

Date: 15 January 2016
My Ref: 2016/B/00095/DS
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The Company Secretary
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Building Control
Development and Environment
North Somerset Council
Town Hall
Weston-super-Mare
BS23 1UJ

DX 8411 Weston-super-Mare

Dear Sir/Madam

BUILDING ACT 1984 SECTION 77

Whereas you are the owner of premises known as:

Birbeck Pier , Birbeck Island, Birbeck Road, Weston-super-Mare, BS23 2BN

AND WHEREAS it appears to North Somerset Council (Hereinafter called "the Council"), that part of the said structure is in such a state as to be dangerous, the Council requires you within **21 days** from the date of this informal notice to take such steps as are necessary to remove the danger.

Nature of Danger: - Partial structural collapse and falling debris

Failure to remove the danger may result in the Council applying to the Magistrates Court for an order under Section 77 of the Building Act 1984.

If at any time the circumstances deteriorate and the danger becomes immediate the Council have powers under Section 78 of the Building Act 1984 to take emergency action to recover the cost.

DATED 15 January 2016

Michael Newson
Senior Area Surveyor

(The provisions of Section 77 are attached)



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Town Hall, Weston-super-Mare BS23 1UJ



PROVISIONS OF SECTION 77

- (1) If it appears to a Local Authority that a building or structure, or part of a building or structure, is in such a condition, or is used to carry such loads, as to be dangerous, the Authority may apply to a magistrates court, and the court may:-
- (a) where danger arises from the condition of the building or structure, make an order requiring the owner thereof:-
 - or,
 - (i) to execute such work as may be necessary to obviate the danger
 - (ii) if he so elects, to demolish the structure, or resulting from the demolition, or
 - (b) where danger arises from overloading of the building or structure, make an order restricting its use until a Magistrates Court being satisfied that any necessary works have been executed, withdrawn or modifies the restriction.
- (2) If the person on whom the order is made under subsection (1) (a) above fails to comply with the order within the time specified, the Local Authority may:-
- (a) execute the order in such a manner as they think fit, and
 - (b) recover the expenses reasonably incurred by them in doing so from the person in default,

and, without prejudice to the right of the authority to exercise those powers, the person is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Section 77 Dangerous Structures Notice in respect of the North Jetty, Birnbeck Pier, under the Building Act (1984): Timeline (2016 – 2018)

Date	Action
15 January 2016	<ul style="list-style-type: none"> North Somerset Council (NSC) issued a Section 77 Notice to current owner of the pier – ref. 2016/B/00095/DS
8 February 2016	<ul style="list-style-type: none"> NSC follow up email
8 February 2016 at 12.08 pm	<ul style="list-style-type: none"> Telephone call to NSC from current owner – expressed a desire to remove the entire north pier jetty, possibly during favourable tides that were expected in March 2016. NSC advised that Listed Building Consent (LBC) would be necessary Current owner advised LBC application being dealt with by his planning consultant Tania, who would telephone later that day to discuss progress Current owner also advised that Section 77 Notice had been served on the wrong company, but he accepted the notice, even though it should have been served on the sister company – CNM Birnbeck NSC thanked current owner for his call
11 March 2016 at 4 pm	<ul style="list-style-type: none"> NSC Building Control officer called to site together with NSC Conservation & Heritage officer. Also present were representatives of the current owner, planning consultants acting for current owner and the engineers Inspection took place of the buildings on Birnbeck Island, plus the remaining structure of the North Jetty Discussion took place re locations of required signage Noted that proposals and approvals required from Historic England
25 August 2016	<p>NSC Building Control officer called at site. There was no access to the pier due to the high tide. No obvious sign of further significant damage</p>
2 November 2016	<p>NSC Building Control officer and Conservation & heritage officer discussed the situation following granting of planning approval for demolition– subject to conditions</p> <p>It was understood that Indigo Planning were working towards meeting the conditions re a pre commencement survey</p> <p>As work towards removing the Dangerous Structures Notice appeared to be moving forward, there was no need for further action at this time</p>
January 2017	<p>Contractors working for current owner arrive on site to commence demolition of the North Jetty. NSC orders work to stop one day later due to unauthorised works being carried out i.e. the creation of an illegal roadway from the top of the cliff down to Birnbeck Island, dumping tons of shingle on the cliff face despite this being a Site of Special Scientific Interest (SSSI). NSC advised the current owner they would have to –</p> <ul style="list-style-type: none"> Remove the shingle and materials and return the cliff site to its previous condition. As of 4 September 2020, none of the dumped shingle and materials have been removed. Seek advice from Natural England as any impact on the Severn Estuary, which is an SSSI, is subject to a Marine Management Licence and SSSI consent. These consents are dealt with by the Marine Management Organisation and Natural England and will be required for the demolition works for the jetty. As of 4 September 2020, there is no

	<p>evidence that the current owners have sought this specialist advice.</p> <ul style="list-style-type: none"> ○ Submit a separate request for planning permission if demolition works to the North Jetty required land based access.
13 August 2018	NSC fitted dangerous structure signs at various locations around the site
21 August 2018	NSC fitted dangerous structure signs at various locations around the site

Current position (September 2020)

North Somerset Council Planning Enforcement team have invested significant officer time and resources in order to resolve these specific issues. As of September 2020 there is no evidence of any further action in respect of these specific issues and no application relating to these specific issues has been received by North Somerset Council.