

Important: This communication affects interests in property
The North Somerset Council (Birnebeck Pier) Compulsory Purchase Order 2020
The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 47(1)(a) and the
Acquisition of Land Act 1981
Compulsory Purchase of Land at and around Birnebeck Pier, Weston-super-Mare

1. Notice is hereby given that the Secretary of State for Digital, Culture, Media, and Sports in exercise of her powers under the above Acts (having appointed an Inspector under Section 14D of the Acquisition of Land Act 1981), on 21 September 2023 confirmed the North Somerset Council (Birnebeck Pier) Compulsory Purchase Order 2020 made by the North Somerset Council.

2. The order as confirmed provides for the purchase, for the purposes of the preservation of Birnebeck Pier, a grade II* listed building, because reasonable steps were not being taken to properly preserve the listed building and the surrounding land described below in Schedule 1 hereto.

3. A copy of the order as confirmed by the Secretary of State for Digital, Culture, Media and Sports and of the map referred to therein have been deposited at North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ and may be seen at all reasonable hours as detailed: Monday to Friday (9.30am to 6pm), Saturday (9.30am to 4pm), Sunday (closed). The documents have also been published online and can be found at <https://n-somerset.gov.uk/business/regeneration-development/birnebeck-pier-compulsory-purchase-order>

4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

5. Once the order has become operative, North Somerset Council may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.

6. Every person, who if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the North Somerset Council at Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

Schedule 1 – Land Comprised in the Order as Confirmed

The acquisition of land at Birnebeck Pier to include all interests in:

1: 81380.66 square metres of Birnebeck island and Grade II* listed (1129718) Birnebeck Pier, Weston Super Mare, including 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 King's Most Excellent Majesty.

Schedule 2 – Form of Statement of Effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981

Power to execute a general vesting declaration

1. Once the North Somerset Council (Birnebeck Pier) Compulsory Purchase Order 2020 has become operative, the North Somerset Council may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in North Somerset Council at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the North Somerset Council execute a general vesting declaration, they must serve notice of it on every occupier of any land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the confirmation notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in North Somerset Council together with the right to enter on the land and take possession of it. Every person on whom North Somerset Council could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

3. The “vesting date” for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a “minor tenancy”, for example, a tenancy for a year or a yearly tenancy or a lesser interest, or “a long tenancy which is about to expire”. The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5. The modifications are that North Somerset Council may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

Schedule 3- Form for Giving Information

The North Somerset Council (Birnbek Pier) Compulsory Purchase Order 2020

To: North Somerset Council (f.a.o Rachel Lewis)

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

1 Name and address of informant(s) (i)

2 Land in which an interest is held by informant(s) (ii)

3 Nature of interest (iii)

Signed [on behalf of]

Date

i. In the case of a joint interest, insert the names and addresses of all the informants.

ii. The land should be described concisely.

iii. If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, for example, name of building society and roll number.

Dated: 12 October 2023

Nicholas Brain, Head of Legal and Democratic Services, North Somerset Council, Town Hall,
Walliscote Grove Road, Weston-super-Mare BS23 1UJ