



EAST OF ENGLAND OFFICE

Common Land Casework Team,  
The Planning Inspectorate

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Telephone

11th May 2021

Dear Sirs,

**Section 16 of the Commons Act 2006**

**Proposed deregistration of common land at:**

**WALTON COMMON AND TILBURY FORT COMMON (BOTH PART OF COMMON LAND UNIT CL228)**

The Historic Buildings and Monuments Commission for England (HBMCE), known as Historic England, are the government's advisor on the historic environment and we provide independent advice on heritage matters. We have a duty to conserve as well as promote public understanding and enjoyment of the historic environment.

Burgess Salmon LLP, instructed by Thurrock Power Ltd, have contacted Historic England concerning the proposed deregistration of Walton Common, c.10ha. in area as well as the proposed deregistration of c.0.46ha. of Tilbury Fort Common (both part of CL228). The purpose of the application is to enable the development of a flexible generation plant by Thurrock Power Ltd. The replacement land is an agricultural field north of the railway line, which comprises c.11.6ha. of land. On the basis of the information available to date, we offer the following advice.

**Historic England Advice**

***Significance***

Walton Common is a rare surviving component of early farming practice. Between the 1840s and 1980s, many areas in East Anglia are estimated to have lost 50% of their pre-18th-century landscape features (in some areas it is much higher).

Walton Common, also known historically as 'Worden', 'Waddam' and also 'Wotton' Common, is an historic estuarine marsh common which survives as a complete landscape entity within the former West Tilbury Marshes. The irregular ditched boundaries reflect ancient creek patterns.

Walton Common is one of five interlinked historic commons on West Tilbury Marshes, along with Tilbury Fort Common, Fort Road Common, Hallhill Common and Parsonage Common. Exceptionally, all five commons survive almost intact within the modern landscape, and this elevates their significance in terms of their group value. These are recorded in a survey of 1584 and, in a detailed landscape history of West Tilbury parish, it has been stated they are much earlier and probably pre-conquest in origin (Bingley 2006, 204-5).<sup>1</sup> Bingley (2006, 205) suggests Walton Common is possibly associated 'with Saxon grazing or fishing zones upon the yet-unreclaimed alluvial marsh.'

There is a surviving trackway or droveway on the north side of Walton Common, defined by two parallel linear N to S aligned ditches, that connects Walton Common with Parsonage Common (although this has been bisected by the construction of the London, Tilbury and Southend Railway in the late 19th century). The trackway, known historically as 'Walton' or 'Waddam Wall', is one of a number of green 'walls', sometimes called 'manorways' or 'causeys', which ranged outwards from West Tilbury's hills. It has been suggested that 'Walton Wall' was probably also pre-conquest in origin, connecting West Tilbury Hall next to St James' Church and its sheepwalks (Bingley 2006, 138). The southern half of this trackway is also within the redline boundary for deregistration.

The commons are rare survivals of a farming practice that developed during the medieval period. These are the zones of grassland reserved for the commoners of the township – those who held the copyholds (or later freeholds) of the dozen or more farms within the parish. In this case, they relate to the historic exploitation, and management, of the historic grazing marshes. Bingley (2006, 204) states, 'the presence of these old pastoral commons....is of especial interest to us insofar as West Tilbury is one of the very few Essex areas where, right to the close of the 20th century, relatively large tracts remained under similar husbandry to that pertaining at the Conquest'.

The commons are also part of the context for the designated heritage assets, situated between the scheduled monument that is Tilbury Fort and the Grade II\* Listed St James' Church, and provide a local sense of place. Tilbury Fort (LEN: 1021092) is England's most spectacular surviving example of a late 17th-century coastal fort, the best-preserved and, in many ways, the finest surviving example of late 17th-century

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<sup>1</sup> Bingley, Randal, 2006, *Behold the Painful Plough. Country Life in West Tilbury, Essex, 1700-1850*. Thurrock Unitary Council Museum Service.

military engineering in England. The Grade II\* Listed Church of St James (LEN: 1111541), dating from the late 11th or 12th century, also served Tilbury Fort.

In addition to the impact on the historic landscape, we strongly suspect there are likely to be archaeological remains within the development area. This is because they have been indicated by geophysical survey. These are potentially well-preserved in the area of the historic common - this is because of the stable management and, in particular, relatively benign land use of commons and we know from elsewhere this can lead to the good preservation of the remains of earlier periods. However, these have not been assessed at this stage by trial-trenched archaeological evaluation and the significance of these archaeological remains has not been adequately established.

There is also high potential for encountering well-preserved palaeoenvironmental remains within the area of the common land, buried at a deeper level, indicated by a sequence of sediments including three distinct peat horizons. Each sequence has the potential to provide information on past environmental change, sea level change and human activity, through the preservation of biological remains.

The peat deposits investigated at the nearby London Distribution Park site have been shown to hold significant palaeoenvironmental information considered to be of a national or international importance, providing detail of environmental and landscape change during the prehistoric periods. Consequently, any palaeoenvironmental remains within the area of Walton Common are at least of regional, if not greater, significance.

### ***Impact***

Walton Common will be almost entirely removed, as a meaningful landscape entity, if the common land is de-registered and the proposed powerstation constructed within the area of the (former) common land. The removal of Walton Common will have a significant effect on the historic environment and the magnitude of change is major. The magnitude of impact will be major adverse.

The proposed replacement land is an agricultural field to the north of the railway line extending to the southwest of, and adjoining, Parsonage Common. The proposed replacement common land is c.11.6ha. in area.

A small part of the Tilbury Fort Common will be also removed for the construction of a new access road. In order to offset the loss of the common land, the application includes replacement land to north of the railway line and to the north-west of Walton Common.

In terms of below-ground archaeological remains within the area of the Walton Common, these will be disturbed and damaged by the subsequent construction of the proposed powerstation. At this stage, we believe the significance of these remains, indicated geophysical survey, has not been adequately assessed – because no trial-trenched archaeological evaluation has been undertaken to establish their character.

The well-preserved palaeoenvironmental remains within the area of the common land, will be also damaged and disturbed by the groundworks relating to the construction of the powerstation.

### ***Legislative and Policy Context***

#### **Commons Act 2006**

In accordance with Section 16 of the Commons Act 2006, the owner of any land registered as common land may apply to the appropriate national authority for the land (“the release land”) to cease to be so registered. If the release land is more than 200 square metres in area, the application must include a proposal that land specified in the application (“replacement land”) be registered as common land in place of the release land.

Section 38 of the Commons Act 2006 states that restricted works on common land are prohibited without consent. In determining an application for works under Section 38 The criteria for determining an application for works are set out in Section 39 of the Commons Act 2006. These criteria include public interest in:

- (2b) the conservation of the landscape*
- (2c) the protection of archaeological remains and features of historic interest;*

#### **Position**

We have serious concerns about the proposal to deregister Walton Common, which is a surviving historic estuarine marsh common (feature of historic landscape interest) and one of five interlinked historic estuarine marsh commons surviving in the modern landscape between Tilbury Fort and West Tilbury Village. The survival of these early commons, possibly pre-conquest in date, is exceptional.

We do not believe that the creation of new common land adequately offsets the removal of the historic common. We believe the proposed location of the new common in the proposed location will confuse understanding of the historic landscape character.

We believe the potential archaeological remains within the area of Walton Common also have a bearing on the significance of the common land and we strongly recommend that trial-trenching is carried out before consent is given to deregister Walton Common, because the groundworks associated with the proposed powerstation have the potential to disturb and damage the significance of archaeological remains.

While we acknowledge that such work is ordinarily prohibited under Section 38 of the Commons Act 2006, we believe limited trial-trenching is in the public interest in this instance under Section 39, in order to assess the significance of archaeological remains within the area of Walton Common and to inform the deregistration application.

If there are any further material changes to the proposals, or you would like further clarification in relation to our advice, please contact us.

Yours sincerely

**Dr Jess Tipper MCIfA FSA**

Inspector of Ancient Monuments  
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