



## **Thurrock Flexible Generation Plant**

**Environmental Statement Volume 6  
Appendix 8.2: Common Land**

**Date:** February 2020

**Environmental Impact Assessment**

**Environmental Statement**

**Volume 6**

**Appendix 8.2**

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## Summary

This appendix presents information on the effects of the proposed development on common land that has informed the assessment in Volume 3, Chapter 8: Land Use, Agriculture and Socio-economics.

# 1. Land permanently affected by the proposed development

## 1.1 Existing Common Land

1.1.1 The main development site for Thurrock Flexible Generation Plant (Zone A, where the gas fired facility, battery storage, customer substation would be located) partly comprises an area of common land known as Walton Common which forms part of a single common land parcel known as The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons (Common Land Parcel CL228). The area of common affected is 10.1 hectares and is the only area of common land that would be permanently affected by the project.

1.1.2 The procedure to be followed where common land is permanently affected by development proposals, and is not to be compulsorily acquired, is set out in the Commons Act 2006. The Commons Act 2006 sets out criteria to be considered for a Section 16 application for the de-registration of common land and the provision of exchange land. These criteria, which are considered in terms of both the existing common land and the land to be provided in exchange (i.e. the replacement land), are set out below in relation to both Walton Common and Zone E.

### The interests of persons having rights in relation to, or occupying, Walton Common

1.1.3 Walton Common currently comprises agricultural grassland with grazing and public access rights. It forms part of the alluvial coastal marshes along the Thames Estuary and its agricultural land classification is lower quality Subgrade 3b land associated with the presence of the Wallesea Soil Association.

1.1.4 The proposed development would result in a loss of land from Mill House Farm. This is a large arable land holding and the loss of land on Walton Common would represent a negligible magnitude of change to the holding.

1.1.5 Consultation has been undertaken with the landowner, those who have rights over the land and the commons association. This has raised no objections to the proposed works. There are currently no active commoners who exercise their rights on Walton Common.

## Public rights of access to Walton Common

1.1.6 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.

1.1.7 It 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 and padlocked gates to either side of the tracks. It was observed during site surveys that this crossing did not exhibit any signs of regular use. There are no existing public rights of way connecting to Walton Common, although there is an aspiration to provide a new right of way connecting to the common as part of the restoration works on the adjoining Ash Fields site.

## Nature conservation interests on Walton Common

1.1.8 Walton Common predominantly comprises semi-improved grassland which is relict grazing marsh that 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 site is currently managed by mowing and no grazing is undertaken.

## The landscape of Walton Common

1.1.9 Walton Common lies at approximately 2 m aOD and is slightly uneven in its levels. It comprises 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 Walton Common, which is visually dominated by the adjacent National Grid 400 kV Tilbury Substation and associated overhead power lines as illustrated in Volume 3, Chapter 6: Landscape and Visual Resources.

1.1.10 Walton Common lies 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 on Walton Common

- 1.1.11 Walton 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 common.
- 1.1.12 There are no recorded remains within the following archaeological and/or historic periods on Walton Common:
- 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).
- 1.1.13 Walton Common 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 Zone A in 2017 and geoarchaeological monitoring of site investigation works within Zone A identified a possible Bronze Age ditch.
- 1.1.14 Walton Common 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.

### 1.2 Replacement common land

1.2.1 Land would be provided in exchange for the loss of Walton Common. This would be of equal size and quality, as required under Section 16 of the Commons Act 2006. It is proposed that an agricultural field north of the railway line, which comprises approximately 11.6 hectares of land, would be used for this purpose. This area is referred to as Zone E and its size is in excess of the area of common land permanently lost on Walton Common (10.1 ha).

1.2.2 This area 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.

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

1.2.3 In addition to being of sufficient size, Zone E also comprises soils of a similar type to those found on Walton Common and is therefore considered to be of equivalent quality. Zone E is currently being cropped and would be established with a suitable grassland mix prior to works commencing on Zone A. This grassland would be, as a minimum, of the same quality as that existing in Zone A.

1.2.4 It is intended that Zone E will be acquired by agreement with the landowner, in which case the de-registration of Walton Common and the provision of exchange land in Zone E would proceed through a Section 16 application under the Commons Act 2006, outside the Development Consent Order (DCO) application process.

1.2.5 The land and ownership rights that are currently extant on Walton Common would be transferred to the new area of common land in Zone E to ensure that there are no adverse effects to those rights.

#### Public rights of access to the replacement common land

1.2.6 The same rights of public access would apply to the new area of common land in Zone E as those extant on Walton Common under the provisions of the Countryside and Rights of Way Act 2000. The new common land would comprise agricultural grassland and therefore would be very similar in character to that existing on Walton Common.

1.2.7 This new area of common 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) and would also have the advantage of being located to the north of the railway, removing the need for pedestrians to cross the railway lines.

1.2.8 In addition, it has been agreed that pedestrian access would be provided to Zone E from the strip of common land along Fort Road, although this would fall outside a Section 16 application and would be included as part of the DCO application. The creation of a permissive footpath between Zone E and Fort Road would provide an important link between the common land and the residential areas to the west, a distance of approximately 110 metres. Without this link Zone E would be accessed by walking northwards along the roadside to meet the common land alongside Cooper Shaw Road and then via Parsonage Common, a distance of approximately 1.7 kms to the northern extent of Zone E.

#### Nature conservation interests of replacement common land

1.2.9 Zone E 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. However, the conversion of Zone E from arable to semi-improved grassland also functions as like-for-like replacement for grassland lost for construction within Walton Common and in other development zones and, overall, would result in a net benefit to breeding birds.

1.2.10 A narrow strip of landscape planting is proposed along the southern edge of the exchange common land (along the railway boundary and not impeding public access to the common) with gapping up of existing hedge and planting of scrub to improve linear habitat connectivity.

#### Landscape conservation on replacement common land

1.2.11 The replacement common land in Zone E lies to the north of, and adjacent to, the railway line to the east of Tilbury. It does not lie within any designated (protected) landscape. There are no rare landscape features or elements in Zone E, which is bounded by drainage ditches to the north and an existing hedgerow alongside the railway to the south. As noted, it is proposed to thicken the existing vegetation along the southern boundary with a native shrub and tree mix. The change from arable cultivation to agricultural grassland with enhanced planting alongside the railway would have no further landscape impact than presently results from the existing pylons and overhead power lines and would not result in any adverse impacts on the public interest in the conservation of the landscape.

#### Archaeological remains and features of historic interest on replacement common land

1.2.12 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 Zone E.

1.2.13 There are no recorded remains within the following archaeological and/or historic periods on Zone E:

- 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).

1.2.14 As with Walton Common, Zone E 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).

1.2.15 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 Zone E itself).

### 1.3 Summary and Conclusions

1.3.1 As set out above, the provision of permanent replacement common land to mitigate for the area of Walton Common affected by the Thurrock Flexible Generation Plant development, has taken into account the relevant criteria set out in the Commons Act 2006,

1.3.2 The permanent replacement land meets each of these criteria as follows:

- **The interests of persons having rights in relation to, or occupying, the exchange land:** the proposed area of permanent exchange land in Zone E totals approximately 11.6 hectares, which is of sufficient size to mitigate for the permanent loss of common land on Walton Common (10.10 ha). In addition, Zone E comprises soils of a similar type to those found on Walton Common and would be established with a suitable grassland mix which would be, as a minimum, of the same quality as that existing in Zone A. The land and ownership rights that are currently extant on Walton Common would be transferred to the new area of common land in Zone E to ensure that there are no adverse effects to those rights. Therefore, the replacement land would not interfere with the ability of commoners and other rights holders to exercise their rights as compared to the current situation.
- **The protection of public rights of access to any area of land:** The same rights of public access would apply to the area of replacement common land in Zone E as those extant on Walton Common under the provisions of the Countryside and Rights of Way Act 2000. This new area of common would be very similar in character to that existing on Walton Common and would 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 replacement land would protect the public rights of access.
- **Public interest in nature conservation:** the conversion of the replacement land in Zone E from arable to semi-improved grassland would function as like-for-like replacement for grassland lost on Walton Common and, overall, would result in a net benefit to breeding birds. Additional planting along the southern edge of Zone E would also improve linear habitat connectivity. Therefore, there would be no significant impact on the public interest in nature conservation.
- **Public interest in the conservation of the landscape:** neither Walton Common nor the area of replacement common land lie within any designated (protected) landscape, nor do either contain any rare landscape features or elements. Therefore, there would be no landscape impacts arising from the provision of replacement common land in Zone E in exchange for that lost on Walton Common.
- **Public interest in the protection of archaeological remains and features of historic interest:** The area of exchange land is very similar to Walton Common in that neither 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). Also, 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). Therefore, there

would be no impact on the public interest in archaeological remains and features of historic interest.

## 2. Land temporarily affected by the proposed development

2.1.1 The following areas of common land would be temporarily affected by the proposed development.

- A small area of Tilbury Green (Common Land Parcel CL411) in Zone D1, totalling 0.08 hectares, along which the proposed gas pipeline would be located. It is expected that trenchless construction for the pipeline would be employed at this location, minimising or avoiding direct physical impact to the common land, but it may be necessary to limit access for the duration of the works (less than one month) for safety. It is proposed that this temporary effect would be included in a Section 38 application under the Commons Act 2006. On completion of the works an easement would be required for future access to and maintenance of the pipeline but there would be no continuing impact of this area of common.
- Access to Zones E and F by agricultural machinery for the purpose of establishing the new area of common land and for habitat creation and enhancement would cross a small area of common land at its junction with Cooper Shaw Road (highway verge) and also cross Parsonage Common (agricultural grassland) just north of the railway line. Neither of these access routes, totalling around 0.25 hectares, would be surfaced and grazing and public access would not be interrupted, with traffic management measures employed if and where necessary.

2.1.2 The maximum area of common land temporarily affected by the proposed Thurrock Flexible Generation Plant is therefore 0.33 hectares. These impacts arising from the temporary construction works would be subject to an application under Section 38 of the Commons Act 2006, which would be progressed alongside the DCO process.

2.1.3 While the works undertaken during construction would have no long term permanent impact on these areas of common in terms of their use for grazing or public access, it is generally considered appropriate to offer areas of temporary (or permanent) exchange land to ensure that the disturbance for all those with a legal right to use the land is reduced as far as is possible. The proposed area of permanent exchange land in Zone E totals approximately 11.6 hectares which covers the permanent loss of common land (10.1 ha) and provides an additional 1.50 hectares, which would fully mitigate for these temporary impacts.