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Our reference: HSD 68.02.86

North Somerset Council
% Richard Guyatt
richard.guyatt@wbd-uk.com

Dear Mr Guyatt,

**ACQUISITION OF LAND ACT 1981
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
THE NORTH SOMERSET COUNCIL (BIRNBECK PIER) COMPULSORY PURCHASE
ORDER 2020**

1. I am directed by the Secretary of State to inform you that consideration has been given to the above-named Order (the "Order") made by North Somerset Council (the "Council") under the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The Order relates to the acquisition of land and around Birnbeck Pier, Weston-super-Mare, to include all interests in: 81380.66 square metres of Birnbeck Island and Grade II* listed (1129718) Birnbeck Pier, Weston-super-Mare, 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 Birnbeck Pier and other relevant land, but excluding mines and minerals reserved to The King's Most Excellent Majesty which the Council proposes to purchase compulsorily for the purposes of initially preserving the listed pier, securing its longer-term reuse and enabling RNLI's life-saving work to recommence from Birnbeck Pier.
3. The Secretary of State has given consideration to the statement of reasons submitted by the Authority. In this case, objections made by CNM Estates (Birnbeck) Limited and Birnbeck Holdings Ltd have been withdrawn and an objection (based on compensation) made by SIP Car Parks has been disregarded. If the acquiring authority and someone with a legal interest in land subject to a compulsory purchase order cannot agree the amount of compensation to be paid (if applicable), they may refer the matter to the


Lands Chamber, 45 Bedford Square, London, WC1B 3DN (the successor to the Lands Tribunal). This is an independent expert body appointed to deal with such disputes.

4. Crown consents have also been provided from the Crown Estate Commissioners and the Board of Trade. By way of letter, dated 30 October 2020, the Council has provided the following undertaking to The Crown Estate as follows:
 - a. *'If the Council acquires by agreement or compulsion all or a substantial part of the freehold title comprising the Birnbeck Pier (title reference ST212047) ("Title") the Council will not seek to exercise any compulsory powers as may be available in respect of any rent charge held by The Crown Estate attaching to the Title'; and*
 - b. *'The Council will not seek to use its powers under Section 51 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), or any other similar powers that may be available to the Council so as to interfere with the restrictive covenants or rights that benefit The Crown Estate that affect the Title. This letter may be treated as a direction to that effect, made pursuant to S51(3) of the 1990 Act'.*
5. Both Bristol Water PLC and Openreach confirmed they have apparatus within the relevant land and that they both have no objections to the Order.
6. The Secretary of State has consulted Historic England in accordance with the requirements of section 47(3)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Secretary of State's decision

7. The Secretary of State agrees with Historic England's recommendations that the CPO should be confirmed. Having considered the Authority's case and the advice of Historic England, the Secretary of State is satisfied that the land described in the Schedule is required for the purpose(s) cited in the CPO and that she has accordingly decided to confirm the CPO.
8. Birnbeck Pier is a unique and nationally important Grade II* listed building which, with its related group of listed and unlisted buildings, makes a significant contribution to the nation's cultural heritage. The Pier is identified as being "at risk" on Historic England's Heritage at Risk Register and has been assessed as being in a very bad condition with immediate risk of further rapid deterioration or loss of fabric.
9. The Pier has not been subject to any significant recent repair or maintenance and is in a state of decay and very bad condition which is a threat to its survival.
10. The proper preservation of the (Grade II* listed) Pier is of itself a compelling reason for the confirmation of the Order. Given the historic significance of the Pier and the risk of it being lost, there is a clear and compelling case in the public interest for the Order to be confirmed. The compelling nature of the wider reasons for the acquisition of the Pier and the Relevant Land add to the public interest in confirmation of Order. The Pier and Relevant Land together coming into the Council's ownership will make funding available for the proper preservation of the Pier.

11. The Council's purpose in seeking to acquire the Pier and associated relevant land included in the Order is to secure the proper preservation and protection of the historic fabric of the Pier, through the proposed works to properly preserve the Pier by RNLI. This will preserve access by the public and re-establish safe access to Birnbeck Island by RNLI. Without the intervention of the Council and the RNLI it is very likely the Pier will be lost. Council and the RNLI have been working in partnership for several years to secure the repair of the Pier and address the statutory protection of the Pier as a heritage asset, which will in turn enable the RNLI to return their life saving operations to the island.
12. This will also have the benefit of, in time, allowing the other listed buildings, other ancillary buildings and structures within the Order Lands to be repaired to preserve the amenity of the Pier and which will better preserve the historic setting of the Pier, to explain its context and history as a key feature of the evolution of Weston-super-Mare. The Council and RNLI have been working in partnership with external funders including The National Lottery Heritage Fund and the Government's Levelling Up Fund, which have committed funds to the long term preservation, conservation and repair works to enable the re-establishment of public access to the Pier.
13. It is likely that the Council's ownership of the Order Lands will also in time create new opportunities and activities for residents and visitors alike to learn about the history of the Pier and its role in the development of the town of Weston whilst enabling the Pier to act as a catalyst for the longer term economic development and social capital of the local community in Weston-super-Mare, including opportunities for education, job creation, training and volunteering.
14. As such, there is a compelling case in the public interest in the confirmation of the CPO and the compulsory purchase of the Order Lands by the Council. The Secretary of State has accordingly decided to confirm the Order modified so as to reflect changes in ownership and the death of Her Late Majesty Queen Elizabeth II.



Helen Dhoot
Deputy Director, Heritage and City of Culture
Authorised by the Secretary of State to sign on her behalf

