

Amela Kasemi

From: Victoria McKeegan <victoria.mckeegan@townlegal.com>
Sent: 05 November 2020 21:23
To: conor.sandford@dcms.gov.uk
Cc: Duncan Field; enquiries@dcms.gov.uk; Richard Guyatt; Lucy Metcalfe
Subject: RE: The North Somerset Council (Birnbeck Pier) Compulsory Purchase Order 2020
Your Ref: HSD680286 [WBDUK-AC.FID124096865]
Attachments: Letter_Undertaking to The Crown Estate_5 November 2020.pdf

Conor,

Further to my e-mail below dated 29 October, I confirm that The Crown Estate Commissioners have now received a satisfactory undertaking from the acquiring authority. I attach this for your reference.

Accordingly, I am authorised to provide The Commissioners' consent to the inclusion of Crown land in the CPO for the purposes of section 47(6A) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Regards,

Victoria

Victoria McKeegan
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From: Richard Guyatt <richard.guyatt@wbd-uk.com>
Sent: 29 October 2020 18:13
To: conor.sandford@dcms.gov.uk
Cc: Duncan Field <duncan.field@townlegal.com>; Victoria McKeegan <victoria.mckeegan@townlegal.com>; enquiries@dcms.gov.uk
Subject: RE: The North Somerset Council (Birnbeck Pier) Compulsory Purchase Order 2020 Your Ref: HSD680286 [WBDUK-AC.FID124096865]

Conor

See below from the Crown Estate. For convenience I've agreed with Victoria to send this direct to you, with a cc to her.

I will send the requested undertaking to Victoria tomorrow and copy it to you.

Richard

Richard Guyatt

Partner

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From: Victoria McKeegan <victoria.mckeegan@townlegal.com>

Sent: 29 October 2020 17:40

To: enquiries@dcms.gov.uk

Cc: Duncan Field <duncan.field@townlegal.com>; Jonathan Treadaway

<Jonathan.Treadaway@thecrownestate.co.uk>; Richard Guyatt <richard.guyatt@wbd-uk.com>

Subject: The North Somerset Council (Birnebeck Pier) Compulsory Purchase Order 2020

Dear Sirs,

**The North Somerset Council (Birnebeck Pier) Compulsory Purchase Order 2020
Birnebeck Pier, Weston-super-Mare (Plot No. 01)**

We are acting for The Crown Estate (the “Commissioners”) in respect of this matter.

The Commissioners have received notice that the North Somerset Council (Birnebeck Pier) Compulsory Order 2020 was made on 18 September 2020 in respect of Birnebeck Pier, Weston-super-Mare (the “CPO”).

The Commissioners hold the following interests in the land which is proposed to be acquired compulsorily pursuant to the CPO, as described in the Schedule thereto:

01	81380.66 square metres of Birnebeck Island and Grade II* listed (1129718) Birnebeck Pier, access way and surrounding waters and sea bed together with hardstanding, former landscaped gardens and paths, buildings, toll gates, car park off Birkett Road leading to Birnebeck Pier and other relevant land, but excluding mines and minerals reserved to The Queen's Most Excellent Majesty (Freehold – ST212047)	CNM Estates (Birnebeck) Limited St Georges Court 4 St Georges Square High Street New Malden KT3 4HG (Co. Reg. – 07584898) The Queen's Most Excellent Majesty c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH in respect of Mines and Minerals reservation (excluded from acquisition)
01	The Queen's Most Excellent Majesty c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH	in respect of rentcharge (Conveyance dated 11 June 1897)

01	The Queen's Most Excellent Majesty c/o The Crown Estate Commissioners 1 St James's Market London SW1Y 4AH	in respect of restrictive covenants and rights <i>(Conveyance dated 17 July 1908 and conveyance dated 23 June 1938)</i>
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The land subject to the CPO is 'Crown land' for the purposes of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the "Act"), pursuant to which the CPO is made, on the basis that it is 'land in which there is a Crown interest'. As such, the Commissioners' consent is required for the Secretary of State to authorise the acquisition of any interests held otherwise than by or on behalf of the Crown for the purposes of section 47(6A) of the Act. This is supported by paragraph 263 of the Ministry of Housing, Communities and Local Government '[Guidance on Compulsory purchase process and The Criche Down Rules](#)' and appears to be acknowledged by paragraph 9.3 of the Statement of Reasons accompanying the CPO.

The Commissioners have been contacted by the solicitors acting on behalf of the acquiring authority and asked to consider writing a letter to the Secretary of State giving consent to the inclusion of Crown land in the CPO for the purposes of section 47(6A) of the Act. The Commissioners confirm that they would be willing to provide such consent subject to assurances from the acquiring authority as to their exercise of powers in respect of the rentcharge and restrictive covenants and rights as set out above and in the Schedule to the CPO. These are currently being discussed with the solicitors acting on behalf of the acquiring authority.

The Commissioners trust that these representations will be taken into account prior to confirmation of the CPO and that the Commissioners will be kept updated in respect of this matter.

Regards,

Victoria

Victoria McKeegan
 Senior Associate
 Town Legal LLP

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