacement land together with photographs.

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

Section B3 – Rights over the replacement land

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

The following have interests in the replacement land:

- Jeremy Godsmark Finnis and Sue Cole
- UK Power Networks Limited
- Thurrock Power Limited

The interests of these parties will not materially interfere with the public's right to use the land. Jeremy Finnis and Sue Cole are the current leaseholders and they consent to this application being made. Thurrock Power's interest over the land is in respect of this application. UK Power Network's interest is in respect of their equipment across the land which it is not proposed to interfere with.

SECTION C - Access arrangements and current features of the lands

Section C1 – Access to the lands:

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

(a) The release land

See sections 3.1.16 - 3.1.23 of the Common Land Report attached to this application

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

See section 3.2.10 of the Common Land Report attached to this application

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

See Sections 3.2.11 and 3.2.12 of the Common Land Report attached to this application

Section C2 - Current condition of the lands

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

(a) The release land

See section 3.1 of the Common Land Report attached to this application

(b) The replacement land

See section 3.2 of the Common Land Report attached to this application

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

(a) The release land

The only structures on the release land are two pylons and overhead power lines. The developer proposes to accommodate these existing installations in the development of the site and is not seeking to remove these.

(b) The replacement land

There are some telegraph poles with electric wires on the replacement land. There is no intention to remove these as they do not affect the use of the land as common land.

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

(a) The release land

The boundaries of the release land forming part of Walton Common comprise of reed filled ditches and scrubby bushes, mainly hawthorn.

The Tilbury Fort Common that is affected by this application is bounded by Fort Road highway, and ditches/water courses.

(b) The replacement land

The replacement land is bounded by drainage ditches to the north and an existing hedgerow alongside the railway to the south.

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

It is proposed that the existing vegetation along the southern boundary will be thickened with a native shrub and tree mix. This will be along the railway boundary and will not impede public access to the replacement land. There will also be gapping up of existing hedge and planting of scrub to improve linear habitat connectivity. The western boundary will be marked by a new ditch.

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

The replacement land will be changed from arable cultivation to agricultural grassland and there will be enhanced planting on the southern boundary alongside the railway. There will be a new ditch dug to create a boundary on the western edge of the replacement land.

SECTION D – Details of the exchange or deregistration

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

The purpose of the exchange is to enable the development of a flexible generation plant which will provide up to 600MW (net) of electrical generation capacity on a fast response basis when called by the National Grid, together with up to 150MWh of battery storage capacity. The majority of the release land is part of the area required for the main development site. The release land on Fort Road Common is to create a new access for abnormal indivisible loads required to facilitate the construction of the development.

The proposed development is a nationally significant infrastructure project called Thurrock Flexible Generation Plant. The details of the proposed development can be viewed at [Thurrock Flexible Generation Plant | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/thurrock-flexible-generation-plant-national-infrastructure-planning). This project is currently in the examination stage of the consenting process and if granted will be constructed pursuant to a Development Consent Order (DCO). The need for the proposed development is set out in the Planning Statement of Case (which can be viewed at [A3.8 Statement of Case and Green Belt Statement \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/a3-8-statement-of-case-and-green-belt-statement)).

The DCO includes the ability for the Applicant to compulsorily acquire the common land and the replacement, however, this is not the preferred approach of the landowner and the Applicant. There is an option for lease in place and this application for deregistration is being made so that the proposed development can be taken forwards in accordance with the agreed terms in the option for lease.

The release land at Tilbury Fort Common is a late addition to the application as the Applicant has been working with various parties to secure an agreed route for abnormal indivisible loads. This land is the subject of a change request to the DCO being made at the same time as this application is being made. We will provide a link (and copies if required) of this application once it is publically available on the planning inspectorate website.

There was a logical, staged decision-making process to arrive at the location and design of the proposed development. The first stage looked at technical, electrical and cost considerations and identified three connection point options on the 275 kV network east of London. An appraisal of site availability and deliverability resulted in Tilbury being selected as the preferred connection option.

Identification of potential development sites in the vicinity of Tilbury Substation considered the following deliverability issues in addition to the planning and environmental constraints: typical site arrangement / plot size; site acquisition issues; and engineering issues

Land to the south and west of the substation is constrained by existing land uses and development including Tilbury2 and future development possibilities for the former Tilbury B Power Station site. There are other considerations such as the proposed Lower Thames Crossing nearby to the east and the ongoing Ingrebourne Valley land-raising operation.

A single land holding (Walton Common) was identified that satisfied the search criteria and was capable of providing all development land and access that was not affected by the above development proposals.

Further details on alternatives and the site selection process can be found in Chapter 3 of the Environmental Statement accompanying the DCO application ([Chapter 3 \(planninginspectorate.gov.uk\)](http://planninginspectorate.gov.uk))

SECTION E – Designations

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

(a) the release land Yes No

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

(b) the replacement land Yes No

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

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

(a) the release land

Yes No

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

(b) the replacement land

Yes No

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

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

(a) the release land

Yes No

If **Yes**, please give details.

(b) the replacement land

Yes No

If **Yes**, please give details.

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

(a) the release land Yes No

If **Yes**, please give details.

See section 3.1 of the Common Land Report. The release land is part of the Metropolitan Green Belt. The Tilbury Fort Common release land is part of a local wildlife site.

(b) the replacement land Yes No

If **Yes**, please give details.

See Section 3.2 of the Common Land Report. The replacement land is part of the Metropolitan Green Belt

SECTION F – Adjacent common land

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

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

Section G – Procedure

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

Do you wish to be present or be represented at the site inspection? Yes No
If yes, please suggest a suitable meeting point.

SECTION H – Advertisement and Consultation

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

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

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

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

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

30. Which newspaper has the advertisement appeared in? Thurrock Gazette
 On what date? 22 April 2021
 On what date will the representation period end? 27 May 2021

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

SECTION I – Maps

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

Section J – Checklist (tick to confirm)

32. I have read the **Notes** in full. X
33. I have answered all the questions (where appropriate) on this form in full. X
I have enclosed two copies of the map that meets the requirements of Note 19. X
I have enclosed a copy of the commons register or register of town and village greens. This should include details of the land, rights, ownership and the register map. X

I have obtained the consent to this application of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. X
I have enclosed a copy of any document mentioned in answering the questions on this form. X
I have completed and enclosed a copy of the health and safety questionnaire
I understand that any of the application papers may be copied to interested parties on request and have informed people as necessary. X
I have enclosed my application fee of £4,900. X
34. I have:
- advertised the proposal in one main local newspaper X
 - posted a copy of the notice at the main entry points to the lands X
 - sent a copy of the notice to all those listed at Section H X
 - placed a copy of the notice, map and application at the inspection point
 - enclosed the letter based on the example at Annex D of the Notes confirming that the advertising requirements have been met. X

SECTION K – Declaration

I/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

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

*I/We have obtained the written consent to this application of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.

*delete as appropriate

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

Release Land:

Signature of owner	<input type="text" value="[Redacted]"/>
Name	<input type="text" value="Diana Mary Cole"/>
Date	<input type="text" value="12-4-21"/>
Position and name of organisation (where appropriate).	<input type="text"/>

Signature of co-owner (where applicable)	<input type="text" value="[Redacted]"/>
Name	<input type="text" value="James Andrew Cole"/>
Date	<input type="text" value="12-04-21"/>
Position and name of organisation (where appropriate).	<input type="text"/>

Replacement Land:

Signature of owner	<input type="text" value="[Redacted]"/>
Name	<input type="text" value="Diana Mary Cole"/>
Date	<input type="text" value="12-4-21"/>
Position and name of organisation (where appropriate).	<input type="text"/>

Signature of co-owner
(where applicable)

Name

Date

Position and name of
organisation (where
appropriate).

You should keep a copy of the completed form

General Data Protection Regulation

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

For information about how we process the information you provide please see Common Land Guidance Sheet 13: Privacy Policy at the link below.

<https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy>