



**The Planning (Listed Building & Conservation Areas) Act 1990**

## **Statement of Reasons**

**relating to**

**North Somerset Council (Birnbeck Pier)  
Compulsory Purchase Order 2020**

**18 September 2020**

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## Section 1. Introduction

1.1 This document is the Statement of Reasons of North Somerset Council ("the Council") prepared in connection with the making of a compulsory purchase order ("the Order"), entitled **North Somerset Council (Birnbeck Pier) Compulsory Purchase Order 2020**.

1.2 The Council has made the Order pursuant to the powers in **Section 47 of the Planning (Listed Building & Conservation Area Act) 1990** ("the 1990 Act") which allow a local authority to seek powers to compulsorily acquire a listed building in need of repair if it appears to it that reasonable steps are not being taken for properly preserving the building.

1.3 The Council is the local planning authority for the area within which Birnbeck Pier ("the Pier") and the adjoining land included in the Order (together "the CPO Site") is located. Please see **Appendix A** for the Order Map. A list of documents relevant to the Order is provided at **Appendix B**.

1.4 The CPO Site is in Weston-super-Mare ("Weston") in the administrative ward of Weston-super-Mare Hillside, in the district of North Somerset, South West England. It is located approximately 0.8 mile /1.3km from the centre of Weston and extends into the Bristol Channel. The CPO Site lies within the Great Weston Conservation Area.

1.5 The Pier, which consists of a historic bridge structure linking the mainland to an island, is statutorily listed at Grade II\*. Other buildings within the CPO Site, including the North Jetty, are statutorily listed in their own right at Grade II. A plan of the building and structure listings is provided at **Appendix F**.

1.6 The Pier has been on Historic England's Heritage at Risk register<sup>1</sup> since 1999 (the first published edition of the Register).

1.7 The Pier is in a state of extreme disrepair. The Council has had extensive contact with the owner of the Pier, CNM Estates Birnbeck Ltd ("the Owner") since the Owner purchased the Pier in 2014. This contact included the serving of a Dangerous Structures Notice on the Owner under Section 77 of The Building Act 1984 on 15 January 2016 in respect of the Grade II listed North Jetty. A Repairs Notice in respect of the Pier was served on the Owner on 9 September 2019 (the "Repairs Notice"). This notice is provided at **Appendix E**.

1.8 Little action has been taken by the Owner subsequently to safeguard and repair this nationally important listed structure. During July – September 2020, the Council has been contacted by consultants appointed by the Owner in respect of an application for Listed Building Consent, relating to four specific elements from the twenty five required items in the Schedule attached to the Repairs Notice issued on 9 September 2019. However, these four items applied for are primarily demolition

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<sup>1</sup> [Historic England Heritage At Risk Register/](#)

and stabilisation works and do not constitute a comprehensive repair or restoration scheme.

1.9 The state of disrepair of the Pier also led to the Royal National Lifeboat Institution (RNLI) having to leave its base on Birnbeck Island in 2014. RNLI owns freehold land on Birnbeck Island, comprising a lifeboat station and slipway.

1.10 The Council has therefore exercised its statutory power to make the Order in order to preserve the Pier.

1.11 The Council is working with RNLI to enable RNLI to secure the Pier and CPO site which will permit RNLI to obtain funding for the repair of the Pier, allow RNLI to re-establish its vital lifesaving presence on Birnbeck Island and facilitate the re-opening to the public of the CPO Site.

## **Section 2. Enabling Powers**

2.1 Sections 47 - 51 of The Planning (Listed Building & Conservation Areas) Act 1990 ("the 1990 Act"), allow a local authority, Historic England (in Greater London) or the Secretary of State to compulsorily acquire a listed building in need of repair if it appears that reasonable steps are not being taken for properly preserving the building. A prerequisite of making a compulsory purchase notice is the service of a repairs notice under Section 48 of the 1990 Act.

### **Relevant Land**

2.2 Under Section 47 of the 1990 Act, the acquiring authority may include within the order land the listed building together with any relevant land. Section 47(7) defines relevant land as:

*"in relation to any building, means the land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management".*

### **Extent of the listed building and relevant land**

2.3 Section 1(5) of the 1990 Act 1990 provides that buildings and other structures within the curtilage of a listed building that pre-date July 1948 are to be considered as forming part of the listed building. Therefore, any built structure that is within the curtilage of the Pier and built before 1948 is considered to be part of the Grade II\* listed Pier. The curtilage of the Grade II\* listed Pier is defined by the title boundary of Land Registry title ST3062SE. The curtilage of the Pier contains a number of buildings and structures that pre-date 1948 including the grade II listed North Jetty, Toll House Lodge, original lifeboat station, Entrance Gates and Turnstiles and Clock Tower. These buildings and structures are included in the Order as part of the listed Pier together with other unlisted buildings and structures within the curtilage of the Grade II\* listed Pier that were built before 1948 (see Section 4 below).

2.4 As well as those buildings and structures that are considered to form part of the listed Pier, the title for the Pier also comprises other areas of land, including the majority of Birnbeck Island, cliffs, accesses, foreshore and the adjoining car park, that have historically been part of the Pier holding. These areas will continue to be important to provide access to the CPO Site and for the proper management of the CPO Site in the future and are therefore appropriately included in the Order as 'relevant land' for the purpose of preserving the Pier.

## **Section 3. Historical Context and Special Interest of the Pier**

3.1 The Pier is designated as a Grade II\* listed building. Grade II\* buildings are particularly important as buildings of "more than special interest" and only 5.8% of listed buildings in England are Grade II\* listed. The Pier has been listed at Grade II\* because it survives as one of the 14 piers designed by Eugenius Birch, the noted Victorian engineer. Most of the other piers designed by Eugenius Birch have been destroyed or demolished, with only six currently remaining-

- Aberystwyth Royal Pier (Grade II)
- Birnbeck Pier (Grade II\*)
- Bournemouth Pier (unlisted)
- Eastbourne Pier (Grade II\*)
- Hastings Pier (Grade II)
- North Pier, Blackpool (Grade II)

3.2 Birch revolutionised pier design using screw pile construction. This method was based on Alexander Mitchell's patent and involved screwing the cast iron columns into the sea bed. This meant that piers were strong enough to accommodate large buildings and increased numbers of people. The Pier consists of 15 groups of four columns designed to support a timber deck. The ironwork came from the Isca Foundry Co. of Newport, Gwent who were engineers, iron founders and railway plant manufactures who exhibited at the 1862 Great Exhibition.

3.3 The Pier is over 154 years old and is unique as being the only pier in England connected to an island. It was constructed between 1862 and 1867 with the foundation stone being laid in 1864. It opened to the public in 1866.

3.4 The building of the Pier coincided with the Victorian expansion of the railways and changing conditions in the work place which for the first time meant that ordinary people could enjoy a seaside holiday.

3.5 The Pier served a dual function - as a landing stage for passenger steamer services around the Bristol Channel and as a distinctive tourist destination in its own right. Visitors arrived by steamer from both the English and Welsh sides of the Channel. Once landed there was plenty of all day entertainment available including (at various times) cafes, pavilions, a water slide, funfair rides and amusements. At its height, the Pier was the Victorian equivalent of a modern theme park. It was also a major transportation link, with scheduled steam ship services arriving from, and departing to, destinations including Cardiff, Minehead, Ilfracombe and Lundy Island.

3.6 Steamers played a large part in the history of the Pier, with regular ferry services continuing up until 1971. Special excursion steamer trips continued to use the Pier for a number of years after this, until it was closed to the public in 1994.

### *RNLI and Birnbeck Pier*

3.7 The Royal National Lifeboat Institution (“RNLI”) has played a very important role in the life and history of both the Pier, and the development of Weston as a town. Establishing their first lifeboat station on the Pier between 1881 and 1882, the RNLI remained there until 2014. In the 131 years that the RNLI station at the Pier was operational, it formed a critical part of the network of RNLI stations around the coast. The first motor lifeboat to be placed on the Somerset coast was operated from the Pier and over the years, the local RNLI crew was presented with six awards for gallantry and saved many lives.

### *Second World War to the Present Day*

3.8 With the onset of WWII, the Pier remained intact and protected thanks to its designation by the Admiralty as ‘HMS Birnbeck’. It did not suffer the fate of other piers - partial demolition as an anti-invasion precaution or bomb damage. The Pier also became the base of the Directorate of Miscellaneous Weapons Development (DMWD), which conducted highly secret weapons testing in the Bristol Channel.

3.9 After 1945, the Pier gradually returned to its normal activities of providing holiday entertainment, as a busy station for the RNLI and as a ferry terminal. In the 1970s, visitor numbers began to decline. The general view is that this was because of the rise of affordable Mediterranean package holidays, and people having more options as to how they spent their money.

3.10 From the 1970s onwards, the Pier suffered a slow and steady decline in both popular attraction and its general condition. Its ownership changed several times, with various multi-million pound development plans being proposed on each occasion. None of these plans were progressed.

3.11 Following the closure of the Pier to the public in 1994, its deterioration has accelerated. Today, the Pier is at imminent risk of collapse unless an extensive repair and restoration programme can be secured and put into place as soon as possible. Such a programme is urgently needed so that the historic significance of the Pier can be preserved and enjoyed by future generations.

3.12 A timeline showing the history of the Pier since its construction began in 1862 is provided at **Appendix H**.



## **Section 4. Description of the CPO Site and Surroundings**

4.1 The CPO Site encompasses the Grade II\* listed Pier together with all the other land and buildings within the Land Registry title ST3062SE. The land within that title comprises the Pier structure, Birnbeck Island (excluding RNLI's lifeboat station and slipway), some areas of cliff and foreshore and the approaches to the Pier from Birkett Road and Kewstoke Road. This collective area forms the curtilage of the Pier.

4.2 The Pier extends approximately 1,150 feet (351 metres) into the Bristol Channel/Severn Estuary. The landward end of the Pier sits at the base of a steeply rising cliff on the end of a ridge forming the northern edge of Weston.

4.3 This section includes a description of the Pier and the other listed buildings on the CPO Site, non-listed buildings and structures and other elements within the CPO Site, the environmental designations relating to the CPO Site and other prominent features in the surrounding area.

### **The Pier, other listed buildings on the CPO Site**

4.4 Photographs illustrating the history of the Pier are available in **Appendix J**

### **Main bridge structure**

4.4.1. The Main bridge structure is Grade II\* listed and was constructed 1862-67. It is approximately 317m (1040 ft) long, originally approximately 366m (1200 ft) and approximately 6m (20 ft) wide. Its Ironwork was forged by the Isca Foundry of Newport Gwent and includes iron girder piers with cross girders to side of deck. Deck supports and tubular iron legs with outward splay are grouped into fours and linked by braces. The wooden deck is flanked by continuous cantilevered seating with curved openwork backs and hand rails and swan-neck stanchions. As of February 2020, two sections of this have now been lost.

4.4.2 Small bays project at intervals along the sides of the deck with cast iron lamp standards fixed to sides of the Pier.

4.4.3 The remaining original structures and historic features of the Pier have not been maintained and the rate of deterioration is now accelerating. Cast iron metalwork, woodwork, glass, stone and other historic features all require extensive repair and, in some cases, replacement using appropriate materials and craftsmanship.

4.4.4 The schedule of works relating to the Repairs Notice gives details of the specific works that are required to restore the Pier to a good condition. The Repairs Notice and schedule of works is provided at **Appendix E**.

4.4.5 Apart from the main bridge structure, there are several other buildings and structures on the Pier, on the island and on the mainland within the curtilage of the Pier, which are described below. Maps and plans showing the location of the listed buildings and structures are provided at **Appendix F**.

### **Entrance Gates and Turnstiles**

4.5 The Entrance Gates and Turnstiles are Grade II listed, constructed during the 1860's at the landward end of main bridge structure. They comprise two cast iron gate piers with moulded capitals and floral lamp bases together with two flanking pairs of cast iron turnstiles attached to the original Toll House Lodge on the left and altered house on the right. There is in addition a section of floral railing attached on right.

### **Toll House Lodge**

4.6 The Toll House Lodge is Grade II listed and was constructed during the 1860's, of limestone rubble with a low hipped slate roof.

### **North Jetty**

4.7 The North Jetty is Grade II listed, constructed probably in the late 1860's but with extensive repairs dating from 1903 – 1905. It runs north from the island. Iron cross-girders support the deck. Coupled tubular shafts with diagonal braces rim from the sea to the girders. At the outer end a landing stage with densely clustered supports with some diagonal bracing on south side. There is also a tiny pavilion, now mostly collapsed. The North Jetty (partially collapsed in December 2015) which led to it being deemed dangerous and beyond repair and resulted in the Council building control team serving a Section 77 Notice under the Building Act 1984. As a result of this notice, Listed Building Consent was sought by the Owner for partial demolition of the structure. Consent was approved with conditions in 2016 but to date the approved works have not yet been carried out. A copy of the Notice and timeline of events is provided at **Appendix I**.

### **Clock Tower**

4.8 The Clock Tower is Grade II listed, built in the late 19<sup>th</sup> century of limestone rubble as a tower structure with a tiled ogee roof. The square tower has clock faces on 4 sides above a plat band. In 2019, two men were prosecuted for trespass and criminal damage for gaining access to the Pier and smashing the remaining clock face.

### **Other unlisted buildings and structures within the CPO Site**

4.10 Within the CPO Site are the following additional structures:

**4.10.1. East and West Pavilion buildings on the island** – these buildings are in a ruinous state with large areas of roof and other historic features missing or collapsed on the ground. Stone built with pitched tiled roof and cast ironwork pillars.

**4.10.2. Smaller original 1882 lifeboat house on the Pier** – stone built building with pitched tiled roof. Unused for many years but could be repaired/restored.

**4.10.3 Concrete deck on south side of island** - added early 20<sup>th</sup> century to the complex to provide additional space for visitor attractions. A raised concrete deck (promenade platform) on the north side overlooks the North Jetty and was originally enclosed at ground level. Both these structures are in extremely poor condition with considerable deterioration of the concrete material. Some areas are dangerous due to large holes in the floor of the decks.

**4.10.4 Small brick building** – small attractive red and blue brick building attached to the west Pavilion, roof is missing but the remainder of the building remains intact.

#### **Other elements within the CPO Site**

4.11 In addition, the following features are within the CPO Site:

- Old pier master's cottage and land to the north , which is an original tea garden, access route and storage area
- Some small outbuildings mostly used for storage
- A small building known as “Pier View”, which has been used by the Birnbeck Regeneration Trust (BRT) community group as a Visitor Centre and shop. There is an informal agreement between the Owner and BRT to allow their use of the building. The building has been closed for safety reasons since 02/03/2020 due to damage caused by the February 2020 storms.
- A car park with approximately 50 spaces that forms the approach to the Pier from Birkett Road.
- A causeway is visible at low tide that extends from the base of the cliff edge at Kewstoke Road north to the landward end of the Pier.

#### **Land adjacent to the CPO Site**

4.12 Other features of the local area, outside of the CPO Site include:

- To the south are sea walls and a public promenade/coastal walkway leading away from the Pier and around the shoreline heading into the main seafront area of Weston.
- A public shelter within the promenade.
- Also to the south is the site of the former Royal Pier Hotel which was demolished following two fires in 2009 and 2010. This site was previously owned by the current Owner albeit via a separate company to that which owns the Pier. It is understood that the site is currently in the hands of Receivers)

- The surrounding housing stock is mostly late 19<sup>th</sup>/early 20<sup>th</sup> century, a mixture of individual houses and flat conversions, with some mature gardens and street trees.
- In terms of road access, Birkett Road runs immediately above the Pier, linking Weston with the villages of Kewstoke and Sand Bay to the east. On the other side of Birkett Road is Prince Consort Gardens, a public green space with views across the Bristol Channel, with residential properties on Upper Kewstoke Road on the rising ground above.
- Much of the steeply rising ridge above the Pier is treelined and known locally as Weston Woods. At the end of this woodland lies the Scheduled Monument Worlebury hillfort, which is a multivallate Iron Age hillfort having been constructed and used between the sixth century BC and the mid-first century AD. The large multivallate hillfort on Worlebury Hill is an outstanding example of its class. It survives well and is known from excavations to contain archaeological and environmental information relating to the monument and the landscape in which it was constructed and later reused.
- Also on Birnbeck Island but excluded from the CPO Site is the grade II listed former RNLI lifeboat house and slipway. This building and slipway is within the ownership of the RNLI.

## **Environmental designations of the CPO Site and in the surrounding area**

4.13 Part of the CPO Site is designated under a number of separate environmental designations including a Site of Special Scientific Interest (SSSI) a Special Conservation Area (SAC), a Special Protection Area (SPA) and a Ramsar site. A map of the environmental designations can be found at **Appendix F**.

### **4.13.1. Severn Estuary Site of Special Scientific Interest (SSSI)**

Part of the CPO Site is within the Severn Estuary SSSI as an estuary coastline feature. An SSSI is a UK conservation designation that denotes an area that is of particular interest to science due to wildlife, geology or landform features of special interest. The immense tidal range of the Severn Estuary is the second or third (depending on the reference source) highest in the world. The estuary's overall interest depends on its large size, and on the processes and interrelationships between the intertidal and marine habitats and its fauna, internationally important populations of waterfowl plus internationally and nationally important collections of fauna invertebrates and fish. In particular, the SSSI is of international importance for wintering and passage wading birds, with total winter populations averaging about 44,000 birds. Numbers can be considerably higher during severe winters.

#### **4.13.2 Severn Estuary/Mor Hafren Special Area of Conservation (SAC) (UK0013030)**

The CPO Site is partly within the Severn Estuary/Mor Hafren SAC. Special Areas of Conservation (SACs) are sites that have been designated under EU Habitats Directive<sup>2</sup> for the conservation of certain habitats and species of European interest. The habitats that are the primary reason for selection of the Severn Estuary/Mor Hafren SAC (Annex 1 of Designation) are –

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

The species that are a primary reason for selection of the Severn Estuary/Mor Hafren SAC (Annex II of Designation) are -

- Sea lamprey *Petromyzon marinus*
- River lamprey *Lampetra fluviatilis*
- Twait shad *Alosa fallax*

#### **4.13.3 Severn Estuary Special Protection Area (SPA)(UK9015022)**

The CPO Site is partly within the Severn Estuary SPA. An SPA is a designation under the EU Birds Directive<sup>3</sup> for the conservation of wild birds.

- Article 4.1 Qualification 79/409/EEC: Over winter the area regularly supports: Bewick Swan, *Cygnus columbianus bewickii* (Western Siberia/North-eastern & North-western Europe). 3.9% of the GB population.
- Article 4.2 Qualification 79/409/EEC: Over winter the area regularly supports: Gadwall, *Anas strepera* (North-western Europe). 0.9% of the population.
- Greater White Front Goose *Anser albifrons* (North-western Siberia/North-eastern & North-western Europe). 0.4% of the population.
- Dunlin, *Calidris alpina* (Northern Siberia/Europe/Western Africa). 3.3% of the population.
- Shellduck, *Tadorna tadorna* (North-western Europe). 1.1% of the population.
- Redshank, *Tringa totanus* (Eastern Atlantic - wintering). 1.3% of the population.
- Article 4.2 Qualification 79/409/EEC - An internationally important assemblage of birds: Over winter the area regularly supports: 84317 waterfowl (5 year peak mean 1991/92-1995/96), including Bewick Swans, Shellduck, Gadwall, Dunlin and Redshank.  
(all numbers are 5 year peak means 1991/2-1995/6)

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<sup>2</sup> Council Directive 92/43/EEC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora

<sup>3</sup> Council Directive 2009/147/EC on the Conservation of Wild Birds

#### **4.13.4 RAMSAR Designation**

The CPO Site is also partly within the **Severn Estuary Ramsar site** which is included as a designated wetland site in the Ramsar List of Wetlands of international importance which was drawn up following the UN RAMSAR Convention in 1971.

#### **4.14 The former Royal Pier Hotel site**

4.14.1 Immediately to the south of the Pier site is the site of the former Royal Pier Hotel. The hotel was built around the mid 1860's, and for much of its existence was an up-market hotel hosting famous guests including The Beatles in 1963. With the wider changes to tourism it began a slow decline from the 1970's. It was still operating as a hotel when acquired by a CNM Estates related company, Birnbeck Investments Limited (Company Reg. No. 05901444), in 2007 but closed soon after.

4.14.2 There were two major fires in the hotel buildings in 2009 and 2010. Following the 2010 fire, the buildings were considered by the Fire Authority and the Council's building inspectors to pose an imminent and serious risk to the public highway and promenade. Due to the extent of the risk and as the Owner was not able to carry out the required urgent required work in the necessary timescale, the buildings were subsequently demolished by the Council. Birnbeck Investments Limited refused to pay the Council's costs for demolition, so a charge has been put on the property to recover those costs.

4.14.3 A planning application was submitted in 2011 for redevelopment of the hotel site, into an 8 (eight) storey apartment and leisure complex. This application was approved in principle by the Council's Planning Committee subject to a Section 106 agreement. Although several attempts to agree a Section 106 agreement have been made this has not been signed and therefore formal consent was never granted.

4.14.4 Investec, the lender to Birnbeck Investments Limited, appointed CBRE as receivers in October 2017.

## Section 5. Purpose of the Order

### Background

5.1 Birnbeck Pier is a Grade II\* listed structure, with separately listed Grade II listed buildings within its curtilage, all of which are in extremely poor condition and deteriorating rapidly. The Pier is recorded in Historic England's 'Heritage at Risk' Register<sup>4</sup> as follows:

*"A nationally important structure that is Priority Level A: Immediate risk of further rapid deterioration or loss of fabric; no solution agreed. Imminent risk of being lost because of neglect, delay or inappropriate development / Condition: Very Bad. "*

5.2 The decline of the Pier has been ongoing for many years. Public access ceased in 1994 as the structure was deemed dangerous and unsafe for the public to walk on. The RNLi maintained a narrow access walkway to their station for a further 19 years, but finally left in 2014, when it was deemed unsafe for their crews to launch and recover their lifeboats from that location. This ended over 130 years of service and saving lives at this RNLi station.

5.3 The Owner has owned the Pier since 2014, after purchasing it in instalments (between 2011 and 2014) from Urban Splash, the development company that purchased the Pier in 2006. Since taking ownership there have been no deliverable proposals for repair or development to secure the future of the Pier.

5.4 On numerous occasions since 2014 the Council has brought its concern about the deteriorating condition of the Pier and its associated structures to the attention of the Owner, including formal notifications regarding the North Jetty and also regarding the danger that the deteriorating structure poses to the public who access the foreshore. Despite these attempts to engage with the Owner, no works have been undertaken by the Owner to repair the structure of the Pier or any of the buildings within its curtilage.

### Serving of Repairs Notice

5.5 Due to the increasing concerns regarding the preservation of the Pier, the Council worked with Historic England (HE) to explore options to protect the listed structure and its environs. HE provided grant funding to the Council to commission specialist engineers to undertake survey work and advise on the schedule of repair works necessary.

5.6 After sending two 'warning' letters (dated 6<sup>th</sup> and 21<sup>st</sup> August 2019) to the Owner advising it that the Council was considering serving a repairs notice (which did not result in any substantive response from the Owner), the Council, with HE's support, proceeded to issue the formal Repairs Notice on **9<sup>th</sup> September 2019**. The Repairs Notice and the Schedule of Repairs attached to the Notice are provided in **Appendix E**.

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<sup>4</sup> [Historic England Heritage At Risk Register/](#)

## **Current position**

5.7 From observation, no significant maintenance of the structure is being carried out by the Owner. The Repairs Notice served in September 2019, stated that a minimum of 2 months from the date of the Repairs Notice is required under the 1990 Act before a CPO can be made in order to give the Owner sufficient opportunity to bring forward a plan of action to undertake the repairs to secure the preservation of the Pier. A year has now elapsed since the Repairs Notice was served.

5.8 The serving of the statutory Repairs Notice and the public intention of the Council to proceed with a CPO has led to some further dialogue with the Owner, who appointed a new team of external consultants. The Owner's consultants first contacted the Council on 1 June 2020. More recently, the Owner's consultants have suggested that they are intending to work up proposals to address 4 of the 25 items listed in the Repairs Notice Schedule, and have applied for Listed Building Consent (LBC). These four items constitute demolition and stabilisation works only. Officers, after consultation with Historic England, have advised the Owner's consultants that in order to preserve and safeguard the Pier structure, the 4 items proposed should not be carried out in isolation but should instead form part of a detailed and comprehensive proposal to address all 25 items scheduled in the Repairs Notice.

5.9 A virtual meeting took place on 3 July 2020 at which the Owner's consultant team and representatives from the Council, Historic England and the Owner were present. Once again, the Council and HE advised the Owner that detailed proposals for all 25 items listed in the Repairs Notice Schedule, together with confirmation of the proposed programme of works and confirmation of funding, will be required to demonstrate compliance with the Repairs Notice. A further virtual meeting took place with the same participants on 20 August 2020, following the submission of an application for LBC on 30 July 2020. The Council confirmed receipt of the application and advised that this was a separate process from the CPO. The LBC would be processed in accordance with the Council's normal planning procedures and was being dealt with by the Council's Conservation Officer.

5.10 In addition, the Owner has telephoned the Council directly a number of times to discuss the potential for development on the Royal Pier Hotel site as enabling development to provide funding for the required repairs to the Pier. On each occasion, the Council has made clear that proposals on the scale suggested by the Owner would be contrary to planning policy and therefore planning permission for such proposals is unlikely to be granted. In any event urgent works are required to the Pier itself now and the time that would be taken to realise profit from the Royal Pier Hotel site would mean that development proposals for that site could not serve as enabling development for the Pier.

5.11 Following the decision of the Council on 14 July 2020 to make a CPO, the Council wrote to the Owner on 15 July 2020, offering to enter into an agreement to purchase the Pier and to cover the Owner's reasonable costs. To date there has been no formal response from the Owner, but the Owner made it clear in telephone conversations that the offer is not acceptable to the Owner.



## **The Council's Purposes**

5.12 The Council's purpose in seeking to acquire the Pier and associated relevant land included in the Order is to –

- secure the long term protection and preservation of the Pier
- secure the appropriate repair and restoration of the Pier
- facilitate the provision for the Pier of a financially sustainable future use through the back to back transfer of ownership to the RNLI who are a highly reputable and long established third party
- facilitate public access to the Pier
- Create new opportunities for residents and visitors alike to learn about the history of the Pier and its role in the development of the town of Weston
- Enable the Pier to act as a catalyst for the longer term economic and community regeneration of this part of Weston town centre, including opportunities for job creation, training and volunteering,

## **The Case for Acquisition**

### *The Compelling Case in the Public Interest - general*

5.13 It is the view of the Council and Historic England that there is a compelling case in the public interest in saving this nationally important Grade II\* listed pier and associated Grade II listed buildings and other structures of special architectural and historic interest. The historic fabric of the Pier is now deteriorating at an accelerated pace, which has increased further since the storm weather experienced during the winter of 2019/2020. The proposed intervention by the Council, with support from RNLI represents the last chance of saving the Pier and associated buildings before they are beyond repair. RNLI's proposals in supporting the Council provide a solution to ensuring a sound financial and sustainable future use for the Pier going forward.

5.14 Despite the service of the Repairs Notice in September 2019, the Owner has not taken steps to properly preserve the Pier. As far as the Council is aware, the only action that has been taken by the Owner in response to the Repairs Notice, has been to appoint consultants in July and August 2020 (see Section 5 above), and make an application for LBC (received on 30 July 2020) relating to only four out of the twenty five items from the Schedule attached to the Repairs Notice. These 4 items applied for are demolition and stabilisation works only and do not on their own constitute the kind of comprehensive programme of repair and restoration that is required to preserve and safeguard the Pier structure.

5.15 From work undertaken on behalf of the Birnbeck Regeneration Trust and Historic England, together with learning from the experience of restoration of Clevedon and other piers such as Hastings, it is clear that restoration of the Pier would be a multi-million pound capital project. There is also a considerable ongoing maintenance cost that would need to be factored in to ensure a sustainable future for the Pier. Grants toward the capital works are often available from bodies such as

the National Lottery Heritage Fund, however a clear and deliverable plan for ongoing operational and maintenance costs needs to be demonstrated for any applications for such funding to be successful. The Council has seen no evidence that the Owner has the necessary funding in place to repair and restore the Pier in the immediate future or that the Owner has a clear and deliverable plan to secure the ongoing maintenance costs of the structure in the long term. In the meantime, the Pier is in very poor condition and rapidly deteriorating.

5.16 The need for the Council to have powers confirmed for the expropriation of the CPO Site is therefore compelling and justified in the public interest for the preservation and repair of the listed Pier. Further the Council, with the proposed transfer of the Pier to RNLI, as explained more fully below, has a clear purpose and vision for the repair, restoration and long-term re-use of the Pier (the Scheme – see Section 6 below), in association with a reputable and well-funded organisation that has extensive experience in developing and managing heritage assets and property within the marine environment.

5.17 The strategy is supported by Historic England, and a letter to this effect is at **Appendix D**. In addition, the RNLI has secured internal approval for the core funding for the Scheme and the funds for the acquisition of all relevant interests in the Order. The RNLI is confident of its ability to raise the remaining funds necessary. The Scheme to restore the Pier would not usually be of itself financially viable. However, because of the sources of funding available to RNLI and RNLI's demonstrated commitment to developing a scheme to operate a modern lifeboat service from the CPO Site, the Council is confident that the transfer of ownership of the Pier to RNLI will lead to the imminent repair and restoration of the Pier and secure its future preservation.

*The expediency of preserving the Pier as part of the character of Weston*

5.18 The character of the Pier and the buildings and structures within its curtilage form an intrinsic part of not only the history of the growth and development of Weston-super-Mare, but of the lives of many generations of people in the town and the 'sense of place' for them that the Pier represents. This has been further enhanced by the presence of the RNLI on the Pier for over 130 years, and the generations of local people who have provided crew and volunteers for the lifeboats, saving countless lives.

5.19 The Council considers that it is appropriate for the continued regeneration and economic growth of this part of Weston, for public access to the Pier to be restored, as is envisaged by RNLI. The importance of the Pier as part of the story of Weston and its inhabitants cannot be overestimated – local people as well as visitors have, since the opening of the Pier, had a right of access across the bridge and out to the island. It is important that residents have this opportunity again and have the experience of getting out to the island to enjoy the views looking back to the town, and across and along the Channel.

### *Socio-economic regeneration and development of Weston-super-Mare town centre*

5.20 The Council considers that a restored and reopened Pier will significantly contribute to the regeneration of the surrounding area as part of Weston town centre. Linking in with existing initiatives including the Great Weston Heritage Action Zone, the High Street Heritage Action Zone and emerging placemaking, development and environmental strategies, it will provide a much needed catalyst to an area that has, over time, been in decline and lost its identity as the 'Hillside' quarter of the town. This part of the town centre was known for the architectural quality of its built heritage, public green spaces and woodland areas, independent local shops, cafes and restaurants and panoramic views of the Bristol Channel across to Cardiff Bay and South Wales. If the Pier is restored and reopened to the public, more residents and visitors will generate increased footfall to this part of the town centre.

### *Socio - economic regeneration and development of the wider town of Weston-super-Mare and North Somerset district*

5.21 The restored and reopened Pier will enhance both the wider offer of Weston and also contribute towards a new distinct identity focusing on the town as a good place in which to live, work and invest. The restored and reopened Pier will signal to local residents and investors that there is a confidence and willingness on the part of the Council to initiate large scale capital investment projects within the wider town, which will contribute to longer term inward investment and environmental improvements.

5.22 A fully restored and reopened Pier will also create new training, employment and volunteering opportunities for local people. It will enable voluntary organisations including the existing Birnbeck Regeneration Trust, to play a clearly defined and fully active role in the day to day life of the Pier through volunteering and educational programmes as well as fundraising and other community involvement.

### *Compelling Public Safety reasons for intervention*

5.23 As is explained in Section 6 below, RNLI's proposals for the Pier are well researched and supported by compelling public safety reasons for the repair and re-use of the Pier. RNLI is developing a strategy which will secure the significant investment the Pier requires, to enable RNLI to once again use Birnbeck Pier for life-saving purposes. These are significant and overwhelming public safety grounds for interfering with the Owner's private legal rights to allow for the restoration of the Pier as a safe and functioning means of access to the RNLI's facilities on Birnbeck Island. Without the intervention of the Council to secure the freehold of the CPO Site the investment from RNLI will not be forthcoming and the Pier will continue to deteriorate. The Scheme will allow the Council's and Historic England's desire for the restoration of the Pier to be realised and will provide a sustainable use for the Pier, allowing for the Pier to be repaired and maintained by RNLI in the long term.

### **The Extent of the CPO Site**

5.24 The Order includes the Grade II\* listed Pier and its curtilage. The Grade II\* listed Pier includes within the listing all the buildings within the curtilage of the Pier

that pre-date 1948. The curtilage of the Pier is defined by the boundary of the land holding contained within the Land Registry title ST3062SE. The extent of the additional relevant land that is to be included in the Order alongside the Grade II\* listed Pier (and the buildings and structures within its curtilage that also form part of the listing) is all the additional land within the boundary of title ST3062SE. This land holding was established on 17 July 1862 by the Weston-super-Mare Pier Act (1862), further extended on 30 July 1864 by the Weston-super-Mare (Extension) Act (1864) that allowed the building of the Pier. The holding includes the Grade II\* listed Pier, other Grade II listed buildings and structures, other unlisted built structures, a car park as well as areas of cliff, accesses and foreshore that have historically always formed part of the holding.

5.25 The Order, if confirmed, will include all the relevant land within the Pier land holding as it forms an intrinsic part of the site's character and will continue to be important to provide access and for the proper management of the site in the future.

### **Is it expedient for the Order to be Confirmed?**

#### **5.26 Section 47 (3) of the 1990 Act states:**

*The Secretary of State shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless—*

*(a) in the case of the acquisition of a building situated in England otherwise than by the Commission, he has consulted with the Commission; and*

*(b) in any case, he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.*

5.27 It is for the Secretary of State to consult with the Commission but the support from Historic England to date, for the Scheme and the Council's actions, indicates that such consultation will not prevent the Order from being confirmed.

5.28 The question of expediency is addressed by the existence of the compelling case in the public interest explained above, as well as the following sections on funding, viability and the intentions of RNLI.

5.29 It will be clear from the sections below that RNLI has clear intentions for the Pier and is committed to its restoration and long-term preservation. Furthermore, RNLI has a real need for the restoration of the Pier in order to secure access to its former lifeboat station and the provision of a lifeboat facility on Birnbeck Island. The compelling public safety arguments for RNLI's use of the Pier following its restoration means that the Secretary of state can be satisfied that it is expedient to make provision for the preservation of the Pier. The Council believes that the Pier is capable of being restored, and that RNLI will be able to secure the necessary funding and expertise to bring about the restoration of the Pier and establish a

sustainable long-term use for the Pier structure. In addition, RNLI intends to provide visitor facilities on Birnbeck Island to facilitate public access to the restored Pier and to provide an income stream to support the cost of the future maintenance of the Pier.

## Section 6. The Scheme and Funding/Viability

### Proposed way forward

6.1 As noted in Section 5, the Owner has made a delayed and limited response to the Repairs Notice served by the Council in September 2019 in proposing to address only 4 of the 25 items listed in the Repairs Notice schedule of works. The Council has seen no evidence that the Owner has any clear or deliverable plans to preserve and safeguard the Pier.

6.2 In contrast, a highly regarded and long established third party organisation, the Royal National Lifeboat Institution (RNLI), has come forward with the Scheme (see below), which in the opinion of the Council and Historic England, is a viable and sustainable solution which secures the long term future of the Pier. The Council now proposes to acquire the CPO Site using its compulsory purchase powers, to allow a prompt transfer of the CPO Site to RNLI following the confirmation of the Order and the vesting of the CPO Site in the Council.

### The RNLI have provided the following detailed statement about the Scheme-



Royal National Lifeboat Institution

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Statement of Reasons for the Support of the Compulsory  
Purchase of Birnbeck Island and Pier

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This part of this statement demonstrates RNLI's capability and readiness to return a lifesaving service to Birnbeck, restore public access and secure a sustainable future of the Grade II\* listed Pier and the island.

### **RNLI's History at Birnbeck and Current Challenge**

6.3 The RNLI has had a Lifeboat station based on Birnbeck Island since 1882. A launch from the 1882 station in 1901 is shown below:



A second slipway Lifeboat Station was built in 1902, which the RNLI operated from up until 2007. A Slipway launch photograph from 1956 from the 1902 station is below. We still own the freehold of the 1902 station:



The RNLI installed a walkway over the existing deck in 1999, which allowed crews to remain operating there until 2014. The slipway closed in 2007 to avoid making any investment in the Lifeboat Station that would be wasted as a result of the decline of the Pier and potential loss of future access. From 2007 the crew operated out of a temporary marquee-based facility on the island. During that period from 2007 to 2014 the crew used launch and recover vehicles to access the water via the concrete ramp on the north side of the Pier.

6.4 The RNLI eventually left Birnbeck in 2014. The reason for leaving the site at that time was the risk to the crew of debris falling from the Pier. Debris posed a threat to them when passing under the Pier but also due to sharp objects being underfoot and the risk of puncturing the boat.

6.5 The gradual decline of the Pier and the sustainability of the situation at Weston has been a known risk for over 20 years and attempts to find a long-term solution have been ongoing over that period. In absence of a clear solution the temporary measures of installing a walkway, erecting a temporary station on the island and

moving to Knightstone harbour have kept the station on service but no final permanent solution has been delivered.

6.6 Sites across the Weston Bay, over approximately a 7.8km stretch of coastline, have been looked at from Brean Down in the south to an old Ministry of Defence facility in the north. The challenges associated with delivering the station in Weston derive from several main contributory factors:

- (i) Weston has one of the largest tidal ranges in the world, making the distance from land to water significant at low tides (up to 1 mile)
- (ii) The combination of wind, wave and tidal flow make conditions for operation and launch and recovery difficult
- (iii) Weston is surrounded by mudflats, large sections of which launch, and recovery equipment cannot traverse
- (iv) The mudflats have multiple protections and designations (Special Area of Conservation, Special Protection Area, RAMSAR site, Site of Special Scientific Interest)
- (v) There are a limited number of developable areas on land that have access to water and none that give sufficient access to water

There are no simple or low cost options to provide a lifesaving service in Weston.

### **Current Operations**

6.7 The station has been in temporary facilities on the edge of Knightstone Harbour since leaving Birnbeck. These facilities consist of containers on the harbour side. Our crews manage to gain access to water for their smaller D-Class inshore Lifeboat at all tidal ranges, primarily by taking a northerly route through the mud flats, back toward Birnbeck's deep water access. They have a long transit time across the mud. The B-Class lifeboat, despite being the optimal and safest asset is limited to launch 3 hours either side of high tide, because it is too heavy to traverse the mud.

6.8 The existing conditions are unsustainable as modern lifesaving facility and the launch method for both boats is unpleasant and hazardous, with equipment frequently bogging down in the mud. In addition, 42% of the station's shouts are at night. A number of safety incidents have been recorded, the most recent incident of note being in 2019 when the crew lost their D-Class 'BV' launch and recovery vehicle, which became bogged down in the mud.

6.9 The crew currently return after shouts and training, often covered in mud, to containers where the equipment is washed down. Conditions have improved to a degree by the acquisition of the Cove site, which does not provide operational facilities but provides a separate warm space for training and meetings. However, conditions remain unacceptable.



## Current Need for Weston Lifeboat Station

6.10 As part of the current drive behind the Weston project a review has taken place to ensure that the effort and potential cost associated with the project remains proportionate and justified. Work was undertaken by the RNLI's Evidence and Research team to ensure that the lifesaving need in Weston was fully understood and the substantial effort and cost associated with delivering a permanent station produced a proportionate lifesaving effect.

6.11 At the time of commissioning the work there was a line of thought that a hovercraft allocation, in conjunction with the existing D and B class Lifeboats, would be considered the optimum lifesaving combination of assets. This appears at first glance to be a logical assumption based on the presence of mudflats in Weston. However, the work concluded that the hovercraft is not an optimum additional asset for Weston for a number of reasons:

- (i) It was anticipated that it would be unsustainable for the station to keep competency across the assets;
- (ii) The station does very little mud rescue;
- (iii) The hovercraft would be off service a significant proportion of the time due to environmental conditions in Weston;
- (iv) The Inshore Lifeboats (B-Class and D-Class) are the optimum assets the vast majority of the time and the hovercraft would be the optimum asset only 10-15% of the time
- (v) There would be no additional lifesaving capacity as a result of a hovercraft; and
- (vi) The crew did not support the addition of a hovercraft, viewing it as operationally unsuitable for the environment.

6.12 In addition to the above considerations, there is no supporting infrastructure for the hovercraft, so infrastructure would need to be provided for it in addition to that required for the ILB's, at additional cost, with no increase in lifesaving capability. Some particular key points can be taken from the report and the associated discussions to support the existing lifesaving need in Weston:

- (i) A B-Class and D-Class are the optimum assets with their differing capabilities and ability to support one another. They suit the unique environmental conditions in Weston
- (ii) The B-Class is optimal in 96% of shouts and can cope with conditions that are outside of the D-Class' capability
- (iii) The station's shouts are local to Weston and have the lowest average distance to casualty of any station. Therefore, the need cannot be met by flanking stations at Burnham or Portishead
- (iv) Weston's activity is increasing, and its risk factors are increasing
- (v) Weston is 51st out of 238 RNLI stations in terms of the number of shouts
- (vi) The station is 13<sup>th</sup> of all stations in terms of the number of lives saved per shout
- (vii) The shouts occur at the full range of tidal conditions

6.13 In terms of their activity statistics. In a five-and-a-half-year period between 2014 and 2019 the station:

- launched 242 times
- assisted 72 people
- saved 26 lives

6.14 To project those figures forward to the next 25-year era of lifesaving, then the station would:

- launch 1,210 times
- assist 327 people
- save 118 peoples' lives

There is no doubt that the need for the station exists and the need cannot be fully served by a change of asset or from placing a station outside of Weston.

### **Lifesaving Effectiveness**

6.15 As part of the RNLI's ongoing search for a permanent solution, the RNLI have been investigating two options in parallel for over a year:

- The Cove restaurant on the Marine Lake; or
- A return to Birnbeck.

6.16 The use of the Cove site would involve reconstruction of a completely new dual boathouse and crew facility and the construction of a concrete rampway out into Weston Bay. That ramp would extend to over 200 metres, which would have a significant visual impact.

6.17 The conclusion of extensive and thorough investigations of the two sites concludes that Birnbeck remains the safest and most effective place to put a lifesaving facility in Weston by quite some margin.

6.18 A copy of the bathymetric data (information that describes the topography of the seabed) for Weston Bay is included in **Appendix K**. The key point of understanding from the bathymetry is that even with the illustrated ramp from the Cove, the boats will still be a long way from water at low tide. Birnbeck is surrounded by access to water at lower states of tide, which is represented by the blue/purple.

6.19 As opposed to the Cove site which reaches the area demarked green. If the slipway is restored to full length at Birnbeck or a move back to the launch and recovery ramp at Birnbeck is made, then access to water is extended to **near 100%**

6.20 An illustration of when the two boats (D-Class and B-Class) would be on service and off service based on *tide alone* is included in **Appendix L**.

6.21 Taking into account both tide and also weather restrictions for each site, the launch availability of the assets is as follows:

Boat Class	Location	Launch availability (%)
D-Class	The Cove	61%
B Class	The Cove	64%
D-Class	Birnbeck	86%
B-Class	Birnbeck	96%

6.22 If the crew are permitted (and able) to drive off the end of the Cove ramp, then this would raise the availability of the D-Class to 86% by tracking around the coast to enter the water near Birnbeck. However, this requires them to returning to traverse the mud and is not without other challenges.

6.23 In summary, under the Cove option the optimum asset (B-Class) is only available up to 64% and it can only do so with a significant piece of infrastructure because it is too heavy to traverse the mud. If the D-Class leaves the end of the Cove ramp and returns to tracking through the mud, then 86% can be achieved within the weather limitations of the boat.

6.24 From Birnbeck the optimum asset (B-Class) is available 96% of the time, with the D-Class available for 86%. **Birnbeck gives the optimum availability of the appropriate boats when needed to prevent loss of life.**

## Safety

6.25 All lifeboat operations contain a degree of risk. The outcome of the assessment of the options available at Weston is that none of the proposed methods of launch and recovery at the Cove or Birnbeck are so unsafe as to be completely unmitigable. However, returning to Birnbeck is the safest option for crews and casualties by some margin. The Cove option contains a lot of unknowns as to its performance and a number of higher risks in some conditions. Birnbeck remains the safest and most effective place to save lives in Weston and is also potentially the most cost effective. Therefore, subject to overcoming any obstacles to delivery of the project, a return to Birnbeck is the best option to fulfil the RNLI's lifesaving need.

## RNLI's Activities to Date

6.26 In relation to Birnbeck, the following activities have been undertaken:

6.26.1 Detailed analysis, laser scanning and modelling by specialist engineers at Haskoning RHDV of the Pier and its potential for repair, with corresponding feasibility reports –

- (i) Concept designs for the Lifeboat Station and associated slipway or ramp infrastructure

- (ii) Contractor and Quantity Surveyor costings of repairs to the Pier, a new lifeboat facility, repair of the buildings at Birnbeck island, demolition of derelict structures and making safe the remainder of Birnbeck Island
- (iii) Analysis of the launch and recovery capability and safety, including bathymetric surveys

6.26.2 Consultations with North Somerset Council and Historic England

6.26.3 Conversations with the National Lottery Heritage Fund

6.26.4 Pre-application meetings with Historic England and North Somerset Council

6.26.5 Discussions with the Birnbeck Regeneration Trust

6.26.6 In addition, RNLI has engaged in discussions with the Owner.

6.27 The concept designs for a ramp/slipway and lifeboat station facility are in **Appendix M** and **Appendix N**. These have been shared with the Council and are being used as the basis for ongoing work leading to applications for planning permission and listed building consent as well as any required marine licences. The evolving proposals will be subject to both environmental assessment and Habitats Regulations Assessment.

### **Cost and Scope**

6.28 RNLI believes a return to Birnbeck Pier can be achieved for the equivalent or less than the cost of the above mentioned Cove option. This would deliver in scope:

- a) A modern lifesaving facility with the operational capability to provide safe access to water 24/7
- b) A repair of the Grade II\* listed Pier and the return of public access
- c) Demolition of unsafe structures, but repair and re-use of the lifeboat stations and landside buildings
- d) Long term sustainable reuse of the island and Pier
- e) Reuse of the island and Pier as a heritage offering with a café; and
- f) A place for the community and visitors to visit to celebrate the RNLI's 200 years of lifesaving history and to honour RNLI's lifesavers

6.29 It is estimated that the Pier will cost around £100,000 per annum to maintain and repair after initial repair and that this cost can be met by Pier revenue and income earned from the site.

6.30 The target date for completion of the project, based on RNLI's project plan, would be early 2024.

## **Compulsory Purchase and acquisition by agreement**

6.31 The RNLI is open to the possibility of a voluntary acquisition of the Pier and island from the Owner but at this time it is understood the RNLI has not been able to secure a voluntary acquisition of the Pier on appropriate terms and sees no reasonable prospect of being able to do so. The RNLI trustees have approved the project to return to Birnbeck Island as the primary option for the lifesaving service at Weston:

- a) subject to detailed review of the Scheme at each stage and specifically on completion of the site investigations; and
- b) provided that the cost to return remains within the projected costs that have been ascertained through the surveying and due diligence work already undertaken.

The Scheme will be robustly managed to ensure that both the cost and risks of the Scheme failing are minimised.

6.32 RNLI have now undertaken environmental ground surveys, which have not revealed any major issues that would be an impediment to its proposals. RNLI's consultants are engaged to start the formal consenting process including looking at a Heritage Partnership Agreement once the RNLI have completed the next stage investigations. There are no obvious consenting challenges at this moment in time. The RNLI's next steps are to:

- a) Undertake detailed investigations of the Pier legs and substructure to validate their assumptions and inspections to date. Since the RNLI undertook environmental surveys in July 2020 it has appointed contractors to undertake the structural investigations. Provided the appropriate statutory consents can be obtained, these investigations will take place in September 2020;
- b) Form the investigations that will be carried out, evaluate the specific condition of, and methodology for repair of the Pier; and
- c) Continue design work ahead of applications for listed building consent, planning permission and marine licences.

6.33 Birnbeck remains the most effective and safest place for RNLI crews to save lives in Weston. The RNLI are specialists at marine projects and are capable of delivering a project of this size, having undertaken multiple marine projects previously including slipways, marine walkways, ramps and Pier repair.

6.34 Delivery of this Scheme fulfils the RNLI's lifesaving aims, its heritage objects and provides RNLI crews with a safe, modern, permanent facility. RNLI is willing to support the compulsory purchase process to return its service to Birnbeck.

## **Funding and Viability**

6.35 The Scheme is not one that would usually be financially viable but because of the sources of funding available to RNLI and RNLI's demonstrated commitment to developing a scheme to operate a modern lifeboat service from the Pier, the Council is confident that ownership of the Pier by RNLI will lead to the imminent repair and future preservation of the Pier. The RNLI has investigated sources of funding including Historic England and the National Lottery Heritage Fund and has been advised that such funding is likely to be available for the Scheme. The RNLI itself also has significant assets and has secured internal approval for the core funding for the Scheme and the funds for the acquisition of all relevant interests in the Order. The RNLI is confident of its ability to raise the remaining funds necessary.

6.36 The RNLI has carried out a detailed viability assessment and has concluded from this study that on the information currently available, the Scheme is likely to be financially viable with a combination of heritage funding and RNLI's own resources. The clear justifications for RNLI wishing to re-establish its use of Birnbeck Island means that a compelling case remains notwithstanding the Scheme not being independently viable without additional heritage grant funding. In practical terms, the Scheme represents the most viable option for securing the long term preservation of the Pier. Once restored by RNLI, the income generating activities associated with the re-opened RNLI station will assist with providing funds for the ongoing maintenance of the listed Pier.

6.37 The Council is satisfied that, through the support of RNLI, it will have sufficient resources to meet the compensation liabilities that will be occasioned by exercising compulsory acquisition powers. The value of the CPO Site is not anticipated to be significant because of the liabilities that attach to the Pier and, though the agreement with RNLI that has been entered in to as the precondition to this Order being made, the Council is confident that RNLI will provide the required financial support for land assembly and other costs that may be incurred under the compensation code. The Council's valuer has indicated the likely maximum compensation liabilities and costs due if the CPO Site is compulsorily acquired in a letter, which is provided at **Appendix C**.

### **Statement as to the extent of the Scheme**

6.38 The extent of the Scheme that is to be disregarded for the purposes of assessing compensation in the 'no-scheme world' as referred to in section 6A -6E of the Land Compensation Act 1961 is the scheme for the repair, preservation and improvement of the Pier in accordance with the principles for development established by The RNLI and the Council and illustrated in **Appendices M and N**.

## **Section 7. Planning and Listed Building Policy Context**

Links to all relevant documents are contained in **Appendix B**.

### **Planning Policy**

7.1 The relevant planning policies are the key extracts from the National Planning Policy Framework 2019 (NPPF), the North Somerset Core Strategy (2017) the North Somerset Sites and Policies Part 1 Development Management (2016) and Part 2 The Sites allocation Document. The Weston-super-Mare Town Centre Regeneration Supplementary Planning Document and Great Weston Conservation Area Appraisal and Management Plan are also relevant.

### **National Planning Policy Framework 2019**

7.2. In Chapter 16 - Conserving and enhancing the historic environment - para 184 states that heritage assets are "an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

7.3 Para 192 (a) states that in determining applications, local authorities should have regard to "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..."

### **North Somerset Council Core Strategy (2017)**

#### **(a) Policy CS5- Landscape and the historic environment Historic environment**

7.4 This policy states the council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as conservation areas, listed buildings, buildings of local significance, scheduled monuments, other archaeological sites, registered and other historic parks and gardens. Particular attention will be given to aspects of the historic environment which contribute to the distinctive character of North Somerset, such as the Victorian townscapes and seafronts in Weston and Clevedon.

#### **(b) Area Policy CS29 Weston-super-Mare Town Centre**

7.5 This policy indicates as background that Weston's town centre has suffered from a lack of major investment over the last thirty years. The town centre is perceived to be uncompetitive with other centres in the sub-region because of access constraints and its relatively poor retail offer. Due to its coastal location Weston's town centre is, to a certain extent, constrained in terms of expansion. However, this coastal setting is also the town's main asset. The planned expansion to Weston over the next twenty years through the development of the Weston Villages totalling 6,500 new homes balanced with significant employment growth, will

see an increase in demand for shops, services and leisure facilities. Weston's town centre needs to meet this demand in order to secure future self-containment of the town and to fulfil its role within the district and the sub-region.

7.6 Tourism and leisure activities have traditionally played an important role in Weston's economy. The council recognises that tourism is an important part of the town's economy, but also recognises that Weston currently caters for a relatively small section of the tourist market. In order to retain its role as a tourist destination Weston needs to broaden its appeal and tap into the wider tourist market offering attractions, events and accommodation which will attract a varied range of visitors.

7.7 The strengthened role of Weston town centre needs to include an expansion of employment opportunities. The economic regeneration of Weston - super-Mare is a key strategic aim of the Council. This is to be achieved through the promotion of a more sustainable balance between employment and housing. Traditionally the lack of employment opportunities in Weston-super-Mare has resulted in significant out-commuting. Increasing local employment opportunities will assist in minimising the number of residents who commute to work at destinations outside the town, increase the self-containment level of Weston and result in a larger labour force which will support and sustain the services and facilities in the town centre.

7.8 In the key policy relating to Birnbeck Pier, it is stated that priority will be given to regeneration of key redevelopment sites such as the Tropicana and Birnbeck Island. Development proposals in this area should-

- Have consideration for the sequential approach to development based on the National Planning Policy Framework and not prejudice the vitality and viability of the retail core, but instead should complement activities in the town centre
- Strengthen pedestrian and visual links and connections between the seafront and the retail core
- Be of the highest quality design which will enhance the visual appearance of the seafront and promenade.

### **Development management policies: Sites and Policies Plan Part 1**

7.9 This document states that heritage assets are a finite and irreplaceable resource. They are a highly valued and essential part of North Somerset's cultural and local distinctiveness, and often promote community cohesion and identity through a legacy of having created a unique sense of place. When in active viable uses they help to promote economic vitality including tourism. North Somerset's heritage policies are designed as a strategic framework to guide the protection and enhancement of its heritage assets whether or not formally designated. Subject to the availability of resources the Council will seek to formulate a comprehensive heritage management strategy engaging with local communities to promote the value of their heritage, and where necessary develop further measures to manage, protect and enhance it for the benefit of future generations.



7.10 Numerous policies are applicable to Birnbeck Pier:

**(a) DM3 – Conservation Areas**

Policy Aim – To conserve and wherever possible enhance North Somerset’s conservation areas

**(b) DM4- Listed Buildings**

Policy Aim – To safeguard the special architectural and historic interest of North Somerset listed buildings, their features inside and out, as well as their settings.

**(c) DM5- Historic Parks and Gardens**

Policy Aim - To safeguard the rich and varied built, historic and natural heritage of North Somerset.

**(d) DM6 – Archaeology**

Policy Aim – To safeguard as yet unidentified heritage assets.

**(e) DM7- Non-designated Heritage Assets**

Policy Aim- To safeguard as yet unidentified heritage assets

**Weston-super-Mare Town Centre Regeneration – Supplementary Planning Document (SPD)**

7.11 The area within which the SPD will apply is the town centre regeneration area as set out in the Site Allocations Plan Consultation Draft (March 2016). Whilst the guidance set out in the SPD applies within the designated area, regeneration and restoration is not limited to this. The renaissance of the Tropicana and potential restoration of **Birnbeck Pier** will contribute to the overall regeneration aims. Links with the area beyond the town centre by promoting access to the wider landscape are required as well as measures aimed at encouraging residents living in the suburbs and further away to use the town centre.

**The Bay – Key Existing Characteristics**..... Numerous listed buildings including the Royal Crescent, Royal Hotel and Claremont Crescent. Grade II\* listed **Birnbeck Pier** and Holy Trinity Church provide individual points of architectural interest in the wider bay context. Buildings are predominantly three to four storey painted render or stone Victorian and Edwardian villas and terraces, some with generous setbacks from the road, interspersed by areas of private open space and car parking.

**Seafront Character Area of the Great Weston Conservation Area Appraisal and Management Plan**

7.12 The seafront is characterised by the long sweep of Weston Bay, with hotels, institutions and blocks of flats on Beach Road facing the Bristol Channel across the expanse of lawns. From Marine Parade there are long views north, west and south. Moving north beyond the Grand Pier the scale reduces, with smaller buildings and terraces coming closer to the Esplanade and providing some containment. Knightstone Island provides a vantage point across the bay to the town centre. The headland at Birnbeck Pier is craggier, less formal, with sinuous terraces responding to the topography. From their raised position, Prince Consort Gardens offer views

across the bay and to the islands and the South Wales coast. The Birnbeck area includes some of the town's earliest seaside developments. Both piers are important in the townscape, affording long views across the town. Birnbeck is notable for its famous designer, the pier engineer Eugenius Birch and its historical associations with the former steamer services. At the southern end of the character area the expansive Beach Lawns create a formal character with long views. This space is edged by large hotels, B&Bs and Victorian houses looking across the bay. New flood and tidal defence scheme in 2007-10 enabled the widening of the promenade, with new paving, lighting, seating and art works.

7.13 Views of the sea and across the bay can be experienced not only from the seafront, but also from glimpses down roads and between buildings in adjacent parts of the conservation area. Further north, the Prince Consort Gardens gives panoramic views of the Severn Estuary, as well as Birnbeck Pier. The entire conservation area can be viewed from Knightstone Island, looking north towards Worlebury Hill / Weston Woods, east towards the Town Centre and south along Beach Lawns. Beach Lawns can be seen in southern views from Royal Parade. Birnbeck Pier, whilst no longer publicly accessible, once afforded fine views towards the town and across the bay.

7.14 For the Birnbeck Road area the document refers to:

- Rising slope towards Birnbeck Pier which is less formal, with terraces curving in response to the topography
- Prince Consort Gardens offering views across the bay and gives an open setting for the Gothic villas at Westcliff
- The stretch of Birnbeck Road with Claremont Crescent has an enclosed and winding character, with glimpses of the sea along alleyways down to Anchor Head
- Birnbeck Pier is Grade II\* listed, built in 1867, the dominant feature in the sub-area
- Strong group value of the terraces.

## **North Somerset Council Corporate Plan 2020/2024**

7.15 Relevant core policies relating to Birnbeck Pier from the Plan are –

### A thriving and sustainable place

- A great place for people to live, work and visit
- An attractive and vibrant place for business investment and sustainable growth

### A council which empowers and cares about people

- Partnerships which enhance skills, learning and employment opportunities

### An open and enabling organisation

- Engage with and empower our communities
- Collaborate with partners to deliver the best outcomes

## **NSC emerging Placemaking Strategy for Weston-super-Mare**

7.16 The Council is developing a ten-year vision for Weston-super-Mare, following extensive consultation with thousands of businesses, visitors and residents. The strategy aims to reposition Weston, addressing the challenges of the long term decline in the traditional retail led High Street and changes to visitor patterns. The document has recently been published and is included in **Appendix B**.

The new vision has a set of themes and ambitions for the town, focused around wellbeing and recreation, being green and low carbon, a great place to live, work and study, and critically helping the visitor economy and the town centre adjust to fundamental changes accelerated by coronavirus.

It sets out a series of interventions and projects to reinvigorate the town by attracting new businesses, residents and visitors and provide better opportunities for the community. One of the key projects included in the document is the restoration of Birnbeck Pier, not only saving this Grade II\* historic structure but enabling the RNLI to return to their base and public access once again to the Pier and Birnbeck Island. The restoration of the Pier will also be key to attracting visitors and the regeneration of this area of the town.

### **Listed Building position**

7.17 The Pier is a Grade II\* listed structure which comprises the main Eugenius Birch designed pier bridge together with the buildings and structures within the curtilage of the Pier that were built before 1948. These 'curtilage-listed' buildings include several buildings on the island and the foreshore, some of which were designed by Hans Price and several concrete structures built at the time the Pier was 'HMS Birnbeck' in WWII. There are also several Grade II listed structures, which although they lie within the curtilage of the listed Pier, are also listed in their own right; these are the North Jetty, the Clock Tower, the Toll House and the Entrance Gates and Turnstiles. All these elements are protected under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

7.18 As a result, any works for the demolition, or the alteration or extension of any of these elements require listed building consent under Section 7 of the 1990 Act. This is to ensure that any works to the listed elements are carried out in a manner which aims to protect their character and special architectural or historic interest. This also reflects the aims which are in the Council's local policies CS5, DM3 and DM4 as set out above.

7.19 The Pier also lies within the Seafront Character Area of the Great Weston Conservation Area which is protected under Section 72 of the 1990 Act. Any proposals within this designated area should preserve or enhance the conservation area. The Pier is a local landmark building and a key character element to this

conservation area. As a result, and under Section 71 of the 1990 Act, the Council produced the Conservation Area Appraisals and Management Plan for the Great Weston Conservation Area, within the Management Plan, which was adopted on 4<sup>th</sup> December 2018. The Pier is a priority action for the Council stating - *Review rescue and reuse plans for Birnbeck Pier*. Priority timescale within the action plan is short to medium term (i.e. 1 – 5 years).

7.20 After the collapse of the North Jetty due to long-time neglect and storm damage the Council served a dangerous structure notice under Section 77 of the Building Act 1984 on the Owner. As a result, the Owner applied for Listed Building Consent to demolish this element of the CPO Site. This was granted in October 2016 due to the deteriorated state of the Jetty and the danger it presented to the public. Please note this consent has not been implemented and expired in October 2019. A timeline relating to the service of this notice is included at **Appendix I**.

7.21 Further to the adoption of the Great Weston Conservation Area Management Plan, the rapidly deteriorating state of the Pier, the collapse of the North Jetty and the lost section of the ornate seating and railings on the main bridge, the Council served a Repairs Notice under Section 48 of the 1990 Act to prevent the total loss of this highly important structure, not only to Weston's history but the history of pier development and legacy of Eugenius Birch nationally. Recent communications from the Owner regarding some selected items from the Repairs Notice schedule of works have been received but these are not comprehensive proposals for full compliance with the Repairs Notice.

7.22 Earlier this year another substantial piece of the ornate seating and railings of the main Grade II\* Eugenius Birch designed Pier has been lost. As a result, the Council takes the view that it has no choice but to proceed with the Order under Part I, Chapter V, Section 47 of the 1990 Act in order to secure the preservation of the Pier.

7.23 The compulsory purchase of the Pier by the Council will result in the enhancement of the Pier through working with a reputable and experienced third-party partner to give the Pier a realistic and viable future. Protecting its character, architecture and historic significance as well as enhancing this part of the conservation area, will significantly contribute to restoring and regenerating this part of the town as a vibrant and celebrated area of Weston for future generations.

## **Historic England - relevant guidance**

### **Compulsory Acquisition of Listed Buildings**

7.23 The Council has had full regard to Historic England's guidance on Compulsory purchase powers together with "Stopping the Rot - A guide to enforcement action to save historic buildings", Published by Historic England on 15 April 2016. The Council believes its actions fully comply with the guidance provided and the Council has the support of Historic England.

7.24 The Council notes the Secretary of State will only confirm the Order if satisfied that:

- Reasonable steps are not being taken to preserve the building
- That it is expedient that the building should be preserved
- That it should be compulsorily purchased to ensure its preservation

In other words, it is not sufficient that the owner is neglecting the building. There has to be a credible plan in place to secure the building's future. That plan may include a proposal to immediately transfer the property to a building preservation trust upon acquisition.

7.25 The Council believes that RNLI's plans for:

- (a) restoring the Pier to re-provide access suitable to support the re-opened lifeboat station; and
- (b) seeking to facilitate public access to the Pier to assist in providing a sustainable income stream to support the maintenance of the Pier

fully justify the Secretary of State confirming the Order.

### **Planning permission and other consents needed**

7.26 Planning permission, listed building consent, habitats approval from Natural England are required for RNLI's scheme to proceed as well as consent from the Marine Management Organisation. RNLI is in the process of pre-application discussions with the relevant organisations as well as the Crown Estate. Historic England is supportive of the concept designs for the Scheme in principle (see paragraph 6.27 above). The Council and RNLI are not aware of any reason why the required consents, Habitats Regulations approvals and marine licenses would not be forthcoming, following applications to the relevant statutory authorities.

7.27 Whilst the relevant consents are not yet available to RNLI, the Council believes it would not be expedient to delay seeking compulsory powers until such time as all relevant consents have been secured. To do so would give rise to further risk that the Pier will deteriorate and not be capable of economic repair. The support of Historic England, the expertise of RNLI and the sympathetic nature of RNLI's emerging proposals fully justify the approach of compulsory powers being sought in parallel with RNLI's processes for securing the required consents for the restoration of the Pier.

## **Section 8. The Detailed Justification for the Order**

### **Preservation of the Pier**

8.1 Preservation of the Pier is the primary justification for the Order. If the Order is not confirmed it is likely that the structure will deteriorate further and eventually be lost. Preservation of this very important historic structure is of itself a compelling reason for the Order to be confirmed. The Owner has not come forward with any realistic scheme to secure the long term preservation of the Pier. The Council, through its powers, the resources available to it and the Scheme being brought forward by RNLi has a clear way forward for securing the repair, preservation and enhancement of the Pier.

### **Statutory, legal and regulatory compliance**

8.2 In the preparation of this Order, all necessary legal steps have been taken, together with appropriate legal and valuation specialist advice -

- Specialist legal advice retained
- Independent valuer retained
- Specialist land referencing searches and Requests for Information undertaken and submitted
- Engagement or an offer to engage with all parties with an interest in Birnbeck Pier with a view to securing agreement for the preservation and repair of the Pier
- Engagement with Historic England to explore options for securing the repair and preservation of Birnbeck Pier, including a CPO
- All relevant human rights protection legislation relating to the Owner
- Requisitions for information have been served on all persons identified as being likely to hold an interest in land likely to be included in the Order
- All steps taken with interested parties to seek to acquire the necessary interests in land by agreement including negotiation of headline terms, agreements, undertakings, transfers and any new rights required
- Preparation of all necessary documentation for the Order for submission to the Secretary of State.

### **Human rights considerations in respect of the Owner**

8.3 Section 6(1) of the Human Rights Act 1998 renders it unlawful for a “public authority” to “act in a way which is incompatible with a Convention right”. Section 6(3) defines public authority as “any person certain of whose functions are functions of a public nature”. A local authority exercising its statutory powers by making a CPO is exercising a function of a public nature but is doing so in accordance with law and subject to the provisions of Article 6 of the Convention and Article 1 of Protocol 1. The Council has carefully considered the rights of the Owner most likely to be relevant to the matters relating to the compulsory purchase of Birnbeck Pier. These are

- Protocol 1, Article 1 – Protection of property
- Article 6 – The right to a fair trial

Certain interferences with these rights may be justified, provided that the interference:

- Is lawful
- Pursues a legitimate aim
- Does not involve discrimination infringing Article 14 (right to non-discrimination)

#### **(a) Protocol 1, Article 1: Protection of property**

Public authorities cannot usually interfere with a person's property or possessions or the way that they use them, including taking away what somebody owns, except in specified limited circumstances.

The Article requires public authorities to strike a fair balance between the general interest and the rights of individual property owners., and the protection extends to businesses as well as to individuals.

A public authority **will not** breach this right if a law says that it can interfere with, deprive, or restrict the use of a person's possessions, and it is necessary for it to do so in the public interest. An interference with a person's peaceful enjoyment of property may be necessary in the public interest – for example, a compulsory purchase of a person's property.

Where this is unavoidable, then the interference must be lawful and necessary in the public interest. If a public authority does decide that it is necessary to interfere with someone's possessions, there must be an objective and reasonable justification for that, and the public authority may be asked to produce reasons for its decisions.

In pursuing this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest. Interference with Convention rights is considered by the Council to be justified here in order to secure the protection of the listed buildings and structures, economic regeneration, community development, protection of the natural environmental and wider public benefits which the proposed restoration and regeneration scheme will bring. Furthermore, the Council is satisfied that the proposals will have a positive impact on the social, environmental and economic well-being of the town of Weston and contribute to the overall quality of life for all those who live work and visit the town.

The Council believes that there is proportionality between the private rights of the Owner/any other person with an interest in the site interfered with and the justification for the interference. Consideration has been given to striking a fair balance between the wider public interest and the Owner/any other person with an interest in the site personal rights in respect to protection of their property/rights. In justifying such an interference, the Council is satisfied that the course of action described in this Statement of Reasons is in respect to the Owner/any other person with an interest in the site -

- Not arbitrary or unfair
- Based only on relevant considerations
- Capable of achieving the objectives set out

The Council has consistently -

- Acted in accordance with their policies
- Taken the appropriate steps to achieve the objectives in this document.
- Balanced the public interest with the rights (personal and protection of property) of the Owner and other people with a legal interest in the site

### **(b) Article 6(1) – the right to a fair trial**

In the determination of his civil rights and obligations..... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Once an acquiring authority (in this case the Council) has made a CPO, it must be submitted to the confirming authority for authorisation. Where there are statutory objections to the CPO, an independent Inspector is appointed to consider those objections. The Inspector may consider the case through written representations or alternatively hold a fair and public hearing known as a public inquiry. The Inspector then submits a report and recommendation to the relevant Secretary of State who decides whether or not to confirm the CPO.

It is the view of the Council that the Owner has been given full notice of the Order proceedings relating to Birnbeck Pier. The Council submits that these actions demonstrate full compliance with Article 6(1).

### **The Equalities Act 2010**

8.4 In addition to the Human Rights Act, the Council and Secretary of State are required to comply with the Equalities Act 2010. The Council has considered the impact of the Scheme upon key equalities protected characteristics. Overall, it is considered that the determination of the application and consequently the pursuit of CPO powers by the Council would not have any significant adverse impact on different groups or implications for the Equalities Act 2010.



## **Section 9. Third Party Interests in and Rights over the CPO Site**

9.1 This section details all consultations that have taken place to date. If the Order is successful, a wider programme of consultation across residents, other interested parties and community groups and organisations will be developed and implemented. It is anticipated that the Birnbeck Regeneration Trust will have an interest in leading some of this work.

9.2 As of August 2020, consultation details are -

### **(a) North Somerset Council**

At this time, consultation in respect of authority to proceed with the Order has been undertaken with the Leader of the Council, local Ward Members, the Chair of the Scrutiny Panel for Planning, Economic Development and Regeneration, the Heritage Champion, the Chief Executive and the Director of Development & Environment.

The Councils Executive meeting on 5 February 2020 instructed officers to proceed with work to bring forward a CPO ([Birnbeck Pier report to NSC Executive 05/02/2020](#)).

At the Full Council meeting on 14 July 2020, the Council approved the serving of the Order ([NSC Full Council meeting 14 July 2020 - Birnbeck CPO report](#)).

### **(b) Historic England**

The Council has been in regular ongoing consultation and partnership with Historic England (HE) and its predecessor organisation, English Heritage, over many years. HE has provided grant funding for specific pieces of work including detailed investigation and trial repairs of one set of Pier legs, detailed structural and marine engineering survey, preparation and issue of a Repairs Notice and legal and other costs relating to the CPO process. Officers from The Council and HE have met regularly in respect of updates and considering options for the best way forward.

### **(c) Royal National Lifeboat Institution (RNLI)**

The RNLI owns a lifeboat station and slipway that is adjacent to the CPO Site, and the Council has been in regular ongoing consultation with the RNLI since their departure from their original location on the Pier in 2014. Officers from NSC and staff from RNLI have met regularly in respect of updates and considering options for the best way forward. The RNLI's proposal for restoring the Pier and operating a lifeboat station on the CPO Site is described in Section 6.

### **(d) The Owner**

The Council has periodically met with the Owner and its representatives since the Pier came into the ownership of his company. The Owner and its representatives have at all times been encouraged to put forward proposals to safeguard the CPO Site and received feedback on these. Additionally, the Council has offered, on several occasions, to facilitate meetings to discuss the range of proposals brought

forward. To date this has not resulted in any substantive proposals being put forward by the Owner.

**(e) Birnbeck Regeneration Trust (BRT)**

The BRT was formed in 2004 and is a registered charity. The Trust members have worked to raise awareness of the history and current condition of the Pier and fundraising. They have an active Board including an elected member representative of the Council and Weston Town Council. It is anticipated by both the Council and RNLI, that the BRT can have an active role to play in the future of the Pier, especially in the realm of raising funding for and managing community projects and supporting volunteering initiatives.

**9.3 Rights in the site which will be extinguished Section 51 of the Planning (Listed Building & Conservation Area Act) 1990**

A number of historic rights have been registered over the Pier's title, many of which are vested in the Crown Estate. RNLI has spoken with the Crown Estate and it is anticipated that the consent of the Crown Estate to the acquisition of interests in the land will be forthcoming.

All other lesser interests, including charges over land will be overridden or extinguished by the Council if the Order is made and relied on by the Council. Such interests will be entitled to claim compensation in accordance with the Compensation Code.

## **Section 10 – Special Considerations**

### **10.1 The Crown Estate**

10.1.1 The Crown Estate holds historic rent charges over the title of the CPO Site and has reserved mines and minerals in part of the CPO Site. The Order has been drafted so as to exclude such interests from compulsory acquisition.

10.1.2 Discussions have taken place between the RNLI and the Crown Estate regarding the Crown Estate's consent to the inclusion of Crown interests in the Order. The Crown Estate is aware of the proposed Order and has no comments to make at the present time. The Council's solicitors have informed the Crown Estate's agent that the Order is about to be made.

10.1.3 The Council will seek to provide a letter from the Crown Estate that it is content for the Order to be confirmed.

### **10.2 The Board of Trade (and successors to)**

10.2.1 Historic rent charges over the title of the CPO Site are also registered in favour of the Board of Trade. It is not clear whether the current beneficiary is one or more of the Marine Management Organisation, The Secretary of State for Environment and Rural Affairs (DEFRA) or the current Board of Trade.

10.2.2 The Order has been drafted so as to exclude such interests from compulsory acquisition.

10.2.3 The Council will, if required, seek to provide a letter from the Board of Trade and DEFRA that each is content for the Order to be confirmed.

### **10.3 National Trust and special category land**

There is no inalienable land owned by the National Trust and no part of the CPO Site forms part of a common open space or field garden.

## **Section 11. Contacts**

Owners and all interested parties affected by the Order who wish to progress discussions for the acquisition of their interest, or any affected person wanting clarification on the procedures for the Order and any specific legal queries should contact in the first instance -

Richard Guyatt  
Partner  
Womble Bond Dickinson (UK) LLP  
d: 0117 989 6877  
m: 07968 427076  
t: 0345 415 0000  
e: richard.guyatt@wbd-uk.com

Anyone wishing to discuss matters with North Somerset Council regarding its promotion of this Order, should contact in the first instance –

Rachel Lewis  
Development and Regeneration Programme Manager  
Placemaking and Growth  
North Somerset Council

d: 01934 426465  
e: rachel.lewis@n-somerset.gov.uk

Or

Christine Ward  
Principal Project Officer  
Placemaking & Growth  
North Somerset Council  
d: 01934 426193  
e: christine.ward@n-somerset.gov.uk